



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON
AT OSHTEMO TOWNSHIP HALL
7275 W MAIN STREET**

Masks Are Optional in Oshtemo Township Buildings

(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)

**THURSDAY, OCTOBER 12, 2023
6:00 P.M.**

AGENDA

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: September 14, 2023
6. Work Session
 - a. Introduction: 57.80 Keeping of Livestock and Honey Bees
 - b. Continued Discussion: MU District Draft
7. Private Drive/Street Ordinance Update
8. Other Updates and Business
9. 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), 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 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at 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 and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Cheri Bell	216-5220	cbell@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Neil Sikora	760-6769	nsikora@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Vacant		

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Greg McComb	375-0487	gmccomb@oshtemo.org	
<u>Ordinance Enforcement:</u>			
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org	
<u>Parks Director:</u>			
Vanessa Street	216-5233	vstreet@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Iris Lubbert	216-5223	ilubbert@oshtemo.org	
<u>Public Works Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A SPECIAL MEETING HELD SEPTEMBER 14, 2023

Agenda

PUBLIC HEARING: ORDINANCE – HEIGHT STANDARDS FOR SINGLE FAMILY AND TWO-FAMILY DWELLINGS

Consideration to amend Sections 2.20 Definitions, 42.30 Developmental Standards, and 50.30 Residential Dwelling Standards of the Township Zoning Ordinance in order to adopt height standards for single-family and two-family dwellings, for recommendation to the Township Board.

PUBLIC HEARING: ORDINANCE – SOLAR ENERGY SYSTEMS

Consideration to adopt Article 60 – Solar Energy Systems to permit and regulate Solar Energy Systems in the Township, for recommendation to the Township Board.

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, September 14, 2023, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS PRESENT: Phil Doorlag, Chair
Deb Everett
Zak Ford, Board Liaison
Scot Jefferies
Micki Maxwell, Vice Chair
Scott Makohn
Alistair Smith

Also present: Iris Lubbert, Planning Director, Jim Porter, Township Attorney, LeeAnna Harris, Zoning Administrator, and Martha Coash, Recording Secretary.

Call to Order and Pledge of Allegiance

Chairperson Doorlag called the meeting to order at 6:01 p.m. and invited those present to join in the Pledge of Allegiance.

Approval of Agenda

Hearing no requests for changes to the agenda, the Chair asked for a motion.

Mr. Ford **made a motion** to approve the Agenda as presented. Ms. Everett **seconded the motion**. The **motion was approved** unanimously.

Public Comment on Non-Agenda Items

There were no members of the public in attendance.

Approval of Minutes: August 24, 2023

Approval of Minutes: August 29, 2023

Chairperson Doorlag asked for additions, deletions, or corrections to the Minutes of the Meeting of August 24, 2023 or to the Minutes of the Meeting of August 29, 2023.

Hearing none, he asked for a motion.

Mr. Ford **made a motion** to approve both the Minutes of the Meeting of August 24, 2023 and the Minutes of the Meeting of August 29, 2023 as presented. Mr. Jefferies **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag moved to the next agenda item.

PUBLIC HEARING: ORDINANCE – HEIGHT STANDARDS FOR SINGLE FAMILY AND TWO-FAMILY DWELLINGS

Consideration to amend Sections 2.20 Definitions, 42.30 Developmental Standards, and 50.30 Residential Dwelling Standards of the Township Zoning Ordinance in order to adopt height standards for single-family and two-family dwellings, for recommendation to the Township Board.

Ms. Lubbert noted while constructing the recently adopted Airport Ordinance, Staff became aware that the Township Ordinance does not set height limitations for a majority of single-family and two-family dwellings. To ensure the intent of the airport ordinance can be fully executed, height standards for all single-family and two-family dwellings are needed.

She said based on research of neighboring communities and discussions with the Planning Committee, staff recommended adopting a maximum height of 35 feet for single-family and two-family dwellings. Ms. Lubbert indicated this height is consistent with the height standards of neighboring communities: Texas Township, Alamo Township, Almena Township and Portage. In addition to proposing the adoption of a maximum height, clarifying and expanding on the definition of Height for how to determine the height of a structure, was also being recommended.

She noted the changes requested when Commissioners reviewed the draft at the last meeting had been made.

In response to a question from Mr. Ford regarding the item that addresses raising the natural grade used to measure dwelling height, Ms. Lubbert said it was a safety measure to ensure that the measurement from the base to the top of the

structure does not exceed the height maximum due to artificially raising the area where the foundation will be placed.

The group was satisfied with the final draft and Chairperson Doorlag asked for a motion.

Ms. Everett **made a motion** to recommend approval to the Township Board the proposed amendments to Sections 2.20 Definitions, 42.30 Developmental Standards, and 50.30 Residential Dwelling Standards of the Township Zoning Ordinance in order to adopt height standards for single-family and two-family dwellings. Mr. Smith **seconded the motion**. The **motion was approved unanimously**.

Chairperson Doorlag moved to the next agenda item.

PUBLIC HEARING: ORDINANCE – SOLAR ENERGY SYSTEMS
Consideration to adopt Article 60 – Solar Energy Systems to permit and regulate Solar Energy Systems in the Township, for recommendation to the Township Board.

Ms. Lubbert indicated the Township currently has no comprehensive general ordinance or zoning ordinance provisions to appropriately address the development of commercial Solar Energy Systems within the Township. Given the industries need to quickly develop such infrastructure, it is imperative to develop appropriate general and zoning ordinance provisions to ensure the development of Solar Energy Systems within the Township are done in a manner consistent with the adopted Master Land Use Plans of the Township and to ensure compatibility with other existing developments. Based on research and discussions with the Planning Commission, Legal and Planning staff were recommending adoption of Article 60 to address Solar Energy Systems within the community and to recommend it to the Township Board.

She noted the Legal staff was responsible for most of the work developing this ordinance, and provided illustrations of the wide variety of installation types possible for both private and businesses.

She walked through the general format of the proposed ordinance. During the course of her review, Commissioners noted two minor amendments to be made: one typographical error and striking “wildlife friendly fencing” from the definitions section.

Ms. Maxwell thanked Attorney Porter for quickly developing this ordinance and providing Commissioners with the information needed to consider it beforehand.

Mr. Ford **made a motion** to recommend adoption Article 60: Solar Energy Systems to the Township Board as proposed. Ms. Maxwell **seconded the motion**. The **motion was approved unanimously**.

OTHER UPDATES AND BUSINESS

The group welcomed new Commissioner Scott Makohn, who indicated he was pleased to join the Commission.

Mr. Ford reported the Township Board followed the Commission’s recommendations on the items referred to them at recent meetings, including the required 63-day comment period for public consideration of the final draft of the Housing Plan, and the Commission’s denial of a conditional rezoning request.

ADJOURNMENT

With there being no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 6:19 p.m.

Minutes prepared:
September 15, 2023

Minutes approved:
_____, 2023

DRAFT



October 5, 2023

Mtg Date: October 12, 2023

To: Planning Commission

From: Iris Lubbert, AICP, Planning Director

Subject: Introduction: 57.80 Keeping of Livestock and Honey Bees

While responding to an inquiry about the number and type of livestock permitted on a property, Staff became aware that the relevant Ordinance section was not clear and open to interpretation. To clarify and ensure consistent interpretation, staff is recommending Section 57.80 be amended.

Attachments: Proposed amendments to Section 57.80 (proposed changes are in red)

57.80 KEEPING OF LIVESTOCK AND HONEY BEES

The keeping of poultry, swine, horses, rabbits, sheep, goats, other similar livestock (collectively referred herein as animals), and honey bees for noncommercial purposes is permitted under the following conditions:

- A. Activities shall be for the private enjoyment of the property owners conducted for noncommercial purposes.
- B. Acreage requirements. Acreage requirements are cumulative for exclusive of each animal size, excluding honey bees, meaning the property must have the minimum required acreage for each animal s onsite.
 1. Large animals. One acre for each large animal (more than 200 pounds at maturity), including horses, cattle, and swine, or similar animals.
 2. Moderate-sized animals. One-quarter acre for each moderate-sized animal (35 to 200 pounds at maturity), including sheep, goats, or similar animals.
 3. Small animals. All parcels, lots, and building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.
 4. Honey bees. The maximum allowed number of colonies permitted on a lot, parcel, or building site shall be limited as follows:

Lot, Parcel, or Building site Acreage	Maximum number of colonies permitted
Up to ¼ acre	2
¼ acre to ½ acre	4
½ to 1 acre	6

5. For a Lot, Parcel, or Building Site over an acre, 8 colonies are allowed plus 1 additional colony for each additional one-quarter acre.

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October 5, 2023

Mtg Date: October 12, 2023
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Continued Discussion: MU District

Comments and text suggestions have been received from the Michigan Department of Transportation, the Kalamazoo Area Transportation Study, and the Kalamazoo County Road Commission; their feedback has been incorporated into this latest version of the proposed MU district text. For readability, as there were numerous changes, the corresponding transportation sections have been highlighted in their entirety. In addition, based on Planning Commission feedback, staff has amended the density bonus section of the MU District Ordinance to be more objective and have tiers. The newly proposed density bonus section and other small, recommended tweaks are in red.

The Planning Commission is asked to review the proposed MU District Ordinance language, provide feedback, and if deemed appropriate set a public hearing for the formal consideration of the text.

Attachments: DRAFT MU District

ARTICLE 30

30 – MU: MIXED USE DISTRICT

Contents:

30.10 STATEMENT OF PURPOSE

30.20 ESTABLISHING A MIXED USE DISTRICT

30.30 DEVELOPING WITHIN A MIXED USE DISTRICT

30.10 STATEMENT OF PURPOSE

The Mixed Use District is established for the purposes of implementing Oshtemo Township’s adopted Sub Area Plans and encouraging a mix of uses in the planned redevelopment of existing commercial areas into mixed use. The Mixed Use District designation is designed to accommodate, through comprehensive planning, zoning, and project review, integrated residential, commercial, office, technology, and public uses on larger parcels of land. The mixed-use district strives to encourage innovative development that incorporates high-quality building design, compatibility with adjacent uses, preservation of unique environmental features, and the creation of open spaces and amenities that enhance the quality of life of residents.

30.20 ESTABLISHING A MIXED-USE DISTRICT

A. LOCATION AND SIZE CRITERIA

Mixed Use Districts may be established in areas of the Township with an adopted Sub Area Plan or within a C: Local Business District. A minimum contiguous site area of twenty (20) acres shall be required.

The proposal shall show all contiguous holdings of the owner or option purchaser and how it is integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.

B. DEVELOPMENT OWNERSHIP

The proposed Mixed-Use District shall be under common ownership or control while being constructed, such that there is a unified responsibility for the completion of the project. Sufficient documentation of ownership or control, such as a development agreement, shall be submitted with the application for approval. Land divisions within the district and property transfers may be made once Section 30.30 A, CONDITIONS FOR DEVELOPMENT, is met.

C. APPLICATION REQUIREMENTS

The owner or option purchaser of a tract of land shall seek approval of a Mixed Use District zoning designation with the simultaneous submittal of a comprehensive development plan. The comprehensive development plan shall include:

- (1) **Plan Area.** All contiguous holdings of the owner or option purchaser and how it’s integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.
- (2) **Letter of Intent.** A letter of intent that includes a full description as to how the proposed comprehensive development plan satisfies the eligibility requirements and design principles of this Section and, if applicable, evidence of how the proposed plan meets the criteria for qualifying for a density bonus.

- (3) **Development Schematic Plan.** A development schematic plan illustrating the proposed streets and the areas designated for residential, commercial, or mixed uses. Potential specific uses proposed in each area shall be outlined; see Section 30.30 for a list of uses permitted in the district. The development schematic plan shall include the proposed acreage for each use category and the proposed residential densities for each identified residential and mixed-use area.
- (4) **Site Circulation.** A circulation and access management plan for the project, including proposed street names and phasing (if any for development purposes), proposed non-motorized connections, and connectivity to the surrounding transportation network.
- i. The arrangement of streets shall provide for a continuation of streets between adjoining properties and seek to implement the Master Plan.
 1. Where adjoining property is undeveloped and the street must temporarily be a dead-end, the right-of-way shall be extended to the property line to make provision for the future projection of the street. Additional temporary right-of-way may be required to facilitate any temporary cul-de-sacs or turnarounds.
 2. Where a street is not intended to extend beyond the boundaries of the district and its continuation is not required for the continuation of streets between adjoining properties, its terminus shall be at least 50 feet from the property line.
 3. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street or a temporary dead end street (and associated temporary right-of-way) in accordance with County Road Commission standards.
 - ii. Interior streets that do not serve as a connecting link between different land ownerships or different public roads may be designated private streets subject to Township approval.
 1. Both public and private streets shall be designed to the cross-section standards of the Road Commission of Kalamazoo County (Appendix E of the Construction Guidelines),
 2. Both public and private streets shall meet the best practices of Article 51: Access Management Guidelines of the Township Zoning Ordinance and Township Master Plan.
 3. Reserved for Private Street Design Templates
 - iii. Streets shall be laid out in an orthogonal manor to intersect as nearly as possible to 90 degrees.
 - iv. Streets shall be interconnected with each other and with streets on abutting properties in a systematic pattern to promote connectivity, accessibility, reliability, efficiency, sustainability, safety, and logic for all users, unless otherwise approved by the Planning Commission.
 - v. Prioritize design and internal circulation to minimize new access points on Arterials and Major Collectors and instead channelize traffic flow via adjacent streets or service roads to dedicated access points and signalized intersections that function as a gateway. This will immensely support the mobility, accessibility and safety of all modes of transportation, especially pedestrian and non-motorized transportation.

1. A permanent dead-end street shall only be permitted where the topography of the area, lakes, streams, other natural features or existing adjacent development of the area causes practical difficulties or extreme hardship in connection, and can be granted without creating any safety concerns. A supportive recommendation from the Township Engineer shall be required in order to be considered by the Planning Commission. Planning Commission's recommendation shall be forwarded for approval to the Township Board. Applicant shall clearly provide evidence of hardship to be considered.

2. Dead end streets in excess of 600 feet are highly discouraged.

vi. A nonmotorized facility is required along all street frontages in accordance with the Township's Complete Street Policy, unless otherwise approved by the Planning Commission.

(5) Traffic Impact Study (TIS). A complete analysis of traffic generated by the entire development and the impact said development would have on the surrounding transportation system. The transportation system includes but is not limited to truck routes, emergency routes, State and County roads, non-motorized network(s), public transit, etc.

I. Prior to commencement of the TIS, the Public Works Director or Township designated Traffic Engineer, in consultation with Michigan Department of Transportation and Road Commission of Kalamazoo County, shall review and approve the limits of the study area, level & scope of study, existing volumes, and inputs for forecasted trips and volumes which may include other approved and pending developments.

II. The traffic analysis models shall anticipate the highest proposed use for each designated area within the development site plan.

III. The TIS shall meet requirements of the Road Commission of Kalamazoo County's and Michigan Department of Transportation's guidelines for Traffic Impact Studies and Assessments Evaluating Traffic Impact Studies. Formal approval from other agencies shall be provided to the Township prior to the formal Planning Commission MU Rezoning Review.

IV. If the development is at or near a major intersection or interchange, then traffic generated for the site should also be shown relative to movements into and/or through the intersection or interchange.

V. Any decline in level of service on adjacent trunkline and local roads shall be reasonably mitigated by proposed solutions within the site design and internal circulation including reducing access points and channelizing traffic flow to dedicated access points via adjacent streets. The level of Service (LOS) is defined as a qualitative measure describing operational conditions of vehicular and pedestrian traffic; described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Levels of service are given letter designations, from A to F, with LOS A representing the best operating conditions and LOS F the worst.

i. A decline in vehicular LOS may be acceptable if improvement(s) to the non-motorized network is the direct cause and improved pedestrian LOS can be shown.

- ii. Required operational changes and/or other mitigation measures shall be part of the MDOT and RCKC permit approval process.
- iii. Mitigation efforts may be broken into phases tied directly to the corresponding phases of the comprehensive development plan. Phases must be clearly outlined within the phasing plan; item 10 within this Section. Preliminary designs shall be required.
- iv. If the required traffic improvements identified within the TIS are already planned as part of an adopted comprehensive plan to be implemented by MDOT, the Kalamazoo County Road Commission, the Kalamazoo Area Transportation Study (KATS) or the Township, some or all of the mitigation requirements may be deferred or coordinated within a reasonable timeline. Any deferrals or coordination shall require the support of the Township Engineer or representative. Short term or temporary efforts may be required to ensure the safety of the public during the deferment period. If the required mitigation efforts increase the scope of the already planned improvements by the local agency, the increase in cost to modify the plans and construct the improvements shall be collected from the applicant. A memorandum of understanding shall be executed and recorded.
- v. The Township will work with the developer/applicant in good faith effort to seek solutions and approvals necessary. This does not imply any financial commitment on the Township's part.

- (6) **Design Standards.** The applicant must provide architectural and design standards that create a district identity. This shall include specific development standards that will be applicable to development within the district including, but not limited to, minimum lot area and frontage, architectural character, building materials, building height, lighting, site features, and entry monumentation. Street lighting shall be full cut-off design and mounted to be parallel to the ground. Design standards proposed by the applicant shall incorporate and may go beyond the development requirements in Section 30.30.D.
- (7) **Stormwater.** Areas for common stormwater detention, those with the intention of serving a larger area or multiple facilities, shall be identified on the development schematic plan and turned over to the Kalamazoo County Drain Commission Office (unless otherwise agreed to by all parties involved) when constructed. Feasibility of site conditions should be considered.
- (8) **Residential Density and Density Bonus.**
 - I. **Initial Gross Density.** The overall density within the development schematic plan's residential and mixed use areas shall match the intended character of the correlating Sub Area Plan; each density category is defined within Table 30.20.1. A comprehensive development plan that is being proposed without a correlating Sub Area Plan and is within a C: Local Business District designation shall be considered under the high-density residential category. Areas designated purely for commercial development may not be included in the overall gross density calculation.

Table 30.20.1 – Residential Density		
Residential Character/Density Category	Initial Gross Density	Maximum Gross Density with Density Bonus
Agricultural	1 unit an acre	N/A
Low	4 units an acre	N/A
Medium/Transitional	4 units and acre	8 units an acre
High	8 units an acre	16 units an acre

- II. **Density Bonus.** A density bonus, up to the maximum gross density defined within Table 30.20.1, shall be granted if the proposed development provides additional public benefits to the overall community as outlined below. The bonuses earned from each category shall be added together.
- a) Housing – This is intended to promote missing middle housing. A mix of housing options are desired.
 - 1. At least 50% of the dwelling units shall be in buildings with at least two (2) dwelling units. (10% density increase)
 - 2. At least 75% of the dwelling units shall be in buildings with at least two (2) dwelling units. (20% density increase)
 - 3. 100% of the dwelling units shall be in buildings with at least two (2) dwelling units. (30% density increase)
 - b) Dedication of land for a public park, not less than one acre, and/or land for a community building if acceptable to the Township Board. (30% density increase).
 - c) Dedication of land, not less than one acre, for the purpose of a private park that incorporates usable amenities. Acceptable amenities include playground equipment, picnic areas with grills and tables, tennis courts, baseball diamonds, etc. (10% density increase)
 - d) Green Energy – If this density bonus is utilized, the applicant shall designate through their design standards the type of buildings within the development that will meet these standards.
 - 1. 50% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to Energy Star certified standards (15% density increase).
 - 2. 100% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to LEED Gold Standards or the entire development receives LEED Neighborhood development certification or 75% of the buildings are constructed to Energy Star certified standards. (30% density increase).
 - e) Open Space
 - 1. Minimum provided open space is 20% (10% density bonus)
 - 2. Minimum provided open space is 30% (20% density bonus)

(9) **Public Sanitary Sewer and Water.** Public sanitary sewer and water shall be required. All infrastructure shall be designed to promote the logical extension of public infrastructure. The Township may require the extension of public infrastructure, if needed, to reach the development. If the area is not ready to be served, at a minimum dry mains for future connection shall be installed. A description of existing public infrastructure availability, current demands, downstream capacity, projected flows and increased demand feasibility needed to serve the project, and a plan for providing needed infrastructure, including community facilities.

(10) **Phasing.** A developmental procedures agreement that will describe the timing and phasing, if applicable, of the project and outline other development details as necessary.

(11) **Buffer from Adjacent Residentially Zoned Districts.** A minimum buffer area consisting of open landscaped green space shall be established at the perimeter of the development site adjacent to existing residentially zoned districts. No structures, roads, or parking areas shall be permitted within said buffer area.

I. The width of the buffer area shall be determined by the character of the area proposed within the Development Schematic Plan directly adjacent to existing residentially zoned district.

i. The buffer shall be fifty (50) feet where the proposed area within the Development Schematic Plan is identified for purely residential development. This width shall be increased by one foot for each foot in height in excess of 25 feet of the proposed building heights for this area, as outlined in the design standards.

ii. The buffer shall be eighty-five (85) feet where the proposed area within the Development Schematic Plan is for mixed use or commercial development. This width shall be increased by one foot for each foot in height in excess of 25 feet of the proposed building heights for this area, as outlined in the design standards.

iii. The buffering requirement shall be waived if traditional single-family detached and/or attached residential uses compatible in height and bulk with the abutting uses are established along the perimeter adjacent to the existing residential district.

II. An alternative buffering tool may be proposed to the Planning Commission to consider; the applicant shall demonstrate that the requested alternative is just as, if not more, effective than the required buffering.

III. The buffer may include a nonmotorized trail. This trail shall be public, constructed to meet ADA standards, and maintain a minimum setback of fifty (50) feet from the property line.

(12) **Natural features.** The development shall be designed to promote the preservation of natural features.

(13) **Open Space.** 15% of the of the development schematic plan shall be designated as open space subject to the following standards:

I. Any required buffering or right-of-way shall not be used to meet the open space requirement.

II. Any significant/sensitive environmental resources (steep slopes, wetlands, woodlands, etc.) shall be included within the designated open space where possible.

- III. Stormwater management facilities shall not be used to meet the open space requirement **unless privately owned** and designed as useable common open space, see below.
- IV. Usable Open Space. A minimum of 50% of the total open space must be designated as useable common open space **which incorporates usable amenities** to stimulate social interaction and recreational activity:
 - a) The common useable opens space shall be easily accessible to residents, including visual and pedestrian linkages and proximity to such open spaces.
 - b) Private parks shall be subject to the conditions and limitations set forth in Section [49.100](#) of this Ordinance. A density bonus may be applicable; see Section 30.20.C.8 for details.
 - c) If a designated usable common open space area is eligible to become a public park to be transferred to Oshtemo Township to design, build, and maintain, subject to the review and approval of the Parks Committee, a density bonus would be applicable; see Section [30.20.C.8](#) for details.
- V. Open space not designated as usable common open space shall be retained in an essentially undeveloped or unimproved state except for necessary site grading.
- VI. All designated open space areas shall initially be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided. Changes or transfers in ownership or control of the open space, sections thereof, shall be subject to review and approval of the Township. Open spaces shall always be under the control of a designated entity.
- VII. All designated open space areas shall be set aside through an irrevocable conveyance approved by the Planning Commission as part of final site plan approval, such as recorded deed restrictions, master deed, covenants that run perpetually with the land, a conservation easement of land trusts.

D. APPLICATION REVIEW

Said review shall evaluate whether the proposed comprehensive development plan conforms to the standards and recommendations of the correlating Sub Area Plan, Master Plan, rezoning principles, recognized principles of civic design, land use planning, landscape architecture, and building architectural design. Submissions shall be subject to the Township's Development Schedule of Applications and adopted fee schedule.

- 1) **Optional pre-application review(s).** Informal pre-application review(s) by Township Staff is encouraged.
- 2) **Planning Commission Concept Plan Review.** A draft Development Schematic Plan shall undergo a mandatory conceptual plan review by the Planning Commission. **The application for approval of a concept plan shall be made according to the procedures for Special Uses set forth in Section [65.40](#). The review is intended to provide an indication of the issues and concerns that must be resolved prior to review of the rezoning request by the Planning Commission.** Conceptual plan approval shall not constitute an approval of the Development Schematic Plan but rather shall be deemed an expression of approval of the general layout and as a guide to the preparation of a final plan. A conceptional plan approval from the Planning Commission becomes invalid if the required Traffic Impact Study requires significant

changes to the Development Schematic Plan. Request for modification to the approved draft Development Schematic Plan shall be submitted to the Planning Commission for review in the same manner as the original. Following recommendation from the Planning Commission, elements of the conceptual plan requiring Township Board action as outlined in the ordinance may be forwarded to the Township Board, per applicant request, for initial consideration and feedback.

- 3) **Planning Commission MU Rezoning Review.** Following concept plan review and approval, a full MU rezoning request may be submitted. The Planning Commission, after public hearing and consideration, may recommend approval, approval with recommended changes, or denial of the rezoning and Comprehensive Development Plan. The Township may consider, but shall not be limited to, the factors for rezoning set forth in this Ordinance, future land use recommendations in the Master Land Use Plan; goals and objectives of the Sub Area Plan; the availability and capacity of utilities; potential positive and negative impacts on neighboring land uses, potential impact on the natural environment; and other concerns and benefits related to the general welfare, safety, and health of area residents.
- 4) **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed rezoning or comprehensive development plan advisable, then the Township Board shall, in accordance with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405), refer such amendments to the Planning Commission for a report thereof within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the rezoning with or without amendments. The Township may consider, but shall not be limited to, future land use recommendations in the Master Land Use Plan; goals and objectives in the Sub Area Plan; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents.

E. AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT PLAN

All changes, modifications, revisions, and amendments made to the comprehensive development plan shall be resubmitted and considered in the same manner as originally required.

To optimize design, additional interior roads may be added to serve the development areas identified within the development schematic plan during the development of that area without an amendment to the comprehensive development plan.

30.30 DEVELOPING WITHIN THE MIXED USE DISTRICT

A. CONDITIONS FOR DEVELOPMENT

Unless specifically outlined in a phasing plan approved with the comprehensive development plan, all public infrastructure including, shared detention basin areas, streets, street lighting, useable common open spaces, and non-motorized facilities, shall be installed prior to any development. All private streets shall be located in a 66-foot right-of-way with an easement granted to the Township for public utilities and nonmotorized facilities. The Township shall have no obligation or liability for the private street or maintenance thereof by virtue of the easement.

In addition, prior to the submission of the first site plan application within the MU district, the development ownership of the district shall establish a Design Committee. The Design Committee shall review all site plan submissions against the adopted Design Standards and provide a letter of recommendation to the Planning Department as part of the official site plan application to the Township.

B. PERMITTED USES

- 1) One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.
- 2) Any business primarily for the retail sale of merchandise or services in which any manufacturing, assembling or fabricating is merely incidental to and an unsubstantial part of said business.
- 3) Banks, credit unions, savings and loan offices and similar financial institutions.
- 4) Administrative, business, or professional offices.
- 5) Laundromats and dry-cleaning establishments, excluding those establishments providing cleaning services for other laundromat and dry-cleaning establishments.
- 6) Hotels, motels.
- 7) Restaurants.
- 8) Hospitals and medical clinics.
- 9) Essential services.
- 10) Indoor theatres.
- 11) Passenger bus terminals, excluding facilities for the overnight storage of buses.
- 12) Accessory buildings and uses customarily incidental to the foregoing.
- 13) Pet shops.
- 14) Houses of worship.
- 15) Commercial Center.
- 16) Proprietary schools and colleges.
- 17) Child Care Centers and Adult Care Centers.
- 18) Funeral homes.
- 19) Private clubs.
- 20) Nursing, convalescent, handicapped, or senior citizens' homes.
- 21) Drive-in service window or drive-through services for businesses.
- 22) Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- 23) Buildings and regulator stations for essential services.
- 24) Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, and other recreational areas.
- 25) Brewpub.
- 26) Microbrewery.
- 27) Wine Tasting Room.
- 28) Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- 29) Scientific or medical laboratories, engineering, testing or design facilities, or other theoretical or applied research facilities. Typical uses include electronics research laboratories,

environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.

30) Printing, lithographic, blueprinting, and similar uses.

31) Mixed use buildings, which entail two or more different uses. Mixed use buildings shall be comprised of a mixture of first-floor commercial, retail, office and/or residential uses, with upper floor office and/or residential uses.

C. PERMITTED USES WITH CONDITIONS

Subject to administrative review applying the same standards as set forth in Article 49.

- a) Home Occupations
- b) Larger Facilities for Child and Adult Foster Care
- c) Group Day Care Home
- d) Bed and Breakfast Inns
- e) Golf Courses, Parks, and Outdoor Recreational Areas
- f) Assembly and Convention Halls.
- g) Veterinary, Small Animal Clinics

D. DEVELOPMENT REQUIREMENTS

All development within the Mixed Use District shall adhere to the approved Mixed Use District's comprehensive development plan, including the adopted design standards, and the following standards:

1) Residential

Residential designated areas within the comprehensive development plan shall be subject to an administrative review by the Planning Department applying the standards of the Subdivision/Site Condominium Ordinance or the Residential Condominium Standards which shall be modified by the general development standards outlined below.

2) Commercial

Commercial designated areas within the comprehensive development plan shall be subject to an administrative review by the Planning Department and shall meet the requirements outlined in Article 64 Site Plan Review, which shall be modified by the general development standards outlined below.

3) Mixed-Use Development

Shall follow both the Residential and Commercial requirements set forth above.

4) General Development Standards

- i. There shall be no minimum lot area or frontage requirements unless outlined in the Mixed Use District's comprehensive development plan.
- ii. Setbacks
 - a. Front Yard: 15 feet
 - b. Side Yard: 10 feet
 - c. Rear Yard: 15 feet
 - d. The Planning Commission may approve reduced setbacks in a manner that is consistent with the approved comprehensive development plan, encourages a consistent street wall and provides for a usable sidewalk

- area and a more attractive pedestrian environment. Applicant must officially request the reduction and provide reasoning for the request.
- iii. Residential unit sizes shall be regulated by Section 50.20 of the Ordinance.
 - iv. All roadways shall be designed and constructed as Streets to Road Commission of Kalamazoo County.
 - v. Sidewalks shall connect the road frontage sidewalks to all front building entrances, parking areas, central open spaces, and any other destination that generates pedestrian traffic.
 - vi. No outdoor storage shall be permitted in this district.
 - vii. Residential accessory structures shall conform to the requirements as specified in Section 57.00 Accessory Buildings Serving a Primary Residence.

E. PROCESS

The Planning Department shall have the authority to administratively deny, approve, or approve with conditions all site plans submitted for review under this section. The Planning Department shall record its conclusions, its decisions, the basis for its decision, and any recommended conditions to be imposed in conjunction with an affirmative decision. The Planning Director shall have the discretion to forward any Site Plan submitted for administrative approval to the Planning Commission for final determination. If administrative approval is denied, the applicant may appeal the decision to the Planning Commission. With all submissions, a letter of recommendation from the corresponding MU District's Design Committee shall be provided.



October 5, 2023

Mtg Date: October 12, 2023
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Private Drive/Street Ordinance Update

An update on the Private Drive/Street Ordinance project will be provided to the Planning Commission at their regular October 12th meeting.