

**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**MINUTES OF A MEETING HELD JULY 26, 2016**

---

**Agenda**

**SITE PLAN REVIEW (ONE WAY PRODUCTS, 6101 WEST KL AVENUE) APPLICANT, GLAS ASSOCIATES, IS REQUESTING SITE PLAN REVIEW FOR A NEW MANUFACTURING FACILITY FOR ONE WAY PRODUCTS AT 6101 WEST KL AVENUE. PARCEL NO. 3905-24-305-010.**

**SITE PLAN REVIEW (SMT LAND DEVELOPMENT, 6963 WEST KL AVENUE) APPLICANT, SMT REAL ESTATE DEVELOPMENT, IS REQUESTING SITE PLAN REVIEW FOR A NEW OFFICE DEVELOPMENT AT 6963 WEST KL AVENUE. PARCEL NO. 3905-23-305-030.**

**SITE PLAN REVIEW (WEST SIDE CHURCH OF CHRIST, UNADDRESSED PARCEL – 9<sup>TH</sup> STREET) APPLICANT, WEST SIDE CHURCH OF CHRIST, IS REQUESTING SITE PLAN REVIEW FOR A NEW CHURCH FACILITY ON AN UNADDRESSED VACANT PARCEL ON THE EAST SIDE OF 9<sup>TH</sup> STREET, APPROXIMATELY 1,900 LINEAR FEET NORTH OF THE WEST MAIN STREET RIGHT-OF-WAY. PARCEL NO. 3905-14-130-015.**

**SITE PLAN REVIEW (GLCMG GARAGE, 4155 SOUTH 9<sup>TH</sup> STREET) APPLICANT, BOSCH ARCHITECTURE, IS REQUESTING SITE PLAN REVIEW FOR A NEW ACCESSORY GARAGE BUILDING ON AN EXISTING DEVELOPED SITE AT 4155 SOUTH 9<sup>TH</sup> STREET. PARCEL NO. 3905-35-405-031.**

**SITE PLAN REVIEW (WAL-MART REAL ESTATE BUSINESS TRUST, 501 NORTH 9<sup>TH</sup> STREET) APPLICANT, WAL-MART REAL ESTATE BUSINESS TRUST, IS REQUESTING SITE PLAN REVIEW FOR A NEW EMPLOYEE TRAINING BUILDING ON THEIR EXISTING SITE AT 501 NORTH 9<sup>TH</sup> STREET. PARCEL NO. 3905-14-305-022.**

---

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, July 26, 2016, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: James Sterenberg, Vice Chairperson  
Bob Anderson, Alternate  
Nancy Culp  
Millard Loy  
Neil Sikora  
L. Michael Smith, Alternate

MEMBERS ABSENT: Cheri Bell, Chairperson

Also present were Julie Johnston, Planning Director and James Porter, Attorney, and ten interested persons.

### **Call to Order and Pledge of Allegiance**

Vice 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 public comments on non-agenda items.

### **Approval of the Minutes of June 28, 2016**

The Vice Chairperson asked if there were any additions, deletions or corrections to the minutes of June 28, 2016. Hearing none, he asked for an approval motion.

Mr. Sikora made a motion to approve the minutes of June 28, 2016 as presented. Mr. Loy supported the motion. The motion was approved unanimously.

### **SITE PLAN REVIEW (ONE WAY PRODUCTS, 6101 WEST KL AVENUE) APPLICANT, GLAS ASSOCIATES, IS REQUESTING SITE PLAN REVIEW FOR A NEW MANUFACTURING FACILITY FOR ONE WAY PRODUCTS AT 6101 WEST KL AVENUE. PARCEL NO. 3905-24-305-010.**

Vice Chairperson Sterenberg indicated agenda item number 5 is a request for a site plan review from One Way Products and asked Ms. Johnston to give a staff report.

Ms. Johnston stated that the request is for a new manufacturing facility located on an unaddressed parcel on KL Avenue, just west of US 131. She apologized for the wrong address on the staff reports in the agenda packets, and indicated the site is not addressed as 6101 West KL Avenue as originally reported. She stated that the zoning of the site is I-1: Industrial and that a manufacturing facility is permitted by right. Ms. Johnston went on to say that the parcel is approximately 9.5 acres and the proposed facility would be over 30,000 square feet. The development of the One Way Product site offers an opportunity to provide frontage to a parcel immediately adjacent to the south and west of the subject site, which is addressed as 6101 West KL Avenue. This parcel currently does not have frontage on West KL Avenue. Ms. Johnston indicated that this parcel and the subject parcel are currently owned by the same property owner and that the development of One Way Products is allowing for a parcel re-description that will give 6101 West KL Avenue 200 feet of frontage on KL. Also, this development will allow for a looped water main system that will provide water to this currently land locked parcel.

She explained that the development meets all of the dimensional requirements of the Zoning Ordinance. The landscaping requirements are being predominately met

through existing vegetation, which could be lost or damaged during construction. Therefore, staff is recommending approval with the following conditions:

1. A revised site plan that meets all Fire Marshal and Township Engineer requirements.
2. A revised photometric plan showing the required 0.1 foot candles at the property boundary.
3. Prior to the issuance of a Certificate of Occupancy, staff review of existing landscaping will occur. If landscaping materials are lost during construction to the point of noncompliance with the Zoning Ordinance, additional landscape materials will be required.

She indicated that the first condition was to allow the Township Engineer an opportunity to review the plans after the looped water main system is designed and the allow the Fire Marshal an opportunity to review the final placement of hydrants planned as part of this looped system.

Vice Chairperson Sterenberg asked if there were any questions to staff. No Board member had questions.

Vice Chairperson Sterenberg asked if the parcel line re-description had to be approved by the Board.

Ms. Johnston indicated there is a separate process for parcel line re-descriptions that is handled by staff.

Mr. Sikora asked when public notice is provided is that done by address or parcel number.

Ms. Johnston stated that because this is a use permitted by right, public notice was not required.

Vice Chairperson Sterenberg asked if the applicant would like to speak.

Mr. Isaac Hinkle, 6701 South 6<sup>th</sup> Street, representing One Way Products indicated he would be happy to answer any questions the Board might have.

Mr. Anderson asked if this facility was going to be an expansion of their existing facility in Kalamazoo or were they moving their operations.

Mr. Hinkle stated that they were moving all operations to KL Avenue.

Vice Chairperson Sterenberg asked if there were any other Board questions. Hearing none, he asked if there were any public comments. Also hearing none, he moved to Board discussion.

Mr. Loy stated the site plan was pretty straight forward. Vice Chairperson Sterenberg indicated that it looked like an extensive project and property and he welcomed the new business to Oshtemo. With those comments, Vice Chairperson Sterenberg stated he would entertain a motion.

Mr. Loy made a motion to approve the site plan for One Way Products, including the three conditions indicated by staff. Mr. Sikora supported the motion. The motion was approved unanimously.

**SITE PLAN REVIEW (SMT LAND DEVELOPMENT, 6963 WEST KL AVENUE) APPLICANT, SMT REAL ESTATE DEVELOPMENT, IS REQUESTING SITE PLAN REVIEW FOR A NEW OFFICE DEVELOPMENT AT 6963 WEST KL AVENUE. PARCEL NO. 3905-23-305-030.**

Vice Chairperson Sterenberg introduced the next agenda item and asked for a staff report.

Ms. Johnston indicated the application for site plan review was for a new professional office located at 6963 West Kl Avenue. The site zoned I-1: Industrial, which allows professional offices as a permitted use. She indicated the site was approximately 1.3 acres and the applicant wished to develop a facility just under 6,000 square feet. Ms. Johnston continued stating the site plan meets all of the requirements of the Zoning Ordinance. Staff is recommending approval with two conditions, which is different than what was outlined in the staff report. The staff report included a condition related to the storm water calculations for runoff, requesting further review by the Township Engineer. The Township Engineer has had an opportunity to review those calculations and has no further issues with the site plan.

Ms. Johnston went on to say that there was a condition to place a fire hydrant on the site. This was done in error as it was thought by staff that the water line shown on the site plan was public, when in fact it is the private service line to the building. Fire hydrants cannot be placed on private lines. Therefore, staff is now recommending the conditions change to the following:

1. Prior to the issuance of the Certificate of Occupancy, a signed agreement be submitted stating the property owner will not oppose the establishment of a non-motorized special assessment district.
2. Final review by the Fire Marshal.

The request to have the Fire Marshal review the site plan one final time was to confirm that the existing hydrant satisfies fire code.

Vice Chairperson Sterenberg asked if there were any questions from the Board to staff. Hearing none, the Vice Chairperson asked if the applicant would like to speak. It was determined the applicant was not in the audience, so public comment was requested. No public comment was provided, so the Vice Chairperson requested Board discussion.

Mr. Smith asked about the house that is right at the corner of KL and 8<sup>th</sup> Street and if any enhanced setbacks were required.

Ms. Johnston indicated that all of the properties in that area are zoned I-1: Industrial so there were no enhanced dimensional requirements.

With no further Board discussion, the Vice Chairperson stated he would entertain a motion.

Mr. Sikora made a motion to approve the site plan for SMT Land Development with the two conditions outlined in the staff presentation. Mr. Loy supported the motion. The motion was approved unanimously.

**SITE PLAN REVIEW (WEST SIDE CHURCH OF CHRIST, UNADDRESSED PARCEL – 9<sup>TH</sup> STREET) APPLICANT, WEST SIDE CHURCH OF CHRIST, IS REQUESTING SITE PLAN REVIEW FOR A NEW CHURCH FACILITY ON AN UNADDRESSED VACANT PARCEL ON THE EAST SIDE OF 9<sup>TH</sup> STREET, APPROXIMATELY 1,900 LINEAR FEET NORTH OF THE WEST MAIN STREET RIGHT-OF-WAY. PARCEL NO. 3905-14-130-015.**

Vice Chairperson Sterenberg introduced the next agenda item, a site plan review for West Side Church of Christ on an unaddressed parcel on 9<sup>th</sup> Street. He requested a staff report.

Ms. Johnston provided a report, indicating the site in question is approximately 2,000 feet north of the Meijer development on West Main Street. The request is to build a new church on the parcel, which is zoned R-2: Residence District. Ms. Johnston indicated that churches are permitted by right in this zoning district.

The parcel in question is approximately 10 acres in size and the West Side Church of Christ wishes to build a 4,500 square foot facility. Ms. Johnston continued saying the site plan meets all of the dimensional requirements of the Zoning Ordinance but there are still some outstanding issues with landscaping, storm water management and non-motorized facilities. She stated that staff is recommending approval of the site plan with the following conditions:

1. A revised landscape plan shall be submitted to and approved by Township staff prior to the issuance of a building permit.
2. Site plan approval is contingent upon the Township Engineer's acceptance of the proposed stormwater retention facilities.

3. Prior to the Certificate of Occupancy, a signed agreement be submitted stating the property owner will not oppose the establishment of a non-motorized special assessment district.

Vice Chairperson Sterenberg asked if there were any questions of staff. He continued with a question about a stub road that is adjacent to the property from the West Port Subdivision to the east and whether it would continue through this property giving the Church access out of this street.

Ms. Culp added that there is a stub road to the north as well that is adjacent to this property and wondered if access would occur here as well. She worried about a cut through.

Ms. Johnston stated that at this time, neither of these roads were planned to continue. She indicated she would not advocate continuing a public road to a private drive to the Church. However, she said that if the properties to the south of this parcel develop, a road easement may be required to connect the stub street to the east to future development.

Mr. Sterenberg asked if the Church ever wanted to connect to that road, would there be a requirement for approval to connect.

Ms. Johnston stated there would be requirements for approval.

Hearing no more questions, the Vice Chairperson asked if the applicant wished to speak, requesting their name and address for the record and their role with the project.

Mr. Bruce Vander Weele, 6330 Torrington, stated he is the engineer of record for the project and was happy to answer any questions the Board may have.

Vice Chairperson Sterenberg asked if there were any questions to the applicant and hearing none, asked if there was anyone in the audience who wished to speak on this agenda item. Hearing none, he opened up the floor to Board discussion.

Ms. Culp asked if the project was going to be connected to the public sewer.

Ms. Johnston stated yes, to both public sewer and water.

Hearing no further discussion, Vice Chairperson Sterenberg requested a motion.

Mr. Loy made a motion to approve the site plan for West Side Church of Christ, including the three conditions indicated by staff. Mr. Sikora supported the motion. The motion was approved unanimously.

**SITE PLAN REVIEW (GLCMG GARAGE, 4155 SOUTH 9<sup>TH</sup> STREET) APPLICANT, BOSCH ARCHITECTURE, IS REQUESTING SITE PLAN REVIEW FOR A NEW ACCESSORY GARAGE BUILDING ON AN EXISTING DEVELOPED SITE AT 4155 SOUTH 9<sup>TH</sup> STREET. PARCEL NO. 3905-35-405-031.**

Vice Chairperson indicated that item 8 on the agenda was a site plan review for GLCMG Garage on 9<sup>th</sup> Street and requested a staff report.

Ms. Johnston stated that the request is to add a garage to an existing site, which used to be the Kalamazoo Valley Bookstore at 4155 South 9<sup>th</sup> Street. The applicant is updating the existing building to allow for an office use and has requested the approval of a new garage. Ms. Johnston continued that the site is 1.75 acres and the existing building is approximately 6,000 square feet. The new garage will be 2,000 square feet. All of the Zoning Ordinance requirements have been met except for some final issues with landscaping and parking. The existing site currently has parking spaces but they were developed at 9 feet by 20 feet in size, which is nonconforming to the Ordinance, which required 10 foot by 20 foot spaces. The applicant is providing some new asphalt on the site, so staff saw this as an opportunity to update the existing spaces. The current count on the site plan is 27 spaces. Staff would like to see this be reduced to 24 spaces to allow for the restriping to meet the Ordinance requirements.

Ms. Johnston continued that the landscape buffer along 9<sup>th</sup> Street is meeting eight bushes, which are required by the Landscaping Ordinance. Staff is recommending approval, but with the following conditions:

1. A revised landscape plan is to be submitted to the Township, indicating the required eight shrubs within the landscape buffer area along 9<sup>th</sup> Street.
2. The total number of parking spaces provided is to be adjusted down from 27 to 24 and the remaining spaces are to be no smaller than 10' by 20' in size.
3. Prior to the Certificate of Occupancy, a signed agreement be submitted stating the property owner will not oppose the establishment of a non-motorized special assessment district.

Vice Chairperson asked if there were any questions of staff. He continued asking about the landscaping and whether that would have been part of the original site plan, wondering why we were requesting it as part of this site plan.

Ms. Johnston stated that whenever new development occurs on an existing site, staff try to bring it in to compliance with the current codes. She stated that shrubs could have been required at the time of the original site plan, or the landscaping requirements may have been different. She also said that it is possible they died over the years and were never replanted. But, when new site plans are submitted, if it is possible to fit them into an existing site then all landscaping is required.

Vice Chairperson Sterenberg asked if staff had made the applicant aware of these conditions and were there any concerns.

Ms. Johnston indicated that Ben Clark, the Zoning Administrator, was in charge of this review and that she believed the staff report was sent to the applicant and no concerns were raised.

Mr. Sterenberg asked if there were any other questions to staff. Hearing none, he asked the applicant if they wished to speak.

Ms. Scott Carter, indicated his office address at 4155 South 9<sup>th</sup> Street. He indicated that Bosch is the architect for the project and that they reviewed staff's requests. Mr. Carter stated they will alter the widths of the parking spaces from 9 feet to 10 feet and had no concerns with adding the landscaping. He asked if any of the Board members had a chance to see the building, but significant improvements are in the process of being made and the building looks much better. The landscaping will just improve the look of the site.

Ms. Culp asked the applicant what they plan to store in the building.

Mr. Carter stated that it is a garage for the three employees that work for the management company to park their vehicles, specifically for his vehicle.

Vice Chairperson Sterenberg asked if there were any other questions for the applicant. Hearing none, he asked if there was any public comment on this agenda item. Hearing none, he opened the item to Board discussion.

Mr. Smith stated that it is nice to see improvements happening in that area. Vice Chairperson Sterenberg indicated that he drove by the site and agreed that it is a significant improvement over what was there originally.

With no more Board discussion, the Vice Chairperson entertained a motion on the site plan.

Mr. Sikora made a motion to approve the site plan for GLCMG Garage with the conditions outlined in the staff presentation. Mr. Anderson supported the motion. The motion was approved unanimously.

**SITE PLAN REVIEW (WAL-MART REAL ESTATE BUSINESS TRUST, 501 NORTH 9<sup>TH</sup> STREET) APPLICANT, WAL-MART REAL ESTATE BUSINESS TRUST, IS REQUESTING SITE PLAN REVIEW FOR A NEW EMPLOYEE TRAINING BUILDING ON THEIR EXISTING SITE AT 501 NORTH 9<sup>TH</sup> STREET. PARCEL NO. 3905-14-305-022.**

Vice Chairperson Sterenberg indicated agenda item number 9 is site plan approval for a new employee training center on the existing Wal-Mart property. He requested staff provide their report.



Ms. Johnston indicated that the site is located at 501 North 9<sup>th</sup> Street, where the existing Wal-Mart facility is currently located. The applicant would like to place a new regional employee training center on the site, within the existing parking lot. She continued stating the site is 31 acres and currently have 991 parking spaces.

Ms. Johnston indicated that the current Wal-Mart facility has a total square footage of 222,206 and the new facility would be 3,075 square feet. Placing the new facility within the existing parking lot would require Wal-Mart to lose 39 parking spaces. According to staff's calculations, the site is required to have 1,051 spaces. The current total of 991 is 60 less than required. Eliminating an additional 39 will bring their count down to 952 spaces, which is almost 100 less than required.

Section 68.600 of the Off-Street Parking Ordinance allows the ZBA to grant relief from the parking space count for existing sites if a practical difficulty or existing hardship is present, provided the spirit and intent of the section is upheld. The applicant has indicated that this area of the parking lot is underutilized and the removal of spaces here will not alter the functionality of the site. Ms. Johnston indicated that staff concurs with the applicants assessment and would include the placing the building outside of the parking lot would increase the impervious surface on the site and require additional engineering to manage storm water runoff. Their current system is designed to handle the existing impervious surface.

Staff recommends approval of the Wal-Mart Employee Training Building site plan, with the following two conditions:

1. Per section 68.600, the minimum number of required parking spaces for this site are to be reduced from the required 1,051 down to 952.
2. A revised site plan is to be submitted prior to the issuance of a building permit, indicating all nearby hydrants currently located on the site. It will then be at the Fire Marshal's discretion whether or not a new hydrant will be required.

Vice Chairperson Sterenberg asked the Board if there were any questions of staff. Mr. Sikora asked if staff knew why there were less spaces than required already on the site. Ms. Johnston indicated that she did not know why the parking was less than required. However, she did indicate that staff base parking on net square footage of the building unless a floor plan is provided that offers more detailed information about the square footage of the building. It is possible at the time of Wal-Mart's approval, they submitted a floor plan and parking was based off of that. Staff based the 1,051 required spaces of 70 percent net square footage.

Mr. Loy indicated that he thought at the time of Wal-Mart's approval, there was some shared parking approved between the Wal-Mart site and the adjacent strip commercial located along 9<sup>th</sup> Street. Mr. Smith stated that we also did not want to pave more land than was absolutely needed. There is already enough parking on the site.

Chairperson Sterenberg clarified with staff that the Zoning Board of Appeals can provide this parking relief as allowed by the Zoning Ordinance and that an actual variance is not required.

Ms. Johnston stated that is correct. The Ordinance allows for relief to space requirements through a site plan review.

Chairperson Sterenberg asked if there were any additional questions of staff. Hearing none, he asked if the applicant wished to speak.

Steve Kindel, Bartlett, TN, indicated he represents Carlson Consultants, who are the site designers for Wal-Mart. He indicated that they reviewed aerial photography of the site for a number of years to find the best location for this new building. Through that photography they found that this area of the parking lot was the most underutilized. In addition, Wal-Mart has studied parking very extensively and have determined a functional model for sites of this size, which is about 4 spaces for every 1,000 square feet, and in fact this site is over parked based on their model. The loss of 39 spaces will not hinder the site in any way. Finally, the site chosen was outside of the truck circulation for the site.

Chairperson Sterenberg asked if there were any questions of the applicant. Mr. Loy asked what "regional" met. Mr. Kindel stated he was not sure what regional meant, but he indicated that this is called the Wal-Mart Academy and that this site was chosen because of the success of this site. He continued saying he didn't think regional was too far, because a number of these new buildings have been developed and are planned to be developed.

Chairperson Sterenberg asked if there was any further Board discussion. Mr. Loy felt the new building would not impact the site. Mr. Smith concurred saying it might only effect campers or overnight truck drivers.

Mr. Loy made a motion to approve the site plan for a new employee training center on the existing Wal-Mart site, allowing the parking count to be reduced to 952 and the remaining condition outlined in the staff presentation. Mr. Smith supported the motion. The motion was approved unanimously.

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

Ms. Johnston reminded the Board that a special meeting is scheduled for August 9<sup>th</sup> to hear a variance request and that the regularly scheduled meeting of August 23<sup>rd</sup> will still be needed for another variance request.

## **Adjournment**

Vice Chairperson Sterenberg noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, adjourned the meeting at approximately 3:49 p.m.

Minutes prepared:  
August 3, 2016

Minutes approved:  
August 9, 2016