

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD JUNE 27th, 2017

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 27th, 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 23rd, 2017

Chairperson Sterenberg asked if there were any additions, deletions or corrections to the minutes of May 23rd, 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 23rd, 2017 with the two corrections as noted. Mr. Sikora supported the motion. The motion was approved unanimously.

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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 17.4-acre parcel at the northern terminus of Stadium Park Way, approximately 1,000 feet east of 6th Street, zoned I-1: Industrial District, Manufacturing/Service. 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-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 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 13th, 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 6th 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 1:1 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 23rd, 2017

Minutes approved:
August 22nd, 2017