

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION  
MINUTES OF A MEETING HELD JUNE 23, 2022**

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**Agenda**

**PUBLIC HEARING: REZONING, 7441 W. KL AVENUE**

Steven Drenth, on behalf of Stanley Alphenaar, was requesting to rezone the property located at 7441 W. KL Avenue from an I-1: Industrial, Manufacturing/Service District to a RR: Rural Residential District.

**PUBLIC HEARING: CONDITIONAL REZONING, HANDLEY'S TREE SERVICE**

Jeff Triemstra of Handley's Tree Service was requesting to conditionally rezone approximately 50,000 sq. ft. of property located at 3265 S. 6<sup>th</sup> Street and 3393 S. 6<sup>th</sup> Street, from an I-1: Industrial District, Manufacturing/Service District to an I-2: Industrial District, Manufacturing/Service District.

**SITE PLAN REVIEW, HANDLEY'S TREE SERVICE**

Jeff Triemstra of Handley's Tree Service was requesting site plan review for amendments to 3265 S. 6<sup>th</sup> Street.

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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, June 23, 2022, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

**ALL MEMBERS**

**WERE PRESENT:**

Bruce VanderWeele, Chair  
Micki Maxwell, Vice Chair  
Kizzy Bradford  
Deb Everett  
Alistair Smith  
Anna Versalle  
Chetan Vyas

Also present were Iris Lubbert, Planning Director, Colten Hutson, Zoning Administrator, James Porter, Township Attorney, and Martha Coash, Recording Secretary. Approximately 18 guests were also in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

## **Approval of Agenda**

The Chair determined there were no changes to the agenda and let the agenda stand as published.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

The Chair asked if anyone present wished to speak on non-agenda items.

Mr. Curt Aardema, AVB which is partnered with the Hinman Co. on The Prairies golf course site, spoke to Commissioners. He said after the Commission made completing the Maple Hill South Mixed-Use Overlay district their number one priority, he reached out to Ms. Lubbert to talk about the path forward. She indicated it would not be appropriate for them to meet in private at this time. He indicated of the 23 items she referred to as problematic in the document at the last meeting, 3 were easily remedied clerical issues, 15 had already been discussed and addressed according to past minutes of Planning Commission meetings, and the remaining 5 need further review and discussion. After that, in his view the plan, a strong document developed by the Commission, staff, the consultant, the public and AVB, could then be completed.

Mr. Rich MacDonald, Hinman Company and partner with AVB for The Prairies development, said they are trying to re-engage in a positive, ethical, and productive way. They have one chance to do the development in the right way and that's what they want to do. They always assumed the process would continue to address, re-address, and discuss the overlay district. They are willing to go through outstanding concerns page by page and want to re-engage and sit down with everyone concerned to get up to speed, and then refocus and address whatever comes up, a similar process to what was done in 2019. Perhaps it could be worked on at every other meeting. They would come ready and prepared to finalize all the hard work that has already been done.

Mr. Joe Gesmundo, AVB/Hinman Team, said he and Roger Hinman have been partners on legacy projects for over 50 years. They have experience and awards for projects that communities are proud of. One is the Corner@Drake project. The wall built is distinctive and the national tenants, Costco and Trader Joe's would likely not be in the area otherwise. He said they know how to accomplish major projects and have a handle on markets and housing in Kalamazoo County which is far better than that of hired consultants. They meet with buyers and renters on a daily basis and have achieved their success over five decades through public and private partnerships. Working in a collaborative way yields great products and projects. He has never been told before by planning staff that it is inappropriate to meet other than at a public meeting, and feels the process works much better if it is started with collaboration between the developers and planning staff.

## **Approval of the Minutes of the Meeting of June 9, 2022**

Chairperson VanderWeele asked if there were additions, deletions, or corrections to the Minutes of the Meeting of June 9, 2022. Ms. Lubbert indicated she heard from one speaker at the last meeting who was listed as Gary Dobson rather than as Greg Dobson (p.5), and that he wished that to be corrected. She also said Mr. MacDonald said the fourth line of the first paragraph on p.4 should read “subjective” rather than “suggestive” and the second paragraph on p. 4, line 4, should indicate “*He can understand the uncomfot of this Commission and the Planning Director*” rather than “*He was uncomfotable.*” The Chair asked for a motion.

Ms. Versalle **made a motion** to approve the Minutes of the Meeting of June 9, 2022, as presented with the corrections requested. Ms. Bradford **seconded the motion**. The **motion was approved** unanimously.

Chairperson VanderWeele moved to the next agenda item.

### **PUBLIC HEARING: REZONING, 7441 W. KL AVENUE**

**Steven Drenth, on behalf of Stanley Alphenaar, was requesting to rezone the property located at 7441 W. KL Avenue from an I-1: Industrial, Manufacturing/Servicing District to a RR: Rural Residential District.**

Mr. Hutson indicated the applicant, Steven Drenth, on behalf of the property owner, Stanley Alphenaar, was requesting to rezone 7441 W KL Avenue from I-1: Industrial District to RR: Rural Residential District. Parcel no. 05-22-405-010 The subject site has a property area of approximately 14 acres and has over 800 feet of road frontage. 7441 W KL Avenue currently serves a residential land use.

