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## **ZONING BOARD MINUTES OF MEETING HELD MAY 16, 2000**

A special meeting of the Charter Township of Texas Zoning Board was held on Tuesday, May 16, 2000 commencing at 7:00 p.m. at the Texas Township Hall.

Members present: George Sprau  
Suzzette Deaux  
Steve Bosch  
Tom Hamming

Members absent: Steve Woollam (who was present before the meeting was called to order, but left when he realized he had a conflict of interest)  
Barbara Huber  
Bryan Lewis

Zoning Administrator Jeff Mais, Building Official Bruce Derby, Township Attorney Lynda E. Thomsen, and 5 interested persons were also present.

### **1. CALL TO ORDER and ROLL CALL**

Chairman Bosch called the meeting to order at approximately 7:00 p.m. Roll was called with the results shown above. (Steve Woollam had appeared for the meeting before it was called to order, but left when he realized that the item on the agenda was a matter as to which he had a conflict of interest.)

### **2. Larry Hollenbeck Item No.: 00-113 Address: 9<sup>th</sup> Street & "N" Avenue (02-201-018) Request: Site Plan Review - Ice Hockey Building**

Larry Hollenbeck addressed the Zoning Board. The plan is a revision of the approved site plan, and includes an ice hockey building in addition to the all sports building that was approved earlier. After that plan was approved, he reviewed the location of the retention pond, and the new plan before the Board shows it relocated to the area called Parcel 3. If possible, they hope to get a grant from the State to improve "N" Avenue. There is a tenant in the development on the north side of "N" with enough employees to make it possible to seek a state grant for that purpose. At a minimum, the grant-funded improvements would include a turning lane on "N".

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The ice arena building is now shown on the site plan. He is working with the owner of property south of this site toward the goal of a roadway to the interior of the land. Sewer has been constructed. The plan shows an area to be reserved for future parking.

Chairman Bosch turned to review of the requirements of the Zoning Ordinance. Mr. Sprau asked if all the sheets submitted are still relevant. Mr. Hollenbeck replied in the affirmative, stating that this review incorporates the area that was already approved, but the all sports building has been moved 40 feet, without any other changes in the structure. Mr. Sprau commented that in his opinion, the 66-foot Right of Way for the road between the buildings should not be included in the area of the site, because it is a proposed Right of Way for a public road. Mr. Hollenbeck responded that it is a driveway, to be located on a Right of Way so that it will be possible to make it a public road in the future. Mr. Sprau said he believes it should be regarded as a road. Mr. Hollenbeck agreed that his intention corresponds with Mr. Sprau's position. Chairman Bosch commented that currently, the area under discussion is an interior driveway. If it becomes a public road, will all the curb cuts shown on this plan be acceptable to the County Road Commission? That could be a major issue in the future. He agrees that it would be prudent for that road to be a public road, but traffic management is a concern. In his opinion, the number of curb cuts shown on this plan creates a problem. He also commented that "N" Avenue is not a primary road. There was more discussion of those issues.

Chairman Bosch commented that the "existing grades" shown on the plan are not even close to accurate. There is nothing that prevents the developer from regrading before a site plan is submitted, but he sees a problem at the boundary lines of the site, because according to the plans, there will be "cliffs" of 4 or 5 feet created, which is likely to cause problems with erosion and drainage.

Mr. Hollenbeck stated that the temporary sales trailer is an issue that must be addressed as part of this site plan.

With regard to roads, Mr. Sprau mentioned that the driveway between the two buildings must meet County Road Commission standards. The ordinance requires that, and the Township has required that in other locations with this situation. Mr. Hollenbeck asserted that the easterly extension of Beatrice Drive was not built to County standards. Mr. Sprau then read from the ordinance Section 7.115.A, the language that requires driveways serving more than one building to be built to County Road Commission standards for construction and drainage. Chairman Bosch reiterated his concerns about topography at boundary lines, and the impact that could have on neighbors, if the drainage and erosion issues are not properly addressed.

In response to a question, Mr. Derby reported that Fire Chief Corfman wants a fire hydrant at the southwest corner of the All Sports building. The applicant agreed to add that.

After additional discussion, Mr. Hollenbeck agreed to reconfigure the interior drives to delete all but one curbcut in each direction north of the buildings, and one curbcut in each direction south of the buildings to address the concerns expressed by Board members relating to safety. He also agreed to add another curbcut from "N" Avenue near the east edge of the property. He

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acknowledged that this plan has not yet been submitted to the Road Commission for review. Ms. Deaux asked whether the driveway at the west end of the property would be labeled "service drive only"? Mr. Hollenbeck replied in the negative.

Chairman Bosch then opened the public hearing. Joseph Sperrazza addressed the Board. He supports the project and the road to the south. He thinks it must be a public road, because he said he was denied approval because the Township does not monitor sewers in private property. Members of the public offered no other comments, and the public hearing was closed.

Mr. Sprau noted that drainage from the all sports building crosses the right of way of the future public road. If the property is ever divided, and placed under separate owners, this would require an easement. He suggested that it would be appropriate to provide the easement now. Attorney Thomsen agreed that would be an issue, but questioned whether it is an issue for site plan review. Mr. Hollenbeck stated that everyone could be assured that if the property were ever sold off, easement issues would have to be addressed in order to get title insurance.

