

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD AUGUST 11, 2016**

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**Agenda**

**PUBLIC HEARING: REZONING REQUEST**

**CONSIDERATION OF AN APPLICATION FROM JAMES GERESY, ON BEHALF OF LOUIS AND BARBARA GERESY, FOR THE REZONING OF APPROXIMATELY 47 ACRES LOCATED AT 10145 WEST KL AVENUE FROM AG: AGRICULTURAL DISTRICT TO THE RR: RURAL RESIDENTIAL DISTRICT. PARCEL NO. 3905-19-430-010.**

**PUBLIC HEARING: SPECIAL EXCEPTION USE REQUEST (WEATHERVANE STORAGE)**

**CONSIDERATION OF AN APPLICATION FROM WEATHERVANE STORAGE FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO CONSTRUCT A SELF-STORAGE FACILITY, PURSUANT TO SECTION 41.405 OF THE ZONING ORDINANCE AND THE REZONING CONDITIONS ADOPTED BY THE TOWNSHIP BOARD ON JUNE 28, 2016. THE SUBJECT PROPERTY IS LOCATED AT 4221 SOUTH 9TH STREET, IS ZONED I-1: INDUSTRIAL DISTRICT, AND IS APPROXIMATELY 10.82 ACRES. PARCEL NO. 3905-35-405-060.**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, August 11, 2016, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

**ALL MEMBERS WERE PRESENT:**

Millard Loy, Chair  
Fred Antosz, Vice-Chair  
Wiley Boulding, Sr.  
Dusty Farmer  
Pam Jackson  
Mary Smith

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. 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. Jackson seconded the motion. The motion passed unanimously.

## **Public Comment on Non-Agenda Items**

Chairperson Loy noted there were no audience members who wished to comment on non-agenda items and proceeded to the next agenda item.

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

Chairperson Loy asked if there were any additions, deletions or corrections to the minutes of July 28, 2016. Hearing none, he asked for motion to approve the minutes.

Mr. Boulding, Sr. made a motion to approve the minutes of July 28, 2016 as presented. Mr. Antosz seconded the motion. The motion was approved unanimously.

## **PUBLIC HEARING: REZONING REQUEST CONSIDERATION OF AN APPLICATION FROM JAMES GERESY, ON BEHALF OF LOUIS AND BARBARA GERESY, FOR THE REZONING OF APPROXIMATELY 47 ACRES LOCATED AT 10145 WEST KL AVENUE FROM AG: AGRICULTURAL DISTRICT TO RR: RURAL RESIDENTIAL DISTRICT. PARCEL NO. 3905-19-430-010.**

The Chairperson moved to the next item on the agenda and asked Ms. Johnston to review the application from James Geresy on behalf of Louis and Barbara Geresy for the rezoning of approximately 47 acres located at 10145 West KL Avenue from AG: Agricultural District to RR: Rural Residential District.

Ms. Johnston told Commissioners the applicant requested to have an approximately 47 acre parcel, located at the southeast corner of the West KL Avenue and 2<sup>nd</sup> Street intersection, rezoned from *AG: Agriculture District* to *RR: Rural Residential District*.

She noted the subject parcel has approximately 1,000 feet of frontage on West KL Avenue and 1,988 feet of frontage on 2<sup>nd</sup> Street. Currently being farmed and also the

location of a single-family home, the owners of the property intend to use the land for agriculture for only a few more years. Surrounding land uses consist solely of single-family residences, with the subject property being bounded to the north by unplatted Rural Residential (RR) zoned parcels as well as the small *Eggen's Acres* subdivision; to the east by a large RR parcel and the *Oshtemo Valley* and *Veracres* plats; to the west by a handful of Agriculturally zoned parcels currently being used for single-family homes; and to the south by two RR parcels. At this time Township Staff are not aware of any intentions to develop a subdivision or site condominium on the subject property.

