

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD MAY 26, 2016

Agenda

PUBLIC HEARING: CONDITIONAL REZONING (WEATHERVANE SELF-STORAGE) CONSIDERATION OF AN APPLICATION FROM WEATHERVANE FARMS DEVELOPMENT, INC. ON BEHALF OF THOMAS AND CAROLE DEBOER, FOR A REZONING WITH A VOLUNTARY SET OF CONDITIONS OF APPROXIMATELY 10.82 ACRES PURSUANT TO SECTION 53 OF THE TOWNSHIP ZONING ORDINANCE TO A SELF-STORAGE FACILITY AT 4221 SOUTH 9TH STREET FROM THE I-R: INDUSTRIAL DISTRICT, RESTRICTED TO THE I-1: INDUSTRIAL DISTRICT, MANUFACTURING/SERVICES DISTRICT. PARCEL NO. 3905-405-060.

Old Business:

Village Form-Based Code Overlay District

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 26, 2016, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Millard Loy, Chair
Fred Antosz
Kimberly Avery
Wiley Boulding, Sr.
Dusty Farmer
Mary Smith

MEMBERS ABSENT: Pam Jackson

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Approximately 10 other persons were in attendance.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Loy at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

Agenda

Chairperson Loy asked if there were any additions, deletions or corrections to the Agenda. Hearing none, he called for a motion to accept the Agenda as presented.

Mr. Antosz made a motion to accept the agenda as presented. Ms. Avery seconded the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Loy asked if any members of the audience cared to speak on non-agenda items. As no one responded he proceeded to the next agenda item.

Approval of the Minutes of May 12, 2016

Chairperson Loy asked if there were any additions, deletions or corrections to the minutes of May 12, 2016. Hearing none, he asked for motion to approve the minutes.

Mr. Boulding, Sr. made a motion to approve the minutes of May 12, 2016 as presented. Mr. Antosz seconded the motion. The motion was approved unanimously.

PUBLIC HEARING: CONDITIONAL REZONING (WEATHERVANE SELF-STORAGE) CONSIDERATION OF AN APPLICATION FROM WEATHERVANE FARMS DEVELOPMENT, INC. ON BEHALF OF THOMAS AND CAROLE DEBOER, FOR A REZONING WITH A VOLUNTARY SET OF CONDITIONS OF APPROXIMATELY 10.82 ACRES PURSUANT TO SECTION 53 OF THE TOWNSHIP ZONING ORDINANCE TO A SELF-STORAGE FACILITY AT 4221 SOUTH 9TH STREET FROM THE I-R: INDUSTRIAL DISTRICT, RESTRICTED TO THE I-1: INDUSTRIAL DISTRICT, MANUFACTURING/SERVICES DISTRICT. PARCEL NO. 3905-405-060.

Mr. Loy moved to the next item on the agenda and asked Ms. Johnston to review the request for conditional rezoning from Weathervane Farms Development, Inc.

Ms. Johnston explained the applicant was requesting the Planning Commission consider a conditional rezoning of a 10.82 acre parcel from the existing I-R: Industrial District, Restricted to the I-1: Industrial District as allowed by *Section 53.00: Conditional Rezoning* of the Zoning Ordinance. The subject parcel is addressed as 4221 South 9th Street, which is located on the east side of 9th Street just north of Technology Avenue. The previous use of the property was V & V Lumber, which has been out of business for approximately five years. The current I-R District does not permit the use desired by the applicant. After discussion with Planning staff, the applicant was informed that a traditional rezoning to the I-1 District for this parcel was unlikely and therefore the requested use of a self-storage facility would not be permitted. This prompted the applicant to seek the conditional rezoning.

She said conditional rezoning is a mechanism that allows anticipated concerns or unique circumstances to be addressed or managed by attaching conditions to a rezoning request. The conditional rezoning process follows the same steps and procedure as a traditional rezoning with the exception that the applicant may offer conditions that place additional restrictions or limitations on their property.

Ms. Johnston said the property subject to the rezoning request is 10.82 acres with approximately 246 feet of frontage on the South 9th Street. The property is currently owned by Thomas and Carole DeBoer, and the applicant has an option to purchase pending various approvals. The owner has given consent to this application.

She explained the property previously housed V & V Lumber, which developed approximately the first 650 linear feet of the property east of South 9th Street. The remaining 500 linear feet to the east property line remained undeveloped. Originally, six large warehouse buildings were located on the property. The recent development of the transmission lines installed by ITC necessitated the removal of two buildings along the southern boundary of the property, leaving four buildings on site. She noted the ITC electrical transmission line traverses the property along the southern boundary the full length of the parcel. At the right-of-way line for South 9th Street, the utility easement is 102 feet in width, gradually increasing to 180 feet in width at the east property line. The easement agreement restricts the placement of buildings or other above ground structures that the utility feels would interfere with their use of the easement. The parcel at its widest point is 378 linear feet and reduces to 370 linear feet at the eastern property line. At the western parcel line, the easement reduces this buildable width to 276 linear feet and to 190 linear feet at the eastern property line.

Ms. Johnston said the narrowing of the parcel where buildings can be constructed increases the depth to width ratio of the parcel from 3:1 to 4:1. While some site activities would be allowed within the easement, such as parking, the significant encroachment of the ITC easement may impose some development challenges on the parcel.

She noted the applicant provided a concept plan and a list of 12 conditions for the Planning Commission's consideration. After talking with Attorney Porter, it was felt Condition #1 was appropriate to address at this meeting. The remaining conditions associated with the request to rezone to the I-1 District would be more appropriately addressed in the future during a special exception/site plan review process if Condition #1 were approved at this meeting.

Condition #1 would allow the property to be conditionally rezoned to the I-1: Industrial District. However, two acres immediately adjacent to South 9th Street would house uses consistent with the permitted uses in the I-R District. Allowing the front two acres, which are adjacent to the public right-of-way, to develop under the I-R District would provide some buffering to the self-storage development as well as afford some consistency in uses along South 9th Street. Ms. Johnston said Staff has no concerns with this condition.

She said while a self-storage use is not specifically indicated in the Master Plan, the design of the concept plan provided as part of the conditional rezoning application affords some compatibility with the future land use designations. The two acres adjacent to South 9th Street and intended for development under the I-R District aligns with the Transitional Mixed Use District planned for this area. Uses permitted within the I-R District include packaging of products, medical facilities, professional offices, research, financial institutions and clinics, which is similar to the uses in the Transitional Mixed Use designation. The remaining acreage intended for the self-storage facility would fall within the Research Office District. Per the Master Plan, self-storage is generally planned in areas intended for General Industrial activities.

She said the requested change to the I-1 Industrial District with conditions is generally consistent with the surrounding zoning. The request to limit most of the site to one use, self-storage, will allow the Planning Commission to ensure compatibility through the site plan review process of the special exception use requirements. In addition, allowing the frontage of the parcel to be developed under the I-R District provides some consistency of zoning and development design along South 9th Street.

Ms. Johnston said the regulatory requirements of the I-R District and the restrictions placed on the property by the ITC easement make reasonable use and development of the property challenging under existing conditions. She recommended the board approve conditional rezoning of the 10.82 acre parcel to the I-1: Industrial District. However, the two acres immediately adjacent to South 9th Street would house uses consistent with the permitted uses in the I-R district.

Chairperson Loy asked if Commissioners had questions.

Mr. Antosz asked what would happen with the conditional rezoning if the purchase of the property does not occur.

Attorney Porter indicated the property would revert to the original zoning if the sale does not occur.

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

Mr. Ian Kennedy, 3320 Bronson Blvd., who spoke on behalf of Weathervane Farms Development, Inc. agreed with the approach recommended by Ms. Johnston and said they felt they could work out a compatible agreement with ITC consistent with the proposed usage. He noted approval is needed from ITC for whatever goes on beneath the power lines and was confident that landscaping and screening plans can be worked out with both the Township and ITC. He added that ITC has signed off on a concept site plan that was submitted to the utility company. He also noted ITC would not allow a fence or trees on the easement that would interfere with the power lines.

Chairperson Loy asked if any members of the public wished to speak.

Mr. Terry Schley, 7497 Watermark Drive, Allendale MI commented that he did not agree three items in the Staff memo: 1)the interpretation of Section 75.200 regarding buffering and planting; 2) that an I-R site with more than one building must have a public road; and 3) to achieve the spirit and intent of Section 75.100, which includes compatibility and buffering and screening of unattractive features when considering outside storage of large boats and motor homes, he asked that additional screening be required and felt an eight foot fence would not be adequate.

No other audience members wished to speak; the Chair moved to Board Deliberations.

Mr. Antosz said the property would be difficult to develop given the ITC easement. He and Ms. Farmer both said they had concerns about some of the issues that will be dealt with during a site plan review.

Ms. Smith asked if an 8 – 10 foot fence would change status with ITC.

Mr. Mike Fisher of Weathervane said ITC does not want anything added in the easement. A six foot fence already exists which will be shifted forward about 40 feet in the easement area. ITC will not allow anything taller or any trees to be planted there. He noted the topography drops down in that area which makes a difference; this issue will be addressed in the site plan.

Chairperson Loy entertained a motion on the recommendation.

Mr. Antosz made a motion to approve conditional rezoning of the 10.82 acres at 4221 South 9th Street to from I-R to I-1 and that the two acres immediately adjacent to South 9th Street will house uses consistent with the permitted uses in the I-R District. The motion was supported by Ms. Avery. The motion carried 5-1, with Mr. Boulding, Sr. dissenting.

Old Business

Village Form-Based Code Overlay District

Chairperson Loy asked Ms. Johnston to address the Board regarding the Village Form-Based Code Overlay District.

Ms. Johnston noted she had planned to talk with the DDA Board at its May meeting about possible changes to the east corridor architectural standards that were discussed at the April 14 PC meeting. The May DDA meeting was cancelled due to lack of a quorum. She hopes to schedule a special meeting of the DDA in June and will talk with them at that time.

Chairperson Loy moved to the next item on the agenda.

Any Other Business

The Chairperson determined there was no other business to consider.

PLANNING COMMISSIONER COMMENTS

There were no comments from Commissioners.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 7:30 p.m.

Minutes prepared:
May 28, 2016

Minutes approved:
June 9, 2016