The next issue was parking. There was extensive discussion of the applicant's calculations for the required parking. The Zoning Board members recalculated, using standards from the ordinance, and determined that approximately 450 parking spaces would be necessary using the applicant's own seating capacity of 1074, divided by 3, plus restaurant, offices, locker rooms, employees, players, coaches and officials. The applicant's representative, Mr. Brien, said that he has a similar facility in Ann Arbor, and it is much larger than this one, and he is confident the parking shown on the plan will be sufficient for the maximum use of the property. After careful consideration, the members of the Zoning Board agreed that a total of spaces for 450 vehicles for the hockey facility is appropriate and consistent with the ordinance, and that currently, 300 must be provided, with the balance to be added in the area shown as reserved for future parking at such time as the Township directs.

Lighting information was then reviewed. The plan must be revised to show the height of the poles and the hours during which specific lighting will be reduced, as required by the ordinance.

Mr. Sprau said he was concerned about the limited number of entrances and exits to the building. Mr. Hollenbeck responded that it is critical that entry points be limited, because of the nature of the use, and that there are numerous emergency exits. After reviewing the plans, the Board members concluded that the Building Code requirements would have to be met. There was discussion about the main entrance of the building, with some members supporting relocating it. However, that was not required. Ms. Deaux and Mr. Hamming both said they had no problems with the location of the main entry as shown on the plan.

No adverse impacts on the surrounding neighborhood were noted. The dumpsters are shown as screened; screening along the east boundary line was already approved at the earlier site plan review. It was noted that a sign had been approved with the earlier plan, but is not shown on this plan. The applicant was informed that by omitting the sign, he is losing approval that had been



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given, and any proposed sign would have to be submitted for review as an amendment to the site plan.

Mr. Sprau then said that he interprets the ordinance as requiring frontage on a primary road for this use. The language upon which he based that opinion was reviewed, and other members of the Board disagreed. However, several people expressed concerns about the traffic impacts that would result from this use. Mr. Hollenbeck commented that he hopes a grant can be obtained to upgrade "N" Avenue. There was additional discussion.

Thereupon, Mr. Bosch made a motion to approve the site plan, on conditions that a revised plan must be submitted and approved by Mr. Mais with input from Mr. Bosch or Mr. Sprau, showing:

1. a separate legal description of the 66-foot right of way;
2. the interior driveway on the 66-foot right of way constructed to County Road Commission standards for construction and drainage;
3. revision of the topography along the south boundary line to change grades so that they are appropriately bermed and sloped to eliminate erosion and drainage problems;
4. add a fire hydrant and a fire connection to the all sports building;
5. add another access to "N" Avenue at the east end of the property;
6. reconfigure the driveway to eliminate all but one curbcut each direction on the north end of the buildings and one curbcut each direction on the south end of the buildings;
7. the plan must be submitted to the Road Commission for review and approval;
8. the plan must show 450 parking spaces for the hockey facility, with 150 of those "on reserve" for future construction as dictated by the township;
9. the height of light poles must be shown;
10. the areas and times when lighting will be reduced must be shown;
11. access to the hockey building for ingress and egress must conform to building code requirements;
12. add a note to the plan that what is shown as existing topography does not conform to the actual topography on the site at the time the plan was submitted;
13. a future site plan amendment will be required for any sign on the premises;
14. the hockey building is to be raised enough to provide gravity drainage.

The last condition was added after Mr. Sprau commented that the level for the floor of the hockey building was lower than some of the surrounding terrain, and that in his opinion the building should be constructed at a grade level that would permit gravity drainage. Mr. Hollenbeck agreed to do that and condition 14 was added to the motion. Ms. Deaux **supported** the motion, and it **carried**, 4 to 0.

The Board then considered the "sales trailer." After some discussion, it was agreed that paved parking is required for that sort of use, and the Board does not have authority to waive that requirement. Mr. Hollenbeck said he might just use the trailer as a construction trailer, not for sales. Ms. Deaux commented that in her experience, the trailer would not be an efficient or convenient way to sell memberships. Mr. Brien commented that he does not like to see money wasted. Members of

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the Board responded that the applicant placed the trailer on the site, and now wants it to be approved as a sales trailer, even though the Board does not have authority to waive the ordinance requirements.

Mr. Bosch then **moved** to approve the sales trailer with paved parking, to be removed within 6 months from the date of approval. If the trailer is used only as a construction trailer, then the paved parking is not relevant. Ms. Deaux **supported** the motion, and it **carried**. Mr. Bosch commented that the Zoning Administrator would have to be vigilant in enforcing the ordinance to assure the trailer is used appropriately.

### 3. Citizens' Comments

There were no citizens' comments.

### 4. PUD Revision

Because of the lateness of this special meeting, the Board declined to consider the PUD revisions.

### 5. Adjournment

Respectfully submitted,

Lynda Thomsen, acting as recording secretary

Date minutes prepared: May 18, 2000

Date minutes approved: