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ZONING BOARD MINUTES OF MEETING HELD JANUARY 11, 2000

A regular meeting of the Charter Township of Texas Zoning Board was held on Tuesday, January 11, 2000 commencing at 7:00 p.m. at the Texas Township Hall.

Members present: Steve Bosch, Chairman

George Sprau

Steve Woollam

*Bryan Brian Lewis *as corrected, 1/25/00

*Suzzette Suzette Deaux

Tom Hamming

* Barbara Huber

Members absent: None

Supervisor Ron Commissaris, Trustee Edward Woodhams, Building Official Bruce Derby, Zoning Administrator Jeff Mais, Township Attorney Lynda E. Thomsen, and 8 interested persons were also present.

1. CALL TO ORDER, ROLL CALL and ELECTION OF OFFICERS

Chairman Bosch called the meeting to order at approximately 7:00 p.m. Roll was called with the results shown above.

Mr. Woollam **moved** that for the year 2000, Mr. Bosch should be Chair; Mr. Sprau should be Vice Chair, and Mr. Lewis should be secretary. Ms. Huber **supported** the motion, and it **carried** unanimously.

2. SET AGENDA

Chairman Bosch reviewed the agenda. The applicant has requested removal of item 4; no action is to be taken on item 5; and no information has been received on item 6, although the applicant is present.

Mr. Woollam asked that members of the Board prepare their goals for the upcoming year for consideration at the next meeting. All agreed.

3. APPROVAL OF MINUTES and MISCELLANEOUS

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3. APPROVAL OF MINUTES and MISCELLANEOUS

Ms. Huber **moved** to approve the minutes of the November 23, 1999 meeting. Mr. Woollam **supported** the motion, and it **carried**.

Supervisor Commissaris introduced Jeff Mais, Zoning Administrator and Ordinance Enforcement officer. He will go over site plans with the Building Official and the Fire Chief, and will attend Zoning Board meetings. He will prepare site plan reports for the Zoning Board. Chairman Bosch asked whether it is still necessary to have a member of the Zoning Board review the agenda, as Mr. Sprau has been doing? Mr. Woollam suggested that this procedure continue, at least for a while. All agreed.

New members of the Board introduced themselves at the request of J. L Thornell of the Kalamazoo Gazette.

4. Tom Walker (to be reviewed January, 2000)

Item No. ZB99-08-117

Property: 3900 W. Michigan Ave., 49006 (02-126-019 and 02-126-112)

Request: Rezone to C-4

No action was taken. The applicant has withdrawn the request.

5. Fiskars, Inc.

Item No. ZB99-09-121

Property: 6805 Beatrice Drive (02-155-015)

Request: Site Plan Review: Addition

No action was taken.

6. Tamara Ricketts (to be reviewed January, 2000)

Item ZB99-10-121

Property: 5030 South 9th Street

Request: Site plan amendment

Ms. Ricketts addressed the Zoning Board. She has been working on correcting violations on the property. An electrician will be on the property Wednesday. The dumpster, striping of parking areas and barrier free signs are awaiting review. The retention basins are ready to be re-evaluated. Mr. Derby advised the Board that he has not inspected the property and did not know it was ready for inspection.

Chairman Bosch commented that there are two issues: compliance with the existing site plan as approved, and amendment to permit the new use. Apparently, most of the 9 items that were compliance issues have been resolved. Ms. Ricketts stated that there are only 2 items remaining.

Mr. Sprau stated that in his opinion, use of the property for U-Haul rental requires a new special use permit. No application for an amendment to that permit has been submitted. This issue was discussed. There was agreement that if the applicant submits an application for a new special use permit very promptly, it will be possible for the matter to be considered at the January 25 meeting. It is up to the applicant to submit the appropriate application and fee. No further action is appropriate at this meeting. The item was left on the table.

7. Message Express Company

Item 00-100

Property: Consumers Power Right-of -way (03-401-010)

Request: Special Exception Use: Replacement of Consumer's Pole with higher pole

Ken Bobo addressed the Board for the applicant. The proposal is to replace an existing 65-foot pole with a 125-foot pole. It can be used for 3 antennas. There will be nothing on the ground. The applicant has submitted a number of documents. The site will be accessed from "O" Avenue, using the property owned by Consumer's Power. The site is located about 1300 feet from "O" Avenue. The closest residences from this site are 160 feet on one side, and more than 1300 feet on the other. Consumer's Power lines will continue to be carried on the pole. The antennas will be placed on the pole, but will extend above it to an elevation of 132 feet.

Mr. Woollam asked how frequently access would be required. Mr. Bobo stated that no regular maintenance is required. Access will only be necessary about once every couple of months. In response to a question, Mr. Bobo said he does not know how frequently Consumer's Power accesses the existing pole.

Supervisor Commissaris informed the Board that in his discussions with Consumer's Power representatives, he has been informed that the company encourages co-location, but not by replacing existing poles with taller structures. He is concerned that if this is allowed here, it may happen elsewhere. Mr. Lewis noted that in a letter dated July 27, 1999, Consumer's mentioned using an existing pole. Mr. Bobo responded by saying that to Consumer's, replacing a pole with a taller pole is using an existing pole.

Mr. Woollam stated that he understood that the Consumer's right-of -way was not rezoned, and is still zoned residential. That issue was discussed, and it was decided that it must be verified.

Mr. Sprau pointed out that the ordinance requires that the access road must be paved. Mr. Bobo agreed, and said that he knows he must seek a variance if he wants to avoid paving the access.

There was discussion of safety issues relating to the strength of the pole. Mr. Lewis expressed concerns about the change in height and also the strength of the pole. Mr. Sprau asked whether Mr. Larkie is an employee of Consumer's Power. Mr. Bobo said that he is. Ms. Deaux asked whether Mr. Larkie's letter is referring to a pole 125 feet in height. Mr. Bobo said, "Yes."

Supervisor Commissaris asked why the applicant needs a pole at this location. Chairman Bosch noted that the Zoning Board must evaluate the application in light of the existing, approved towers in the area, and the applicant must demonstrate a need for the permit. Mr. Bobo said that the applicant is already

using existing towers in Oshtemo, but its network map shows a need for another tower in this area. Chairman Bosch emphasized the Zoning Board's need for information about the network layout.

Mr. Bobo explained that it was planned to use water towers as the core for towers. Only one additional site is needed in the area, at the Township Hall.

Mr. Sprau reminded Mr. Bobo that the ordinance requires setback of 110% of the tower height from property lines. That is not possible on this site. The Zoning Board does have authority to reduce that setback. Mr. Bobo acknowledged that the tower is located in the center of a 100-foot wide parcel. There are only trees around it.

Mr. Woollam mentioned that a land division would be required. Mr. Bobo made comments about that, but the Township Attorney mentioned that the land division issue is not before the Zoning Board.

Ms. Huber moved to table this matter pending determination of the zoning; submittal of a revised site plan showing paved access (or submittal of a variance from that requirement); submittal of information about the existing network and coverage it provides, and submittal of information to show why co-location on an existing tower is not adequate. Mr. Woollam supported the motion. It carried unanimously.

Mr. Woollam asked Supervisor Commissaris whether COG has an inventory of existing towers. It does not, but one is being prepared, according to the Supervisor. COG is trying to look to the future on this issue.

8. Message Express

Item: 00-101

Property: Consumers Power Right-of-way (03-401-010)

Request: Site plan review

Mr. Woollam moved to table this item, based upon the action taken on the previous item. Ms. Huber supported the motion and it carried unanimously. Mr. Bobo asked whether this item could be on the agenda for the January 25 meeting. The Board responded in the affirmative.

9. Fiskars, Inc.

Item No.: 00-102

Property: 6805 Beatrice Drive (02-155-015)

Request: Site Plan Review to add 3 docks

Dan Vacchiocchi addressed the Zoning Board for the applicant. He stated that there is another site plan that is on the table, because there are issues that must be worked out before the Zoning Board can consider it. However, this site plan amendment simply provides for 3 additional truck docks, and for improvement of fire protection and parking on the property. He described the changes as shown on the site plan:

- a) Excavation on the west elevation for the 3 docks;
- b) Interior floor plan changes to convert a freezer to a cooler and to remove an interior wall;
- c) Upgrade of fire suppression facilities;
- d) Installation of fire lanes
- e) Relocation of fire department connections;
- f) Installation of a new fire hydrant;
- g) Modification of turning radii for fire access;
- h) Paving an area for parking;
- i) Installation of a closed dumpster area
- j) A new, 20-foot wide fire lane at the south side of the building.

In response to a question, the applicant stated that there are currently 10 docks on the site. This plan adds 3. The site work involves lowering a ramp for the new docks. A drainage system already exists. The grates will be dropped. No lighting will be changed.

Ms. Huber asked that the change in the fire lanes be explained. She was informed that the Fire Chief wants the new lane for access to the back and the south side of the property. The applicant pointed out that there is an error on the plan that is being considered. On the east side of the building, new lights are shown. They should be deleted.

Mr. Derby advised the Board that in his opinion, this revision is acceptable. Most of the proposed changes are to bring the property into compliance with NFPA standards. The item shown as "Exhibit C Easement Area" does not yet exist, and should not be approved as part of this plan.

Mr. Sprau mentioned that the access drive on the west side of the property was approved as a 66-foot wide drive. The proposed paved parking area would encroach onto that width. The applicant agreed to move the parking area east to avoid the encroachment.

Mr. Sprau also questioned the "future condensers" on the north side of the building. The applicant said that is an error. Those condensers already exist.

Thereupon, Mr. Woollam **moved** to approve the site plan subject to the following corrections and conditions:

- a) removal of the reference to 2 new wall lights on the east wall;
- b) a note that what is shown as Exhibit C easement is not part of this plan and is not approved;
- c) truck parking on the west side of the property is to be moved east so as not to encroach upon the 66' easement;
- d) all shaded areas must be surfaced with bituminous paving;
- e) deletion of the word "future" from the reference to the condensers at the north side of the building.

Ms. Deaux supported the motion, and it **carried** unanimously.

10. Hollenbeck Construction Company

Item No.: 00-103

Property: 6294 West "N" Avenue (02-201-018)

Site Plan Review for Sports Complex

Mr. Woollam informed the Board that he must abstain, because his firm has a listing on the property that is the subject of this item. He left the table, and sat in the audience.

Larry Hollenbeck addressed the Zoning Board on behalf of the applicant. The plan before the Board is for an all sports building, including a gym for gymnastics; aerobics areas; a hair salon and an eatery. The ground floor is 30,000 square feet in area. The upper floor is 20,000 square feet in area. The plan is to have a feeling of being at the Olympics. The exterior elevations are shown on the site plan. The plan is to have a well-kept exterior, with plenty of parking. There is a long-range plan for a larger complex on the land in the area. The tenant is Michigan's largest gymnastics group. The applicant owns land in Oshtemo Township, across the street.

Mr. Sprau asked whether the items shown on the site plan review form as requiring completion have been completed. Mr. Derby stated that they have been. The zoning is C-4. There is a golf driving range on the east side of the property. The information required by the ordinance has been submitted.

Lighting was discussed. Chairman Bosch commented that the lighting plan shows a couple of areas where the lighting exceeds 1/2 foot-candle at the property line, but that is not a problem because the property next door to those areas is not residential. In response to a question about reduced lighting during hours when the facility is closed, Mr. Hollenbeck said that could be done.

Traffic was discussed. The main entrance to the building is on the west side, although there will also be an entrance on the east. With regard to driveways, Mr. Sprau commented that if a north-south street were constructed on the West side of the property, it might be helpful. Could that be accommodated on this plan? Mr. Hollenbeck replied that as this develops, there could be a service drive in that area. There is a hodgepodge of owners. Mr. Hollenbeck then showed the Zoning Board a master plan that he has been working on for the area. There was some discussion of that issue, but the master plan was not before the Zoning Board for action.

Chairman Bosch noted that new trees are shown on the east side of the property. The height must be shown. No other concerns were expressed about screening, except that dumpsters must be shown, and a pad and screening are required. Mr. Hollenbeck said that the dumpster location hasn't been determined yet. They may decide to go with a compactor in an enclosure.

The proposed use fits the Land Use Plan, and "N" Avenue is a primary road. Sewer and water are available. Mr. Lewis asked about storm drains. They are shown on sheet #2 of the plan.

The retention pond was reviewed. The Board determined that the slope is actually 1 in 4 (not 1 in 3 as shown) and fencing is not required.

Parking was reviewed. Ms. Deaux asked whether the applicant has determined the parking required during peak occupancy? Mr. Hollenbeck said that was reviewed. He believes 1 space for every 192 square feet will be plenty adequate, based upon their experience with similar uses. Within the larger development that is planned, all parking will be usable for overflow from one facility to another. Mr. Sprau commented that parking could be expanded on the south side of this parcel if necessary. Mr. Derby noted that if parking is not adequate, there would be an enforcement issue, and parking could be expanded. Ms. Huber asked how the applicant decided that 1 space per 200 square feet is appropriate, given the absence of any particular mention of this use in the table. This issue was discussed. Mr. Derby commented that he discussed it with the applicant, and data was reviewed. The applicant is aware that the Zoning Board has some discretion on this issue. Mr. Lewis noted that the number of spaces shown on the worksheet does not agree with the number shown on the larger site plan. Ms. Huber commented that the ordinance requires spaces that are at least 9 feet by 20 feet, and this plan shows spaces that are 10 feet by 20 feet. Mr. Derby mentioned that the barrier free spaces are 8 feet wide (which conforms to the barrier free standards) and there is also the aisle provided for accessibility. Chairman Bosch commented that the barrier free standards do apply, but also, the aisle provides the extra width necessary to satisfy the standard of the ordinance.

Chairman Bosch commented that any signs must satisfy the standards of the ordinance.

Ms Huber then **moved** to approve the site plan, on the conditions that:

- a) off-hour lighting must be reduced by 50% from regular lighting levels;
- b) trees on the east side of the property must be 6 feet high at the time of planting;
- c) a compactor or dumpster must be shown on a pad with a 6 foot fence and enclosure before a building permit is issued;
- d) the slope of the retention pond must be corrected on the plan to show 4 to 1;
- e) any signs on the property must meet ordinance requirements.

Mr. Derby then mentioned an issue about the entry. Mr. Hollenbeck said that he would like to have flags, and an Olympic torch. After discussion, the Zoning Board members stated that this site plan does not show that and it is not approved. He must return if he proposes a change in the plan to permit that.

The pending motion was **supported** by Mr. Sprau and **carried** unanimously.

11. REVIEW

The issue of Rural Residential zoning will be considered on January 25. Attorney Thomsen stated she would have a memo on the topic of the changes in the state laws for that meeting.

The planner should review the Groundwater Protection Ordinance.

A public hearing should be scheduled for February 22 on the Texas Corners amendment to the Land Use Plan.

12. CITIZENS' COMMENTS

Mr. Derby asked that the dumpster requirement be added to the checklist form for site plan review, and to the ordinance. That will be considered in conjunction with a text amendment in the future.

Chairman Bosch asked Trustee Woodhams about Planning Commission status. Trustee Woodhams responded that the Township Board has adopted the resolution to create the Planning Commission and it will take effect after the passage of the required time. Trustee Woodhams also reported that the Township

Board will be holding a goals and objectives meeting on Saturday, January 15 at 9:00, and members of the Zoning Board may wish to attend that meeting.

Members of the Zoning Board expressed concerns because they would like the Planner to be working on a new zoning ordinance for the township, rather than piecemeal revisions. This issue was discussed, but no action was taken.

Chairman Bosch reminded the members to be prepared to discuss their goals for 2000 at the next meeting.

There being no further business, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,
Brian Lewis, Secretary

Date minutes prepared: January 14, 2000

Date minutes approved: