

June 1, 2018



**Meeting Date:** June 14, 2018

**To:** Planning Commission

**From:** Julie Johnston, AICP  
Planning Director

**Applicant:** Adam Barker  
Advanced Poured Walls

**Owner:** Robert Redmon

**Property:** Parcel No. 3905-34-155-018

**Zoning:** I-1: Industrial District

**Request:** I-3: Industrial District

**Section(s):** Section 41 – I-1: Industrial District, Manufacturing/Serviceing  
Section 43 – I-3: Industrial District, Special

## OVERVIEW

For the past several years, Advanced Poured Walls has been placing large quantities of concrete debris on their property at the northeast corner of Stadium Drive and 6<sup>th</sup> Street. This concrete is then milled generally once a year. Both the location of the stored materials and the milling process are in violation of the *I-1: Industrial District*. The Township began enforcement actions to request the removal of the storage and milling operation. Staff has been working with the applicant for a little over a year to try and find a solution to the zoning concerns related to their business.

The Township has had several meetings with the applicant to review options related to the zoning and compatibility concerns while still allowing the business to operate. Milling operations are only permitted within the *I-3: Industrial District*. To that end, staff recommended finding a location on the subject property for this District that would both meet the applicants needs as well as the criteria of the Township's Master Plan.

The property in question is a total of 17.48 acres zoned *I-1: Industrial District, Manufacturing/Serviceing*. Of this total acreage, the applicant wishes to rezone a little over four acres in the northeast corner of the parcel to *I-3: Industrial District, Special*. Please see the attached map for the location of the proposed rezoning.

## CONSIDERATIONS

The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some

generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

1. Master Plan Designation

The Future Land Use Map does not specifically delineate locations for the *I-3: Industrial District*. Instead, it provides areas within the Township where general industrial uses should be permitted, and then details criteria for the allowance of heavy industrial uses. The Future Land Use Plan states the following:

*“The General Industrial designation is the primary designation for industrial development in the Township and a source for many important higher wage jobs in the community. The designation includes both light and general industrial uses (including those industrial uses described in the Research Office Industrial designation above), warehouse and distribution facilities, heavy commercial, and storage facilities. They are in various locations around the Township where such development has already occurred, such as along KL Avenue, Stadium Drive, and 8th Street. It is intended that future development be consistent with the development that already exists. **Heavy industrial uses should be located on large parcels where significant setbacks from property lines, particularly from street rights-of-way and residential properties can be achieved to effectively screen these uses from view.**”*

The property in question is designated as General Industrial, meeting the first standard for a rezoning. The location of the proposed rezoning in the far northeast corner of the parcel also meets the criteria outlined above in the Master Plan. The request will be as far from both Stadium Drive and 6<sup>th</sup> Street as possible, distances of approximately 600 and 460 linear feet, respectively. In addition, it is surrounded on all sides by other properties zoned and use for industrial purposes, eliminating the need to try and screen from residential uses.

2. Consistency of the Zoning Classification in the General Area

All of the properties surrounding the subject site are zoned *I-1: Industrial District*, except for the residential properties found approximately 900 feet north of Stadium Drive. These properties are zoned *RR: Rural Residential*. The distance from these residential properties to the requested location of the *I-3: Industrial District* is approximately 650 linear feet.

The permitted uses allowed in the I-3 District are grain equipment and processing, fuel and feed yards, storage of gasoline, and automobile and other salvage yards, which has some specific conditions related to the outdoor storage of materials. Staff has determined that the concrete storage and milling of Advanced Poured Walls is analogous to a salvage yard.

Based on the distances from the adjacent Rural Residential properties, the placement of the I-3 zoning in the proposed location will provide some protections to these homes. In addition, the limited size of the requested rezoning should limit the impact of the rezoning. If other permitted I-3 uses were carried out in the future, their scope would be limited to the 4-acre size of the I-3 request, which is encompassed by I-1 zoning. If approved, this will be the only location in the Township where I-3 zoning exists.

### 3. Consistency and Compatibility with General Land Use Patterns in the Area

The predominate land use pattern along Stadium Drive in this area is industrial. The Stadium Park Way industrial park is in the process of being completely built out. Recently, National Flavors completed their new facility at the northwest corner of Stadium Drive and Stadium Park Way. Across the street to the east, a new mini storage facility was recently constructed. Finally, the 17-acre parcel at the terminus of Stadium Park Way was sold for a new manufacturing facility for Select Hinges.

For a certain distance along 6<sup>th</sup> Street north of Stadium Drive is also industrial or government uses. At the northwest corner of Stadium and 6<sup>th</sup> Street is the Spartan Paperboard Company. Immediately north of that facility is Oshtemo Fire Station 2 and then the large ITC electrical easement, which is around 200 linear feet in width. At this point on the west side of 6<sup>th</sup> Street, the residential land uses begin.

On the east side of 6<sup>th</sup> Street moving north is Advanced Poured Walls, then S & T Lawn Service, and a long-standing contractors yard. At that point, land uses change to residential, which is just over 2,000 linear feet north of Stadium Drive.

### 4. Utilities and Infrastructure

Utilities and infrastructure are often considered in a request for rezoning to ensure that public facilities can service any possible development that would occur on the site. Public water is available along 6<sup>th</sup> Street and sanitary sewer is currently available on 6<sup>th</sup> for approximately 500 feet from Stadium Drive.

### 5. Reasonable Use under Current Zoning Classification

The uses permitted under the current zoning classification are myriad, but the District is primarily designed for manufacturing, warehousing, contractors yards, automotive repair, and outdoor storage. While the contractor component of the Advance Poured Walls business is permitted under the I-1 District, the storage and milling of salvageable materials, specifically concrete, is not permitted. The requested rezoning to the I-3 District may be a possible solution to allow Advance Poured Walls to retain their concrete milling operation.

### 6. Effects on Surrounding Property

Allowing the rezoning to the I-3 District and moving the milling operation from the corner of Stadium and 6<sup>th</sup> Street will have a positive effect on neighboring properties and the visual aesthetics of this area. With that said however, the milling operation is not a permitted use. If the I-3 rezoning is not approved, the Township will require the storage and milling of concrete to cease in this area.

Moving the operation to the northeast corner of the subject parcel places it further away from 6<sup>th</sup> Street and Stadium drive, centering it between existing industrial uses. In addition, the tree cover in this extent will also provide some screening to both the residential and industrial uses in the area. Finally, as stated above, the size of the requested 1-3 zoning should limit the impacts of future uses on adjacent properties.

## RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of approximately 4-acres on the subject property from the *I-1: Industrial District, Manufacturing/Servicing* to the *I-3: Industrial District, Special* for the following reasons:

1. The proposed rezoning is consistent with the Township's Future Land Use Plan.
2. The requested location of the I-3 District helps to manage compatibility concerns with adjacent zoned and used industrial and residential properties.
3. The limited acreage requested for the I-3 District rezoning will ensure future impacts are minimized.

Respectfully submitted,



Julie Johnston, AICP  
Planning Director

Attachments: Application  
Aerial map  
Zoning Map  
Future Land Use Map



7275 W. Main Street, Kalamazoo, Michigan 49009-9334  
Phone: 269-216-5223 Fax: 269-375-7180

**PLEASE PRINT**

PROJECT NAME & ADDRESS \_\_\_\_\_

**PLANNING & ZONING APPLICATION**

Applicant Name : ADAM BARILETZ  
Company ADVANCE POURED WALLS  
Address 3425 S 6TH ST  
KALAMAZOO, MI 49009  
E-mail ADAM@APWMI.COM  
Telephone 269-372-0056 Fax 269-372-3722  
Interest in Property \_\_\_\_\_

THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY

Fee Amount \_\_\_\_\_  
Escrow Amount \_\_\_\_\_

**OWNER\*:** ROBERT REDMON

Name \_\_\_\_\_  
Address SAME  
Email \_\_\_\_\_  
Phone & Fax \_\_\_\_\_

(\*If different from the Applicant)

**NATURE OF THE REQUEST:** (Please check the appropriate item(s))

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: \_\_\_\_\_

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): \_\_\_\_\_

REZONE PORTION OF PROPERTY TO I-3

**LEGAL DESCRIPTION OF PROPERTY** (Use Attachments if Necessary):

**PARCEL NUMBER:** 3905- 34-155-018

**ADDRESS OF PROPERTY:** S 6TH ST

**PRESENT USE OF THE PROPERTY:** VACANT

**PRESENT ZONING** I-1

**SIZE OF PROPERTY** 17.5 Acres

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS  
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

**Name(s)**

**Address(es)**

**SIGNATURES**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.*

**Owner's Signature** (\* If different from Applicant)

**Date**

*Robert A. ...*  
**Applicant's Signature**

4/18/18  
**Date**

*William ...*  
\*\*\*\*\*

4/18/18

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

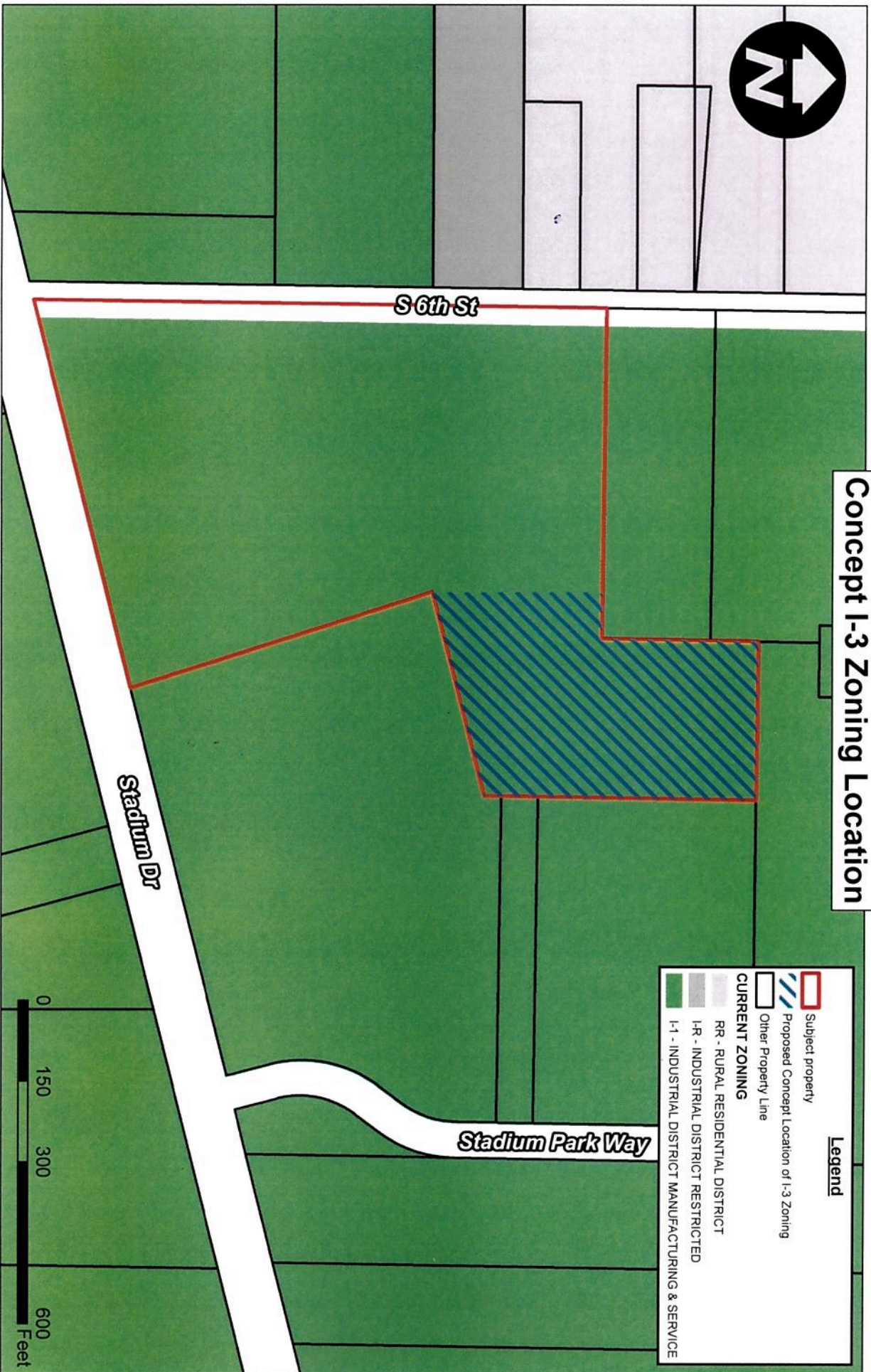
**Copies to:**

- Planning Dir.-1
- Applicant -1
- Clerk -1
- Deputy Clerk, (only if Escrow)
- Attorney-1
- Assessor -1
- Planning Secretary - Original

2



# Concept I-3 Zoning Location



**Legend**

- Subject property
- Proposed Concept Location of I-3 Zoning
- Other Property Line

**CURRENT ZONING**

- RR - RURAL RESIDENTIAL DISTRICT
- I-1 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- I-R - INDUSTRIAL DISTRICT RESTRICTED





# KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

## Equalization Department

### Property Summary Details

🏠 / Equalization Department / Property Summary Details of Parcel Search

Data is ONLY updated annually. **Last updated April 18, 2018.**

For current information contact **local assessor** - Refer to List of Assessors page

Tax information contact **Treasurer (269-384-8124)**

Recorded documents contact **Register of Deeds (269-383-8970)**

### Property Summary

<b>Parcel:</b>	05-34-155-018	<b>Property Class:</b>	202 - Commercial
<b>Gov. Unit:</b>	05 - OSHTEMO TWP	<b>Previous Class:</b>	202 - Commercial
<b>School:</b>	39010 - Kalamazoo Public		
<b>Property Address:</b>	S 6TH ST KALAMAZOO, MI 49009		
<b>Owner's Name:</b>	REDMON ROBERT L		

### Owners Mailing Address:

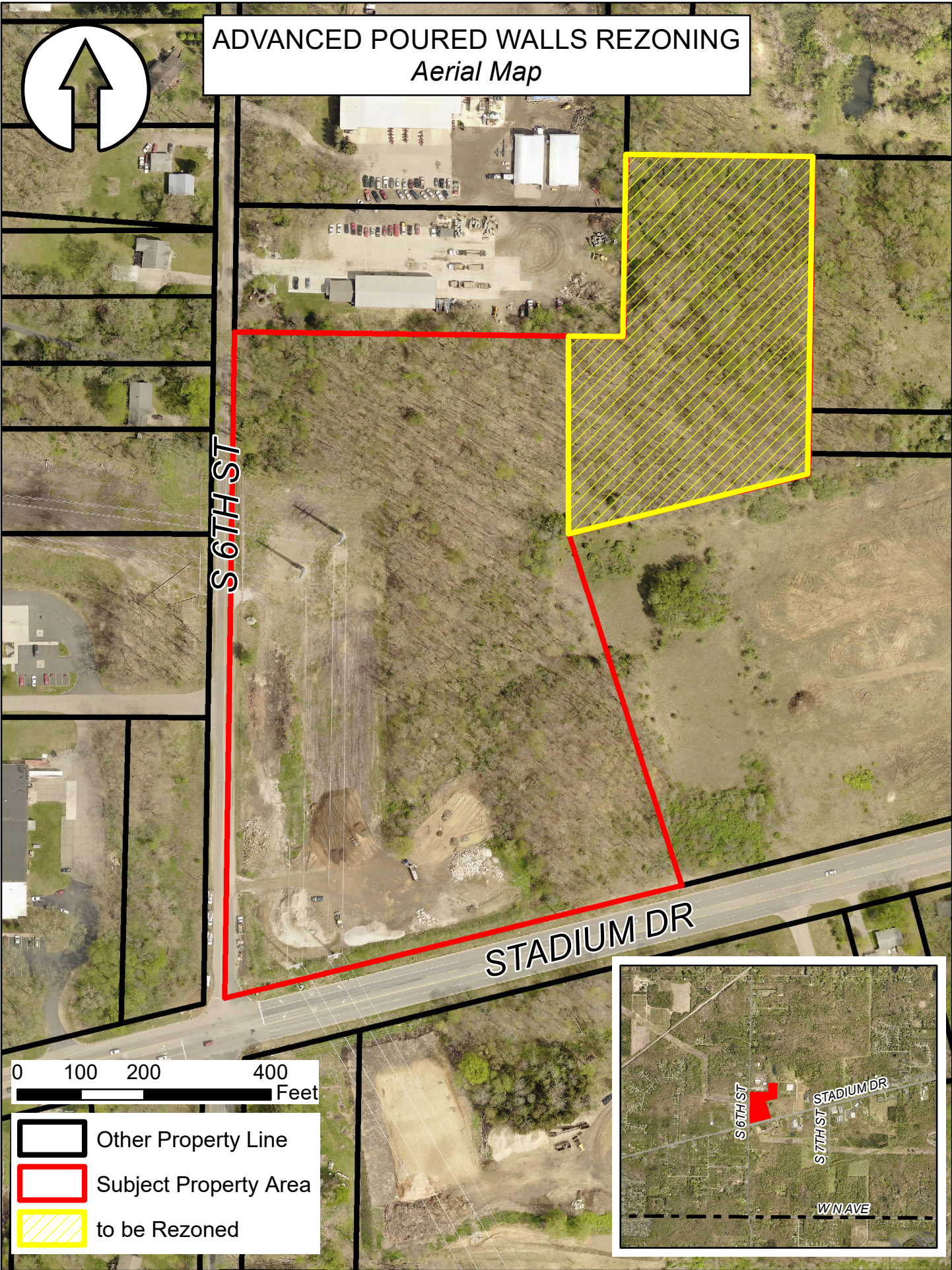
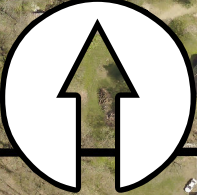
3425 SOUTH 6TH STREET  
KALAMAZOO, MI 49009

### Physical Property Characteristics

<b>2018 S.E.V.:</b>	90,200	<b>Taxable:</b>	34,820
<b>2017 S.E.V.:</b>	90,200	<b>Taxable:</b>	34,104
<b>PRE:</b>	0%	<b>Acreage:</b>	17.39
<b>Legal Description:</b>	SEC 34-2-12 BEG ON W SEC LI 1151FT S 00DEG36MIN30SEC W OF NW COR TH S 89DEG32MIN10SEC E PAR N SEC LI 613FT TH N 00DEG36MIN30SEC E 287.97FT TH S 89DEG32MIN10SEC E 295FT TH S 00DEG42MIN21SEC W 498.59FT TH S 75DEG40MIN53SEC W 389.82FT TH S 17DEG59MIN42SEC E 578.29FT TO NLY ROW W MICH AVE TH S 75DEG40MIN53SEC W THEREON 740.53FT TO W SEC LI TH N 00DEG36MIN30SEC E 1047.57FT TO BEG * **11-98 1998 SPLIT FROM 34-155-017		






# ADVANCED POURED WALLS REZONING Aerial Map

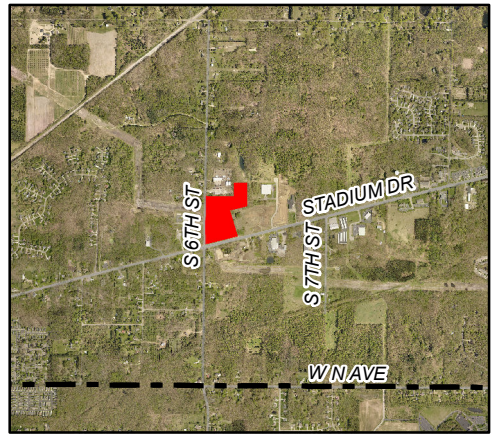


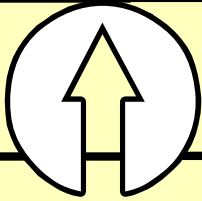
S 6TH ST

STADIUM DR

0 100 200 400 Feet

-  Other Property Line
-  Subject Property Area
-  to be Rezoned

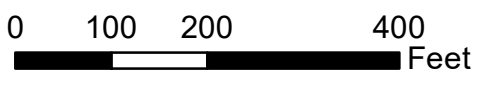




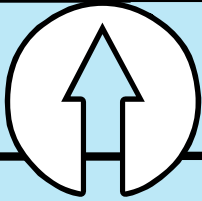
ADVANCED POURED WALLS REZONING  
*Future Land Use*

S 6TH ST

STADIUM DR



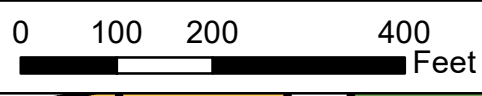
	Other Property Line	<b>Future Land Use</b>	
	Subject Property Area		Rural Residential
	to be Rezoned		General Industrial



ADVANCED POURED WALLS REZONING  
*Current Area Zoning*

S 6TH ST

STADIUM DR



Other Property Line	<b>Current Zoning</b>
Subject Property Area	RR - RURAL RESIDENTIAL DISTRICT
to be Rezoned	R3 - RESIDENCE DISTRICT
	I-R - INDUSTRIAL DISTRICT RESTRICTED
	I-1 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE