

7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334

NOTICE
OSHTEMO CHARTER TOWNSHIP
Zoning Board of Appeals
Tuesday,
October 23, 2018
3:00 p.m.
AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Public Comment on Non-Agenda Items
4. Approval of Minutes: August 28, 2018
5. Site Plan Review: Select Hinges Manufacturing Building

Select Products, Ltd, a parent company of Select Hinges, is requesting updated site plan approval for a new manufacturing facility with space for administrative offices at an unaddressed property the north end of Stadium Park Way, parcel number 3905-34-130050.
6. Any Other Business
7. ZBA Member Comments
8. Adjournment

## Policy for Public Comment Township Board Regular Meetings, Planning Commission \& ZBA Meetings

All public comment shall be received during one of the following portions of the Agenda of an open meeting:
a. Citizen Comment on Non-Agenda Items or Public Comment - while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.
b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be board discussion prior to call for a motion.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment or Citizen Comment on Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

## Policy for Public Comment 6:00 p.m. "Public Comment"/Portion of Township Board Meetings

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

While this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

## Agenda

PUBLIC HEARING: SETBACK VARIANCE FOR AN ACCESSORY BUILDING A VARIANCE WAS REQUESTED BY MICHAEL AND MAGGIE SULLIVAN FROM SECTION 64.200 OF THE TOWNSHIP ZONING ORDINANCE TO ALLOW A RESIDENTIAL ACCESSORY BUILDING TO BE PLACED A MINIMUM OF TWO FEET FROM ADJACENT PROPERTY LINES WHEN 13 FEET IS REQUIRED. THE SUBJECT PROPERTY IS LOCATED AT 9979 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE RR: RURAL RESIDENTIAL DISTRICT.
PARCEL NO. 3905-17-301-010.

A meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, August 28, 2018 at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: James Sterenberg, Chair
Bob Anderson
Nancy Culp
Neil Sikora, Vice Chair
Anita Smith
MEMBER ABSENT:
Bruce VanderWeele
Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Eight other persons were in attendance.

## Call to Order and Pledge of Allegiance

Chairperson Sterenberg called the meeting to order and invited those present to join in reciting the "Pledge of Allegiance."

## Public Comment on Non-Agenda Items

There were no comments on non-agenda items.

## Approval of the Minutes of June 26, 2018

Chairperson Sterenberg asked if there were any additions, deletions or corrections to the minutes of June 26, 2018.

Mr. Sikora noted there were two places in the minutes referring to tabling a sign variance request from June 16, 2018. They should have read June 26, 2018.

Hearing nothing further, the Chair asked for a motion.
Mr. Sikora made a motion to approve the Minutes of June 26, 2018, with the corrections as indicated. Mr. Anderson supported the motion. The motion was approved unanimously.

## PUBLIC HEARING: SETBACK VARIANCE FOR AN ACCESSORY BUILDING A VARIANCE WAS REQUESTED BY MICHAEL AND MAGGIE SULLIVAN FROM

 SECTION 64.200 OF THE TOWNSHIP ZONING ORDINANCE TO ALLOW A RESIDENTIAL ACCESSORY BUILDING TO BE PLACED A MINIMUM OF TWO FEET FROM ADJACENT PROPERTY LINES WHEN 13 FEET IS REQUIRED. THE SUBJECT PROPERTY IS LOCATED AT 9979 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE RR: RURAL RESIDENTIAL DISTRICT. PARCEL NO. 3905-17-301-010.Chairperson Sterenberg moved to the next item on the agenda and asked Ms. Johnston for her presentation.

Ms. Johnston said the subject property and existing single-family home, located on Lot \#1 of the Springwood Hills plat near West Main and North $2^{\text {nd }}$ Streets, was purchased by Michael and Maggie Sullivan in November of 2016. The previous owner erected an approximately 360 square-foot residential accessory building near the property's south boundary, but did so without obtaining a building permit and therefore without formal Township review and zoning approval. The accessory structure straddles the common property line between Lots \#1 and \#2, in clear violation of the Township's standards for an accessory building of this size, per section 64.200: Setbacks and Sideline Spacing, which dictates 13 feet of setback from any side or rear property lines in this particular case.

Ms. Johnston continued saying that when the Sullivan's purchased Lot \#1 towards the end of 2016, they were provided with a signed seller's disclosure statement that not only had no improvements been made to the property without the necessary permits, but that neither were there any encroachments or zoning violations. It has since become evident such violations are present, and while the current owners have been working with the Southwest Michigan Building Authority to resolve outstanding building code violations, the zoning issues associated with the location of the accessory building have yet to be addressed. The Sullivan's have explored various options for compliance, and have identified a setback variance as the most viable and reasonable way to
correct this historic, pre-existing issue. Specifically, the applicants would like to move the accessory building onto their property, albeit to a narrow corridor that runs towards the adjacent lake to the east. In order to facilitate this correction, the applicants request to be allowed reduced setbacks of two feet along the west and south boundaries and five feet to the east-relief of 11 and eight feet, respectively.

Ms. Johnston walked through the standards of approval to be considered:

## Standards of Approval of a Nonuse Variance (practical difficulty):

Standard: Conformance Unnecessarily Burdensome Are reasonable options for compliance available?
Does reasonable use of the property exist with denial of the variance?
Ms. Johnston commented that in evaluating this variance request, Township staff determined the existing accessory building cannot reasonably be relocated elsewhere on the subject property without giving rise to other zoning issues or causing the applicant to incur an unnecessary burden:

- Moving the building anywhere north of the house would encroach into the West Main setback.
- The eastern area of the property is either occupied by a paved driveway/turnaround area or a stone retaining wall and marked elevation changes. The structure could hypothetically be moved to the end of the driveway, but it would be situated between a stone wall and a metal pool enclosure fence, leaving approximately one foot of clearance on either side of the building.
- Along the south property line, there is insufficient room to locate the structure due to the dwelling's proximity to the lot boundary.
- Moving the building to the property's front yard adjacent to $2^{\text {nd }}$ Street would require land clearing and regrading and the building would have to be disassembled to be moved, as there is no accessible path via which the structure can be relocated.

She also noted the applicants attempted to purchase land from their neighbor to the south in order to correct this issue, but that party was unwilling to enter into such a sales agreement. Similarly, the possibility of a long-term lease, which is recognized as property transaction per the State of Michigan's Land Division Act, was also explored, but it was determined that terms necessary to ensure the encroachment would not be re-established in the future could not be mutually arrived at by both parties.

Standard: Substantial Justice
Applied to both applicant as well as to other property owners in district. Review past decisions of the ZBA for consistency (precedence).

Researching past actions by the Zoning Board of Appeals, staff identified the following decisions regarding setback relief for residential accessory buildings;

## 1. Michael Noora, 10540 West J Avenue, March $28^{\text {th }}, 2017$ :

Citing challenging topography, restrictive parcel shape and size, and existing structures and other permanent objects on the property, the ZBA granted permission for an accessory building to located eight feet from a side property line when 16 feet would typically be required.
2. Matthew and Diane Basse, 2433 North $5^{\text {th }}$ Street, January 24 $^{\text {th }}$, 2017:

The applicant sought and was granted sideline setback relief in order to place a residential accessory building three feet from the south property line as opposed to the ordinance-mandated 17 feet. Deliberating the case, the ZBA found that various physical difficulties associated with the subject property meant that the only reasonably suitable location for a new structure was in the narrow strip of land near the street, necessitating a variance.

## 3. James Heim, 8269 West Main Street, November 11 ${ }^{\text {th }}, 2009$ :

The applicant had mistakenly erected a residential accessory building partially onto a neighbor's property. As part of the attempt to correct this encroachment, Mr. Heim was attempting to purchase property from his neighbor, but that party desired to sell as little land as possible. To wit, the applicant had arrived at a tentative agreement with his neighbor to purchase only enough land to establish a ten-foot setback for the non-compliant structure, which would still leave an eight-foot setback deficiency. Acknowledging that the applicant was making a good faith effort to resolve a past mistake, the ZBA found that granting the desired setback relief was the most practical and reasonable way to correct an existing compliance issue.

## Standard: Unique Physical Circumstances <br> Are there unique physical limitations or conditions which prevent compliance?

Ms. Johnston noted much of the subject property is already occupied by the primary dwelling, stone retaining walls and grade changes, or paved driveway areas. While the applicant does own a strip of land leading to the
lake to the east, it is too narrow to accommodate the accessory building. Due to various obstacles between the current site of the structure and the North $2^{\text {nd }}$ Street front yard, the structure would likely have to be completely disassembled in order to be moved to that area. Furthermore, the large front setback from West Main Street-170 feet from the center of the right-of-way-means that the entirety of the subject lot's north front yard is restricted and cannot accommodate building placement.

Standard: Self-Created Hardship
Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?

She said that upon purchasing the subject property, the applicant was told explicitly that there were no zoning compliance issues. The illegal placement of the accessory building predates their ownership; therefore, the conditions and circumstances are not self-created.

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

Ms. Johnston said Township Staff view granting this ordinance as a reasonable way to correct a longstanding compliance issue. Approval of the requested variance would have no foreseeable deleterious impact on public health, safety, and general welfare. Indeed, the existing encroachment has existed for at least five years-likely longer-without soliciting concerns from the property owners to the south.

Ms. Johnston said Township Staff recommend approval of the requested variance from section 64.200 of the Oshtemo Township Zoning Ordinance in order to allow a residential accessory building to be placed not less than two feet from the south and west property lines and five feet from the east property line, when 13 feet would typically be required, based upon the following findings:

1. Compliance with the Zoning Ordinance is unnecessarily burdensome and the applicant has exhausted other reasonable options to correct the encroachment.
2. Past decisions made by the Zoning Board of Appeals support this request.
3. The applicants had no part in creating this non-conformity.
4. Granting of the requested variance would not compromise the health, safety, and general welfare of the public.

Chairperson Sterenberg asked if there were questions from the Board.
Mr. Sikora asked whether Staff talked with the applicant about other possibilities and also whether it would be feasible to eliminate the building.

Ms. Johnston said Staff did talk with the applicant and determined existing features and topography would not allow moving the building within compliance without extensive site work and dismantling and rebuilding the structure. She indicated the applicant could speak to possible elimination of the building.

In answer to a question from Chairperson Sterenberg, Ms. Johnston noted neighbors were noticed regarding the application, but no response was received.

Hearing no further questions, the Chair asked if the applicant wished to speak to the group.

Ms. Maggie Sullivan, 9979 West Main Street, spoke to the Board and said she and her husband had considered and understand other alternatives, but found all solutions prohibitively expensive. Clearing trees, grading, digging and moving the building would be required. Quotes to accomplish the necessary work ranged from $\$ 25,000$ to $\$ 32,000$. They need the building for storage. Part of the purchase price of the property included this building, which she estimated to be worth $\$ 20,000-\$ 25,000$.

Ms. Smith asked if the Sullivan's were unaware that the structure crossed the property line at the time of purchase.

Ms. Sullivan said the seller stated on the disclosure form there were no encroachment issues. They found later no permit was obtained for the building.

Chairperson Sterenberg asked whether there was any public comment regarding the application.

Mr. James Rodbard, 141 E. Michigan Avenue, Attorney for the Rodbards who own the property immediately to the south, and whose land the building encroaches upon, said they do not object to the request for variance. The two feet to their north property line will not impact on the owners. They do not feel it would affect property marketability in the future.

Mr. Phil Martin, 9881 West Main St., who owns the adjoining property to the east, noted the garage would be near the southwest corner of his property and that approval of the request would be fine as far as he was concerned.

Mr. James St. James, 6660 Rose Arbor, said he had been helping the Sullivan's and explained they need the storage space afforded by the building, that all other avenues had been considered, that this option would allow for correction of an existing problem which was not of their creation, and that the disclosure statement they received at the time of purchase was inaccurate.

There were no further public comments; the Chair moved to Board deliberations.

Attorney Porter explained setback is based on lot line, not on what is on the other side of the line. It appears everyone has been inconvenienced due to someone's falsehoods. He added that it is not determinative to have neighbors agree, but it is helpful when neighbors are kind enough to come forward.

In response to a question from Chairperson Sterenberg about whether the Township might have recourse against the previous owner, Attorney Porter said he has moved out of state so it would not be viable to try to hold him responsible, and in any event, it would not fix the problem.

The Chair said he was delighted neighbors came forward and asked Attorney Porter whether there would be any liability for the Township in the future if they approve the variance.

Attorney Porter said he expected if the owners sell the property in the future that they would be honest and note the variance for the record. There would be nothing negative that would affect the neighboring property to the south.

Hearing no further discussion, Chairperson Sterenberg asked for a motion.
Mr. Sikora made a motion to grant the setback variance as requested to allow the existing accessory building on the property at 9979 West Main Street to be placed a minimum of two feet from the west and south boundaries and five feet to the east rather than the required 13 feet, based on the four findings provided by Staff. Mr. Anderson supported the motion. The motion was approved unanimously.

## Any Other Business

Ms. Johnston indicated there would likely not be a meeting in September due to a lack of agenda items.

## ZBA Member Comments

There were no comments.

## Adjournment

Chairperson Sterenberg noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 3:30 p.m.

Minutes prepared:
August 29, 2018
Minutes approved:
$\qquad$ , 2018

## Mtg Date: October 23, 2018

To: Zoning Board of Appeals
From: Julie Johnston, AICP
Subject: Select Hinges Site Plan Review
On June 27, 2017, Select Products, Ltd., a parent company of Select Hinges, received site plan approval from the Zoning Board of Appeals for the construction of a new manufacturing facility at 3258 Stadium Park Way. Per Section 82.900 of the Site Plan Review Ordinance:
"Approval of the Site Plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the Site Plan approval shall become void and new approval obtained before any construction or earth change is commenced upon the site. Extensions may be granted by the approving body if requested prior to the expiration of the one-year validity period."

Unfortunately, the one-year mark has passed for both the ability to commence work and to receive an extension from the approving body. Therefore, Select Hinges needs to request site plan re-approval from the Zoning Board of Appeals (ZBA).

The original approval received from the ZBA allowed Select Hinges to defer 20 parking spaces located at the north end of their parking lot and included the following conditions to be resolved administratively:

1. Prior to the issuance of a building permit, a more detailed photometric plan shall be submitted for staff review, indicating all points at which light levels drop to 0.1 foot-candles.
2. Prior to the issuance of a building permit, any outstanding issues pertaining to the design of the stormwater management facilities for the Select Hinges site shall be reviewed and approved by the Township Engineer.
3. Prior to the issuance of a certificate of occupancy, any necessary easements shall be drafted and recorded with the Kalamazoo County Register of Deeds. This condition shall include, but not necessarily be limited to, any relevant items listed in the Township Engineer's memo to the applicant, dated June $13^{\text {th }}, 2017$.
4. Prior to the issuance of a certificate of occupancy, Township staff shall inspect landscaping on the site in order to ensure that adequate vegetation has been preserved. If not, a compliant landscape plan shall be provided to the Township for administrative review and approval.

The photometric plan was submitted to Township staff and has been reviewed and approved. No further issues remain related to this condition. However, the condition related to storm water management is still outstanding. Staff would ask that this condition continue to be attached to the issuance of a building permit and be included in any consideration of re-approval. The remaining two conditions will not be resolved until after construction is complete and consequently should still be attached to any new approval.

Therefore, Planning Department staff continues to recommend approval of the Select Hinges site plan, with the following conditions, to be resolved administratively:

1. Prior to the issuance of a building permit, any outstanding issues pertaining to the design of the stormwater management facilities for the Select Hinges site shall be reviewed and approved by the Township Engineer.
2. Prior to the issuance of a certificate of occupancy, any necessary easements shall be drafted and recorded with the Kalamazoo County Register of Deeds. This condition shall include, but not necessarily be limited to, any relevant items listed in the Township Engineer's memo to the applicant, dated June 13, 2017.
3. Prior to the issuance of a certificate of occupancy, Township staff shall inspect landscaping on the site in order to ensure that adequate vegetation has been preserved. If not, a compliant landscape plan shall be provided to the Township for administrative review and approval.

Thank you.

Attachments: Letter from Select Products Limited June 27, 2017 Staff Report
June 27, 2017 ZBA Minutes
Public Works Memo of June 13, 2017
Site Plan

## SELECT Products Limited

9770 Shaver Road | Portage, MI 49024 | Ph: 800-423-1174 | Fax: 800-423-7107 | www.selecthinges.com

To: Ben Clark / ZBA

## From: Tim Vermeulen VP-Operations

RE: Select Products Site Plan Renewal

The reason(s) we weren't able to activate the site plan within the initial 12 month approval window are following. We didn't take ownership of the property from Oshtemo Township until March 23, 2018. We were waiting for KCBA approval which took a few months longer than originally expected before proceeding with closing on the property. So roughly 9 months after the approval we finally owned the property. Once we had taken ownership the remediation plan changed in regards to making the brownfield site buildable which delayed us yet again and pushed us outside the original 12 month window. We didn't realize that there was even a window that we had to be concerned with so that one is soley on us. The original site plan still remains as our "plan" for the site.


## WHAT MAKES A SELECT HINGE BETTER?

GREEN Hinge ${ }^{\text {u }}$
Meets LEED requirements

Meeting Date: June 27 ${ }^{\text {th }}, 2017$

| To: | Zoning Board of Appeals |
| :--- | :--- |
| From: | Ben Clark, Zoning Administrator |
| Applicant: | Select Products, Ltd. |
| Owner: | Charter Township of Oshtemo |
| Property: | Unaddressed property on Stadium Park Way, parcel number 3905-34-155-030 |
| Zoning: | I-1: Industrial District, Manufacturing/Servicing |
| Request: | Site plan approval for Select Hinges' new production facility |
| Section(s): | 41.000: I-1 District; 82.000: Site Plan Review |
| Project Name: | Select Hinges Manufacturing Building—Stadium Park Way |

## OVERVIEW

The applicant is requesting site plan approval for a new production facility for Select Hinges, proposed to be located on what is currently a 17.4-acre parcel at the northern terminus of Stadium Park Way, approximately 1,000 feet east of $6^{\text {th }}$ Street. Approximately 50,000 square feet in area, the planned structure will be used to manufacture commercial and institutional-grade hinges, and will include 6,700 square feet of administrative office space. While not within the scope of this site plan review, the applicant anticipates the possibility of future expansion at the proposed facility, and may one day erect a smaller, additional structure to the north of the primary building as well as add on to the west end of the currentlyplanned production facility.

Currently owned by the Township, the subject parcel was once intended to be the site of a public park, but Oshtemo's recreational facilities plans have changed in the intervening years, and the Township now has no desire to retain ownership of the property.

## GENERAL ZONING COMPLIANCE

The intended use of the structure -manufacturing with administrative offices-is permitted by right in the I-1 district, necessitating site plan approval from the Zoning Board of Appeals. All structural setbacks are being met, including the enhanced 100-foot spacing from the north property line, which is required due to the Rural Residential zoning classification of the adjacent parcel. While staff suspects that light levels are at or below the 0.1 foot-candle maximum at all property lines, the provided photometric plan is incomplete, and additional light level values need to be displayed. The site plan also indicates that the facility's truck bays are to be located in the south side-yard, in accordance with section 68.301: Loading and Unloading of the Zoning Ordinance.

## SITE ACCESS, CIRCULATION, AND PARKING

Vehicles will access the property from Stadium Park Way, the right-of-way for which terminates at the southeast corner of the subject parcel. The existing cul-de-sac is entirely located on the subject property, out of the right-of-way, but is subject to an access easement granted to the Road Commission of Kalamazoo County for the purpose of providing a vehicle turn-around. As indicated on the site plan, the two illustrated curb cuts will radiate from the cul-de-sac, with the northwest driveway leading to parking areas, and the west access point connecting to the truck docs.

While neither Select Products, Oshtemo Township, or the Road Commission of Kalamazoo County have immediate plans to extend Stadium Park Way north onto the subject property, the applicant intends to locate the Select Hinges facility in a way that will not impede such, should that scenario ever come to fruition. If Stadium Park Way is ever extended, its existing 66 -foot wide right-of-way immediately to the south of the subject property will likely be continued due north and dedicated to the public. In anticipation of this possibility, the applicant has located the proposed structure so that it is well in compliance with the necessary 70 -foot setback from a public right-of-way, but the site plan indicates that only a 15 -foot landscape buffer area would be provided adjacent to the parking lot, whereas the Zoning Ordinance requires 20 feet. While the Township cannot compel the applicant to increase the buffer width in the absence of an existing right-of-way, making the five-foot adjustment at this time would ensure that a nonconformity is avoided if and when the road is extended.

Per section 68.000: Off-Street Parking of the Zoning Ordinance, a facility of this type and size requires at least 78 parking spaces. The applicant contends that only 58 will be needed at this time to accommodate staff and visitors, and requests that 20 spaces be deferred, per section 68.420: Deferred Parking (Nonresidential Uses) of the Zoning Ordinance. In this section, four conditions shall be satisfied/deliberated by the reviewing body prior to approval of the requested deferral:
A. The applicant submits a site plan including the design and layout of all required parking areas including areas proposed for deferred parking. Such deferred parking area shall not include areas required for setbacks, landscaping or greenspace, or land otherwise unsuitable for parking due to environmental or physical conditions.

All elements for this requirement have been satisfied, with such being clearly indicated on the proposed site plan.
B. The applicant demonstrates, to the satisfaction of the reviewing body, that a reduced number of parking spaces will meet the parking needs due to the nature, size, density, location, or design of the proposed development. Pedestrian access and use may be considered.

The applicant has indicated that the Select Hinges facility will initially be staffed with 30 employees, which leaves a surplus of 28 spaces for any incidental uses, such as visitor parking.
C. And any other factors reasonably related to the need for parking for the proposed development as determined by the reviewing body.

Given the relatively straightforward nature of this project, staff does not feel that the parking scenario at hand is complicated, and is satisfied that, assuming the staffing numbers provided are accurate, there are few additional parking load factors to be considered.
D. At any time subsequent to approval, the Township may require the construction of additional parking spaces based on review of the parking needs by the Planning Director.

Assuming that the Zoning Board of Appeals approves the requested parking deferral, any subsequent parking issues that manifest at the Select Hinges facility may result in administrative action taken on the part of the Township, revoking the deferred status of the remaining 20 parking spaces. At such a time, full compliance with section 68.000 of the Zoning Ordinance would be required, and the property would need to be fully developed to the approved site plan.

## LANDSCAPING

Township staff have determined that the proposed site plan meets the requirements of section 75.000: Landscaping of the Zoning Ordinance. Because the applicant is using the tree preservation credit, as detailed in section 75.200: Preservation of Existing Trees of the Zoning Ordinance, extra scrutiny on the part of staff will be observed upon project completion in order to ensure that compliance has been achieved.

## ENGINEERING

A handful of issues related to the design of the stormwater management system as well as necessary easement modifications identified by the Township Engineer have yet to be addressed by the applicant. However, the Township Engineer has provided direction to the applicant in order to correct any outstanding concerns. Staff recommends that any such adjustments to the project be handled administratively.

## FIRE DEPARTMENT

The Township Fire Marshal has reviewed the proposed site plan and has no concerns with the project at this point.

## RECOMMENDATION

Although some additional changes to the site plan are necessary before the project can obtain full approval from the Township, Planning Department staff are satisfied that the proposal being made to the Zoning Board of Appeals for the project is generally acceptable. If the body is inclined to grant approval, staff would recommend attaching the following conditions, to be resolved administratively.

1. Prior to the issuance of a building permit, a more detailed photometric plan shall be submitted for staff review, indicating all points at which light levels drop to 0.1 foot-candles.
2. Prior to the issuance of a building permit, any outstanding issues pertaining to the design of the stormwater management facilities for the Select Hinges site shall be reviewed and approved by the Township Engineer.
3. Prior to the issuance of a certificate of occupancy, any necessary easements shall be drafted and recorded with the Kalamazoo County Register of Deeds. This condition shall include, but not necessarily be limited to, any relevant items listed in the Township Engineer's memo to the applicant, dated June $13^{\text {th }}, 2017$.
4. If the Zoning Board of Appeals agrees to allow such, construction of the 20 spaces on the north end of the parking lot shall be deferred for the time being, to be built if needed at a future date. Township staff shall be granted the authority to require such.
5. Prior to the issuance of a certificate of occupancy, Township staff shall inspect landscaping on the site in order to ensure that adequate vegetation has been preserved. If not, a compliant landscape plan shall be provided to the Township for administrative review and approval.

Respectfully Submitted,

$\qquad$
Ben Clark
Zoning Administrator
Attachments:

## Application

Site plan excerpt
Building elevation illustrations
Aerial property map

## Agenda

## SITE PLAN REVIEW: (SELECT HINGES MANUFACTURING BUILDING) SELECT PRODUCTS, LTD, A PARENT COMPANY OF SELECT HINGES, REQUESTS SITE PLAN APPROVAL FOR A NEW MANUFACTURING FACILITY WITH SPACE FOR ADMINISTRATIVE OFFICES AT AN UNADDRESSED PROPERTY AT THE NORTH END OF STADIUM PARK WAY. PARCEL NO. 3905-34-180-059.

A meeting of the Oshtemo Charter Township Zoning Board was held on Tuesday, June $27^{\text {th }}, 2017$, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

## ALL MEMBERS WERE PRESENT: James Sterenberg, Chair

Bob Anderson
Wiley Boulding, Sr.
Nancy Culp
Neil Sikora, Vice Chair
Anita Smith
L. Michael Smith

Also present were Ben Clark, Zoning Administrator, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and three interested persons.

## Call to Order and Pledge of Allegiance

Chairperson Sterenberg called the meeting to order and invited those present to join in reciting the "Pledge of Allegiance."

## Public Comment on Non-Agenda Items

There were no comments on non-agenda items.
Approval of the Minutes of May 23 ${ }^{\text {rd }}, 2017$
Chairperson Sterenberg asked if there were any additions, deletions or corrections to the minutes of May 23 ${ }^{\text {rd }}, 2017$.

Mr. Sikora noted a typo in his name on page two, and asked that wording be changed for clarification in paragraph six on page four to read, "Mr. Sterenberg confirmed with Mr. Clark that the south side parking is mostly for employees and that if eliminated without relocating it to the west side of DeKorne's, there would not be enough parking to meet code." Hearing no further corrections, he asked for a motion for approval.

Mr. Smith made a motion to approve the minutes of May $23^{\text {rd }}, 2017$ with the two corrections as noted. Mr. Sikora supported the motion. The motion was approved unanimously.

SITE PLAN REVIEW: (SELECT HINGES MANUFACTURING BUILDING) SELECT PRODUCTS, LTD, A PARENT COMPANY OF SELECT HINGES, REQUESTS SITE PLAN APPROVAL FOR A NEW MANUFACTURING FACILITY WITH SPACE FOR ADMINISTRATIVE OFFICES AT AN UNADDRESSED PROPERTY AT THE NORTH END OF STADIUM PARK WAY. PARCEL NO. 3905-34-180-059.

Chairperson Sterenberg said the next item was a request for site plan approval for a new manufacturing facility from Select Products, Ltd., and asked Mr. Clark to review the request.

Mr. Clark explained the applicant was requesting site plan approval for a new production facility for Select Hinges, proposed to be located on what is currently a 17.4acre parcel at the northern terminus of Stadium Park Way, approximately 1,000 feet east of $6^{\text {th }}$ Street, zoned I-1: Industrial District, Manufacturing/Servicing. Approximately 50,000 square feet in area, the planned structure will be used to manufacture commercial and institutional-grade hinges, and will include 6,700 square feet of administrative office space. While not within the scope of this site plan review, the applicant anticipates the possibility of future expansion at the proposed facility, and may one day erect a smaller, additional structure to the north of the primary building as well as add on to the west end of the currently-planned production facility.

Currently owned by the Township, the subject parcel was once intended to be the site of a public park, but Oshtemo's recreational facilities plans have changed in the intervening years, and the Township now has no desire to retain ownership of the property.

He said the intended use of the structure-manufacturing with administrative offices-is permitted by right in the I-1 district, necessitating site plan approval from the ZBA. All structural setbacks are being met, including the enhanced 100 -foot spacing from the north property line, which is required due to the Rural Residential zoning classification of the adjacent parcel. While staff suspects that light levels are at or below the 0.1 foot-candle maximum at all property lines, the provided photometric plan is incomplete and additional light level values need to be displayed. The site plan also indicates the facility's truck bays will to be located in the south side-yard, in accordance with section 68.301: Loading and Unloading of the Zoning Ordinance.

Vehicles will access the property from Stadium Park Way, the right-of-way for which terminates at the southeast corner of the subject parcel. The existing cul-de-sac is entirely located on the subject property, out of the right-of-way, but is subject to an access easement granted to the Road Commission of Kalamazoo County for the purpose of providing a vehicle turn-around. As indicated on the site plan, the two illustrated curb cuts will radiate from the cul-de-sac, with the northwest driveway leading to parking areas, and the west access point connecting to the truck docks.

He said while neither Select Products, Oshtemo Township, or the Road Commission of Kalamazoo County have immediate plans to extend Stadium Park Way north onto the subject property, the applicant intends to locate the Select Hinges facility in a way that will not impede such, should that scenario ever come to fruition. If Stadium Park Way is ever extended, its existing 66-foot wide right-of-way immediately to the south of the subject property will likely be continued due north and dedicated to the public. In anticipation of this possibility, the applicant has located the proposed structure so that it is well in compliance with the necessary 70 -foot setback from a public right-ofway, but the site plan indicates that only a 15 -foot landscape buffer area would be provided adjacent to the parking lot, whereas the Zoning Ordinance requires 20 feet. While the Township cannot compel the applicant to increase the buffer width in the absence of an existing right-of-way, making the five-foot adjustment at this time would ensure that a non-conformity is avoided if and when the road is extended.

Per section 68.000: Off-Street Parking of the Zoning Ordinance, a facility of this type and size requires at least 78 parking spaces. The applicant contends that only 58 will be needed at this time to accommodate staff and visitors, and requests that 20 spaces be deferred, per section 68.420: Deferred Parking (Non-residential Uses) of the Zoning Ordinance. In this section, four conditions shall be satisfied/deliberated by the reviewing body prior to approval of the requested deferral:
A. The applicant submits a site plan including the design and layout of all required parking areas including areas proposed for deferred parking. Such deferred parking area shall not include areas required for setbacks, landscaping or greenspace, or land otherwise unsuitable for parking due to environmental or physical conditions.

All elements for this requirement have been satisfied, with such being clearly indicated on the proposed site plan.
B. The applicant demonstrates, to the satisfaction of the reviewing body, that a reduced number of parking spaces will meet the parking needs due to the nature, size, density, location, or design of the proposed development. Pedestrian access and use may be considered.

The applicant has indicated that the Select Hinges facility will initially be staffed with 30 employees, which leaves a surplus of 28 spaces for any incidental uses, such as visitor parking.
C. And any other factors reasonably related to the need for parking for the proposed development as determined by the reviewing body.

Given the relatively straightforward nature of this project, staff does not feel that the parking scenario at hand is complicated, and is satisfied that, assuming the staffing numbers provided are accurate, there are few additional parking load factors to be considered.
D. At any time subsequent to approval, the Township may require the construction of additional parking spaces based on review of the parking needs by the Planning Director.

Assuming that the Zoning Board of Appeals approves the requested parking deferral, any subsequent parking issues that manifest at the Select Hinges facility may result in administrative action taken on the part of the Township, revoking the deferred status of the remaining 20 parking spaces. At such a time, full compliance with section 68.000 of the Zoning Ordinance would be required, and the property would need to be fully developed to the approved site plan.

Mr. Clark said although some additional changes to the site plan are necessary before the project can obtain full approval from the Township, Planning Department staff is satisfied that the proposal being made to the Zoning Board of Appeals for the project is generally acceptable. Staff would recommend attaching the following conditions, to be resolved administratively if the Board approves the site plan.

1. Prior to the issuance of a building permit, a more detailed photometric plan shall be submitted for staff review, indicating all points at which light levels drop to 0.1 foot-candles.
2. Prior to the issuance of a building permit, any outstanding issues pertaining to the design of the stormwater management facilities for the Select Hinges site shall be reviewed and approved by the Township Engineer.
3. Prior to the issuance of a certificate of occupancy, any necessary easements shall be drafted and recorded with the Kalamazoo County Register of Deeds. This condition shall include, but not necessarily be limited to, any relevant items listed in the Township Engineer's memo to the applicant, dated June $13^{\text {th }}, 2017$.
4. If the Zoning Board of Appeals agrees to allow such, construction of the 20 spaces on the north end of the parking lot shall be deferred for the time being, to be built if needed at a future date. Township staff shall be granted the authority to require such.
5. Prior to the issuance of a certificate of occupancy, Township staff shall inspect landscaping on the site in order to ensure that adequate vegetation has been
preserved. If not, a compliant landscape plan shall be provided to the Township for administrative review and approval.

Chairperson Sterenberg thanked Mr. Clark for his report and asked whether there were questions for him from the Board.

In response to a question from Mr. Sikora, Mr. Clark acknowledged that a deficiency in setback if the road is extended in the future, could be alleviated by moving the structure five feet to provide enough buffer.

Mr. Sterenberg confirmed that the business is relocating from Portage.
Mr. Smith asked whether there are residences near the site and whether they received notification.

Mr. Clark said there are no residences near the site; there are some single residences on $6^{\text {th }}$ Street that are set back from the street. There is currently a de-facto buffer of hundreds of feet. No notices were sent as this is a permitted use in the $\mathrm{I}: 1$ district.

Mr. Boulding, Sr. asked for an explanation of the request to defer of 20 parking spaces.

Mr. Clark said it is expensive to add 20 spaces when they are not currently needed. If they are needed in the future, the applicant would have to return to the ZBA with a request for expansion which would include the addition of the parking spaces.

Ms. Smith commented it would be good to move the building a few feet to the west to avoid issues with any future expansion.

Hearing no further question, Chairperson Sterenberg asked whether the applicant wished to speak.

The applicant, Mr. Mike Anderson, 9770 Shaver Road, confirmed the business would be relocated from south Portage; he had no further comments.

Chairperson Sterenberg asked for Board discussion.
Several Board Members expressed support for approval of the site plan request.
Hearing no further comments, the Chair called for a motion.
Mr. Sikora made a motion to approve the site plan as requested, based on the recommendation of Staff and subject to the five conditions listed. Mr. Anderson supported the motion. The motion was approved unanimously.

## Any Other Business

There was no other business for consideration.

## ZBA Member Comments

Mr. Sikora noted there are bills before both the state house and senate. If passed, local control of the ability to limit vacation and short-term rentals would be lost. He suggested contacting state senators and representatives about the importance of maintaining local control.

Attorney Porter agreed, and said passage of the bills would decimate control over local zoning.

Mr. Clark said he was not aware of any Township regulations regarding vacation and short-term rentals.

Attorney Porter said the general rule is that if something is not specifically permitted, it is prohibited.

Mr. Sikora reiterated that a law, if passed, would preclude local government from being able to prohibit vacation and short-term rentals.

## Adjournment

Chairperson Sterenberg noted the Zoning Board of Appeals had exhausted its Agenda, and there being no other business, adjourned the meeting at approximately 3:35 p.m.

Minutes prepared:
June 23 ${ }^{\text {rd }}, 2017$
Minutes approved:
August 22 ${ }^{\text {nd }}, 2017$

## Memorandum

Date: June 13, 2017
To: Ben Clark
From: Marc Elliott, P.E., Director of Public Works
Subject: Select Products, Stadium Park Way (unaddressed), SPR

I have reviewed project plans dated June 5, 2017 for the above referenced proposed development and provide the following review comments.

1. I understand the final parcel configuration and split to remove the water feature remain unresolved.
2. The obstruction of the private utility structure which is at Stadium Park Way and located over the storm sewer of the Kalamazoo County Drain Commission needs to be resolved.
3. As noted, for the most part the existing 20ft easement of the referenced KCDC easement can be used in dedicating the access easement required by MDEQ to approach the water feature. However, the above noted utility structure is in conflict with this proposed access use. If the structure is to remain in its current location, the access requirement of MDEQ will need to be relocated outside and around this structure.
4. The proposed public water main alignment is accepted in the location proposed in consideration of the described grade challenges. Please provide a profile drawing for the water main through the storm water swale to assure installation at a safe bury depth.
5. Deficiencies previously noted in the proposed functional purpose of the sedimentation basin have not been addressed. If cooperation or collaboration with the KCDC is not forthcoming, pollutant reduction and water quality protection functions for direct discharge of storm water will need to occur upstream of the KCDC easement, and in general conformance with the storm water management guidelines of the Kalamazoo County Drain Commission.

## SELECT PRODUCTS LIMITED <br> NEW OFFICE \& MANUFACTURING FACILITY



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