Ms. Johnston noted the Board should consider generally recognized standards and noted, 1) the subject property is within an area that is intended to change from agricultural use to Rural Residential. The rezoning of the subject property from AG to RR would help to fulfill the future land use plans of the Township. Although the Master Plan *encourages* existing farms to continue to operate, the owners of the property intend to cease agricultural activity on the property in a few years, regardless of its zoning status, 2) this proposed rezoning is consistent with the prevalent zoning classification of the area, and 3) while some commercial agricultural operations do remain in the southwest quadrant of the Township, the predominant land use is single-family residential, even on some of the aforementioned smaller AG zoned parcels. The requested rezoning is consistent with this pattern.

Based upon the following considerations, Ms. Johnston said Staff recommended the Planning Commission forward the proposed rezoning to the Township Board with a favorable endorsement:

- The proposed rezoning is consistent with Oshtemo Township's future land use map and is supported by the Master Plan.
- The proposed rezoning is compatible with the surrounding land uses and zoning classifications.
- The proposed rezoning will not introduce any potential development patterns not already present in this part of the Township.

Chairperson Loy asked if there were questions for Ms Johnston.

In answer to questions from Ms. Smith, Ms. Johnston indicated lot sizes in RR are required to be 1-1/2 acres except for open space development which allows smaller lots, but a 40% open space configuration. She confirmed the 47 acres being considered consist of flat land.

Hearing no further questions from Board Members, Chairperson Loy asked if the applicant wished to speak.

Mr. James Geresy, 1288 Oshtemo Trace, Kalamazoo, MI 49009, explained his parents, owners of the land being considered for rezoning, are elderly and wish to

provide the land to him and his sister now. He intends to build a house in the back corner of the property. There is not intent to plat the land, but long term plans may include selling 2-3 5 acre parcels along 2nd Street.

The Chairperson determined Board Members had no questions for Mr. Geresy and asked if there was public comment.

Mr. Mark Barnes, 1314 S 2nd Street, said most of his questions had been answered and that Mr. Louis Geresy was a fabulous neighbor. He hoped positive action on this request will not precipitate rezoning to the west.

Ms. Johnston assured him there were no plans for Township initiated rezoning.

Chairperson Loy moved to Board Deliberations.

Ms. Jackson said the rezoning of the parcel is consistent with the Master Plan, fitting the Planning Commission's charge, and that the property fits in RR.

Ms. Farmer said she is always sorry to lose farm land, but the request fits the Master Plan and she supports the rezoning.

There were no further comments from Commissioners. Chairperson Loy entertained a motion on the recommendation.

Mr. Antosz made a motion to recommend endorsement to the Township Board of the request for rezoning from AG to RR, the 47 acres at 10145 West KL Avenue based on the three considerations by Staff. The motion was supported by Mr. Boulding, Sr. The motion carried unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE REQUEST (WEATHERVANE STORAGE)**  
**CONSIDERATION OF AN APPLICATION FROM WEATHERVANE STORAGE FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO CONSTRUCT A SELF-STORAGE FACILITY, PURSUANT TO SECTION 41.405 OF THE ZONING ORDINANCE AND THE REZONING CONDITIONS ADOPTED BY THE TOWNSHIP BOARD ON JUNE 28, 2016. THE SUBJECT PROPERTY IS LOCATED AT 4221 SOUTH 9TH STREET, IS ZONED I-1:INDUSTRIAL DISTRICT, AND IS APPROXIMATELY 10.82 ACRES. PARCEL NO. 3905-35-405-060.**

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the application for special exception use and site plan review from Weathervane Storage.

Ms. Johnston told the Board the applicant is seeking site plan and special exception use approval from the Oshtemo Township Planning Commission to establish a self-storage facility on the eastern three quarters of the subject property, once the

location of V & V Lumber. Previously zoned as I-R: Industrial, Restricted, the applicant recently completed the process of having the property conditionally rezoned to I-1: Industrial District, to allow self-storage facilities as a special exception use. As a part of the conditional rezoning, the applicant is restricting land uses in the western two acres of the property to those allowed in the I-R district. The subject property is significantly encumbered by the presence of the ITC power line easement along the south property line; a factor which has significantly influenced the site layout.

She noted all surrounding properties are zoned as I-R, hosting a selection of land uses from light manufacturing, to office, to farmland.

On the site, the portion of the parcel approved for I-1 uses will include a total of 13 self-storage buildings, one of which will be climate controlled, as well as an office and 42 gravel-surfaced outdoor storage spaces for operable vehicles such as RVs and boats on trailers around the south and east perimeter of the parcel. With project expansion split up into five distinct phases, the first four non-climate controlled buildings and possibly the vehicle storage area will be constructed in phase I, with subsequent phases generally filling the property in to the east. The front two acres will remain vacant for now.

Ms. Johnston said Staff has verified that any relevant requirements of the Zoning Ordinance not otherwise discussed in other sections of this report have been satisfied on the site plan. All relevant building setbacks are being met, the necessary 30 foot spacing between storage buildings is appropriately indicated, the Township has been provided with an acceptable photometric plan, and all land uses proposed at this time are permissible in the I-1 zoning district. This being said, the Planning Commission does need to explicitly approve the outdoor storage areas indicated on the site plan as a part of project approval. She said the outdoor storage area would be on gravel.

Accessed by the existing curb cut on 9<sup>th</sup> Street, she said primary vehicles will circulate through the site via the southern two-way drive, which is no less than 24 feet wide at its narrowest point. Along the north of the storage buildings is a 16 foot wide aisle, the dimensions of which have been influenced by the lack of room imposed on the site by the power line easement. This northern aisle is to be of one-way circulation, but currently no pavement markings or signage are present on the site plan to indicate such. Between the storage buildings, the applicant has maintained 30 foot wide aisles, per section 41.405: *Special Exception Uses in the I-1 District* of the Zoning Ordinance. Near the entrance to the site the applicant is also proposing a half-circle turn around area on the main drive aisle with the purpose of allowing easier maneuvering and occasional short term parking for large vehicles such as RVs. Adjacent to the two-story office building there will be three parking spaces—two standard spaces and one accessible.

Ms. Johnston noted due to the fact that no trees are permitted within the power line easement that runs along the south property line, providing landscaping for this site in compliance with section 75.000: *Landscaping* has been a challenge. With the application of the traditionally-used landscape buffers, which require a certain number of

trees per linear foot of planting area, proving impractical due to the nature of the easement, the applicant instead sought to implement the restoration of the property's pre-settlement vegetation, *Oak Savannah*, which is an option for alternative landscaping laid out in Section 75.202 of the Zoning Ordinance.

She said devising a comprehensive restoration plan for the oak savannah prairie that would encompass the entire property, the applicant intends to establish a large prairie on the portion of the parcel within the power line easement, populating the rest of the site with various examples of the types of native trees typically found in the oak savannah biome. Although no trees will be planted within the prairie, staff feels that such a feature, when mature, will provide a pleasant and effective landscape buffer against the adjacent property to the south. Further enhancing the south landscaping area, the applicant also intends to construct a berm running north to south that will further screen the eastern reaches of the property from exposure to 9<sup>th</sup> Street. While some plant species and maintenance aspects of the restoration plan have yet to be fully fleshed-out, staff does feel that the proposed landscape plan meets the intent of the landscaping section of the Zoning Ordinance.

Ms. Johnston said Township staff recommended the Planning Commission approve the site plan and special exception use request for Weathervane Storage, and suggested following conditions:

1. The Planning Commission expressly approves the outdoor vehicle storage areas.
2. The existing chain link fence near 9<sup>th</sup> Street is to be removed and indicated as such on a revised site plan, to be submitted to the Township prior to the issuance of the building permit.
3. The revised site plan is to include pavement directional arrows and directional signage at critical points along the 16 foot wide north drive.
4. Any outstanding issues with the landscape plantings and maintenance program are to be addressed prior to the issuance of the building permit.
5. The Fire Marshal must approve of the final hydrant layout.
6. Per the Township Engineer's request, when the signed site-plan as-builts are submitted, the front basin adjacent to 9th Street is to be annotated on the plans to indicate the intended storm water storage volume.
7. A sidewalk is one day planned for this part of 9<sup>th</sup> Street, but has yet to be designed. Rather than compel the applicant to construct the facility now, the Township will instead accept either a notarized form stating that the property owner won't oppose the establishment of a non-motorized special assessment district, or the applicant will submit sidewalk escrow funds.

Chairperson Loy thanked Ms. Johnston for her review and asked if there were questions for her from Commissioners.

Mr. Antosz was concerned about the adequacy of screening with a chain link fence and three-foot berm and asked about decorative fencing, which was discussed previously.

Ms. Johnston explained the fence starts a ways back on the property, a good distance from 9th Street, approximately 700 feet back. Because it is so far back and with the landscape berm staff did not request decorative fencing to be included.

Chairperson Loy thanked Ms. Johnston for the report and asked if the applicant wished to speak.

Mr. Ian Kennedy, 3320 Bronson Blvd., Kalamazoo, spoke to the Board on behalf of the applicant. He said they feel the development is harmonious with the surrounding uses, appropriate buffers are planned and noted the site is challenged due to the power easement. They worked with Township Staff to create what they think is a workable plan. The outdoor storage will be effectively screened from both Technology Drive and 9th Street. He noted in this revised site plan the outdoor storage has been moved back from the original plan so it is now 750 feet from 9th Street and parking is angled and moved away from the street but still in the easement area. Zoning has been satisfied with respect to the site plan according to Ms. Johnston. He requested approval of the overall site plan.

He said tied in with this request is approval of the outdoor storage, an allowable use in the I-1 district, with Planning Commission approval. He acknowledged the Board needs to know the use is compatible with surrounding uses, will not be detrimental or injurious to the public welfare and safety of the community, and that they will meet all the standards expected as they go forward. Businesses surrounding the site comprise a mix of commercial and industrial use. He said adequate screening will be provided for the outdoor storage area where only workable boats and RVs will be stored. The exception use meets the standards of the Ordinance. He noted surrounding residents will have a place to park their boats and RVs other than in their driveways.

Mr. Kennedy said the development utilizes property that otherwise would be of marginal use. Weathervane's other storage facility, located on Gull Road, is maintained in a clean, neat manner - it is truly a first class facility. He respectfully requested the Commission find that granting the exception use is consistent with the staff recommendation.

Mr. Kennedy explained three reasons gravel is used where vehicles will be parked: to knock down the perception of black top on the site, to eliminate "dipping" or impressions left where vehicles sit on asphalt, and gravel allows for absorption of surface water to facilitate drainage.

Mr. Mark Fisher, 1741 Idlewild Drive, Richland, and owner of the property, explained where a small amount of extruded metal decorative fencing and the gate will be located, screening from 9th Street.

Mr. Kennedy also addressed the landscape plan, saying the plan, developed with Township staff, meets the "minimum yet flexible" desired landscaping objectives of the Ordinance. He said approval to move forward with this proposed site plan was received last week from ITC. He said he hopes the plan meets with Township approval as well.

The Chairperson asked if Board Members had questions for Mr. Kennedy.

Ms. Farmer asked if the owner would object to switching out tree species if that were recommended by Ms. High.

Mr. Kennedy said there would be no objection and that they would be glad to work with Ms. High. The goal is to plant trees that will survive, are attractive, fit within the oak savannah and can be maintained.

Ms. Farmer asked if there would be any reason to be opposed to sidewalk escrow funds or a signed letter saying the property owner wouldn't oppose a special assessment district for a sidewalk.

Mr. Mark Fisher said he would not oppose either method, but is leaning towards a letter.

Mr. Kennedy noted creation of the non-motorized special assessment district was beneficial to the community.

In response to a question from Mr. Loy about the layout of the roads within the development and whether there will be enough turn radius for large vehicles, Mr. Fisher said the buildings had been shortened to create a better turning radius, parking was angled, and the layout is the same as that at their other facility which works well.

Mr. Boulding, Sr. asked for clarification about how the savannah will be maintained.

Mr. Fisher said they will maintain by burning or mowing once a year in the fall. It will re-seed itself and generate new growth, choking out weeds.

Mr. Loy noted that is how Flesher Field is maintained by the Township.

Attorney Porter commented it might need to be burned every so many years.

Ms. Farmer asked if it is typical to not have a dumpster at storage facilities.



Mr. Fisher said that is typical; if there is a dumpster, both customers and people driving by leave all kinds of things in and out of the container. They employ a roll out trash can that is removed every evening.

Chairperson Loy moved to the Public Hearing and asked if there were anyone who wished to comment.

Mr. Terry Schley, 7497 Watermark Drive, Allendale, said he spoke on behalf of himself and his wife, who own the commercial property across the street from this and they oppose this self-storage proposal. His comments included the following:

*"I-1 District proposals are to, "produce little external effect of an objectionable nature to the surrounding properties", and Special Exception requires compatibility within the district and "with the natural environment, and which would not in any manner be detrimental or injurious to the use or development of adjacent properties." We are I-R and R-3, this is not an appropriate fit.*

*The Master Plan not even 4 years old also doesn't consider this a good fit. Research Office is to be here "with limited impact outside the building", as important land remaining an employment enter for the Township, and an important gateway, special attention should be paid to the design and layout of properties.*

*In the Master Plan self-storage facilities are on page 143 as "General Industrial," and to be where such development has already occurred", KL, Stadium and 8th", and noted, "...future development be consistent with the development that already exists." In the support work, perceived need in industrial was over 2/3 R&D with the rest Corporate Campus and Business Park."*

*The MP on page 121 notes 60% of industrial land yet available for development and Goal 7, included, "rezoning to industrial will only be considered when in keeping with the future land use map." This rezoning should not have occurred.*

*Brand Neuman from MSU Extension in his June 17, 2016 article, "How to Spot a Spot Zoning," cited among the criteria to be considered as a spot zone:*

- *allowing uses inconsistent with those in the vicinity, and*
- *conferring "a special benefit on the individual property owner not commonly enjoyed by the owners of similar property", and*
- *the zone conflicts with the policies in the text of the Master Plan and the future land use map."*

*Greg Milliken in 2012 testimony before the MPSC in this area spoke about an inviting gateway with occupied building and users, "that could be leveraged to attract investment in the Village Core." We add, appearance matters and having this without the outdoor component is yet within your purview.*

*We surely agree that providing landscaping is about ensuring a wanted aesthetic quality and character in the Township. And tonight the discretion about this landscaping is within your authority. If pre-settlement restoration is an option, ordinance says you are to strive to restore the pre-settlement vegetation. Oak Savannah has oak trees in it; the Savannah Oak Foundation says "Savannah" has trees in it. This point is for your consideration, you don't just have to accept this plan. You could exercise your discretion and say that the south line 33-50 trees or more that should be here are too much to give up on, and that in your discretion, you're being asked too much. This would not be about not getting along, nor respect of staff, just sound reflection for the continuity and history in planning work done of the community before you. If you think this use is okay with outdoor storage but not the landscaping, you should be able to require this or require a variance as too great a compromise if you so see it.*

*Technically, drive alignment to across the street should exist, as is new use per Access Management page 36. A 6' fence and a 36" high berm is not an adequate visual screen to parked storage, noting Dunshee on 9th and KL, in I-1, was required an 8' tall fence for cars and light trucks, and a motor home can be 10'-11' high. Further, the north line ought to be seen as I-1 to I-R and that is some 50 trees, way too many are missing. Ordinance requires paving; that should be a variance issue.*

*Economic woes should not deep six desired community outcomes. This request is a classic potential for being in the forest and not seeing the trees and not just because there are none. You can challenge this on landscaping, inadequate screening or the wrong place for outside storage in Oshtemo's defined gateway.*

*We only ask you to consider our thoughts tonight and we hope if you have concerns in that second of your decision, you be our Community voice, because that is who you are in this, and for this you are all we have."*

Chairperson Loy thanked Mr. Schley for his comments, noted there were no further comments, and moved to Board Deliberations.

Ms. Smith said she did not disagree with what Mr. Schley brought up, but her question is whether anything else that better fits the gateway goal better could be built since the land is tied up with ITC.

Attorney Porter replied there is nothing that could be built that is a better fit. He noted for the record that Mr. Schley applied for a variance on his property across the street from this site, which was denied by the ZBA. His statement then is in direct conflict with what he said to this board regarding whether there is latitude within the Ordinance to vary what is required in the way of buffer. Because of that latitude the applicant made this presentation. Attorney Porter said he disagreed with the idea that

you can't displace or reduce some trees because the Ordinance says the Board does have that authority.

Ms. Jackson said looking at the plan and understanding the restrictions regarding trees under the utility lines because of ITC, she applauded the idea of the savannah and felt the plant and tree species plan looks very nice. She thought the design of the plan would alleviate the view of outside vehicles.

Mr. Antosz said he was still not comfortable with the six foot fence and would prefer a taller one.

In response to a question from Ms. Farmer about whether Ms. Johnston felt adequate screening is included in the plan, Ms. Johnston said the Landscape Ordinance has a buffer/green space zone, but does not actually address screening. 75.202 does not require screening or the number of other vegetation. She felt the applicant has done what is required for a savannah.

Ms. Farmer said the screening would be more of an issue for her if a storage facility was an incompatible use.

Chairperson Loy said he was also concerned about screening but felt the plan proposed is adequate and that he was comfortable with it.

Mr. Fisher commented ITC said the existing six foot fence may remain, but they may not expand into the easement area; grass will soften the sight line and the earth berms will be planted with perennials.

Hearing no further comments, the Chairperson entertained a motion for approval.

Ms. Jackson made a motion to approve the site plan and special exception use contingent on the seven staff recommendations and supporting reasons in A - D as described under "Other Considerations" on the staff memo. The motion was supported by Mr. Antosz. The motion carried unanimously.

## **OLD BUSINESS**

There was no old business to conduct.

## **ANY OTHER BUSINESS**

Attorney Porter reported the Township Board, at its last meeting, enacted a six-month moratorium on development within the RR: Rural Residential District or until the

Ordinances can be revised. The moratorium is intended to give staff time to resolve ordinance issues so we get quality development within the RR District.

Ms. Johnston reported the Township Board approved hiring a Consultant to assist with update to the Master Plan. That information will be included in the Township newsletter in September. It is expected the update will take about six months.

Ms. Smith noted the Michigan Association Planners will meet in Kalamazoo in October. Ms. Johnston suggested anyone wishing to attend should contact her. She said the Citizen Planner program offers good classes and that attendees may be certified through MSU.

### **PLANNING COMMISSIONER COMMENTS**

Ms. Jackson told the Board the last of the three summer concerts will be held Sunday, August 14, featuring a Motown, R & B and Soul trio and invited Members to attend.

Ms. Farmer reminded those in attendance that Oshtemo Fun Days will take place August 20.

### **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 8:03 p.m.

Minutes prepared:  
August 12, 2016

Minutes approved:  
September 8, 2016