



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
269-216-5220 Fax 375-7180 TDD 375-7198  
www.oshtemo.org

**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Regular Meeting  
Thursday, February 27, 2020  
6:00 p.m.  
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: February 13, 2020
6. **Public Hearing: Fruit Belt Trail**  
Oshtemo Township is requesting Special Use approval for a two-mile-long nonmotorized trail extending from Flesher Field to the Township's south border.
7. **Public Hearing: Lighting Ordinance**  
Consideration of amendments to Article 54 - Lighting Ordinance, for recommendation to the Township Board.
8. Old Business
9. New Business
  - a. **Site Plan Review: Maple Hill Auto Expansion**  
Maple Hill Leaseholds, LLC is requesting a Site Plan approval for a 3,130 square foot building expansion at 6883 West Main Street, a previously approved vehicle dealership.
  - b. **Proposed Zoning Ordinance Update: *Assembly and Convention Halls***
10. Other Business
11. Planning Commissioner Comments
12. Adjournment

**Policy for Public Comment  
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Grant Taylor	216-5221	<a href="mailto:gtaylor@oshtemo.org">gtaylor@oshtemo.org</a>
<b><u>Trustees</u></b>		
Cheri L. Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
Deb Everett	375-4260	<a href="mailto:deverett@oshtemo.org">deverett@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Ken Hudok	548-7002	<a href="mailto:khudok@oshtemo.org">khudok@oshtemo.org</a>

<b>Township Department Information</b>		
<b><u>Assessor:</u></b>		
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>
<b><u>Fire Chief:</u></b>		
Mark Barnes	375-0487	<a href="mailto:mbarnes@oshtemo.org">mbarnes@oshtemo.org</a>
<b><u>Ordinance Enf:</u></b>		
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>
<b><u>Parks Director:</u></b>		
Karen High	216-5233	<a href="mailto:khigh@oshtemo.org">khigh@oshtemo.org</a>
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>
<b><u>Planning Director:</u></b>		
Iris Lubbert	216-5223	<a href="mailto:ilubbert@oshtemo.org">ilubbert@oshtemo.org</a>
<b><u>Public Works:</u></b>		
Marc Elliott	216-5236	<a href="mailto:melliott@oshtemo.org">melliott@oshtemo.org</a>

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**DRAFT MINUTES OF A REGULAR MEETING HELD FEBRUARY 13, 2020**

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**Agenda**

**Old Business**

- a. Discussion – Accessory Buildings**
  - b. Discussion – Setting Zoning Code Amendment Priorities**
- 

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, February 13, 2020, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Bruce VanderWeele, Chair  
Ron Commissaris  
Micki Maxwell, Vice Chair  
Anna Versalle  
Chetan Vyas

MEMBERS ABSENT: Dusty Farmer  
Mary Smith

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney and Martha Coash, Meeting Transcriptionist. One other person was in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m.

**Approval of Agenda**

Ms. Lubbert requested the addition of two items: under Old Business, a discussion of an update to the proposed Lighting Ordinance amendments and under Any Other Business, an update regarding the joint meeting schedule for 2020.

Chairperson VanderWeele acknowledged the change to the agenda to add the two items as requested.

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

Hearing no comments, the Chair moved to the next agenda item.

## **Approval of the Minutes of the Meeting of January 30, 2020**

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of January 30, 2020.

Ms. Maxwell noted a typo on page four and requested a correction to change “agreeance” to “agreement” and a change from “Federal” regulations” on page five under 5G, to “State” regulations.

Mr. Vyas made a motion to approve the Minutes of the Meeting of January 30, 2020 as presented with the requested corrections. Mr. Commissaris seconded the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

## **Old Business**

### **a. Discussion – Accessory Buildings**

Ms. Lubbart noted the rewritten version of the accessory building code was presented to the Planning Commission at the January 30<sup>th</sup> meeting for discussion and initial feedback. Commission members were in support of the direction of the changes but requested that the proposed size and height restrictions be further defined and brought back to them for consideration.

She said based on the Commissioners’ discussion at the regular January 30<sup>th</sup> Planning Commission meeting, staff amended the proposed accessory building code language. She reviewed the changes for the group.

The proposed changes were acceptable except for the maximum cumulative square footage allowed for accessory buildings based on acreage. Commissioners questioned whether the proposed square footage was sufficient.

Mr. Ken Schneider, representing his son who resides on VanKal Avenue, contributed to the discussion and advocated for an increase in square footage.

After discussion the consensus of the group was that the proposed table listing square footage based on acreage should be increased, ranging from 2,000 – 7,000 square feet.

Ms. Versalle made a motion to authorize Ms. Lubbart to make the changes in square footage by acreage as discussed, and to set a public hearing for consideration

of the amended accessory building code at a meeting in March or April. Mr. Commissaris seconded the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

**b. Discussion – Setting Zoning Code Amendment Priorities**

Ms. Lubbert said after review of the list of zoning code amendments at their regular January 30<sup>th</sup> meeting, after discussion, the Commission agreed to separately email staff their top three priorities to help inform discussion.

Since staff is currently nearing completion of amendments to the outdoor lighting and detached accessory structure ordinances, they were excluded from the priority list.

Each of the seven Planning Commissioners identified three amendments they wished to prioritize. Below is a compilation of those identified amendment priorities.

<b>Amendment</b>	<b>Commissioners out of 7 that identified the amendment as a priority</b>
5G	7
Permitted Uses, Permitted Uses with Conditions, and Special Uses	2
Marijuana	6
Maple Hill South Mixed-Use Overlay District	4
Signage	1
Go Green Oshtemo	1
Nonhazardous materials	0

Based on the provided feedback, Ms. Lubbert recommended the top three amendments be tackled in the following order:

1. 5G
2. Marijuana
3. Maple Hill South Mixed-Use Overlay District

The group agreed with Ms. Lubbert’s recommendation and her suggestion that the remaining amendments be considered for priority at a later date depending upon need as well as other priorities that may emerge in the meantime.

**c. Discussion – Proposed Lighting Ordinance Amendments**

Ms. Lubbert said she wanted to confirm it was the group’s intent to eliminate the possibility of a translucent element, and to allow only an opaque element to screen a light source from direct view in the Outdoor Lighting Standards Ordinance.

The change was made at the last meeting when revised language was reviewed. Commissioners agreed that was their intent.

Attorney Porter noted this change to the Ordinance will mean lights that have been installed that are non-conforming or out of compliance will need to come down. If such lights were legally put in place or “grandfathered” they would be allowed to remain. In the future all new lights will be directed downward.

Chairperson VanderWeele moved to the next item on the agenda.

**Any Other Business**

**a. Update: Joint Meetings Schedule for 2020**

Ms. Lubbert informed Commissioners there are two joint board meetings scheduled in 2020. They will be held on April 21 and October 20, both at 6:00 p.m.

**PLANNING COMMISSIONER COMMENTS**

There were no comments from Commissioners.

**ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:45 p.m.

Minutes prepared:  
February 14, 2020

Minutes approved:  
\_\_\_\_\_, 2020

February 20, 2020



**Mtg Date:** February 27, 2020

**To:** Planning Commission

**From:** Karen High, Parks Director  
Iris Lubbert, Planning Director

**Applicant:** Charter Township of Oshtemo

**Owner:** Ameritech Michigan Co.

**Property:** Parcel numbers 3905-35-185-030, 3905-34-405-020, 3905-33-492-030

**Zoning:** RR: Rural Residential

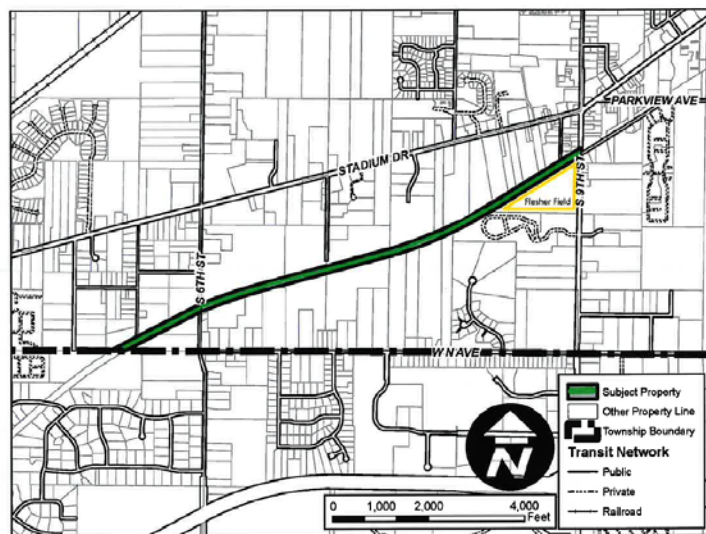
**Request:** Special Use approval for a two-mile-long nonmotorized trail

**Section(s):** Section 5.40: Golf Courses, Parks, & Outdoor Recreational Areas in Rural Residential District  
Section 65.30: Special Use Review Criteria  
Section 49.90: Special Use Requirements

**Project Name:** Fruit Belt Trail

**PROPOSAL:**

The applicant requests Special Use approval to permanently preserve and dedicate 35 acres of land to outdoor public recreation, specifically to install a nonmotorized trail extending from Flesher Field to the Township's south border, see map to the right. The property was formerly part of the Fruit Belt Railway Line, which the trail will be named after, that once ran from Kalamazoo to South Haven. The property is currently owned by Ameritech Michigan Co. and is being used for underground telecommunications.



The proposed trail will be 8' to 10' wide and two miles long. The trail surface will be crushed stone, similar to the Kal-Haven Trail. If approved, permitted uses for the trail would include walking, bicycling, cross-country skiing, and similar non-motorized uses. Off-road vehicles, such as ATVs and four-wheelers, would be prohibited.



**BACKGROUND:**

In 2017 the Township conducted a Citizen Engagement and Priority Survey to help policy makers understand community values. This survey consisted of feedback from a random sample of 1,500 residents that were drawn from voter records. When asked what their top budget priorities would be for their Township, 43% of the sample identified the addition of bike/walk paths and 32% identified parks. As Oshtemo Township continues to grow—in population, housing, and other development — there is ultimately a loss of open space and natural areas and an increased need for connectivity. Recognizing the pressures of growth and residents’ interest in parks, recreation, and nonmotorized transportation, the Township adopted the *GO! Green Oshtemo Plan* on February 12<sup>th</sup>, 2019.

Public participation played an integral role in the *Go! Green Oshtemo* planning process, including: study groups that met multiple times over a 6-8-month period, three public outreach meetings, an online community survey (to which over 200 residents responded), and three public hearings. The public hearings were held in November 2018, January 2019, and February 2019. Consistently throughout the process, when asked for what their top three improvements would be to Oshtemo’s park system, most citizens noted their desire to see more walking/biking trails.

The focus of the *Go! Green Oshtemo* plan quickly became about connections. There was an identified need to connect residents to amenities. As a community that sustains both a suburban and rural environment, linking these dual characteristics is critical to enriching all lifestyles. This was a goal that residents linked to their desire to enhance the quality of life in Oshtemo Township. Through community input a Conceptual Framework Map was created, see excerpt to the right and attached for a full copy. This Map was created to capture the community’s “big picture” vision for a nonmotorized network that would link the Township east to west, through parks and conservation. Using the Conceptual Framework map as a guide and existing infrastructure both within and adjacent to Township boundaries, the Nonmotorized Transportation Network map was created as part of *Go! Green Oshtemo’s* implementation plan.



The underlying goals of the Nonmotorized Transportation Network map is to create a network of links to adjacent jurisdictions, provide access to destinations within and around the Township, and ensure a system of “loop connections” throughout the community. The *Go! Green Oshtemo Plan* identifies the proposed trail currently under consideration, outlined in red on the Nonmotorized Transportation Network map to the left, as a priority. This trail would support area residents with both recreational needs, connections to important destinations (ex. Fletcher Field and Oshtemo Village), and eventually allow for further nonmotorized network connections east to 11<sup>th</sup> Street and west to Texas Township. Approval of this special use request is a large step in implementing the *Go! Green Oshtemo Nonmotorized Plan* and the public’s vision of a connected community.



Oshtemo Township is considering a grant request to the Michigan Natural Resources Trust Fund (MNRTF) to pay for the purchase of this property. If a MNRTF grant is awarded, which the application for is contingent on this approval, Oshtemo could acquire the property no sooner than the summer of 2021. Per the grant requirements, the land would be dedicated to outdoor public recreation in perpetuity. Ameritech would retain a telecommunications easement. A development grant will then be sought to pay for the installation of the 8' to 10' wide trail.

#### ANALYSIS:

The entirety of the property in question is zoned RR, Rural Residential. Uses permitted in the RR zoning district are outlined in Section 5.40 of the Township's Zoning Code. *Golf Courses, Parks, & Outdoor Recreational Areas* are identified as a Special Use within this section and require review and approval of the Planning Commission. When reviewing a Special Use there are two sets of criteria that need to be considered: the general Special Use review criteria outlined in Section 65.30 and the specific requirements for the use in question outlined under Section 49.90. Below is an analysis of the proposal against these two Sections. Overall, the requirements of both Section 65.30 and Section 49.90 have been met.

#### Section 65.30: Special Use Review Criteria

- A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.**

**Master Plan:** *The GO! Green Oshtemo Master Plan*, approved by the Township Board on February 12, 2019, shows the proposed trail on the Conceptual Framework Map and the Nonmotorized Network Map. In addition, Appendix E of the Nonmotorized Action Plan: Off Road Facilities, identified this proposed trail as one of the first new off-road facilities for the Township to pursue:

“Utilizing established easements and/or properties owned by a governmental or quasi-governmental entity, with the approval of the easement or property holder, can assist with the development of the trail. The first trail under consideration is the AT&T corridor that runs from Flesher Field Park southwest through the Township to the Texas Township border. This trail would support area residents with both recreation needs and connections to important destinations like Flesher Field and Oshtemo Village”.

Park property acquisition is also supported in the *GO! Green Oshtemo Plan*. According to the Trends and Needs section of the report, Oshtemo's population is expected to increase by 47% by 2040. By 2021, approximately 21% of the Townships population will be 65 years and older. More than 13% of the population has a disability, and this number increases as the population ages. Implications of this population increase include: more parks will be needed, loss of open space and natural areas will occur as new development is constructed, and multi-modal and accessible facilities will be critical. The proposed use will add two miles of nonmotorized trail and approximately 35 acres of land permanently preserved and dedicated to outdoor public recreation.

**Zoning Ordinance:** The intent of the RR District, outlined in Article 5, is “to protect the quality of the overall environment of Oshtemo Township while satisfying the desire for a semi-rural lifestyle...” by “...conserve(ing) open space, fallow land, wooded areas, and wetlands”. All uses

outlined in this Article, whether a permitted use, permitted use with conditions, or a special use, are generally considered compatible with this district's intent. The proposed two-mile-long nonmotorized trail is an identified special use within this district and therefore consistent with the district's intent.

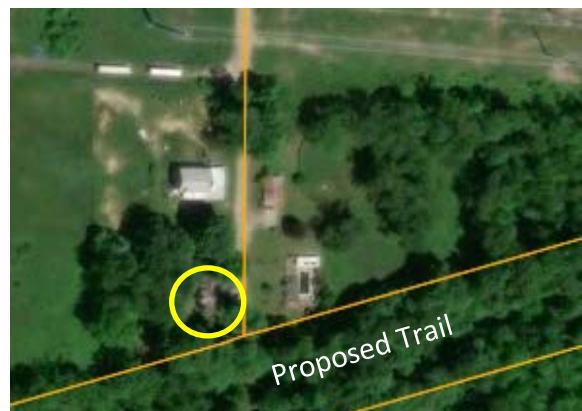
**Site Plan Review: The Site Plan Review Criteria of Section 64.80.** - A conceptual plan has been provided which is in compliance with the requirements of the Zoning Ordinance. However, although an engineered site plan is not required at this time, construction details and engineering documents will be required to be submitted for review and approval by Oshtemo Township's Civil Engineer and any other applicable regulatory entities prior to installation.

Note - If additional parking or trail head facilities are deemed necessary in the future, those facilities will be required to go through the Special Use review processes and require a public hearing.

**B. Impacts:**

**1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.** - The subject property is approximately 150' wide and the proposed trail is 8'-10' wide. This will allow for approximately 70' of setback from adjacent properties on each side of the trail. Park boundary signs are proposed where existing trails on private property intersect with the proposed trail. Aside from the installation of the trail itself the remainder of the property, including landscaping and any natural features, will remain untouched. The 70' of natural buffer between the trail and any existing uses will help maintain and protect the existing character of the area.

**2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.** - The applicant is aware of one house located at 4310 S 7th Street that is particularly close to the proposed trail; the primary residence is circled in yellow in the image to the right. To reduce the potential for negative impacts to this property owner, the applicant offers to coordinate with the property owner and install a landscaping buffer and/or a 6' tall privacy fence for screening near the house. In addition, there are two properties that have land on both sides of the trail. Access easements will be provided to allow these property owners to cross the trail.



7<sup>th</sup> Street dead ends before reaching any public property that connects to the proposed trail. This means that there is no legal access from 7<sup>th</sup> Street to the trail without trespassing on private property. To help mitigate any private trespass at this location, signs will be installed along 7<sup>th</sup> Street to notify visitors that trail access and parking are not permitted in this area. Signs will direct trail users to 6<sup>th</sup> Street or Flesher Field.

The Zoning Ordinance currently does not have a minimum required number of parking spaces for a trail. However, trail users will have access to the existing parking lot at Flesher Field. If additional parking is deemed necessary, an additional parking lot can be provided where the trail intersects with 6th Street.

- 3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.** – There is an existing footpath that runs with this property that is being utilized by residents as an unofficial trail. Oshtemo Township has received complaints of off-road vehicles being used along the stretch. Officially implementing a trail where only nonmotorized uses will be allowed would mitigate this issue and minimize impacts such as noise, traffic, or dust. Trail hours will be sunrise to 30 minutes after sunset.
- C. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.** - No changes to the site are planned that would negatively impact existing natural features.
- D. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.** - Trail users will have access to the existing restrooms and parking lot at Flesher Field. If additional restrooms or parking are needed in the future, a restroom and parking lot could be provided where the trail intersects with 6th Street. Stop signs are proposed in each direction where the proposed trail crosses 6th Street. To ensure the safety of trail users, both a “stop sign ahead” and a stop sign are proposed. The Fire Marshal requested that any future gates installed across the trail be accessible to the Fire Department.
- E. Specific Use Requirements: The Special Use development requirements of Article 49.** - All of the specific use requirements outlined in Section 49.90 have been met, see below.

Section 49.90: Golf Courses, Parks, and Outdoor Recreational Areas

- A. The principal uses shall be an outdoor activity compatible with the other principal uses permitted in the particular zoning classification.** - If approved, permitted uses for the trail would include walking, bicycling, cross-country skiing, and similar non-motorized uses. Off-road vehicles, such as ATVs and four-wheelers, would be prohibited.
- B. Concession stands, pro-shops, clubhouses, equipment repair facilities, and other incidental commercial type uses shall be permitted provided they are located so as to minimize any adverse effects upon adjoining residential property owners and are operated for the purpose**

**of serving patrons of the principal use and not the adjoining community or transient motorists.** - No commercial uses are proposed.

- C. **No overnight accommodations other than a single-family dwelling for the owner or manager of the facility shall be allowed unless expressly approved by the Planning Commission in granting a Special Use hereunder.** – Trail hours will be sunrise to 30 minutes after sunset. No overnight accommodations are proposed.
- D. **Adequate public restrooms and other facilities shall be constructed and properly maintained, commensurate with the anticipated popularity of the particular use involved.** - Trail users will have access to the existing restrooms at Flesher Field. If additional restrooms are needed in the future, a restroom could be provided where the trail intersects with 6th Street.
- E. **Rubbish disposal shall be handled in such a manner as will avoid any littering upon adjoining properties and will minimize any adverse effects from noise, odor or dust to adjoining properties.** – The submitted maintenance plan outlines a schedule for mowing, litter pick-up, and related issues.
- F. **Off-street parking shall be required on the site located in areas which will minimize any adverse effects upon adjoining property owners and shall be sufficient to satisfy peak periods of use and in compliance with the provisions of Article 52.** Trail users will have access to the existing parking lot at Flesher Field. If additional parking is needed in the future, a parking lot could be provided where the trail intersects with 6th Street.
- G. **Fencing may be required by the Planning Commission where deemed necessary to prevent trespass onto adjoining residences or residentially zoned property.** - The applicant is proposing to install landscaping and/or a 6' tall privacy fence along the proposed trail neighboring the residence at 4310 S 7th Street. The applicant is open to additional screening or fencing that the Planning Commission would deem necessary.
- H. **The placement of any trails, roads, runs, obstacle courses or similar roadways or pathways shall be in such locations as to minimize any adverse effects of noise, traffic or dust upon adjoining residents and shall, where the Planning Commission deems necessary to dissipate noise emanating therefrom, be screened.** – The subject property generally runs along the back of large properties and is approximately 150' wide. The proposed trail is 8'-10' wide. This will allow for approximately 70' of setback from adjacent properties on each side of the trail. The 70' of natural buffer between the trail and any existing uses on neighboring properties will help maintain and protect the existing character of the area. Park boundary signs are proposed where existing trails on private property intersect with the proposed trail. Aside from the installation of the trail itself the remainder of the property, including landscaping and any natural features, will remain untouched. Off-road vehicles, such as ATVs and four-wheelers, will be prohibited which will minimize impacts such as noise, traffic or dust.
- I. **Equipment storage buildings and other such buildings of a commercial nature shall be screened from adjoining residential properties.** - No storage buildings are being proposed. However, there is an existing small utility building on the west side of 6th Street.

- J. The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of any resident on adjoining property and to ensure that any noise, odors, traffic or other activities incident thereto have a minimum impact upon the general area in which the same is located.**  
– The applicant is open to any additional restrictions the Planning Commission deems necessary.
- K. The application for a Special Use must contain a plan for insuring adequate supervision of a recreation area and all activities therein.** – The submitted maintenance plan outlines a schedule for mowing, litter pick-up, and related issues.

**RECOMMENDATION:**

The proposed two-mile-long nonmotorized trail meets all requirements for a Special Use in the RR zoning district and is consistent with the Township’s Master Plan. Township staff recommends the Planning Commission approve the requested Special Use of with the following conditions:

1. Prior to installation of the trail, construction details and engineering documents will be submitted for the review and approval by Oshtemo’s Engineering and Building Department.
2. Trail hours will be sunrise to 30 minutes after sunset.
3. If additional restrooms and/or parking are deemed necessary, a restroom and/or parking lot will be provided where the trail intersects with 6th Street. The installation of this parking lot or a trail head will be required to go through the special use review processes and a public hearing.
4. Stop signs will be installed along the trail both east and west of 6<sup>th</sup> Street.
5. Applicant to coordinate with property owners at 4310 S 7th Street regarding a landscaping buffer or a privacy fence to screen the existing residence from the trail.
6. A sign will be installed alerting potential trail users that there is no public access or parking at the end of 7<sup>th</sup> Street.
7. Access easements will be provided to properties that have land on both sides of the trail.
8. If gates are installed across the trail in the future, they will be accessible to the Fire Department.

**Attachments:**

Concept Plan  
Maintenance Plan  
*Go! Green* - Conceptual Framework Map  
*Go! Green* – Nonmotorized Transportation Network map

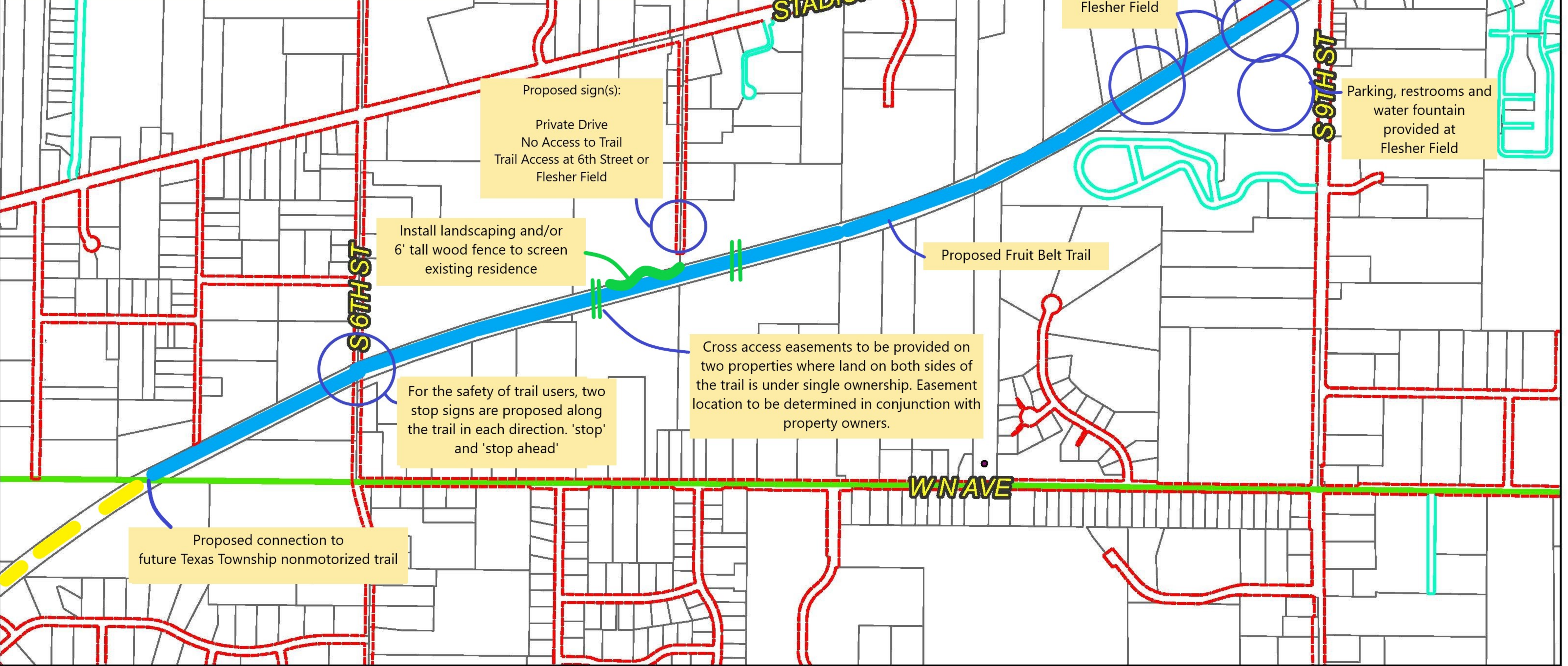
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--- Public Right-of-Way  
--- Private Street  
--- Railroad  
 Existing Property Line

0 750 1,500 3,000 Feet  
 1 inch = 800 feet

## Concept Plan for the Proposed Fruit Belt Trail

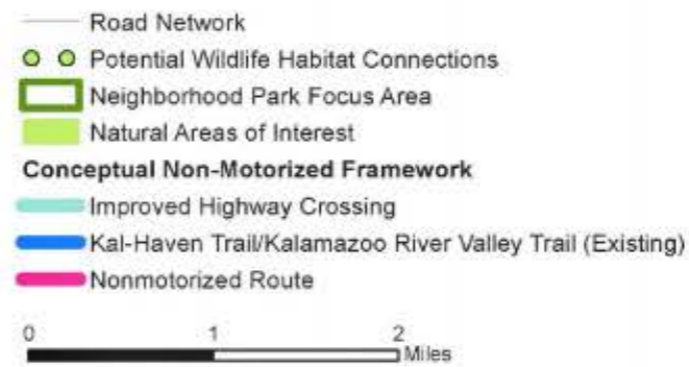




# Conceptual Framework Map

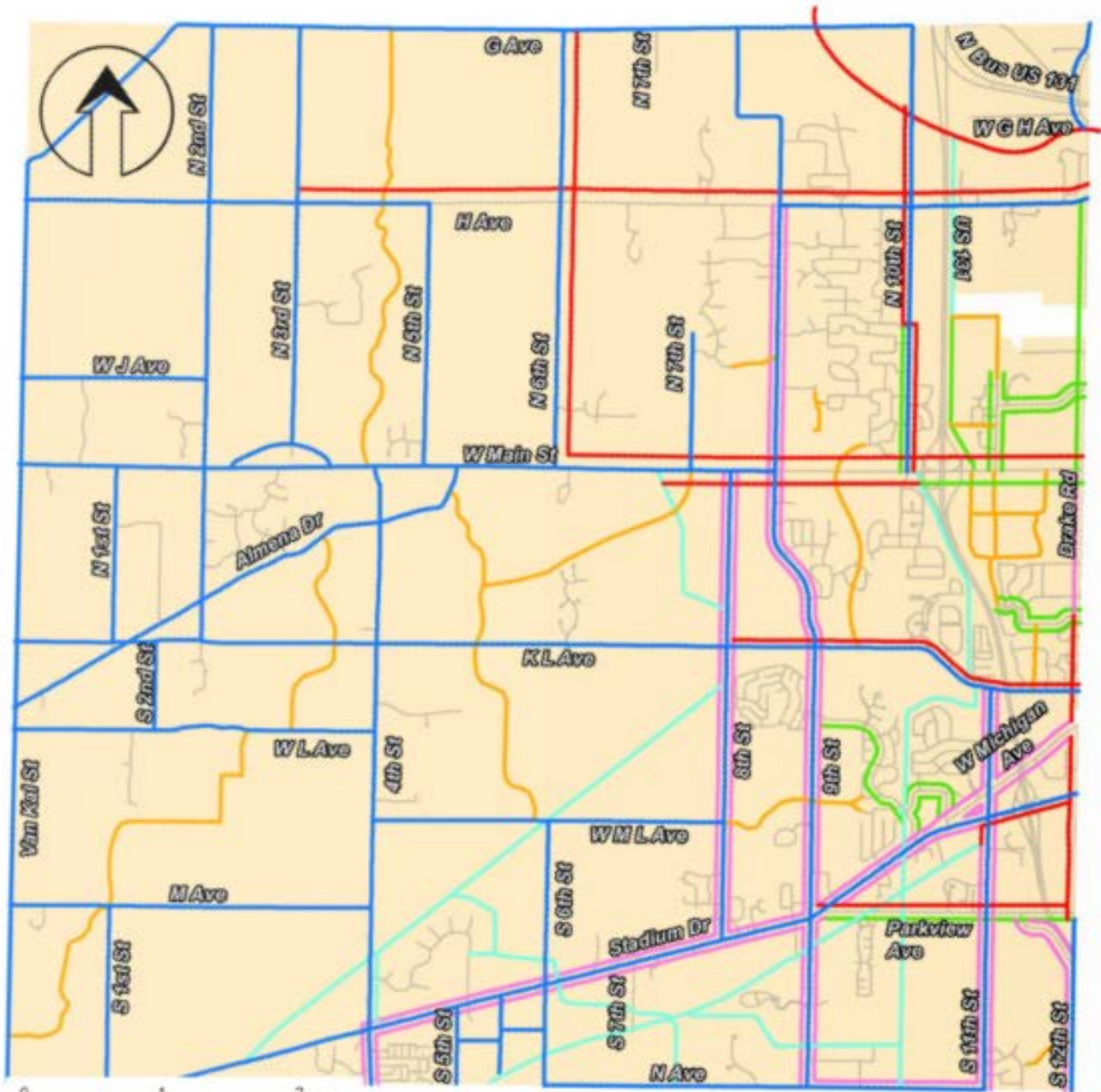


DESTINATION	
A	Drake Farmstead Park
B	Flesher Field Park
C	Genessee Prairie Cemetery
D	Grange Hall & Playground
E	Heritage Christian Academy
F	Hill Cemetery
G	Kal-Haven Trail State Park
H	Kalamazoo Christian Elementary
I	Kalamazoo Public Library
J	Lillian Anderson Arboretum
K	Oshtemo Township Park
L	Prairie Ridge Elementary
M	Schellenberg Nature Preserve
N	West Osthemmo Cemetery
O	Wolf Tree Nature Preserve Trails





# Nonmotorized Transportation Network



0 1 2 Miles

- Road Network
- Facility Type**
- Conceptual Nonmotorized Link
- Connector Trail
- Paved Shoulder/Bike Lane
- Sidewalk
- Six Foot Shared Use Path
- Ten Foot Shared Use Path



## Proposed Fruit Belt Trail - Maintenance Plan

### Existing Conditions

The property is approximately two miles long and 150 feet wide. Centered in the corridor is a dirt/crushed stone foot path that extends the entire length of the property. Because it was formerly a railway line, the foot path is fairly level. However, there are areas with steep drop offs and slopes. Most of the property is densely wooded. The exception is where the trail crosses under a major utility corridor that is kept cleared. The trail also crosses 6<sup>th</sup> Street, a two lane road. The only existing structure is a small utility building on the west side of 6<sup>th</sup> Street.



Typical view of the property



6<sup>th</sup> Street crossing



Utility corridor

### Maintenance Plan

Oshtemo Township's Maintenance Department will be responsible for upkeep of the trail. The Department has three full time and one part time seasonal employee. They currently maintain all Township parks, cemeteries, and public buildings. Trail maintenance will include brush and vegetation removal, mowing, and litter pick up. Tasks and schedule are described in the table below.

Tasks	Schedule
Clear brush and small vegetation with brush hog	3 times per year – late spring, mid summer, late summer
Mow 2' strip along each side of trail	Weekly or as needed
Pick up trash	In conjunction with mowing
Cut back upper limbs	Annually in fall or as time permits
Blow sticks/leaves off trail with blower	As needed
Removal of fallen trees/limbs	As needed



February 19, 2020

**Mtg Date:** February 27, 2020

**To:** Planning Commission

**From:** Iris Lubbert, AICP  
Planning Director

**Subject:** Amendments to Article 54 - Lighting Ordinance Public Hearing

Background:

There has recently been some concern about how the newly implemented Outdoor Lighting Standards Ordinance (Section 54.60) could be interpreted, specifically the Ordinance's intent and the general usage of outdoor upward lighting. This discussion was triggered by the recently installed blue up lighting at the Holiday Inn Express at 1315 Westgate Drive, see image to the right. The building-mounted lighting section in the current Lighting Ordinance implies that this type of upward lighting is permitted with the Planning Commission's approval. However, this interpretation goes against the stated intent of the Township's lighting regulations. It should be noted that the blue upward lights were not part of the approved 2017 Holiday Inn Express' lighting plan and have been accordingly turned off. While reviewing this case, staff was made aware that the upward lighting standards were unclear and open to subjective interpretation. Please note that prior to the adoption of our current Lighting Ordinance on September 10th, 2019 upward lighting of this nature was strictly prohibited.

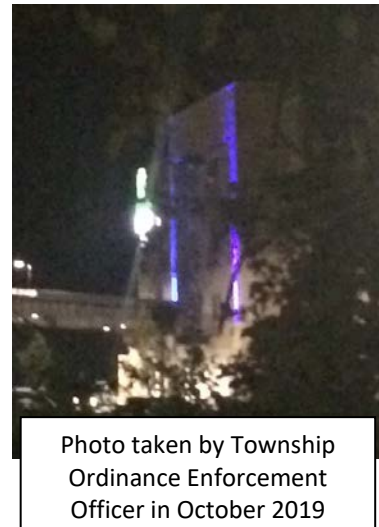


Photo taken by Township Ordinance Enforcement Officer in October 2019

At their regular December 12<sup>th</sup> meeting the Planning Commission revisited Section 54.60 Outdoor Lighting Standards to discuss the intent of the regulations pertaining to upward lighting and determine if and what amendments may be needed to clarify that intent. It was determined that further discussion was necessary. The Commission directed staff to revisit this section and explore the possibility of up lighting in more detail.

As the Dark Sky Initiative was a consideration in the development of the original ordinance, staff explored options allowing up lighting that would be in line with this directive. After conducting research and analyzing how other communities regulate up lighting, staff presented two code amendment directions to the Commission to consider at their regular January 30<sup>th</sup> meeting.

Option One completely removed up lighting as a possibility for illuminating building facades. Option Two allowed for the up lighting of building facades with restrictions. Both options also included a number of smaller additional text amendments throughout Article 54 that would help with the clarity and intent of the code. After discussion the Commission agreed to move forward and set a Public Hearing for Option One, with some minor changes, which would completely remove up lighting as a means to illuminate building facades. The Commission generally agreed that Option One was more consistent with the Dark Sky Initiative and the original intent of the code.

The Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer have reviewed the proposed language and support the proposed amendments to Article 54. A notice for the Public Hearing was published on Tuesday, February 11<sup>th</sup>, 2020.

#### Summary of Proposed Amendments:

##### Section 54.20 Applicability

- Adding a requirement that all properties need to fully conform with the lighting ordinance when fifty percent or more of their existing outdoor lighting fixtures have been or will be replaced or modified. – The proposed language would help ensure that all properties within the Township would eventually be brought into compliance with the lighting ordinance and contribute to the Dark Sky Initiative.

##### Section 54.30 Definitions

- Removing “or translucent” from the definition of a *Baffle or light shield*. – Removing this language from this definition helps ensure that glare and lateral light spill from outdoor lights within the Township can be mitigated. This amendment also removes any opportunity for a subjective interpretation of what could be considered translucent.
- Removing and modifying images from the *Fixture, cutoff* and *Fixture, non-cutoff* definitions. – The current two images generate confusion as they refer to terms not used anywhere else in the code. Removing and adjusting the images as shown helps to prevent confusion.

##### Section 54.50 Prohibited Lighting

- Clarify that fixtures that direct light upward are only allowed when *expressly* permitted in this Article. – Adding “expressly” to this provision helps staff avoid any future interpretation that up lighting may be permitted in sections of the code where it was not the intent.
- Expanding the type of unshielded fixtures that are not permitted. The intent of the code is that no outdoor fixtures are unshielded. This modification ensures that this intent is clear.

##### Section 54.60 Outdoor Lighting Standards

- Reiterating that all outdoor lighting shall be directed downward unless expressly permitted. – The current language that addresses the direction of lighting in this section only notes that lights should be directed away from adjacent properties.
- Clarifying that all building mounted lighting needs to be downward directed. – This amendment clarifies that all outdoor lighting used for the purpose of illuminating the



exterior of a building is directed downward.

- Adding a note to refer to the signage section of the code for sign lighting requirements. – This amendment seeks to help users navigate the code to find additional lighting requirements that could be applicable.

Thank you.

Attachments: Proposed Amendments (**denoted in red**) to the Lighting Ordinance (Article 54)

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## 54 – LIGHTING

### 54.10 INTENT

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- A. Statement of purpose. The purpose of this Article is to regulate the placement and arrangement of lighting within the Township. These regulations are intended to:
1. Protect the public health, safety and general welfare by regulating lighting levels;
  2. Control light spillover and glare;
  3. Minimize the detrimental effect of urban sky glow;
  4. Encourage lighting systems which conserve energy and costs;
  5. Preserve community character and enhance the appearance of the Township;
  6. Provide for nighttime safety, and security.
- B. Objectives. Outdoor lighting shall satisfy the following objectives.
1. Avoid excessive light spillover onto any adjacent premises;
  2. Be shielded, and downward directed so that the light intensity or brightness will not interfere with the enjoyment, health, safety, and welfare of surrounding properties;
  3. Control illumination of vertical architectural surfaces.
  4. Provide for uniform lighting within sites.
  5. Enable the fair and consistent enforcement of these regulations.

### 54.20 APPLICABILITY

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Except as is otherwise provided below, these lighting requirements shall apply to all lighting installed on any property within the Township. Any lighting legally in existence before the effective date of this Ordinance that does not comply with these requirements shall be considered legal nonconforming and may remain, except as detailed in Section 54.80 and subject to the following provisions:

- A. Alterations to existing lighting.
1. When poles and support structures are destroyed or removed, they must be replaced with poles and supports that comply with all of the provisions of this Article.
  2. When luminaries are destroyed or removed, they must be replaced with luminaries that comply with all provisions of this Article.
- B. New parking lots or parking lot additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this Article.
- C. New structures, additions, or replacements. When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition, or replacement on the site must meet the requirements of this Article.
- D. **When fifty percent or more of existing outdoor light fixtures have been or will be replaced or modified since this ordinance became effective, then all lighting must be made to conform to the provisions of this lighting ordinance.**

### 54.30 DEFINITIONS

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**Ambient lighting** - The general overall level of lighting in an area.

**Baffle or light shield** - An opaque ~~or translucent~~ element to screen a light source from direct view.

**Building canopy** - A portion of the building, whether structural or architectural in character, that projects outward.

**Bulb or lamp** - The source of electric light. The term "bulb or lamp" is to be distinguished from the whole assembly (see Luminaire).

**Canopy structure** - An overhead structure which is designed to allow vehicles or pedestrians to pass under it.

**Color rendering index (CRI)** - a scale from 0 to 100 percent measuring a light source's ability to show object colors "realistically" or "naturally" compared to a familiar reference source, either incandescent light or daylight.

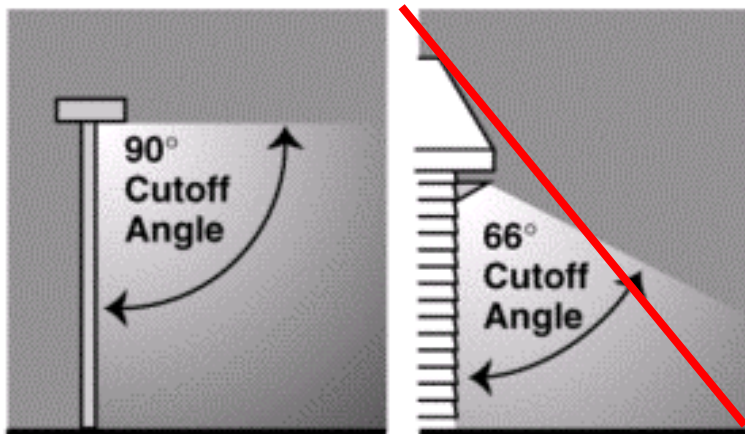
**Encased** – a lamp obscured by translucent sheathing.

**Existing lighting** - Any and all lighting installed prior to the effective date of this Ordinance.

**Exterior lighting** - Temporary or permanent lighting that is installed, located, or used in such a manner to emit light outside. Fixtures that are installed indoors that are intended to draw attention to the exterior of the building from the outside are considered exterior lighting for the purposes of this Article.

**Fixture** - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

**Fixture, cutoff** – A fixture that allows no emissions above the horizontal plane passing through the lowest point on the fixture from where light is emitted.



**Fixture, non-cutoff** – A fixture that allows light to emit beyond the horizontal plan of the lowest point of the fixture and/or allows light emissions in all directions.



**Foot-candle** - A unit of measurement for quantifying the brightness of illumination produced on a surface. One foot-candle is equal to one lumen per square foot.

**Glare** - Harsh, uncomfortably brilliant light caused by the ability to see an unshielded light source.

**Kelvin rating** – A unit to measure the color temperature of a light source, the higher the Kelvin rating (expressed in K), the whiter the light source.

**Lamp** - The component of a luminaire that produces the light.

**Light pole** - The structure to support and elevate a luminaire.

**Light trespass** - Light that is unnecessarily emitted beyond the boundaries of the property on which the luminaire is located.

**Lighting ratio** - The ratio of foot-candles from the minimum to the maximum point calculations or readings for a given area. This ratio is an indicator of lighting uniformity. The lower the ratio the better the uniformity.

**Luminaire** – The complete lighting system, including the lamp and light fixture.

**Lumen** - A unit of measurement for quantifying the amount of light energy emitted by a light source (power of the light radiated by the light source).

**Photometric plan** - A diagram prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer, architect, or landscape architect showing predicted maintained lighting levels produced by the proposed lighting fixtures, including any freestanding and building mounted lighting.

**Recessed** - When a light is built into a structure or portion of a structure such that the light is fully cut off by the structure to which it is attached.

**Shielded** - A bulb or lamp concealed by a baffle or light shield.

**Spotlight** - A luminaire designed to light only a small, well defined area or object.

**Urban sky glow** - The brightening of the night sky due to manmade lighting.

**Visibility** - Being perceived by the human eye.

## 54.40 EXEMPTIONS

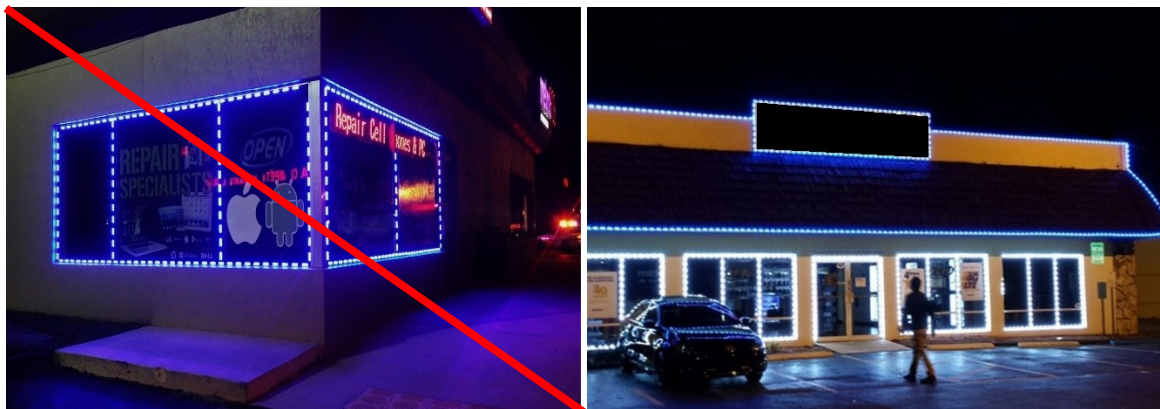
- A. Emergency lighting necessary to conduct rescue operations, support public safety, provide emergency medical treatment, to illuminate emergency means of egress, or address any other emergency situation.

- B. Lighting operated by a public utility or agency during the course of constructing, repairing, or replacing public utilities and infrastructure.
- C. Temporary construction lighting, provided it is discontinued daily immediately upon completion of the work.
- D. Temporary holiday decorative lighting, from November 15th through January 5th.
- E. Lights on communication towers and other hazards to aerial navigation as may be required by the Federal Aviation Administration.
- F. Lighting used to illuminate a flag of the United States, subject to Section 54.60.D.
- G. Lighting associated with Department of Agriculture recognized agricultural activities.
- H. Typical residential light fixtures on residential buildings and associated accessory buildings, which do not violate Section 54.50, are exempt from the cut-off requirement when mounted at a height of eight feet or less.
- I. All outdoor light fixtures existing and legally installed prior to the effective date of this Ordinance.

### 54.50 PROHIBITED LIGHTING

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- A. Lighting of a blinking, flashing, rotating, or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes.54.50
- B. Beacon and/or search lights except for public safety purposes.
- C. Fixtures that direct light upward, unless **expressly** permitted by this Article.
- D. Roof mounted lighting.
- E. Lighting of an intensity or brightness that interferes with enjoyment, health, safety, and welfare of surrounding properties.
- F. Unshielded **fixtures, including** luminous tubes, LEDs, incandescent or fluorescent lighting, as an architectural detail on the exterior of any structure or the interior of any windows; including but not limited to rooflines, cornices, eaves, windows, and door openings.



### 54.60 OUTDOOR LIGHTING STANDARDS

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- A. General Provisions



1. Cut-Off Fixtures. All luminaires are required to be cut-off fixtures, unless otherwise permitted in this Article.
  2. Security Lighting. Security or flood lighting shall be attached to buildings and controlled by motion sensors, which extinguish within 10 minutes of activation.
  3. Direction of Lighting. Lighting plans shall be designed to direct light into the development and away from adjacent property. **Unless expressly permitted by this Article, all outdoor lighting fixtures shall be fully shielded and directed downward, parallel to the ground, to prevent off-site glare and illumination.**
  4. Light Levels at Property Line. Site and area lighting of nonresidential properties shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the property adjacent to residential zoning or uses and 0.5 foot-candles adjacent to all other zoning and uses.
  5. Shared Parking Lots. Lighting designed to illuminate shared parking lots that span two or more parcels shall be exempt from the 0.5 foot-candle requirement at the shared property line only.
  6. Parking Lot and Drive Aisle Lighting Ratio. To provide for uniformity of lighting, the ratio of maximum to minimum levels of light within the parking lot and drive aisle areas of a nonresidential property shall not exceed 20:1. Exception shall be made for those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of the subsection above.
  7. Reduced Lighting. Lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. Lighting installations should include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting that affects urban sky glow. The lighting plan shall note when and how this reduction in lighting will occur.
  8. Color Temperature and Rendering. Lighting for all nonresidential developments shall have the following:
    - a. A minimum color rendering index (CRI) of 65.
    - b. A Kelvin rating between 3,000-5,000k.
- B. Pole-Mounted Lighting
1. All pole-mounted luminaires shall be affixed horizontally and angled parallel to the ground.
  2. No more than two luminaires shall be allowed per pole.
  3. Luminaire height of 15 feet or less shall not exceed 12,000 lumens per luminaire and shall be spaced a minimum of 30 feet apart.
  4. Luminaire height greater than 15 feet and not exceeding 25 feet shall not exceed 20,000 lumens per luminaire and shall be spaced a minimum of 40 feet apart.
  5. Luminaire height exceeding 25 feet shall be subject to approval by the reviewing body. The applicant must prove, to the reviewing body's satisfaction, that pole heights exceeding 25 feet are needed to ensure public health, safety, and welfare. If permitted, such lighting shall not exceed 40,000 lumens per luminaire and shall be spaced a minimum of 50 feet apart.
- C. Building-Mounted Lighting

1. Pedestrian walkways and doorways
    - a. **Mounted height** shall not exceed 14-feet in height.
    - b. Each luminaire shall not exceed 8,000 lumens and shall be spaced so the lighting for pedestrian walkways does not exceed 2.0 foot-candles and entryways do not exceed 6.0 foot-candles.
  2. Luminaires used for the sole purpose of illuminating a building façade:
    - a. May be up to 1.5 foot-candles averaged over **each respective the** building façade **face**.
    - b. ~~May~~ **Shall** be located on the building ~~or be ground-mounted~~.
    - c. Light generated from said fixtures shall be **downward directed and** appropriately shielded so that no light is emitted beyond the building facade.
    - d. **Shall strictly adhere to the reduced lighting clause outlined in 54.60(A)(7).**
- ~~1. Architectural features. The use of architectural features on the building, such as a canopy, which prevent the projection of light beyond the architectural feature may satisfy the intent of this Section and allow the use of noncut-off fixtures, subject to the approval of the reviewing body.~~

B. Landscape Features and Green Belt Lighting

1. Landscape luminaires may include uplighting, which is specifically directed at the landscape or plant feature.
2. Shall be equipped with shields to help direct light to the landscape or plant feature and to help eliminate light spillover and glare.
3. Shall not exceed 300 lumens per luminaire.
4. Shall not exceed a height of 18-inches above grade.

C. Special Uses

1. Service station/fuel sales canopy structure
  - a. Luminaires shall be recessed so that the lens cover is flush with the lower surface of the canopy and shielded by a fixture or the edge of the canopy so that light is directed downward.
  - b. As an alternative, indirect lighting may be used where uplighting is reflected from the underside of the canopy. When this method is used, luminaires must be shielded so that direct light is focused exclusively on the underside of the canopy.
  - c. Luminaires shall not be mounted on the top or sides (fascia) of a canopy.
  - d. Internally illuminated signs in compliance with the Sign Ordinance may be placed on the fascia of the canopy.
  - e. The total light output directly below the canopy shall not exceed 30 foot-candles.
2. Outdoor dining areas
  - a. Decorative unshielded lighting may be used in outdoor dining areas as long as the lighting does not exceed 1.5 foot-candles and is designed to control light spillover and reduce glare to adjacent properties.
  - b. Lighting in outdoor dining areas adjacent to residentially zoned or used land must be extinguished by 11:00 pm or when the business closes, whichever is first.

**D. Signage**

1. Lighting may be used to illuminate signs, subject to Section 55.150.

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**54.70 INTERIOR LIGHTING**

Where interior lighting and/or lighting displays are located within 10 feet of a bay of windows, glass doors, or other transparent areas of a building facade, walls, or roof (e.g., skylights), the lighting shall be shielded or screened to reduce visibility and prevent glare to patrons, individuals on adjacent and nearby properties, and/or motorists on adjacent streets.

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**54.80 EXISTING LIGHTING**

All lighting established prior to this Ordinance shall be so arranged as to avoid glare or direct illumination onto any portion of any adjacent rights-of-way or onto any adjacent premises.

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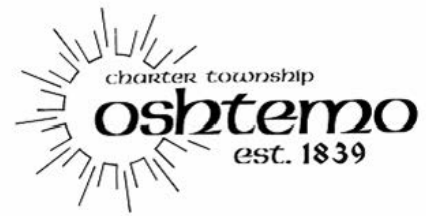
**54.90 ADMINISTRATION**

A site lighting plan for uses requiring Site Plan review shall be submitted, in compliance with this Article, and shall provide the following information:

- A. Proposed location on premises of all outdoor light fixture(s), including all building-mounted lighting, architectural lighting, and landscape lighting.
- B. Manufacturer specification sheets, cut-sheets, or other manufacturer provided information for all proposed luminaires that provides a description of the illumination devices, fixtures, lamps, supports, reflectors, and other devices, including lumens produced.
- C. The height of all luminaires and poles.
- D. A photometric plan showing foot-candle readings every ten feet within the subject site and ten feet beyond the property lines, including lighting ratios.
- E. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.

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2/19/2020



**Meeting Date:** February 27<sup>th</sup>, 2020

**To:** Planning Commission

**From:** Ben Clark, Zoning Administrator

**Applicant:** Jim Vandenberg, Maple Hill Auto Group

**Owner:** Maple Hill Leaseholds, LLC

**Property:** 6883 West Main Street, parcel number 05-14-305-015

**Zoning:** C: Local Business District

**Request:** Site plan approval for a 3,130 square foot building expansion at a previously approved vehicle dealership.

**Section(s):** *18.40.H: New and/or used car sales lots...; 49.150: Requirements for New and/or used car sales lots...*

**Project Name:** Maple Hill Auto Expansion

#### OVERVIEW

At its April 11<sup>th</sup>, 2019 regular meeting, the Oshtemo Township Planning Commission granted Special Use approval to Maple Hill Leaseholds, LLC to reestablish a vehicle sales lot on the subject property. Initially developed for this use in 1989, the original owner had since relocated his dealership elsewhere, and in the intervening years the facility there was used for a handful of retail store uses. When Maple Hill Leaseholds, LLC recently purchased the property, the original approval for a dealership had long since lapsed, and the new owner was required to approach the Planning Commission and seek permission to once again use the subject property for auto sales.

Since last year's Special Use approval, the property owner has been keeping vehicles on the property, yet it is apparent that dealership operations have yet to be established there. In anticipation of fully activating the property for vehicle sales and service, the owner is now prepared to move forward with a number of site improvements, including the addition of a 3,130 square foot indoor vehicle display area to the front of the existing facility. Other site improvements will include updated landscaping, site lighting, pavement markings, etc. Reviewing the requested site changes, Township staff determined that the proposed modifications do not warrant a Special Use amendment, so the item presented to the Planning Commission is for site plan review only, as last year's Special Use approval remains valid. No public notice was required for this portion of the project review.

#### GENERAL ZONING COMPLIANCE

As discussed above, vehicle dealerships are an allowable use in the *C: Local Business District* zoning category—permission for which was granted last year. The general layout of the site—both existing and

proposed—complies with applicable Township standards unless expressly discussed herein. Following is a list of items that have yet to be completely addressed as a part of this review:

1. The applicant plans to improve a handful of site lighting elements, and while the proposed changes will be beneficial to the owner and will also bring the property closer to compliance with current Township lighting standards, light levels along the north property line are in excess of the permitted 0.5 foot-candles, so additional adjustments to the plan will be necessary.
2. Some hazardous substances customarily present at vehicle service facilities will be sequestered in an existing oil storage pit in the western part of the building. While this arrangement does generally sound suitable, the Township would like to know more about this pit, how it was constructed, the presence of any drains, etc.

#### SITE ACCESS AND CIRCULATION

Vehicle site access remains unchanged, as motorists will use the existing curb cut onto West Main Street for ingress to and egress from the property. Within the site, changes will also be minimal, although removal of an existing, elongated curbed island in the parking lot, north of the building should improve traffic circulation. Also noteworthy is that the applicant intends to install a pedestrian connection between the building and the existing West Main Street shared use path, although some additional pavement markings for this route are required. Per the recently adopted *GO! Green Oshtemo* amendment to the Township's Master Plan, installation of a six-foot wide shared use path along the subject property's N 8<sup>th</sup> St frontage is also required as a part of this project.

#### LANDSCAPING

The size of the building expansion activates section 53.130.A of the Zoning Ordinance, whereby each increase in gross floor area of *one percent* requires installation of a minimum of *five percent* of ordinance-mandated landscaping for the site. When applying this formula to the planned 3,130 square foot addition, the project site must comply with at least 95% of the Township's current landscaping standards. This means that plantings will be added to the perimeter buffer areas, and some interior landscaping features will also be added to the parking area. The landscape plan has yet to be finalized, but any necessary changes will only have minor—if any—impacts on the site design.

#### ENGINEERING

The Township's engineering representative, Prein & Newhof, have evaluated the project site plan and have confirmed that the existing stormwater management facilities are suitable for the site and will not be adversely impacted by the proposed improvements. No additional engineering treatments are required.

#### FIRE DEPARTMENT

The Township Fire Marshal is satisfied with the overall site layout and is already providing the applicant's design engineer with some preliminary feedback that will be addressed during the building permit application phase following site plan approval. No site plan changes pertaining to fire safety or emergency vehicle access are necessary.

#### RECOMMENDATION

Completing the internal review, Township staff have found that while a few issues with the site plan do remain, the project in general is viable and any lingering items can be easily resolved administratively. Staff

recommends approval of the site plan to the Planning Commission, and request that the following conditions be attached, to be satisfied prior to issuance of a building permit:

1. A photometric plan fully compliant with the Township's outdoor lighting standards shall be presented to the Township for administrative review and approval.
2. A landscaping plan fully compliant with the Township's standards shall be presented to the Township for administrative review and approval.
3. Given that installation of the non-motorized facility along N 8<sup>th</sup> Street is required as a part of this project, the text "BY OTHERS" shall be removed from the path's notation on the site plan.
4. More information regarding the hazardous substance storage pit shall be submitted to the Township and the accommodations shall be evaluated using the *Groundwater Protection Standards* found in section 46.10.B of the Zoning Ordinance.
5. Necessary pavement markings shall be added to the site plan in order to complete the pedestrian connection between the West Main Street shared use path and the dealership facility.

Respectfully Submitted,



Ben Clark  
Zoning Administrator

Attachments:

- Application
- Hazardous Substance Reporting Form
- Project Location Map
- Site Plan Excerpt

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**LEGAL DESCRIPTION OF PROPERTY** *(Use Attachments if Necessary):*

SECTION 14, OSHTEMO TOWNSHIP PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWN 2 SOUTH, RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE WEST QUARTER POST OF SAID SECTION 14; THENCE SOUTH 00 DEGREES 32' 31" WEST ON THE WEST LINE OF SAID SECTION 14 A DISTANCE OF 365.04 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 89 DEGREES 27' 29" EAST 33.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF 8TH STREET; THENCE NORTH 55 DEGREES 16' 22" EAST ON THE SOUTHERLY LINE OF HIGHWAY M-43 A DISTANCE OF 472.27 FEET TO THE SOUTH LINE OF HIGHWAY M-43; THENCE NORTH 89 DEGREES 29' 34" EAST ON SAID SOUTH LINE 173.84 FEET; THENCE SOUTH 00 DEGREES 25' 41" WEST 400.00 FEET; THENCE SOUTH 89 DEGREES 29' 34" WEST 593.29 FEET TO THE WEST LINE OF SAID SECTION 14; THENCE NORTH 00 DEGREES 32' 31" EAST ON SAID WEST LINE 134.98 FEET TO THE POINT OF BEGINNING. CONTAINING 4.07 ACRES MORE OR LESS.

**ADDRESS OF PROPERTY:** 6883 West Main Street

**PRESENT USE OF THE PROPERTY:** Vacant

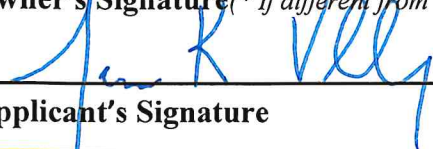
**PRESENT ZONING** C **SIZE OF PROPERTY** 3.34 ac

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)	Address(es)
_____	_____
_____	_____

**SIGNATURES**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.*

<b>Owner's Signature</b> (* If different from Applicant)	<b>Date</b>
	<u>1-3-2020</u>
<b>Applicant's Signature</b>	<b>Date</b>

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney -1
- Assessor -1
- Planning Secretary - Original

\*\*\*\*\*  
**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

OSHTEMO TOWNSHIP

HAZARDOUS SUBSTANCE REPORTING FORM

Note: This form must be completed and submitted as part of the site plan review process.

Name of Business: Maple Hill Auto Group

Location of Business: Oshtemo Township

Name of Business Owner: Jim VandenBerg

Mailing Address: 5622 West Main Street

City: Kalamazoo

State: MI

Zip: 49009

Telephone: 269-342-6600

I affirm that the information submitted in this form is accurate:

Owner's Signature: [Handwritten Signature]

Date: 1-3-2020

MANAGEMENT OF HAZARDOUS SUBSTANCES

Hazardous substance (definition): Reference Sec. 11.308, Oshtemo Township Zoning Ordinance

1. (Y) N Will the proposed project store, use, or generate hazardous substances in quantities greater than 100 kilograms per month (about 25 gallons per month) now, or in the future? If yes, please complete the rest of this form and submit with your site plan. If no, stop here and submit with your site plan.

2. Y (N) Will hazardous substances be reused and / or recycled on-site?

3. (Y) N Will any hazardous substances be stored, used, or handled on the site? If yes, identify the location, size, and type of spill containment facilities which will be used and provide details on the site plan.

LOCATION WILL BE WESTERN MOST PART OF BUILDING IN THE CURRENT LOCATION OF THE OIL STORAGE PIT. THE PIT IS THE CONTAINMENT

4. (Y) N Will hazardous waste an/or liquid industrial waste be transported off-site for treatment, disposal, and / or recycling? If yes, please list the name, address and telephone number of your licensed transporter(s).

C. STODDARD'S 3456 12th ST WYLAND MI 49348
269-792-6591



5. Y  N Will new underground storage tanks be located less than 2,000 feet from drinking water wells serving two or more establishments, or less than 300 feet from a single family drinking well? If yes, contact Michigan Department of Environmental Quality, Storage Tank Division, (517) 373-8168 for specific requirements and restrictions.

6.  N Will the interior of the proposed project have any general purpose floor drains? If yes, into what system will the floor drains be connected? (Provide detail on site plan)

- a. Sanitary sewer system
- b. On-site holding tank(s)
- c. A system authorized by a state approved groundwater discharge permit, with required monitoring (Contact: Michigan Department of Environmental Quality, Waste Management Division, (616) 567-3500.

Note: General purpose floor drains shall not be connected to a storm drainage system, dry well or septic system.

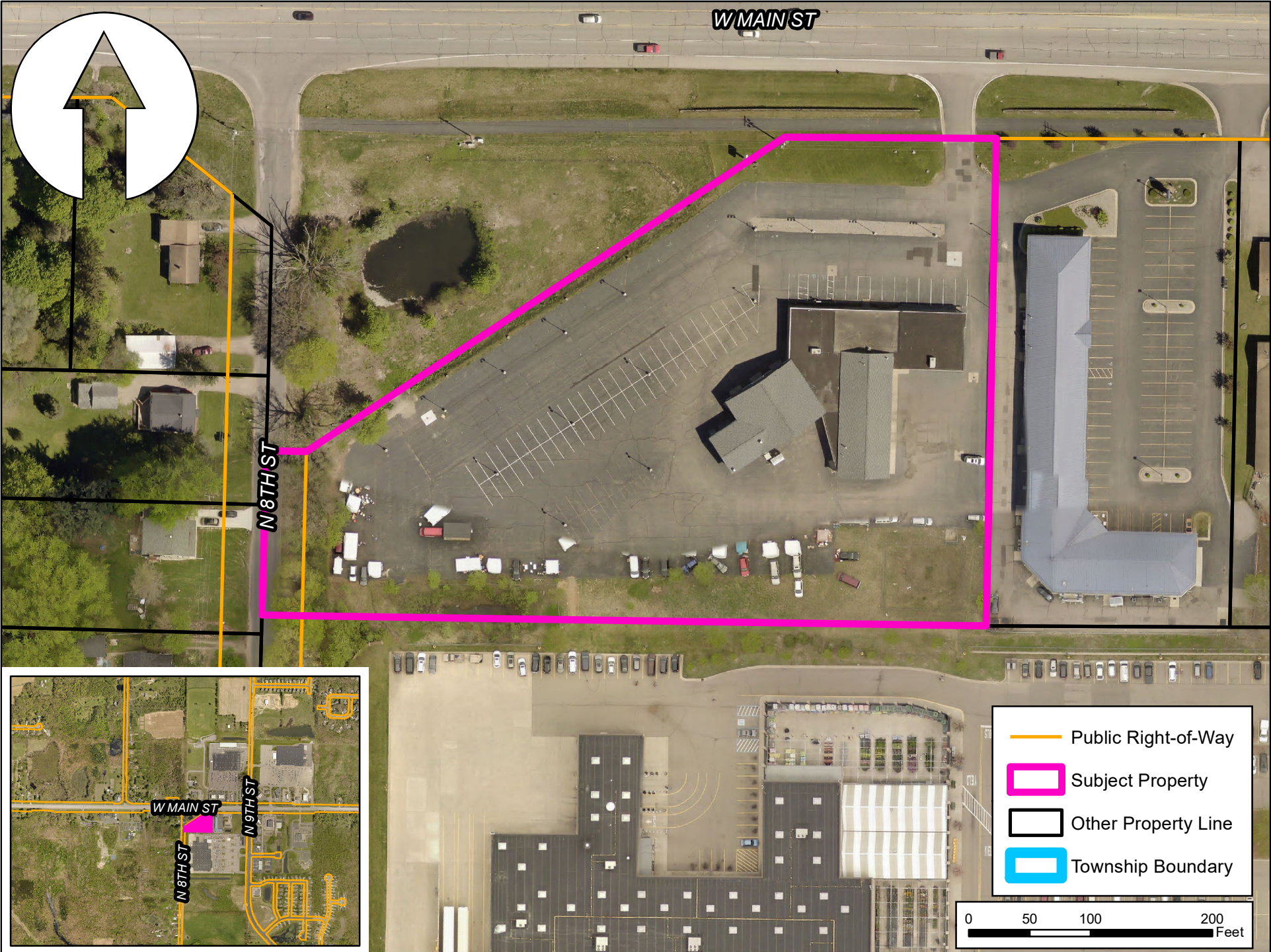
7.  N Please list the hazardous substances which are expected to be used, stored, or generated on-site. Quantities should reflect the maximum volumes on site at any time. Attach additional pages, if necessary to list all hazardous substances.

	<u>Common/ Trade Name</u>	<u>Chemical Components</u>	<u>Form</u>	<u>Max Quantity</u>	<u>Storage</u>
A.	OIL (USED)		Liquid	2250 <sup>7</sup> GAL/MONTH	AST
B.	ANTI FREEZE		Liquid	100 GAL/MONTH	" " "
C.	BATTERIES		SOLID	50 / MONTH	
D.	OIL (NEW)		Liquid	1000 GAL/MONTH	" " "
E.	FREON		GAS	200 LB	MC
F.					

Key:

FORM		STORAGE	
Liq	Liquid	AST	Aboveground Storage Tank
P. Liq	Pressurized Liquid	UST	Underground Storage Tank
S	Solid	D	Drum
G	Gas	CY	Cylinder
PG	Pressurized Gas	MC	Metal Container
		WC	Wooden Container
		PT	Portable Tank





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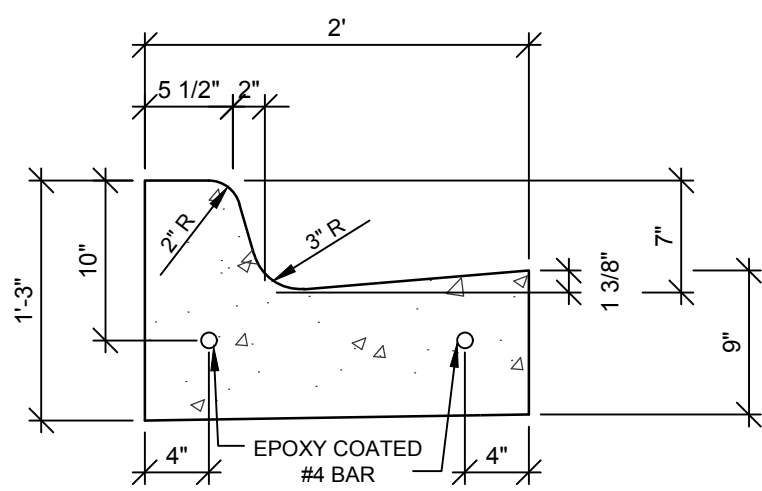


**PROJECT NOTES**

1. SITE LIGHTING WILL BE REDUCED TO SECURITY LIGHTING ONLY BETWEEN THE HOURS OF 10:00 PM AND 7:00 AM.
2. NO VEHICLES WILL BE DELIVERED TO THE SITE BETWEEN THE HOURS OF 10:00 PM AND 7:00 AM.
3. ANY OUTDOOR PA SYSTEM SPEAKERS MAY ONLY OPERATE DURING BUSINESS HOURS.

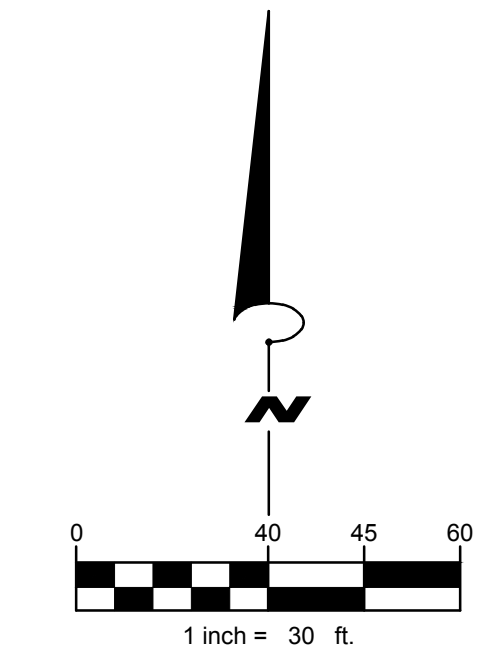
**STORM SYSTEM NOTES**

1. PRE-DEVELOPMENT RUNOFF COEFFICIENT = 0.695 VS. POST-DEVELOPMENT RUNOFF COEFFICIENT = 0.698
2. INCREASED RUNOFF VOLUME FOR THE 100-YEAR, 24-HR EVENT, (PRE VS. POST) = 285 CFT
3. EXISTING UNUSED STORAGE CAPACITY ON-SITE = 25,837 CFT ( PER WATER LEVEL OBSERVED APRIL, 2019)



**CURB & GUTTER - DETAIL C4**

ZONING CLASSIFICATION:  
C-LOCAL BUSINESS DISTRICT



**LEGEND**

- STANDARD DUTY PAVEMENT  
1.5" HMA (165#/SYD), 36A TOP COURSE;  
1.5" HMA (165#/SYD), 13A LEVELING COURSE;  
6" AGGREGATE BASE, 22A
- STANDARD DUTY PAVEMENT IN AREAS OF EXISTING GRASS AREA  
1.5" HMA (165#/SYD), 36A TOP COURSE;  
1.5" HMA (165#/SYD), 13A LEVELING COURSE;  
6" AGGREGATE BASE, 22A  
12" SUBBASE, CIP
- CONCRETE PAVEMENT  
DRIVEWAY, NONREINF CONC, 6 INCH  
SIDEWALK, NONREINF CONC, 6 INCH  
SIDEWALK RAMP, NONREINF CONC, 6 INCH

**W+**  
**WIGHTMAN**  
BENTON HARBOR  
2303 Pipestone Road  
Benton Harbor, MI 49022  
Phone: 269.927.0100

**KALAMAZOO**  
433 East Ransom Street  
Kalamazoo, MI 49007  
Phone: 269.327.3532

**ALLEGAN**  
1670 Lincoln Road  
Allegan, MI 49010  
Phone: 269.673.8465

www.gowightman.com

STATE OF MICHIGAN  
TYLER W. CRAVENS  
ENGINEER  
No. 6201067811

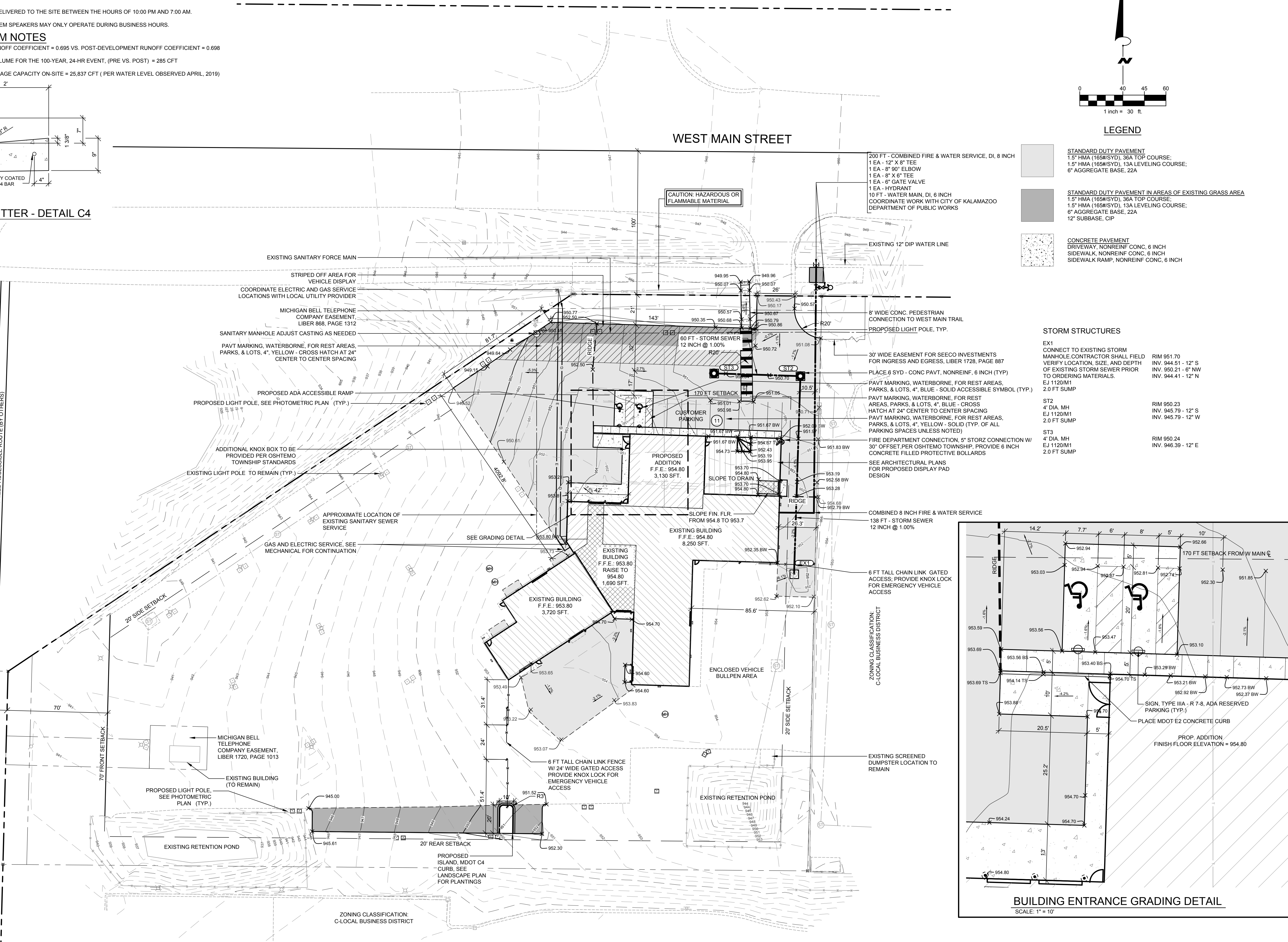
*T. Cravens*  
02/05/20

PROJECT NAME:  
**BUILDING ADDITION**  
6883 WEST MAIN STREET  
KALAMAZOO, MICHIGAN 49009

**MAPLE HILL AUTO**  
5622 WEST MAIN STREET  
KALAMAZOO, MI 49009

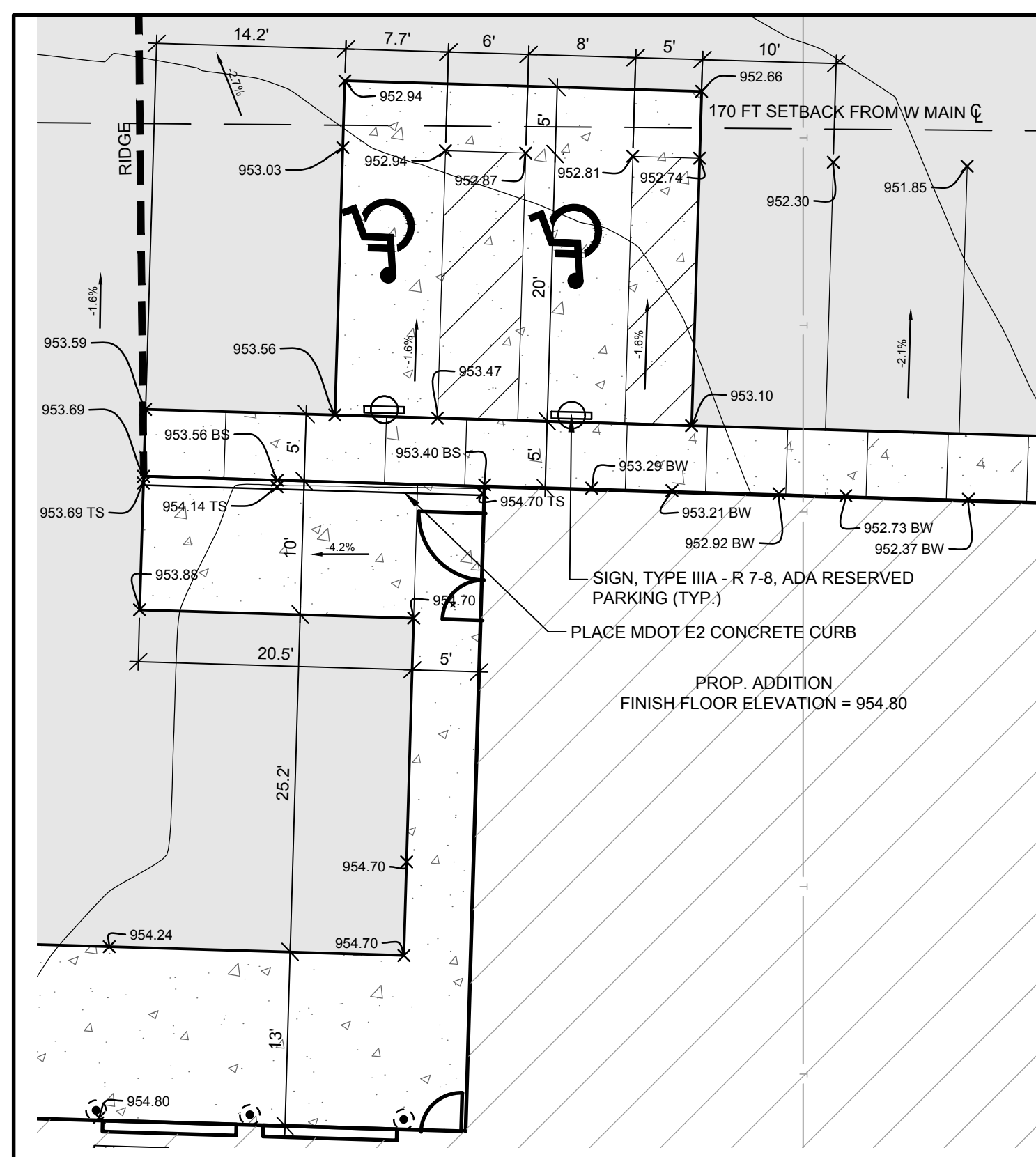
ZONING CLASSIFICATION:  
R2-RESIDENCE DISTRICT

8TH STREET  
66' R.O.W.  
70' FRONT SETBACK  
70' SIDE SETBACK  
20' SIDE SETBACK  
20' REAR SETBACK  
FUTURE 6' WIDE NON-MOTORIZED ACCESSIBLE ROUTE (BY OTHERS)



**STORM STRUCTURES**

- EX1  
CONNECT TO EXISTING STORM MANHOLE. CONTRACTOR SHALL FIELD VERIFY LOCATION, SIZE, AND DEPTH OF EXISTING STORM SEWER PRIOR TO ORDERING MATERIALS.  
EJ 1120/M1  
2.0 FT SUMP  
RIM 951.70  
INV. 944.51 - 12" S  
INV. 950.21 - 6" NW  
INV. 944.41 - 12" N
- ST2  
4" DIA. MH  
EJ 1120/M1  
2.0 FT SUMP  
RIM 950.23  
INV. 945.79 - 12" S  
INV. 945.79 - 12" W
- ST3  
4" DIA. MH  
EJ 1120/M1  
2.0 FT SUMP  
RIM 950.24  
INV. 946.39 - 12" E



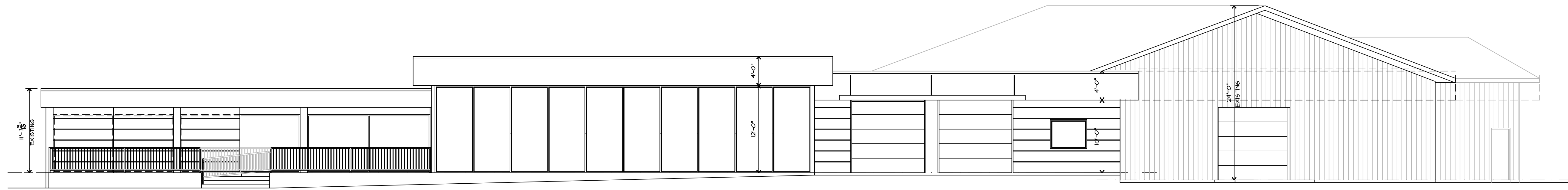
**BUILDING ENTRANCE GRADING DETAIL**  
SCALE: 1" = 10'

- 02/02/2020 TWC  
SITE PLAN REVISION
- 01/01/2020 TWC  
SITE PLAN REVIEW
- 00 JUNE 2019 TWC  
PRELIMINARY - NOT FOR CONSTRUCTION
- REVISIONS**
- THE REPRODUCTION, COPYING OR OTHER USE OF THIS DRAWING WITHOUT WRITTEN CONSENT IS PROHIBITED.  
© 2019 WIGHTMAN & ASSOCIATES, INC.  
DATE: JULY 2019  
SCALE: 1" = 30'

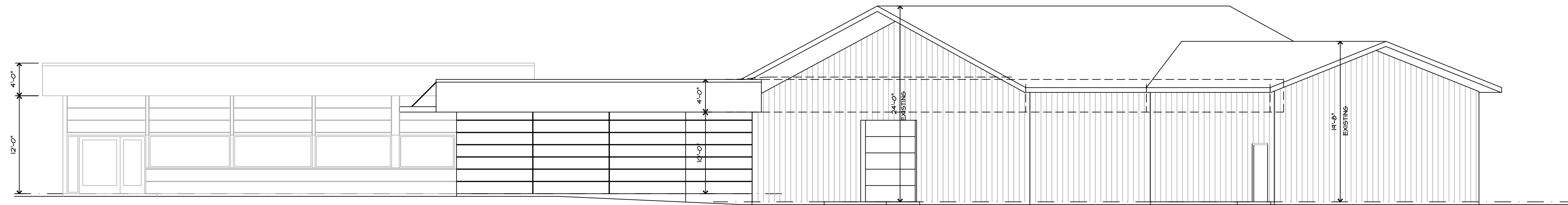
SITE, GRADING, AND UTILITY PLAN

JOB No. 194100  
**CG102**

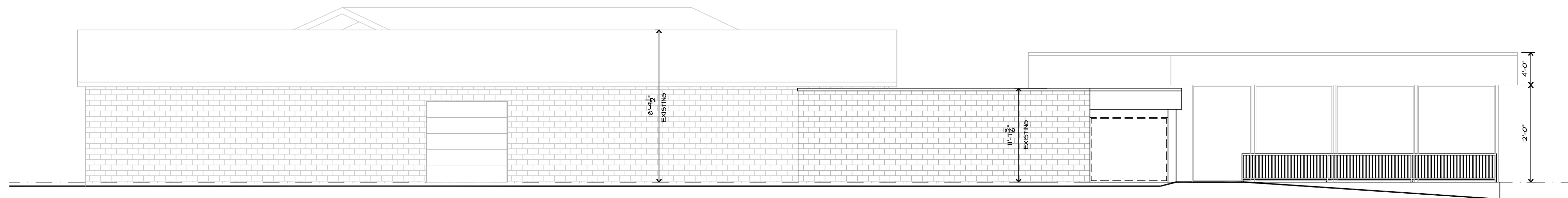




PRELIMINARY NORTH ELEVATIONS  
SCALE: 1/8" = 1'-0"



PRELIMINARY WEST ELEVATION  
SCALE: 1/8" = 1'-0"



PRELIMINARY EAST ELEVATION  
SCALE: 1/8" = 1'-0"



PRELIMINARY SOUTH ELEVATIONS  
SCALE: 1/8" = 1'-0"

ADDITION AND RENOVATIONS FOR:  
**MAPLE HILL AUTO SALES**  
6883 WEST MAIN STREET  
KALAMAZOO, MICHIGAN

PRELIMINARY  
EXTERIOR  
ELEVATIONS

HOWARD L. OVERBEEK  
ARCHITECT, P.C.

25377 ISLAND VIEW LANE  
STURGIS, MICHIGAN

PHONE (269) 467-3016

PROJECT NO.  
1916

DATE  
9/4/19

REVISION

SHBET  
A002



# Memorandum



**Date:** February 21<sup>st</sup>, 2020  
**To:** Oshtemo Township Planning Commission  
**From:** Ben Clark, Zoning Administrator  
**Re:** Proposed Zoning Ordinance Update

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Dear Planning Commission members,

Township Planning Department staff have recently been approached by a perspective property owner who is interested in establishing a wedding/event venue within the commercial portion of the *9<sup>th</sup> Street and West Main Zoning Overlay*. Examining the Township's Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo, despite a handful of such businesses having been located here in the past. In some cases, such as with the Delta Marriott Hotel on S 11<sup>th</sup> Street, the convention center there—once the Holiday Lanes Bowling Alley—is considered an accessory element to the primary use of the property, whereas the scenario that has prompted this memo would have an event space as the primary use.

A general tenant of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention, good planning practice, and the preservation of Township residents' property rights, staff ask that the Planning Commission formally consider a text amendment to the Zoning Ordinance to allow this use in appropriate zoning districts at their regularly scheduled March 26<sup>th</sup> meeting. Having identified this gap in the Zoning Ordinance, staff are eager to make the necessary corrections to help ensure good, orderly, and reasonable development in the Township. A preliminary draft of the proposed ordinance amendment is attached.

Kind regards,

A handwritten signature in cursive script that reads "Ben Clark".

Ben Clark,  
Zoning Administrator

## **18.40 SPECIAL USES**

- A. **Assembly and Convention Halls**
- B. Child care centers.
- C. Funeral homes.
- D. Private clubs.
- E. Parks of ten acres or less in size, subject to the conditions and limitations set forth at Section 49.90 of this Ordinance.
- F. Nursing, convalescent, handicapped, or senior citizens' homes.
- G. Drive-in service window or drive-through services for businesses.
- H. Retail lumber yards.
- I. New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales or activities connected with retail sales.
- J. Crematories.
- K. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- L. Filling stations, carwashes, public garages or service stations, excluding auto body and auto paint shops.
- M. Drive-in theatres.
- N. Buildings and regulator stations for essential services.
- O. Temporary outdoor events (lasting more than one day).
- P. Brewpub.
- Q. Microbrewery.
- R. Wine Tasting Room.
- S. Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- T. Communication towers.
- U. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- V. Private streets.
- W. Wind energy conversion systems.

## **35.40 SPECIAL USES**

- A. Residential

The following uses may be located within the 9th Street Residential and the West Main Street Residential section of the Overlay District subject to Special Use approval:

1. Group day care home.
2. Residential planned unit development subject to Article 41.
3. Golf courses, parks, and outdoor recreational areas.

4. Buildings and regulator stations for essential services.
5. Public and private schools.

B. Commercial

The following uses may be located within the 9th Street Commercial and the West Main Street Commercial section of the Overlay District subject to Special Use approval:

1. **Assembly and Convention Halls**
2. Brewpub.
3. Buildings and regulator stations for essential services.
4. Child care centers.
5. Commercial planned unit developments subject to Article 41.
6. Craft food and beverage production facility.
7. Crematories.
8. Drive-in service window or drive-through service for businesses, not to include restaurants.
9. Funeral homes.
10. Golf courses, parks, and outdoor recreational areas.
11. Group day care home.
12. Hotels, motels.
13. Indoor theaters.
14. Microbrewery.
15. Nursing, convalescent, handicapped, assisted living, or senior citizens' homes.
16. Private clubs.
17. Public and private schools.
18. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
19. Temporary outdoor events.
20. Veterinary clinics.
21. Wine Tasting Room.
22. Temporary outdoor event (lasting more than one day)