

**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**MINUTES OF A MEETING HELD JUNE 25, 2013**

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**Agenda**

**SITE PLAN REVIEW (PARAGON OFFICE BUILDING)**

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A meeting of the Oshtemo Charter Township Zoning Board was held on Tuesday, June 25, 2013, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Roger Taylor, Chairperson  
Cheri Bell  
Lee Larson  
Millard Loy  
Neil Sikora, First Alternate  
L. Michael Smith  
James Sterenberg, Second Alternate

MEMBERS ABSENT: None

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

**Call to Order and Pledge of Allegiance**

The meeting was called to order by Chairperson Taylor at approximately 3:00 p.m., and the "Pledge of Allegiance" was recited.

**Public Comment on Non-Agenda Items**

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

**Approval of the Minutes of February 26, 2013**

The Chairperson asked if there were any additions, deletions or corrections to the minutes of March 26, 2013. No changes were noted. Mr. Larson made a motion to approve the minutes as presented. Mr. Sterenberg seconded the motion. The motion was approved unanimously.

## **Site Plan Review (Paragon Office Building)**

Chairperson Taylor asked Mr. Milliken to present his report on the site plan for Paragon Office Building.

Mr. Milliken indicated the property is located at 1005 South 8<sup>th</sup> Street just south of KL Avenue. He said it is a vacant property of 1.17 acres with 180 feet of frontage on 8<sup>th</sup> Street and located in the I-1 zoning district, as is all of the property immediately surrounding it. To the east is the new SPCA facility; to the south is a vacant parcel under similar ownership; to the north is a vacant property on KL Avenue under similar ownership as well as a narrow property on the corner with an existing single family home; and to the west across 8<sup>th</sup> Street is an existing light industrial / storage building and the dog park.

He stated the owner/applicant is requesting site plan approval for a new building that would house two potential tenants. They have a commitment for one tenant at this time, a brick and supply company that would locate a new sales and distribution facility in this market. There are no variances identified at this time.

Mr. Milliken noted that since offices, lumber yards and contractor services are all permitted uses in the I-1 district, the proposed use and development is a permitted use at the subject property. The development satisfies all setback requirements of the district.

He addressed parking and circulation saying the site plan shows access to the new facility will be provided from 8<sup>th</sup> Street via a proposed shared driveway with the property to the south that is under the same ownership. The owner has agreed to cross access as a condition of approval. Although technically not required, the shared drive addresses access management goals of the Township and will make circulation easier, particularly for the southern parcel. Nine parking spaces are provided with the proposed development. Five spaces are required for the anticipated tenant and nine parking spaces would be required if the proposed tenant were to occupy the other suite. Space for seven additional parking spaces has been demonstrated on the plan in the event another type of use occupies the building – such as a contractor's office – that has a higher parking requirement. All of the parking spaces and aisles satisfy the dimensional requirements of the ordinance.

He pointed out that the parking lot and driveway is shown with an asphalt surface, while the rear parking area that serves as a loading and transition area is proposed with a gravel surface, an issue that deserves additional discussion. Per Ordinance requirements, all parking areas and driveways are required to be paved. However, beyond these areas, the Ordinance does not require the surfaces to be paved. The tenant specifically requested the use of gravel in the rear portion of the site due to the wear and tear on the surface caused by the trucks and forklifts that will be used to deliver and move materials around their facility. The Fire Marshal has indicated

that this does not meet the fire code regarding egress and is concerned about fire truck access to the rear.

Mr. Milliken said a landscape plan has been provided demonstrating the landscaping proposed as part of the development. Although perimeter landscaping is required along the north and east property lines as well as along the 8<sup>th</sup> Street frontage, staff does not think it is reasonable to require the perimeter landscaping along the south property line due to the location of the shared access easement in this location. In addition, two existing trees along the 8<sup>th</sup> Street frontage will be protected and preserved, allowing for a credit of seven trees against the total required.

He said staff recommends the shrubs required to be planted along the 8<sup>th</sup> Street frontage that are proposed to be planted along the building façade be relocated to better serve the intended function of parking lot screening. At least 30% of these shrubs (three of the 10 required) need to be changed to native species.

Mr. Milliken reported the applicant's site plan meets all Standards for Approval and indicated he would answer any questions the Board might have.

Chairperson Taylor thanked Mr. Milliken for his report and wondered about alternatives available to the proposed gravel drive that would work with heavy equipment as well as if sidewalk installation would satisfy the Fire Marshal's concern. Mr. Milliken indicated that a concrete surface would also work but would also cost significantly more. He also stated that the egress from the facility was a more critical concern for the Fire Marshall.

There was some discussion of the types of alternatives that might be acceptable and it was noted by Attorney Porter after a question from Mr. Loy, that 8<sup>th</sup> Street is not an all-weather road but has load restrictions. Nonetheless, the fact the site is not located on a truck route does not prohibit its use.

Upon request, Mr. Milliken explained the Fire Marshal's comments were motivated mostly by maneuverability and accessibility issues on the gravel surface and in response to a question from Mr. Loy indicated that from a zoning standpoint, paving of surfaces other than parking and driveways thereto is not required in the I-1 district. Concern was expressed that 6 inches of gravel wouldn't hold up and would generate a lot of dust. There was also a question raised regarding the grade differential in the proposed basin. Mr. Milliken said he believed the applicant could provide answers regarding these issues.

Chairperson Taylor asked the applicant to address the Board.

Mr. Larry Harris, of 3503 Greenleaf Blvd. and site planner for the owner, explained that after hearing Fire Marshal Mark Barnes' concerns and discussing them further with Township Engineer Marc Elliott, he believes that if the gravel specifications are changed to 8 inches of 21AA crushed stone, it would be acceptable to the Fire

Marshal and would be able to support the fire trucks. Mr. Larson agreed that 21AA would be much better than 20A as proposed.

Mr. Harris indicated the proposed basin would be vegetative with an open bottom and figured with a factor of two. The front parking area will be moved over as requested and different shrubs will be planted; existing trees will not be damaged except for the one at the entry. He hoped the one and a half foot berm proposed will suffice, but that it will be increased if needed. Mr. Harris noted the front area is asphalt. A walk could be installed around to the front. Warehousing will be in the back.

Chairperson Taylor asked Mr. Harris if the prospective tenant, who also has a facility in Grand Rapids, has a gravel driveway. Mr. Harris said they have a gravel driveway in the loading portion of the property, but not in front.

In response to questions from the board, Mr. Harris said there will be a two foot sump in the bottom of both catch basins; he acknowledged that space on the site is limited and it will be a tight fit for trucks to get in and out but it will work; there will be outdoor storage in the area identified on the site plan; it is not anticipated that a dumpster will be needed, but if that turns out to be necessary a concrete pad for a dumpster would be placed off the north edge of the property; the second half of the facility will not be finished until there is a tenant for the space; there will be no loading dock, but rather overhead doors; the surface surrounding the storage area will be a grass surface accessible from the south, with a two foot high bank; there will be no vehicles stored inside the building; and the owner and designer will discuss whether floor drains in the warehouse area are needed.

Mr. Milliken pointed out floor drains would be addressed through the building permit process, and that the storage area met Township requirements. He also noted the Township Engineer, Marc Elliott, provided comments regarding drainage and accommodation of gravel surfaces that have been shared with Mr. Harris and the Board.

The Chairperson noted the design professional seal was not present on the appropriate document. Mr. Harris said he would send that to Mr. Milliken.

Chairperson Taylor thanked Mr. Harris for his comments and moved on to Board Deliberations.

There was discussion regarding the proposed gravel drive. Mr. Larson said he felt at least 8 inches of 21AA would hold up under the proposed use.

Board members expressed concern about the lack of a paved surface at the rear egress points where they exit onto a gravel surface. Mr. Milliken indicated that was a Fire Code issue. Mr. Larson stated that the Building Code requires a paved stoop outside every egress point. The Board members discussed how this could be accommodated on the site.

Attorney Porter agreed with Mr. Milliken's interpretation that the Zoning Ordinance did not require paving in the rear of the lot because it was not used for parking or a driveway to parking. Attorney Porter emphasized that the basis for allowing the gravel is unique to the proposed use. Mr. Milliken added that if the parking and private drive is expanded, that according to his interpretation, paving would need to occur at that time. In response to a question from Mr. Larson, Mr. Milliken said if a dumpster is added, paving would not be required since that does not involve parking, but from a user standpoint the owner may want to provide a paved area. Any additional parking would require paving.

Chairperson Taylor asked Attorney Porter if the Board approves the gravel area as proposed, does that mean a precedent is not being set for others in the futures.

Attorney Porter said the approval is based on weight and the specific use and therefore should not be precedent setting.

The Chairman said that his understanding is that any business that went there in the future would have to have that same kind of loading facility or would need to be reapproved. Mr. Porter agreed that would be the case.

In response to a question from Mr. Larson about dust control, Attorney Porter said if the Zoning Board is concerned about dust control, its motion to approve should include the requirement that if dust becomes an issue dust control should be applied. He also advised that compliance with the Engineer's report and the Fire Marshal's concerns should be included in a motion as well as the specification of at least eight inches of 21AA gravel for the non-paved drive.

Mr. Smith made a motion to approve the site plan as presented, subject to the following conditions:

1. A sign permit is required before any new signs are installed on site, and all signage shall conform to the requirements of the sign chapter of the Zoning Ordinance.
2. If the additional parking spaces immediately south of the building are added or the shared driveway is extended east from where the pavement ends for parking or circulation purposes on the parcel to the south, the new parking and driveway surfaces will need to be paved.
3. The 10 shrubs planted along the front façade of the building be relocated to the west edge of the parking lot, and at least three of the shrubs be replaced with native species.
4. Any proposed site lighting will need to conform to the requirements of Section 78.700 of the Township Zoning Ordinance.

5. A recorded copy of the cross access easement for the shared driveway will need to be provided.
6. If dumpsters are installed on the designated pad to the northeast of the proposed building, the dumpsters shall be enclosed in compliance with the Township Ordinance requirements.
7. The improvements recommended by the Fire Marshall shall be addressed in the development of the construction plans.
8. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
9. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.
10. Dust control will be applied to the gravel surface if a dust problem develops.
11. Entry stoops will be installed outside egress doors compliant with Code requirements.

Mr. Loy seconded the motion. The motion was approved unanimously.

Chairperson Taylor congratulated Mr. Harris and welcomed the owners to Oshtemo Township.

### **Any Other Business / ZBA Member Comments**

Mr. Milliken told the board there would likely be a meeting necessary in July regarding a car dealership lighting variance request.

Mr. Smith said he would be on vacation and unavailable for a meeting next month.

### **Adjournment**

Chairperson Taylor noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, he adjourned the meeting at approximately 4:10 p.m.

Minutes prepared:  
June 29, 2013

Minutes approved:  
July 23, 2013