Although the zoning of the property is I-1: Industrial District, a single-family home has occupied the property since 1948. As such, the existing single-family home at this location is categorized as a legal nonconforming use since the zoning of the property no longer permits such. The requested rezoning of 7441 W KL Avenue would make the existing single-family dwelling a legal conforming use. It should be noted that the applicant has indicated an interest in dividing the property in the future and build a single-family dwelling on the newly created parcel, east of the existing home. Staff completed a preliminary review of the land division and determined it would meet Township requirements for newly created parcels located within the RR: Rural Residential zoning classification. However, since the request is for a rezoning, such material shall be considered at time the applicant submits a land division application and building permit application for Township review and approval.

Currently zoned I-1: Industrial District, the subject property is located on the south side of KL Avenue, between 8<sup>th</sup> and 4<sup>th</sup> Streets. Properties immediately surrounding the site currently possess agricultural and residential land uses. I-1: Industrial District zoning abuts the subject site to the east and south. Properties adjacent to the west and north are zoned Rural Residential District. A single-family

dwelling, a handful of detached structures, and dense vegetation currently occupy the site.

Mr. Hutson said 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 Township's Future Land Use Plan categorizes this area – east of 8<sup>th</sup> Street, west of 4<sup>th</sup> Street – as *Rural Residential*. According to the Township's Master Plan, Rural Residential includes developments such as low-density housing on scattered sites. The Future Land Use Map identifies that the subject property is within an area that is intended to transition to Rural Residential from its present industrial zoning. Single-family dwellings are a permitted use by right within the RR: Rural Residential zoning classification. The proposed rezoning would be consistent with the site's current activity, Future Land Use Map, and the Township's Zoning Ordinance. Should approval for the rezoning be granted, it would follow the Township's vision in terms of land use for this area.

2. Consistency of the Zoning Classification in the General Area

Rezoning 7441 W KL Avenue from I-1: Industrial District to RR: Rural Residential District would be consistent with current zoning in nearby parcels. The site is currently adjacent to several other properties which serve low density land uses. These land uses include single-family dwellings and areas used for farmland.

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

A pattern already exists less than a quarter mile west of 8<sup>th</sup> Street on both the north and south sides of W KL Avenue, where numerous residences or farmlands have been established, increasing in consistency traveling westbound while approaching 4<sup>th</sup> Street. With the request being consistent and compatible with land use patterns in the area, and this use being in accordance with the Future Land Use map, the rezoning will allow the property to match the established character of the area.

4. Utilities and Infrastructure

Municipal water is available adjacent to the subject site along W KL Avenue. Municipal sewer currently does not exist adjacent to the subject property. The existing home on-site is currently serviced by a private drinking well and private septic system. If any future development on the subject site requires such public infrastructure needs, it will be mandated to connect to the available municipal system prior to a certificate of occupancy. Regarding the transportation network, the intersection to the east at W KL Avenue and 8<sup>th</sup> Street is well controlled by a traffic signal. The next intersection to the west where W KL Avenue crosses 4<sup>th</sup> Street is a 4-way stop. The stretch of W KL Avenue between 4<sup>th</sup> Street and 8<sup>th</sup> Street supports a handful of industrial uses near 8<sup>th</sup> Street and numerous

residential uses thereafter. Staff believes if this rezoning is approved, it will not negatively affect the area.

5. Reasonable Use under Current Zoning Classification

The current zoning classification of I-1: Industrial District allows for more diversity of uses than experienced by neighboring properties; however, it is important to note that this property has enjoyed this residential use for over 70 years. Through the rezoning, the applicant is making efforts to eliminate the legal non-conforming use and make the site comply with the Township's Zoning Ordinance and Future Land Use Plan. The rezoning achieves the Township's goals for this area and also fits the applicant's vision for the site.

6. Effects on Surrounding Property

Staff do not foresee any negative impacts for surrounding properties if the subject site is rezoned to the RR: Rural Residential District. All adjacent properties share a common theme as each property consists of an existing primary residence, farmland, or a combination thereof. The present residential use of the property is not changing and is harmonious with the rural character surrounding the site today. With the existing pattern of rural character and uses in the area, the rezoning would complement adjacent zoning districts and their present land uses.

As all six criteria were met, Mr. Hutson recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject property from the I-1: Industrial District to the RR: Rural Residential District. He indicated it would be on the agenda for the July 12 Township Board meeting.

There were no questions for Mr. Hutson from Commissioners, and the applicant was not present for comment.

Chairperson VanderWeele opened a public hearing.

A resident residing at 3274 S. 6<sup>th</sup> Street asked if the request was for parceling the property or just rezoning.

Ms. Lubbert said it is just for rezoning.

Ms. Nancy DeVries, 7388 W. KL Ave., said she has been concerned about the site line from her driveway since the speed limit was raised.

Hearing no further comments, the Chair closed the hearing. He determined there were no comments from Commissioners and asked for a motion.

Ms. Versalle **made a motion** to approve forwarding a recommendation of approval to the Township Board for the rezoning of the subject property from the I-1:

Industrial District to the RR: Rural Residential District as requested. Ms. Bradford **seconded the motion**. The **motion was approved** unanimously.

**PUBLIC HEARING: CONDITIONAL REZONING, HANDLEY’S TREE SERVICE**

**Jeff Triemstra of Handley’s Tree Service was requesting to conditionally rezone approximately 50,000 sq. ft. of property located at 3265 S. 6<sup>th</sup> Street and 3393 S. 6<sup>th</sup> Street, from an I-1: Industrial District, Manufacturing/Service District to an I-2: Industrial District, Manufacturing/Service District.**

Ms. Lubbert told Commissioners the applicant will be combining parcels 05-34-130-017 and 05-34-130-018. If the conditional rezoning is approved, the portion identified on 3393 S 6<sup>th</sup> Street, Parcel Number 05-34-130-042 will be transferred to 3265 S 6<sup>th</sup> Street.

**SUBJECT PROPERTY**

Currently located in the I-1, Industrial District, Manufacturing/Service, 3265 S 6<sup>th</sup> Street (comprised of parcels 05-34-130-017 and 05-34-130-018) has approximately 400 feet of frontage on S 6<sup>th</sup> Street. Neighboring to the north and west are residential properties. Neighboring to the south and east are industrial properties.

**CONDITIONAL REZONING CONSIDERATIONS**

The applicant requested a conditional rezoning, meaning that Handley’s Tree Service has offered conditions as part of the request for the rezoning. Ms. Lubbert summarized the conditions as listed below and noted the conditional rezoning statement of conditions submitted by the applicant was attached to the staff report.

1. The proposed I-2 zoned area will only be used for “sawmill” activities limited to active processing of trees into recycled wood products/wood chips on site.
2. These activities will be limited to Wednesdays and Thursdays between 8AM and 5PM.
3. Truck traffic will utilize the site’s driveway on 6<sup>th</sup> Street. Truck operation will vary throughout the week but in general will be limited to Monday through Friday between 8am and 5PM.
4. The owner will perform a land division and combinations to establish a contiguous zoning district.
5. The existing earthen berm and vegetation, identified in Exhibit B, will remain to reduce the sound impact of the described activities on neighboring properties.

Ms. Lubbert described the generally recognized factors that should be deliberated before a rezoning decision is made and provided the staff’s analysis, incorporating the applicants’ proposed conditions as outlined below:

**1. Master Plan Designation**

The Township’s Future Land Use Map primarily designates the proposed rezoning area as Rural Residential. A small portion of the proposed rezoning is within the General Industrial Designation. The Rural Residential designation calls

for low density residential development that utilizes rural character preservation strategies. The General Industrial designation calls for industrial development at a low or moderate intensity that is consistent with the surrounding character, heavy commercial such as contractor yards with generous setback to maintain rural character, sufficient buffers and screening to prevent impacts on neighboring property owners, and coordinated development and application of access management standards for large parcels with multiple uses (recommends PUD technique).

The proposed conditional rezoning would create an intense industrial district within the designated rural residential designation, expanding well outside of the identified General Industrial area. Although the property is currently zoned I-1, Industrial District, Manufacturing/Service, by rezoning a portion of the property to I-2, Industrial District, Manufacturing/Service, it brings this site further away from the Township's adopted vision for the area. **Factor not met.**

**2. Consistency of the Zoning Classification in the General Area**

The proposed rezoning area is located within an I-1: Industrial District, Manufacturing/Service with a bubble of I-3: Industrial District Special directly to the south. Best planning practice is for there to be a transition from higher intensity uses to lower intensity uses. The proposed I-2 zoned property is an appropriate transition from an I-3 zone and is buffered from the neighboring residential uses by I-1 zoning. There would be approximately 600 feet between the proposed I-2 zoned property and the RR zoning district to the west. However, it should be noted that it is bad planning practice to rezone portions of a property as it creates conflicts and inconsistencies for not only that property but neighboring properties. For example, all heavy equipment that will utilize this proposed I-2 zoning designation will travel through an I-1 property whose entrance on S 6<sup>th</sup> street is directly adjacent to residential. By rezoning a piece of an I-1 property to I-2, the remaining I-1 property also increases in intensity automatically by transference. **Factor partially met.**

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

The predominant land use pattern along Stadium Drive in this area is industrial. For a certain distance along 6th Street north of Stadium Drive is also industrial or government uses. At the northwest corner of Stadium and 6th 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 6th Street, the residential land uses begin. On the east side of 6th Street moving north is Advanced Poured Walls, S&T Lawn Service, and then Handley's Tree Service. At that point, land uses change to residential.

Generally, the uses established along S 6<sup>th</sup> street heading north from Stadium Drive decrease in intensity which is appropriate as the zoning abuts residential. Approving a rezoning to I-2 for Handley's Tree Service, the north most industrial

property, directly across from and next to established single family homes, goes against the general land use pattern. **Factor not met.**

#### **4. Utilities and Infrastructure**

Utilities and infrastructure are 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 6th Street and sanitary sewer is currently available on 6th for approximately 500 feet from Stadium Drive. **Factor met.**

#### **5. Reasonable Use under Current Zoning Classification**

3265 S 6<sup>th</sup> Street is currently zoned I-1; Handley's Tree Service operates as a landscaping/tree service contractor which is a permitted use by right within the I-1 district. Contractor services have been in operation at this location since the 1960's. There is reasonable use under the current I-1 zoning classification. It is the applicant's desire to expand their business to include "sawmill" activities, specifically the active processing of trees into recycled wood products/wood chips on site, that has triggered this I-2 rezoning request. **Factor not met.**

#### **6. Effects on Surrounding Property**

Section 27.10 of the Ordinance outlines the initial intent of the I-1 district: "The (I-1) district is designed to provide land for industries of a manufacturing and servicing nature in which all work is carried on within a fully enclosed building and which produces little external effect of an objectionable nature to the surrounding properties". I-1 zoning permits limited outdoor storage. The proposed 'sawmill' activity does not meet these requirements and rightfully is restricted to I-2 zoning which is described in Section 28.10 of the Ordinance: "This district (I-2) is designed to accommodate those industrial activities requiring greater outdoor storage and which, accordingly, require larger sites and may have a greater adverse effect on adjacent commercial or industrial uses". There is no limit to outdoor storage in I-2.

The proposed earthen berm and vegetation that the applicant notes will remain in place to reduce the sound impacts of the described I-2 activities on neighboring properties is identified as '#3' in their Exhibit B. Based on the minimal proposed landscaping/berms and the current state of the remainder of the property, the proposal will do very little to reduce the sound that would be generated by the proposed I-2 uses.

In addition, the Township's ordinance enforcement receives regular complaints from multiple residents along this section of S 6<sup>th</sup> Street. There is already an established concern about noises and smells generated by Handley's Tree Service and neighboring industrial uses. Increasing the intensity of Handley's Tree Service, a property adjacent to these residential properties, to permit a 'sawmill' will only increase the external effects on the neighboring residents. **Factor not met.**



## RECOMMENDATION

Ms. Lubbert said she recommended the Planning Commission forward a recommend to deny the request to conditionally rezone the approximately 50,000 sqft of land located at 3265 S 6<sup>th</sup> Street and 3393 S 6<sup>th</sup> Street from I-1: Industrial District, Manufacturing/Service to the I-2: Industrial District, Manufacturing/Service to the Township Board.

As there were no questions for Ms. Lubbert from Commissioners, Chairperson VanderWeele asked if the applicant wished to speak.

Mr. Jeff Triemstra, Handley's Tree Service, said his was a 20-year company with many projects and that having worked with the Township for a year. He felt they have a very good plan.

Mr. Alex Phelan, with Hurley & Stewart on 11<sup>th</sup> Street, said he had worked over 10 years in project management and was representing Mr. Triemstra at his request. He walked through four of the six factors for consideration presented by Ms. Lubbert:

1. Master Plan Designation: He noted a full blown sawmill is not being requested. The current zoning designation cuts through property lines which is not good planning practice. It does not take assets in the area into account in this established industrial area. Consistency is with the existing; future land use map is not consistent with that. He noted the business is effectively screened from view. He felt the Master Plan is outdated and needs to take assets and property trends into account.

2. Consistency of Zoning: He said no transference was occurring. Handley's was asking to put a piece of equipment on site to be able to grind trees there. Trucks will come and go once a day, rather than going back and forth during the day as they are currently. He noted I-3 zoning is adjacent to this property, approved in 2018, which is more intense. Many of the characteristics apply to both designations. The change will lessen truck traffic coming onto the property.

3. Consistency and Compatibility with General Land Use Patterns in the Area: The objection is against the general land use pattern; appropriate use is met. I-2 is an appropriate transition for the surrounding property.

6. Effects on Surrounding Property: He highlighted the berms which he felt were about three times the height of a car, as well as the extensive trees and other vegetation which he felt seems like extensive screening. Neither S & T nor Handley's can be seen from the road.

Regarding complaints about noise and smells, he said the current use is allowed by right, including the noise. If you buy a house by existing businesses, you will get noise. They are not trying to increase the noise. The landscape business is there by right. He said many of the noises from equipment are equipment residents use as well,

and said the grinder operates at 99 decibels, well within or under items such as such as lawn mowers and leaf blowers.

Chairperson VanderWeele asked if Commissioners had questions.

Ms. Maxwell asked whether if a full blown sawmill was wanted in the future that could be done.

Attorney Porter said approval of the conditional zoning request can only allow what is being requested now.

Ms. Maxwell also asked how what is being requested is a “green process”?

Mr. Phelan said trees have to be cut down for various reasons. Although it is easier to just burn them, Handley’s plans to grind and re-use them which is greener than burning.

Ms. Maxwell asked how the traffic would be reduced.

Mr. Phelan said currently trucks go back and forth all day long. If they have the grinder, a truck will leave once a day and come back to unload once a day.

Mr. Vyas asked about the impact of 8 am – 5 pm hours on neighbors. He said we can all tolerate the occasional use of lawn mowers and snow blowers, but all day long may be a problem for neighbors.

Mr. Phelan said it is Handley’s permitted right to work all day long and to run up and down the road.

Ms. Versalles asked if the grinding work could be done within a building.

Mr. Phelan indicated that would not be possible.

Ms. Versalles asked if additional landscaping could be done to soften the sound for neighbors.

Mr. Phelan said that could be considered, but the berms were built specifically for that reason and are already in place as is the tree buffer. Substantial landscaping already exists. The machine would be behind a wall which should help with buffering.

Mr. Smith noted the property to the north is residential and used to share a driveway. He asked if the loud machine would affect the property owners.

Mr. Phelan noted the machine is 500 feet away.

Attorney Porter advised Commissioners to focus on the I-2 requirements. The property is already zoned I-1. The ordinance is lacking and not consistent with permitted uses. The statement of purpose is inarticulately drafted. The landscape business itself is not an issue for consideration.

Ms. Versalles asked if there was any opportunity to permit without having to consider rezoning.

Ms. Lubbert said the only way to accomplish what the applicant wants to do is through rezoning to I-2.

Attorney Porter agreed there is not another way to consider.

Hearing no further questions from Commissioners, the Chair moved to Public Hearing and asked if members of the public had comments.

Ms. Lubbert indicated she had two letters from residents: Kiki Davis, 3340 S. 6<sup>th</sup> Street and Barb Molson, 2824 S. 6<sup>th</sup> St., both opposing the conditional zoning request. She read them into the record. (both letters are attached to these Minutes.)

Mr. Adam Barker, 3425 S. 6<sup>th</sup> St., Advanced Poured Walls, said he had heard neighbors' complaints for years, receives messages on his answering machines all the time. They do their best to run a business in a residential neighborhood during regular hours. Whether in I-1, I-2, or I-3, that is part of running a business. At the end of the day, it is zoned industrial. He said Mr. Triemstra is an outstanding neighbor, the first to lend a helping hand when needed, including plowing neighbors out. Handley's is surrounded by extremely tall vegetation. He does a great job.

Mr. Tom Whipple, 2947 S. 6<sup>th</sup> St., said the area has always been residential but is pushed to the limit now with all the trucks and excessive noise. He was concerned property values would suffer. The residents were already there; businesses were added later and need to keep to a certain level. Residents may not be able to increase their property values by making improvements. Limits are needed or compromise; something needs to be done. Neighbors are disappointed. People try to get along with the businesses, but how far will things go? If the request is approved others will want to do the same.

Mr. John Nieuwenhuis, 3235 S. 6<sup>th</sup> St., said Mr. Triemstra is a great guy who goes out of his way to help people. When he first came in it was a trucking company, with traffic in and out all the time. The area had spot zoning. Mr. Nieuwenhuis said he was on the board when that was eliminated and the zoning system was organized. 6<sup>th</sup> St. was a test case with industrial on one side of the street and residential on the other. The intent was light industrial. He said Mr. Triemstra went to great expense to install the berm buffer for noise, but the noise is still there. There are also back-up alarms, which he has tried to limit. Residential neighbors do not run chain saws or other equipment all day. He also noted traffic on 6<sup>th</sup> St. is congested. What is being done may be legal but it is not working.

Mr. George Collato, 3133 S. 6<sup>th</sup> St., said his mother moved here when nothing was on S 6<sup>th</sup> St. Now there is high speed traffic, trailers with heavy equipment and back up alarms and it is scary. His property is at a low point and there is a blind spot that is

dangerous. There is banging in the a.m. and p.m. when loading and unloading and also high pitched airplane like sounds.

Ms. Lubbert was handed and read a statement from Mr. Michael Whalen, 3450 S. 6<sup>th</sup> St., who was fearful for his teen drivers and the many kids at the bus stop due to the increase in fast traffic from businesses. There is truck noise pollution as early as 4:00 a.m. and trash from the trucks is also a problem. (Letter attached to these minutes.)

Ms. Logan Wingard, 3276 6<sup>th</sup> St., said the noise has never sounded like it does now and is unbearable. She cited hours of fumes, dust, screeching, booms, and excessive traffic that shakes her house, which is very close to the road and close to the business. She said the saw mill was already running last year before approval. The back and forth machines never stop. The berm does not help and is not between her property and the business. She asked that the request for conditional zoning not be approved.

The resident Sam Fedor of 3274 S. 6<sup>th</sup> St. said the sawmill was opened without communication with residents or the Township. He said both the core value vision statement and GoGreen initiative are violated. The Master Plan design was bad planning and rezoning will only make it worse. The intensity will increase with increased business. With the installation of the berms, Handley's created an amphitheater bowl that doesn't help, it actually makes everything louder. He noted that Mr. Barker of Advanced Poured Walls said there were complaints all the time but noted he has never complained until the changes were made in 2019.

Ms. Kiki Davis, 3240 S. 6<sup>th</sup> St., said she's the complainer.

As no one else came forward to speak, the Chair closed the public hearing and moved to Board Deliberations.

Ms. Everett said conditional zoning is available because we do not want spot zoning. She asked whether if this request is approved it could be used as a basis for others?

Attorney Porter said it would be a factor, but did not think it would weigh heavily because of the limited nature of the I-2 request.

Ms. Maxwell said she lives on 6<sup>th</sup> St., 1,500 feet from the street in the woods. She can still hear noise and can smell odors from the business. To approve more intense industrial property is totally unacceptable.

Ms. Versalles asked if the grinder was used before it was approved.

Ms. Lubbert said yes, however the Ordinance Enforcement Officer stopped it.

Chairperson VanderWeele asked for a motion.

Ms. Maxwell **made a motion** to recommend the Township Board deny the request to conditionally rezone the approximately 50,000 sqft of land located at 3265 S 6<sup>th</sup> St. and 3393 S. 6<sup>th</sup> St. from I-1: Industrial District, Manufacturing/Service to the I-2: Industrial District Manufacturing/Service, based on staff recommendations and consideration of the conditional zoning factors. Mr. Vyas **seconded the motion**. **The motion was approved 6-1, with Ms. Versalles dissenting.**

Chairperson VanderWeele moved to the next agenda item.

### **SITE PLAN REVIEW, HANDLEY'S TREE SERVICE**

**Jeff Triemstra of Handley's Tree Service was requesting site plan review for amendments to 3265 S. 6<sup>th</sup> Street.**

Ms. Lubbert reported Handley's Tree Service was requesting site plan review for amendments to 3265 S 6<sup>th</sup> Street. The property is located on the east side of S 6<sup>th</sup> Street, north of Stadium Drive. The proposal includes the combination of Parcel Numbers 05-34-130-017 and 05-34-130-018; for an area of about 7.5 acres. Handley's Tree Service general hours of business are 7:30AM to 4:30PM.

In November of 1968 the Zoning Board of Appeals granted site plan approval for the construction of a machine shop at 3265 S 6<sup>th</sup> Street. In 1989 site plan amendments were approved for an expansion and other site improvements for the new tenant, Little John's Excavating. Little John's Excavating was determined a "contractor's service" and was considered a permitted use in the I-1 zoning classification. In the I-1: Industrial District, Manufacturing/Service, the amount of outdoor storage is limited to the footprint of the primary building onsite under Section 27.50 of the Ordinance. In 2000, the owner of Little John's Excavating received a variance to allow for additional outdoor storage of up to 11,800 sqft on this site. In the summer of 2019, 3265 S 6<sup>th</sup> Street and the adjacent parcel to the south (parcel # 05-34-130-018) were sold to J&T Real Estate and Handley's Tree Service became the new business onsite.

She said through complaints from neighbors it was brought to staff's attention that the previously approved site plan for the contractor's service was not being followed. The operation had expanded to what was the vacant parcel to the south; a large number of trees had been cleared. Since that time, staff has been working with the applicant to bring their site into compliance – the site plan under consideration is a large part of that process.

Generally, a site plan review for a permitted use by right, in this case a contractor's service in the I-1 zoning district, would go to the Zoning Board of Appeals for review and approval. However, there are aspects of the proposed site plan that were tied to a rezoning request submitted by the applicant and considered earlier in this meeting. For this reason, staff elected to bring this site plan to the Planning Commission to review, as specific elements of the proposed site plan are tied to whether the rezoning is approved or denied.

Ms. Lubbert indicated 3265 S 6<sup>th</sup> Street and parcel number 05-34-130-018 are zoned I-1: Industrial District, Manufacturing/Service. Uses permitted in the I-1 zoning district are outlined in Article 27 of the Township's zoning ordinance. Contractor's services related to the building trades such as electrical, mechanical, plumbing, general building, excavating, and landscaping are identified as permitted uses by right within this article. A proposal for site plan modifications of a permitted use needs to be reviewed against the criteria outlined in Section 64.60 - Application Procedure, C - Site Plan. Her summary of the requirements and analysis of the proposal follow:

#### General Zoning Compliance

*Zoning:* 3265 S 6<sup>th</sup> Street and Parcel 05-34-130-018 are located within the I-1: Industrial District, Manufacturing/Service. The land to the north and west is zoned RR: Rural Residential. The land to the east and south has industrial zoning designations. Handley's Tree Service is a landscaping contractor's service business which is a permitted use by right within the I-1 zoning district.

*Lot dimensions:* Parcels within the I-1 zoning district are required to have a minimum area of 50,000 sqft and frontage of 200 feet. 3265 S 6<sup>th</sup> Street and Parcel 05-34-130-018 combined have an approximate area of just under 340,000 sqft and close to 400 feet of frontage along S 6<sup>th</sup> Street.

*Setbacks:* All setbacks are met.

*Outdoor storage:* In the I-1: Industrial District, Manufacturing/Service, the amount of outdoor storage is limited to the footprint of the primary building onsite under Section 27.50 of the Ordinance. Due to a variance granted to this site in the year 2000, 3265 S 6<sup>th</sup> Street is approved for up to 11,800 sqft of outdoor storage. The site plan proposes 6,935 sqft of outdoor storage for firewood, 2,770 sqft of additional outdoor product storage, 100 sqft for product staging, and 1,995 sqft of outdoor vehicle storage. A total of 11,800 sqft. All outdoor storage areas will be striped and signed. All other existing outdoor storage onsite will be removed. Per Section 27.50 of the ordinance all proposed outdoor storage is placed behind the front of the office building onsite.

#### Access and Circulation

*Access:* Originally 3265 S 6<sup>th</sup> Street utilized the driveway on the neighboring residential property to the north, 3235 S 6<sup>th</sup> Street. However, no access easements were in place. The owner of 3235 S 6<sup>th</sup> Street rescinded his permission for the contractor's business to utilize his driveway. As such, a new access point into the site was required. The applicant worked with the Kalamazoo County Road Commission to identify a new curb cut location on S 6<sup>th</sup> Street to gain access into 3265 S 6<sup>th</sup> Street.

*Circulation:* Both Oshtemo's Fire Department and Public Works Department have reviewed the site's circulation plan and found it acceptable. Emergency access throughout the site is sufficient. Signage will be included to help direct traffic.

There is a one-way ramp on the south side of the property that connects to S&T Landscaping. The applicant noted this ramp will be used by S&T landscaping to come

onto Handley's site to pick up mulch for their jobs and then exit onto S 6<sup>th</sup> Street using Handley's Tree Service entrance. This ramp was installed with the intention of reducing traffic on S 6<sup>th</sup> Street. Internal access is encouraged between neighboring sites.

*Parking:* Per the ordinance 12 parking spaces onsite are needed. 12 spaces are provided. The spaces will be 10' by 20'. The parking count includes one new ADA concrete spot that will be appropriately signed.

*Sidewalk* – Per Section 57.90, shared use paths indicated on the Township's Non-motorized Plan shall be installed by the developer when properties adjacent to planned nonmotorized facilities receive site plan approval from the municipality. There are no shared use paths identified on the plan along this section of S 6<sup>th</sup> Street. This criterion is not applicable.

### Landscaping

A landscaping plan was submitted and all requirements met.

The property to the north (and 80' of property to the east) is zoned RR Rural Residential. A 30' wide buffer is required where Industrially zoned property abuts residentially zoned or used property (Section 53.40). Provided.

- The 9- foot to 10-foot-tall berms shown on the plan meet the requirement for a visual barrier. The berms have already been put in place. Upon inspection the berm used for screening the property to the north has debris protruding from it and does not appear to be finished. The berm may need to be improved or reconstructed in order to meet the requirements of 53.30 G.
- Parking lot landscaping: 12 parking spaces are proposed. A minimum of 300 square feet of interior landscape area is required, with 2 canopy trees and 3 shrubs. Provided.
- A 20' wide buffer is required along 6<sup>th</sup> Street. Additional trees proposed. Criterion met.
- Interior site landscaping is required for all properties undergoing site plan review per Section 53.70. Met.
- Dumpster onsite is screened.
- Requirements for native species and sizes have been met.

### Site Lighting

Existing lighting will be utilized; no new lighting is proposed. Criterion not applicable.

### Signage

The free-standing sign at the entrance of 3265 S 6<sup>th</sup> Street will need to be relocated. A new location is shown on the site plan that appears to meet ordinance standards. A full review will be conducted when a sign permit application is submitted.

### Engineering

Prein & Newhof, the Township's civil engineering agent, has reviewed the project site plan. All requirements are met. The site will have two basins designed to address onsite water runoff. A SESC Permit will be required from the Kalamazoo County Drain Commission.

### Fire Department

Oshtemo's Fire Dept. reviewed the site plan and indicated all requirements are met.

Ms. Lubbert said staff recommended the Planning Commission approve the proposed Site Plan for 3265 S 6<sup>th</sup> Street with 10 conditions, which she listed and appear below in the motion for approval.

Chairperson VanderWeele asked if anyone had questions.

Ms. Maxwell confirmed a vote was needed even though the zoning request had been denied.

Ms. Versalles wondered about adding a condition for more berming if the Township Board approves the rezoning.

Attorney Porter said additional conditions cannot be added to a conditional zoning request. Conditions can only be added for Special Uses to protect the public.

Mr. Smith **made a motion** to approve the proposed site plan for the property at 3265 S. 6<sup>th</sup> St. with the following 10 conditions as recommended by staff:

1. A Land Combination Application will be reviewed, approved, and recorded that combines 3265 S 6<sup>th</sup> Street and Parcel 05-34-130-018.
2. The Kalamazoo County Road Commission's permit for the new access point into the site from S 6<sup>th</sup> Street will be provided to the Township.
3. A building permit will be obtained for the hoop house onsite.
4. A sign permit will be obtained for the proposed free-standing sign onsite.
5. All existing onsite storage not approved in this site plan will be removed.
6. A SESC Permit will be required from the Kalamazoo County Drain Commission.
7. The existing berms will be improved or reconstructed as needed to meet the requirements of 53.30 G.
8. If the proposed conditional rezoning is approved by the Township Board:
  - a. An updated rezoning exhibit will be provided which mirrors the approved rezoned area. All "sawmill" activities will be limited to the rezoned I-2 area.
  - b. All "sawmill" activities will be limited to the conditions outlined in the offered conditions of the rezoning.
9. If the proposed conditional rezoning is denied by the Township Board:



- a. The site plan set will be resubmitted with all references to ‘sawmill’ activities removed.
  - b. The area identified for ‘sawmill’ activities will be returned to and maintained as green space.
10. Any additional conditions deemed appropriate by the Planning Commission.

Ms. Versalles **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next agenda item.

### **OTHER UPDATES AND BUSINESS**

Ms. Versalles said given the discussion of I-1 and I-2, and gaps to consider, she hoped the Commission could look at what needs to be fixed.

Ms. Lubbert agreed intent needs to be matched to uses.

### **ADJOURNMENT**

With no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 7:57 p.m.

Minutes prepared:  
June 24, 2022

Minutes approved:  
July 14, 2022

To: Oshtemo Planning + Zoning Department 2-21-2022

This concerns the rezoning request of Jeff Triemstra of Handley's Tree Service on 6<sup>th</sup> St. He is asking to rezone his business, which would allow the use of a sawmill on site, from I-1 to I-2. My understanding is that he bought the property knowing it was zoned I-1.

6<sup>th</sup> street has long been residential, with families building, buying and upgrading homes with the understanding that the industrial portion was I-1. We can already smell diesel fumes at our home when there is a south wind in the morning and all the trucks are warming up. And we live closer to ML than Stadium Drive. To run an open air saw mill would mean diesel fumes all day. And the noise of a sawmill operation is extremely loud. I also wonder if having a sawmill across the street will lower their property value. And if one of the industrial properties is granted an I-2 rezoning, will the other two I-1 properties request the same zoning change.

I believe it is in the best interest of the residents of 6<sup>th</sup> Street to keep the industrial zoned I-1.

Sincerely,

Barb Malsorn

Barb Malsorn

2824 S. 6<sup>th</sup> Street

To: Oshtemo Planning & Zoning Dept.

Regarding: Rezoning of Handley's Tree Service on 6<sup>th</sup> St.

A "Sawmill" isn't a one sentence yes or no entity.

A "Sawmill" which has been in operation for three years prepping land, deforesting land, disrupting and destroying peace and tranquility to residents, and this is a profound understatement, encompasses more than JUST operating a Sawmill.

Mountains of much from living trees, trucks roaring, thrumming, beeping, dumping, loading. Stench from wet wood. AND MORE.

This has been in the process for three years.

How is this considered a yes/no on a Sawmill (that is already in operation) without an obvious understanding of material, employees, trucks, cars, equipment in and out daily. Let alone the process. Please view the mountains that are now what we see instead of the forest.

Our homes vibrate. Two years ago the preparation of land, desecrating the trees, equipment used shook our homes for an entire year.

How is it possible a body of professionals whose mission statement as Oshtemo Township allowed this to happen?

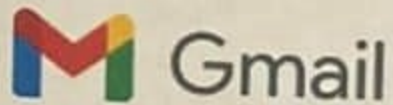
Assuming any of you would gladly live across the street from what Jeff Triemstra has created. You helped him.

Darlene Kiki Davis

A handwritten signature in black ink, appearing to be 'DK' followed by a long, sweeping horizontal line.

3240 S. 6<sup>th</sup> Street





sam fedor &lt;fedorsama@gmail.com&gt;

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**Heavy Industrial or Sawmill on 6th St**

1 message

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**Whalen, Mike** <MWhalen@walkerconsultants.com>  
To: "fedorsama@gmail.com" <fedorsama@gmail.com>  
Cc: Hoda Elajouz <hadoo26@hotmail.com>

Thu, Jun 23, 2022 at 10:06 AM

Sam, my family and I live at 3450 S. 6<sup>th</sup> St. Unfortunately due to a work event, I won't be able to attend tonight's meeting regarding the rezoning application of Handley's Tree Service on our street to I-2 Industrial, Heavy Industrial. Please feel free to read this at the meeting. My family and I are adamantly opposed to this request. In the almost ten years we've lived here, we've seen a very large increase in traffic and heavy truck traffic due to the expanding businesses on the east side of the road. We have two teen drivers with another one starting in about a year. Due to our property line and septic location, we don't have room for a turn-a-round in our driveway so we are forced to back out onto 6<sup>th</sup> street with limited sight distance. My wife and I have had many close calls with traffic and trucks traveling too fast (or even the speed limit) where we've had to race back into our driveway because trucks or cars appear all of a sudden from the North. I am fearful every time our two stage 1 driver license teens try to back out of our driveway. We are already not happy with the amount of equipment noise and truck noise waking us up in the wee hours of the morning (sometimes as early as 4am). Just the beeping from trucks backing up wakes us up. There are many kids who have bus stops on our street and with the up and down hills I feel it is already unsafe due to limited sight distances. The nicely wooded township lot right next to me was cleared to make way for the large unsightly powerline put in soon after I moved in. We have had many issues with workers at these businesses throwing out trash (lunch wrappings and bags) from their work trucks in our yard I assume so they don't have to clean out the truck when they return and can go home sooner when their shift is done. I feel the residents of 6<sup>th</sup> street have had enough unpleasant changes in the interest of "progress" and increased tax revenue with the increased traffic, noise and pollution from the businesses on the east side of the road that enough is enough. I trust those we elect will or have already walked or stood for a while on our road (preferably around 5 or 6am or late afternoon) near these businesses and observed the traffic and noise and asked themselves "would I want to live here or does this belong in a residential area?" I'm sure all of us who aren't business owners on 6<sup>th</sup> street are screaming "Hell NO!"

**Michael Whalen**3450 S 6<sup>th</sup> St.

Kalamazoo, MI 49009

269-808-6341