

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

**MINUTES OF A REGULAR MEETING HELD DECEMBER 13, 2022 AT
OSHTEMO TOWNSHIP HALL, 7275 WEST MAIN STREET**

Agenda

SITE PLAN APPROVAL: TAPLIN

GLAS ASSOCIATES, ON BEHALF OF THE OWNER, TAPLIN PROPERTIES LLC, WAS REQUESTING SITE PLAN APPROVAL TO DEMOLISH THREE EXISTING BUILDINGS ON-SITE TO CONSTRUCT A 32,875 SQUARE FOOT REPAIR AND STORAGE FACILITY AT 5070 W. MICHIGAN AVENUE.

A meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, December 13, 2022, beginning at approximately 3:02 p.m.

ALL MEMBERS WERE PRESENT: Anita Smith, Chair
 Dusty Farmer
 Fred Gould
 Harry Jachym
 Micki Maxwell
 Louis Williams, Vice Chair

Also present were Iris Lubbert, Planning Director, Colten Hutson, Zoning Administrator, Jim Porter, Township Attorney, Martha Coash, Recording Secretary, and two guests.

Call to Order

Chairperson Smith called the meeting to order and those present joined in reciting the Pledge of Allegiance.

Approval of Agenda

There were no changes to the agenda; the Chair asked for a motion.

Mr. Gould made a motion to approve the meeting agenda as presented. Ms. Farmer seconded the motion. The motion was approved unanimously.

The Chair moved to the next agenda item.

Public Comment on Non-Agenda Items

As no one wished to speak, the Chair moved to the next item.

Approval of the Minutes of November 15, 2022

Chairperson Smith asked if there were any changes to the minutes of November 15, 2022. She noted 7. C. in the staff recommendations for approval of the requested site plan incorrectly referred to the “BRT project” rather than the “BTR project” and asked for a motion.

Ms. Maxwell made a motion to approve the Minutes of November 15, 2022 as presented with the correction as noted. Ms. Farmer seconded the motion. The motion was approved unanimously.

The Chair moved to the next agenda item and asked for the staff presentation.

SITE PLAN APPROVAL: TAPLIN GLAS ASSOCIATES, ON BEHALF OF THE OWNER, TAPLIN PROPERTIES LLC, REQUESTED SITE PLAN APPROVAL TO DEMOLISH THREE EXISTING BUILDINGS ON-SITE TO CONSTRUCT A 32,875 SQUARE FOOT REPAIR AND STORAGE FACILITY AT 5070 W. MICHIGAN AVENUE IN THE I-2 INDUSTRIAL DISTRICT. (PARCEL 05-24-485-041)

Mr. Colten Hutson, Zoning Administrator, provided a summary of the project requesting site plan approval to demolish three existing buildings on-site to construct a 32,875 SF building located at 5070 W Michigan Avenue. As it will continue to be used as a repair and storage facility, the centralized newly proposed building will provide for an all-inclusive, weather proofed space for the storage of vehicles, equipment, tools, etc. 2,250 SF of the new maintenance and storage facility will be utilized as designated office space.

He noted the applicant indicated the three existing structures located on-site have critical functions to the operation of the business and will need to remain on-site for operational purposes until the new structure is completed. Once the new facility is constructed, the existing three structures will be demolished.

Mr. Hutson provided an analysis of the request in light of code section 64 criteria for site plan review, indicating overall, most of the requirements of Section 64 have been met and pointing out items for which Staff recommended conditions be required for approval. He noted further review and approvals of the conditional items can be handled administratively.

Sidewalk Deviation Request:

Mr. Hutson noted Section 57.90 of the Zoning Ordinance requires that an interior sidewalk network be provided at the time of a site plan review unless the reviewing body grants a deviation from this provision. An internal sidewalk that extends from the proposed 6 Ft wide concrete sidewalk abutting the public right-of-way would be required to provide a connection to the main entrance on the east side of the proposed principal building.

The installation of a sidewalk to the building would enhance the site’s overall accessibility; however, the applicant was requesting that the Zoning Board of Appeals grant a deviation from this requirement as an internal sidewalk from the non-motorized facility at the road to the principal building raises a security issue.

The applicant indicated there have been several instances in recent years of vandalism and theft occurring on-site. Moreover, there have been over four notable instances of vehicles being stolen from the site, and countless cases of supplies being stolen by individuals traveling on foot. The site will be accessed through access-controlled devices and limited to individuals that have proper credentials.

With the site operating as a true industrial use (not truly intended for foot traffic), and due to the several security concerns, staff felt the applicant’s request for a deviation from installing a sidewalk connection from the road to the building was reasonable and recommended the Zoning Board of Appeals approve the deviation request.

RECOMMENDATION:

Mr. Colten said Staff recommended the Zoning Board of Appeals approve the proposed Site Plan for a 32,875 SF building at 5070 W Michigan Avenue with the following 12 conditions:

- 1) **SIDEWALK DEVIATION:** The Zoning Board of Appeals finds the request to deviate from Section 57.90 to not install a sidewalk connection from the proposed principal building to the proposed non-motorized facility abutting the public right-of-way appropriate for this industrial site.
- 2) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner’s Office will be required prior to building permit issuance.
- 3) A permit by the Road Commission of Kalamazoo County authorizing work within the public right-of-way will be required prior to building permit issuance.
- 4) All watermain connections shall be coordinated with the City of Kalamazoo Department of Public Services. A copy of the City of Kalamazoo water permit shall be provided prior to building permit issuance. Acceptance of watermain construction and testing must be provided prior to issuing a certificate of occupancy.

- 5) Finalization for the design of the non-motorized facility or any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
- 6) An updated application and site plan outlining the correct square footage of the proposed principal building on-site will be required to be submitted to the Township prior to building permit issuance.
- 7) An updated site plan shall be submitted to the Township that illustrates all areas being used for outdoor storage on-site prior to building permit issuance.
- 8) Prior to any occupancy of the proposed principal building, the existing three structures shall be demolished.
- 9) Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
- 10) All non-motorized facilities on the approved site plan shall be installed prior to issuing a certificate of occupancy.
- 11) No outdoor storage shall be allowed within the front yard nor the front, side, or rear yard setbacks.
- 12) If ownership between 5070 W Michigan Avenue and 5100/5140 W Michigan Avenue changes, a cross-access agreement will be required.

Chairperson Smith thanked Mr. Hutson for his presentation and asked if board members had questions.

Mr. Farmer asked for further clarification of the need for a sidewalk deviation.

Ms. Lubbert explained that in addition to the applicant's safety and security concerns, the site under consideration will only be used for the industrial use's operations and a staff office. This property is not meant to be accessed by the public or even clients, the entire property will be fenced and only accessible with proper credentials. It should be noted that the applicant has an office space on a separate parcel directly to the west which is used for meetings with the public. For these reasons, the sidewalk connection to the building from the road, which is intended to improve public access to the site, is not needed. She noted a separate motion will be required regarding the deviation request.

The Chair asked why 90 parking spaces are needed if no public will utilize the site.

Ms. Lubbert said the number is based on the township's parking ordinance which does not address private vs. public access.

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

Mr. Adam Harvey, Glas Associates, indicated the current three buildings serve a maintenance and repair function. Current elements will be consolidated to help eliminate outdoor storage and to expand the capacity for maintenance and repair. Foot traffic will occur at the neighboring 5140 W. Michigan location; there will be no

pedestrian access at this location. Parking spots will accommodate employee and company vehicles. At least one employee is required per company vehicle, which increases the number of employee vehicles in the lot. He stated that the 90 parking spaces is appropriate for the site to operate.

Chairperson Smith thanked Mr. Harvey for his clarifications and moved to Board Deliberations.

Mr. Williams indicated the motion for deviation approval would need to be clear on what is and is not meant by the board.

Ms. Farmer said she felt the deviation rationale made sense, had no further questions and supports the staff recommendation. Ms. Maxwell agreed.

Ms. Farmer made a motion to approve the request for sidewalk deviation from Section 57.90 as recommended by staff, based on 1) safety and security concerns, 2) the property is an industrial use, and 3) that the building is not intended for public access. If in the future the building does provide public access, this deviation can be revoked. Mr. Williams seconded the motion. The motion was approved unanimously.

Ms. Farmer made a motion to approve the Site Plan Approval as requested subject to the 12 criteria as recommended by staff:

- 1) Granting the requested SIDEWALK DEVIATION per previous motion.
- 2) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
- 3) A permit by the Road Commission of Kalamazoo County authorizing work within the public right-of-way will be required prior to building permit issuance.
- 4) All watermain connections shall be coordinated with the City of Kalamazoo Department of Public Services. A copy of the City of Kalamazoo water permit shall be provided prior to building permit issuance. Acceptance of watermain construction and testing must be provided prior to issuing a certificate of occupancy.
- 5) Finalization for the design of the non-motorized facility or any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
- 6) An updated application and site plan outlining the correct square footage of the proposed principal building on-site will be required to be submitted to the Township prior to building permit issuance.
- 7) An updated site plan shall be submitted to the Township that illustrates all areas being used for outdoor storage on-site prior to building permit issuance.
- 8) Prior to any occupancy of the proposed principal building, the existing three structures shall be demolished.
- 9) Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.

- 10) All non-motorized facilities on the approved site plan shall be installed prior to issuing a certificate of occupancy.
- 11) No outdoor storage shall be allowed within the front yard nor the front, side, or rear yard setbacks.
- 12) If ownership between 5070 W Michigan Avenue and 5100/5140 W Michigan Avenue changes, a cross-access agreement will be required.

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

Other Updates and Business

Ms. Lubbert indicated this was the last meeting of 2022 and wished everyone happy holidays and new year.

She said the ZBA would meet in January 2023.

Adjournment

Chairperson Smith noted the Zoning Board of Appeals had exhausted its agenda. There being no other business, she adjourned the meeting at approximately 3:28 p.m.

Minutes prepared:
December 16, 2022

Minutes approved:
January 24, 2023