



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**

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

Masks Are Now Optional in Oshtemo Township Buildings

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

**THURSDAY, NOVEMBER 17, 2022
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: October 27th, 2022
6. **Public Hearing – Special Use, Speakeasy Golf**
SiteCreate/Speakeasy Golf is requesting special exception use approval to operate a year-round indoor golf facility in an existing tenant suite within the commercial building located at 6120 Stadium Drive.
7. **Public Hearing – Open Space Community, Tournesol**
Hinter Properties, on behalf of Kalamazoo Holdings LLC & Rural Republic LLC, is requesting site plan approval of a proposed 49-unit Open Space Community development at 7214 W N Avenue.
8. 2023 Meeting Dates
9. Work Session:
 - a. Draft MU zoning district introduction
10. Other Updates and Business
11. 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, 8:00 a.m. – 5:00 p.m., and on Friday, 8:00 a.m. – 1:00 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>		
Libby Heiny-Cogswell	216-5220	libbyhc@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>		
Cheri Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

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>			
Karen High	216-5233	khigh@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	

DRAFT MINUTES OF A MEETING HELD OCTOBER 27, 2022

Agenda

**STEERING COMMITTEE: HOUSING PLAN COORDINATION AND KICK OFF
(Continued)**

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, October 27, 2022, commencing at approximately 6:04 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Bruce VanderWeele, Chair
 Deb Everett
 Micki Maxwell, Vice Chair
 Alistair Smith
 Chetan Vyas

MEMBERS ABSENT: Kizzy Bradford
 Anna Versalle

Also present were Iris Lubbert, Planning Director, Martha Coash, Recording Secretary, Emily Petz, W. E. Upjohn Institute for Employment Research (attended virtually) and Curt Aardema, AVB.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:04 p.m. and those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

The Chair asked if there were any changes to the agenda. Hearing none, he let the agenda stand as published.

Public Comment on Non-Agenda Items

Mr. Aardema, of AVB, noted the extensive experience AVB and Hinman, their partner in the Prairies development, have with a variety of housing developments they own and manage in the area. They are excited to hear the discussion of the vision for future housing in the Township. He indicated they are looking forward to the discussion at the November 17 Planning Commission meeting.

He provided the history of the acquisition of the Prairies and noted large developments can take a long time from acquisition to realization due to a number of factors. He described the challenges for market viability for golf courses and noted a number of them have closed in the area. He also indicated before any development of the Prairies a full traffic viability analysis would need to be done.

Chairperson VanderWeele thanked Mr. Aardema for his comments and moved to the next agenda item.

Approval of the Minutes of the Meeting of October 13, 2022

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of October 13, 2022.

Hearing none, Chairperson VanderWeele asked for a motion.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of October 13, 2022 as presented. Mr. Smith **seconded the motion**. The **motion was approved unanimously**.

The Chair moved to the next item on the agenda and asked Ms. Lubbert for her presentation.

STEERING COMMITTEE: HOUSING PLAN COORDINATION AND KICK OFF (Continued)

Ms. Lubbert said at the Planning Commission's August 11, 2022 regular meeting, the Commission was asked to review and answer questions presented by Emily Petz of the W.E. Upjohn Institute for Employment Research to ensure the consultant was clear on the Planning Commission's vision for the housing study. Using the Commission's answers, Ms. Petz attended the October 13 Planning Commission meeting and presented an updated project scope and contract (changes primarily included additional data gathering, analysis, and public engagement) as well as draft survey questions. Using the feedback collected, additional changes to the contract and draft survey were made.

She introduced Ms. Petz, who attended virtually and led discussion on the following subjects:

- **Review and collect feedback on the updated supplemental survey questions. The intent of this survey is to give the public the opportunity to give specific feedback about housing in Oshtemo that will supplement the data collected from the County's housing survey.**

Ms. Petz reviewed the survey as updated after discussion at the October 13, 2022 meeting, methods for distribution and obtaining responses, as well as the plans for

soliciting extensive input through public meetings with various constituencies. The group was satisfied with the revisions and authorized proceeding with the survey as presented.

- Review of the amended contract, collect feedback, and if satisfactory forward it to the Township Board with a recommendation of approval. Based on feedback from the Planning Commission and Planning Director, the timeline for the project has been extended.

Ms. Lubbert noted the Commission updated the contract with Upjohn at the October 13, 2022 meeting to include an additional \$5,000 in order to accommodate additional work. She said it would be pertinent to extend the timeline of the contract by two months, to the end of July 2023, in order to provide sufficient time to accomplish the additional work.

As the group agreed that was a reasonable request, Chairperson VanderWeele asked for a motion.

Mr. Vyas **made a motion** to extend the contract timeframe with W.E. Upjohn for an additional two months, to allow completion of all contracted work by July 31, 2023. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously.

- Provide feedback on the draft postcard that will be sent out to advertise the supplemental housing survey and upcoming public meetings (specific dates to be determined). The language from the postcard will also be used in other promotion efforts.

The group reviewed the postcard for language and effectiveness and agreed it was ready for publication.

- Additional discussion about the Planning Commission's thoughts, concerns, and dreams for housing in Oshtemo.

The group provided ideas of what they would like to see in the Township as an ideal eco-system regarding the mix of different housing types. In general, the consensus was to provide a variety of types of housing options but to keep the rural feeling.

Ideas for future housing development discussed included:

- Invisible density increases such as "tiny houses" on big tracts of land
- Ways to expand density in RR district with restrictions
- How to prioritize different locations and units by location
- Senior housing needs
- Housing opportunities in commercially zoned areas to increase density in already dense areas
- How to achieve an increase in targeted density through zoning changes

- Cottage or “tiny house” development, including as part of the village concept
- Exploration of a zoning change regarding the minimum size allowed for houses

Ms. Petz discussed the housing supply and demand issue: demand for housing of any size/price is much larger than the supply available. Adding options would help to create affordability. Any increase in supply would be very beneficial regardless of type.

Possible strategies discussed included:

- Adding housing above commercial spaces
- Lowering minimum parking requirements for large commercial concerns to allow more development in currently underutilized space
- Base parking space requirements on the number of bedrooms per unit rather than on the number of apartment units

In conclusion, Chairperson VanderWeele said he was hearing the Commission wants more housing in general and more affordable housing but wishes to keep the rural character, at least in the western portion of the Township.

Ms. Petz said there will be more in-depth discussion about these things as we move through the process and thanked Commissioners for a great conversation.

Chairperson VanderWeele moved to the next agenda item.

PUBLIC COMMENT

There were no public comments.

OTHER UPDATES AND BUSINESS

Ms. Lubbert said the November 17 meeting will have a full agenda and will likely be lengthy.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 7:33 p.m.

Minutes prepared:
October 26, 2022

Minutes approved:
_____, 2022



Memorandum

TO: Oshtemo Township Planning Commission

FROM: Kyle Mucha, AICP, Senior Planner
Paul Lippens, AICP, NCI, Vice President

SUBJECT: SiteCreate/Speakeasy Golf – Special Land Use; 6120 Stadium Drive, Suite B (Parcel ID: 05-26-440-018)

DATE: November 3, 2022

On behalf of the Charter Township of Oshtemo Planning Department, McKenna has reviewed the above-referenced Special Land Use submission for a proposed indoor golf facility, which will utilize golf simulators, operating year-round. The applicant proposes to occupy an existing tenant suite within the commercial building located at 6120 Stadium Drive.

SITE DESCRIPTION & BACKGROUND

The applicant proposes to operate a year-round indoor golf facility, with two simulator units, restroom facilities, office space and a bar. The proposed facility will occupy an estimated 1,469 square feet of the total 9,158 square feet of commercial space, located at 6120 Stadium Drive.

The subject site fronts Stadium Drive, however, provides ingress/egress along Fairgrove Street, as shown in the image to the right.

The subject site has been zoned C-1, Local Commercial since the commercial building was first proposed in 1997. It should be noted that a variance was granted on October 6, 1997 to permit off-site water retention.



REVIEW COMMENTS

The proposed indoor recreational facility is considered a special land use within the C, Local Commercial Zoning District. Therefore, the review of the proposed project is subject to the regulations as outlined within Oshtemo Township’s Zoning Ordinance. Due to the applicant proposing to reoccupy an existing commercial site and with no changes to the exterior being proposed, an additional site plan review was determined to not be required at this time.



Special Uses (§65.30)

Special Uses are subject to the regulations of Section 65 of the Zoning Ordinance.

- a. *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.* The intent of the C, Local Commercial District is designed to permit retail sales and commercial service uses. As previously referenced, the Township Zoning Ordinance considers indoor recreational facilities a special use within the Commercial District. Furthermore, the applicant seeks to occupy an existing commercial space, which had received prior approval by the Zoning Board of Appeals on October 6, 1997. We find that the proposed indoor recreational facility aligns with the intent of the Master Plan.
- b. *Site Plan Review Criteria.* The applicant proposes to utilize/reoccupy an existing commercial suite. Due to no apparent exterior modifications proposed, nor an increase in building square footage, site plan review is not warranted at this time.
- c. *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.* Based on existing land use patterns to the east and west, the re-occupancy of the suite is not anticipated to create a negative impact. Furthermore, the suite is limited in size via square footage, thus “capping” the expansion capabilities. We find that the proposed indoor recreational facility can coexist with neighboring uses.
- d. *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 site provides 49 parking spaces, enough spaces to accommodate the newly proposed and existing uses within the Commercial building. The re-occupancy of an existing tenant suite for an indoor recreational facility, measuring roughly 1,500 square-feet, is not anticipated to adversely impact adjacent properties.
- e. *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.* The Zoning Board of Appeals (ZBA), in 1997, made a determination that the proposed construction of this commercial building, offering tenant suites, would not be detrimental, hazardous nor disturbing to existing uses. We find that the proposed use aligns with the findings of the ZBA in 1997.
- f. *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.* The site is not proposed to change due to the applicant seeking to occupy and existing commercial suite.
- g. *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.* No apparent changes are proposed that would warrant a change in the existing public/private infrastructure currently servicing the commercial property.



RECOMMENDATION

In conclusion, the applicant is seeking to operate an indoor recreational facility at 6120 Stadium Drive, Suite B. The subject site is zoned C-1, Local Business, and as such, the proposed use requires a Special Land Use review and approval. Based on the review conducted above, we recommend that the Planning Commission **approve** the request subject to the following conditions:

1. Full compliance with building and fire safety requirements.
2. Approval to operate a beer/wine bar from the Township.

Respectfully submitted,

McKENNA

Paul Lippens, AICP, NCI
Vice President

Kyle Mucha, AICP
Senior Planner

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7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Speakeasy Golf 6120 Stadium Dr STE B, Kalamazoo, MI 49009

PLANNING & ZONING APPLICATION

Applicant Name : John R Crookston II
Company SiteCreate/Speakeasy Golf
Address 6120 Stadium
Suite B
Kalamazoo, MI 49009
E-mail Rob@speakeasygolf.com
Telephone 269-760-1249 Fax _____
Interest in Property Leasee

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name 6120 STDR, LLC
Address 5770 Venture Park
Kalamazoo, MI 49009
Email info@gardermi.com
Phone & Fax 269-323-7774 269-323-7778

Fee Amount _____
Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input checked="" type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

Want to open a recreational indoor golf club

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

PARCEL NUMBER: 3905- 26-440-018

ADDRESS OF PROPERTY: 6120 Stadium Dr STE B, Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Empty

PRESENT ZONING C **SIZE OF PROPERTY** 1500 Sq Ft

**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.

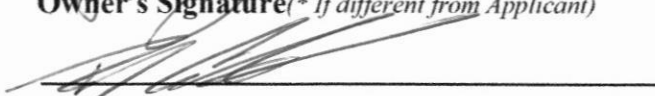
G120 STDR, LLC

By:  Manager

Owner's Signature (* If different from Applicant)

9/1/22

Date



Applicant's Signature

8-26-22

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Dear Oshtemo

We are speakeasy golf; we would like to open an indoor golf facility at 6120 Stadium Dr suite B. Our proposed indoor recreational golf facility will utilize golf simulators to help members in training all year long.

The space we want to use is 1500 sq ft and is not currently occupied. The building is owned by The Gardner Group, email Info@gardnermi.com. The space will require minimal changes to fit our needs. Our long-term plan would be to add a small bar to the space to serve beer and wine to members while they are using our facilities. Other additions will include a small area used for putting practice as well as having our merchandise available for purchase.

We are looking forward to getting started on this project and developing Oshtemo's newest recreational facility.

Sincerely,

Speakeasy Golf



GENERAL NOTES

1. VERIFY ALL NEW EQUIPMENT WITH EXISTING POWER CIRCUITS. ADD NEW CIRCUITS IF NECESSARY.
2. EXISTING CEILING TO REMAIN.
3. PATCH EXISTING FLOOR W/ CARPET OR REPLACE PER OWNER'S DIRECTIVE.
4. VERIFY PROPER OPERATION OF EXISTING EXIT LIGHTS, EMERGENCY LIGHTS, AND BATTERY PACKS.

PROJECT INFO.

OWNERS TREVOR McLEOD
JOHN CROOKSTON

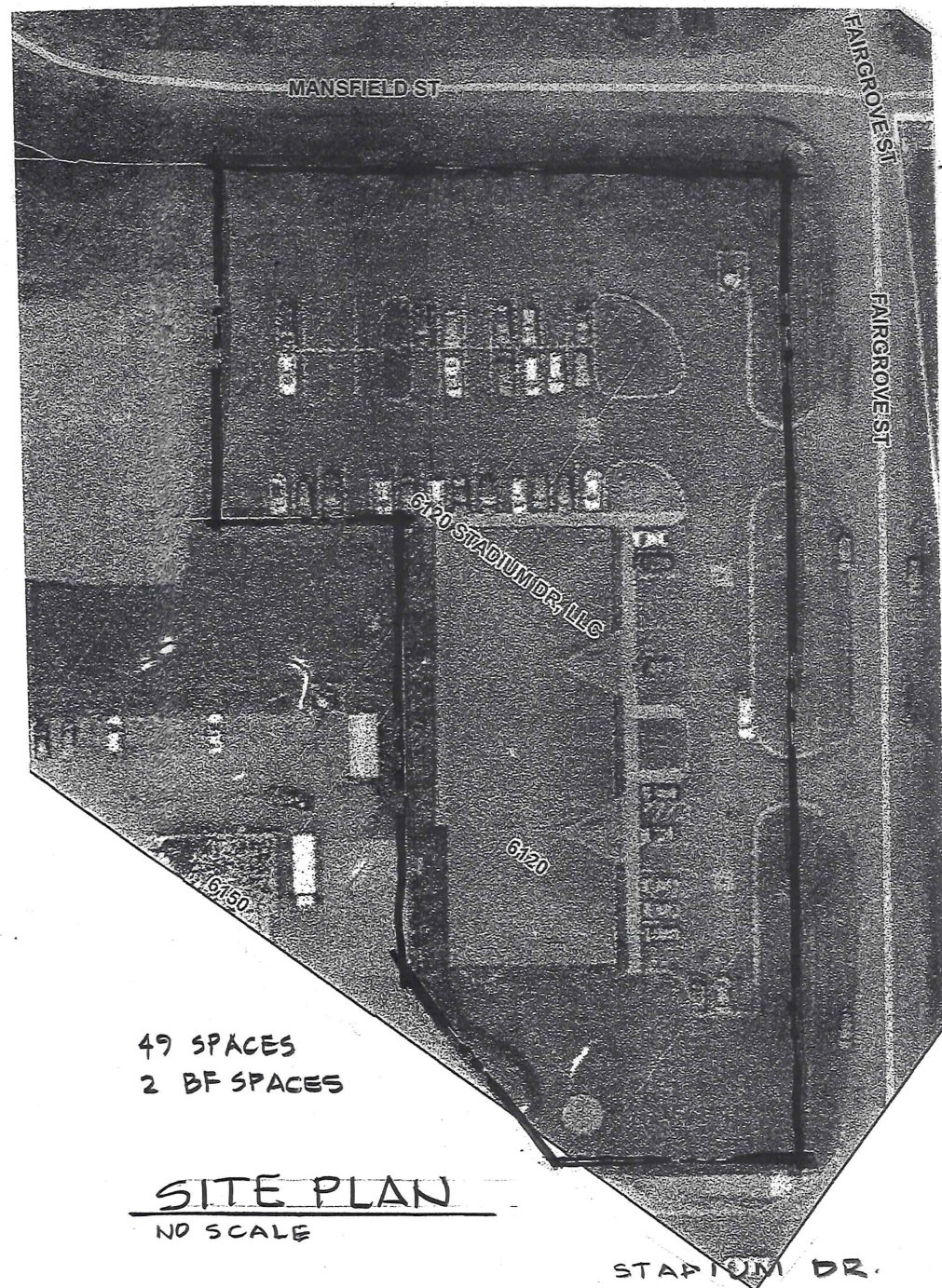
ADDRESS 6120 STADIUM DR. - SUITE B
KALAMAZOO, MI 49009

AREA 1409 S.F.

USE GROUP B (PER 303.1.1)

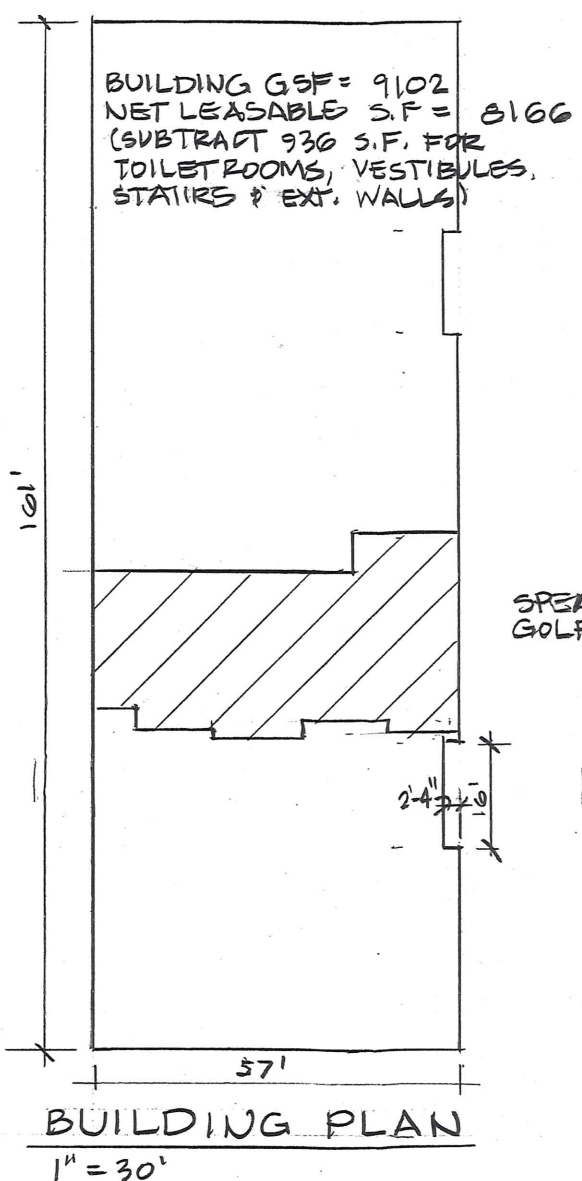
OCCUPANT LOAD 17 (PER 1004.1.2) 4 USERS PER SIMULATOR = 8
4 WAITING = 8
1 EMPLOYEE = 1
17

CODE EDITION MBC 2015

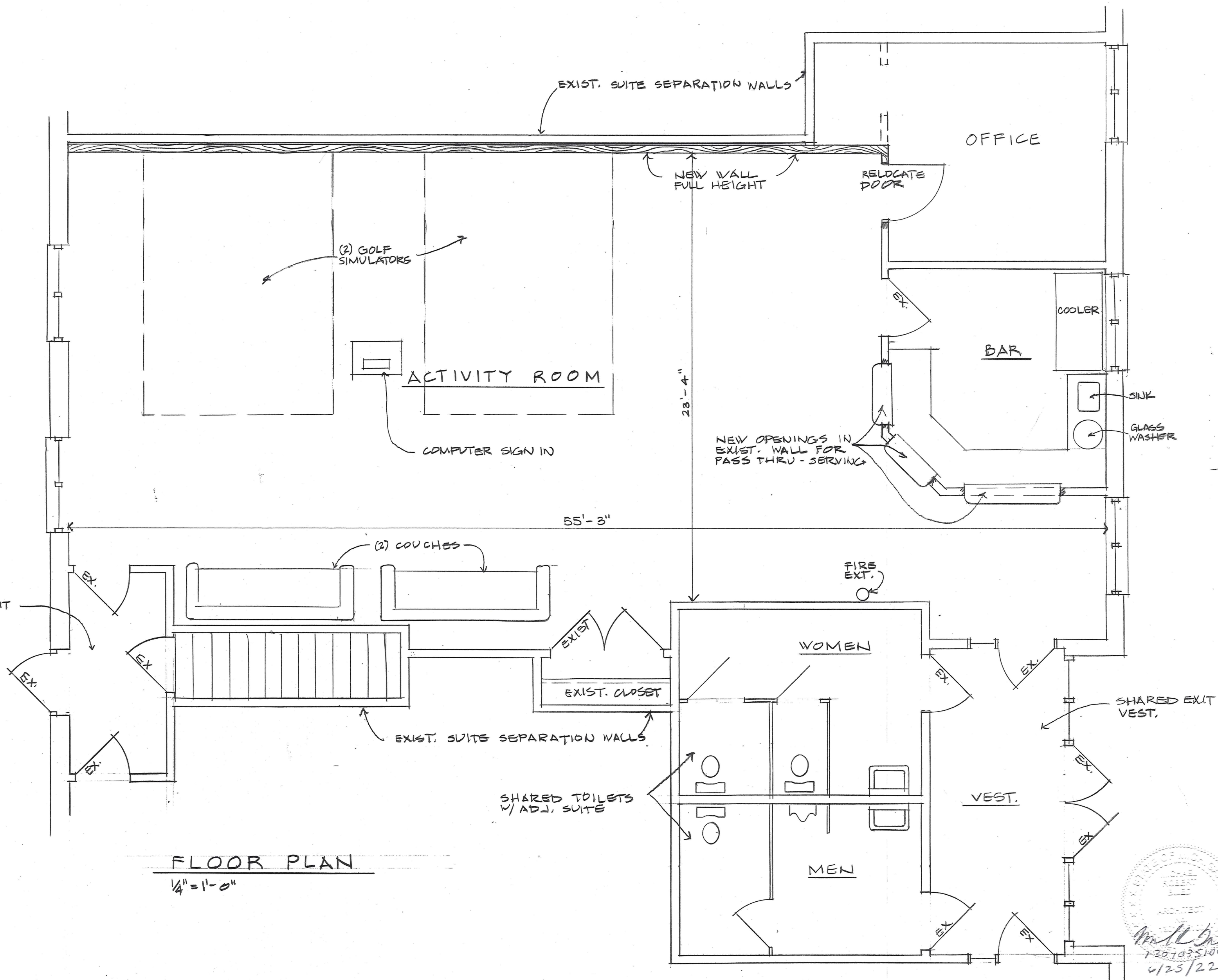


49 SPACES
2 BF SPACES

SITE PLAN
NO SCALE



BUILDING PLAN
1" = 30'



FLOOR PLAN
1/4" = 1'-0"

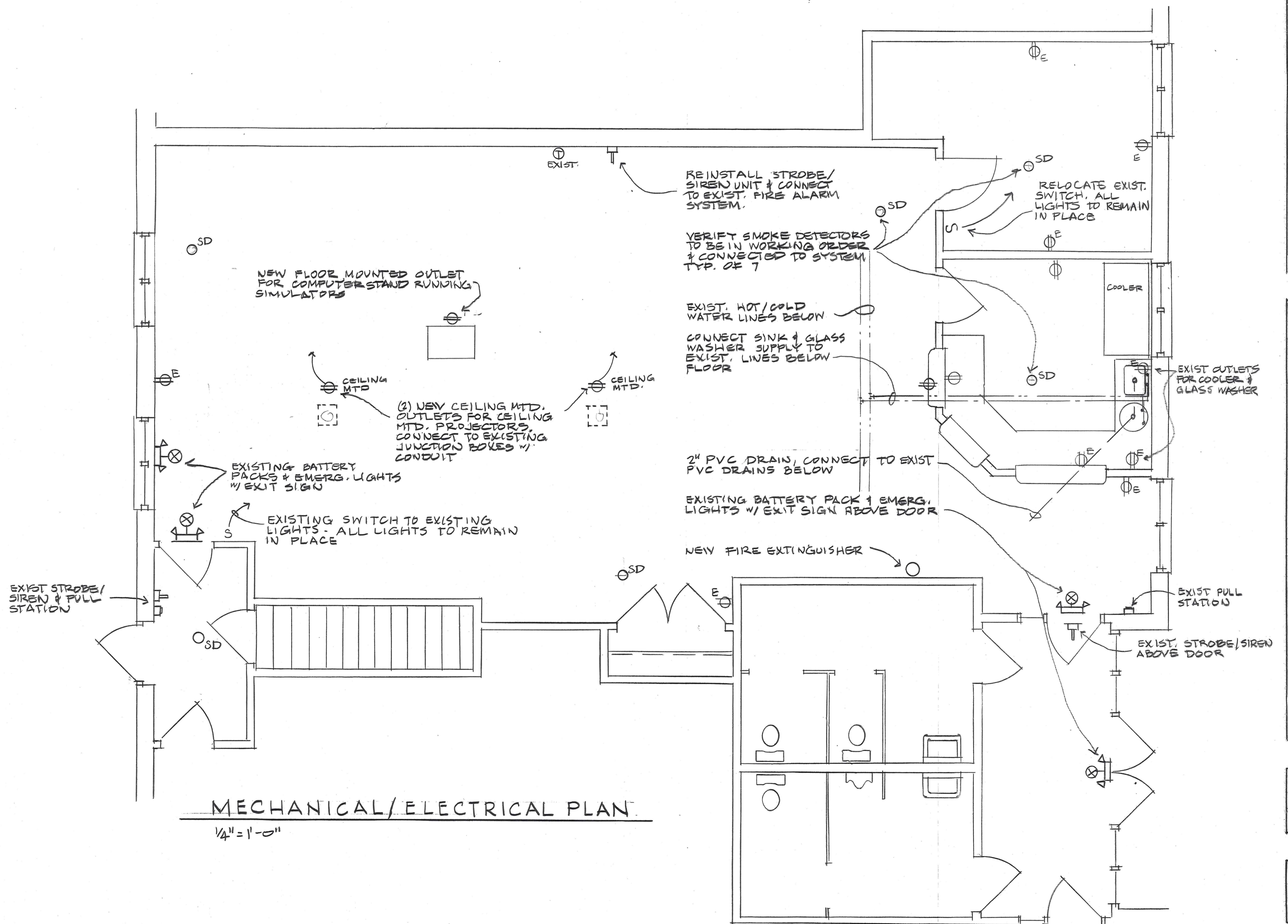
Michael R. Blied - Architect
100 N. Edwards, Kalamazoo, MI 49007
(269) 343-0040

NEW SPACE FOR
SPEAKEAST GOLF
6120 STADIUM DR. OSHTemo TWP.

DATE
6/17/22
6/22/22

SHEET#
1
OF 2

Professional Engineer Seal
Michael R. Blied
1207035100
4/25/22



MECHANICAL/ELECTRICAL PLAN
 1/4" = 1'-0"



Memorandum

TO: Oshtemo Township Planning Commission

FROM: Kyle Mucha, AICP, Senior Planner
Paul Lippens, AICP, NCI, Vice President

SUBJECT: Tournesol Open Space Community – Site Plan Review

DATE: November 10, 2022

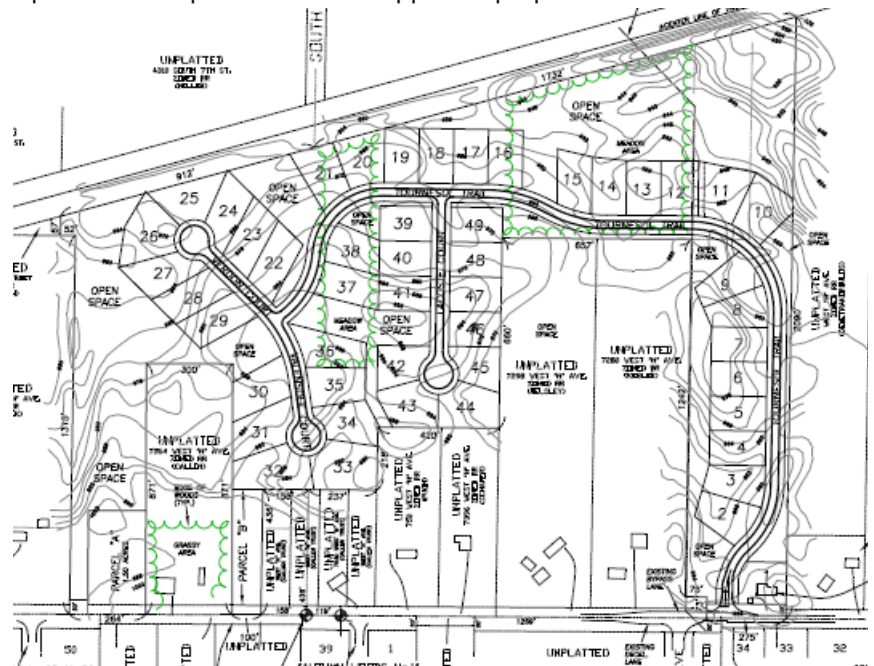
On behalf of the Charter Township of Oshtemo Planning Department, McKenna has reviewed the Tournesol Open Space Community Site Plan submission for a proposed 49-unit residential development and offers the following comments and findings for your consideration. This review is based on the submitted site plan received on October 24th, 2022.

SITE DESCRIPTION AND BACKGROUND

The proposed development site is approximately 60.5-acres and is located on the north side of West N Avenue, east of 6th Street and west of 9th Street. The site is primarily wooded with one (1) existing residential dwelling (unit #1) located on the southeast corner of the proposed development site. The applicant proposes to construct 48 residential dwellings (units) and associated public water and public sewer. A private storm-sewer and road network is also proposed to be constructed. The graphic to the right (provided by the applicant via their conceptual plan) outlines the proposed project boundaries.

Further, the applicant has requested that the buildout of the proposed project occur in two phases: phase 1 will include units 1-18 and 39-49, with phase 2 being units 19-38. The applicant has not indicated when phase II will be constructed. The following review is conducted for the entire project.

During the April 28, 2022 Planning Commission meeting, the Planning Commission granted conceptual approval, subject to the following conditions:



1. *Planning Commission finds the request to modify site frontage measurement requirements consistent with the purpose of the open space development option and past practices as it pertains to cul-de-sac lots only. This provision has been met and is reflected on subsequent site plans.*



2. *Designated open space and green strips be included within the By-Laws/Master Deed of the Condominium Association as common land.* This provision is partially met, final review and approval of the By-Laws/Master Deed will be required prior to issuance of a building permit.
3. *By-Laws/Master Deed be submitted to the Township for review.* The applicant has submitted By-Laws/Master Deed for review by the Township.
4. *Installation of sidewalks along both sides of the road network.* Sidewalks are proposed along both sides of the road network.
5. *Unit #1 (existing residential dwelling) driveway be shown to connect to Verdon Trail.* Driveway has been shown on site plans.
6. *Site plans to show the proposed streets extended to the boundary line of the project to make provisions for the future expansion of streets onto adjoining properties.* Street extensions have been shown on the site plans.
7. *The proposed clustered segments of the development have a minimum naturalized buffer of one hundred twenty (120) feet between each cluster. By increasing the buffer from fifty (50) feet to one hundred twenty (120) feet, the proposed development will be more in accordance with ordinance requirements and standards.* Buffer areas have been modified to be a minimum of 120 feet between each cluster.
8. *Units #9 & #10, as shown on the April 4, 2022 site plan, may be considered a "cluster".* Site plan has been redesigned; this condition is no longer applicable.
9. *A conditional approval for access from the Kalamazoo County Road Commission shall be obtained prior to the submission of a site plan for review.* Provided via memorandum from the Road Commission, dated April 29, 2022, which states "this approval is only for the site to access the public road network. It does not authorize any construction in the public right-of-way. As the development process continues, required application for a commercial driveway permit approval is needed before any construction may commence."
10. *The site plan will be designed in accordance with Ordinance standards.* Substantially met and reflected in following evaluation.

REVIEW COMMENTS

The applicant has submitted an updated site plan for consideration by the Township review team. Outstanding items that need to be addressed are underlined below.

Open Space Community Provisions (§43.30)

The proposed development meets the intent of the Rural Residential District Statement of Purpose (§5.10), which encourages open space, fallow land, wooded areas and wetlands preservation.

- a. *A minimum of 40 percent of the gross area of the open space community shall be designated as "open space".* The applicant indicates that the subject site is 60.5 acres, of which, 24.34 acres will be permanent open space (40.23%). A minimum of 24.2 acres is required to be classified as "open space". The applicant has met the intent of this provision.
- b. *Any significant/sensitive environmental resources (steep slopes, wetlands, woodlands) shall be included within the designated "open space".* The applicant proposes to retain portions of the wooded area along



the periphery of the subject site, as noted in colored rendering and associated preserved woodlands graphics. The applicant has provided further details pertaining to steep slopes on site, as noted on sheet 1 & 3 of their submittal plan, which are intended to be excluded from site condominium lots.

- c. *Designated "open space" shall be set aside as common land for low impact recreation, conservation, crop-growing, orchards, or be preserved in a natural state.* The applicant has submitted a draft Master Deed for review by the Township, in which "open space" has been described. Further review of the Master Deed will be conducted by the Township's Legal Representative; however the following comments were provided by the Township Legal Representative:

Per Section 42.30.H. of the Township Zoning Ordinance: "language shall be included in the master deed and bylaws indicating that common elements are to be properly and adequately maintained and that failure to do so will permit the Township to intervene, make the necessary improvements and ensure adequate maintenance, through an assessment to property owners."

- d. *Designated "open space" shall be easily accessible to residents of the open space community, including visual and pedestrian linkages and proximity to such open spaces.* The applicant has included proposed trail systems and sidewalks in the proposed site plan, which meet the intent of this requirement.
- e. *Designated "open space" shall 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.* The applicant has indicated that "rules and regulations regarding open space shall be stipulated in pending master deed". The Master Deed – Draft – has been submitted for review by the Township: further review of this document will be conducted by the Township's Legal Representative to ensure the provisions of this requirement are satisfied.

Development Provisions (§43.40)

- a. *An Open Space Community shall be limited to single-family and/or two-family residential dwelling units provided that the total number of dwelling units does not exceed the density for the Open Space Community site permitted by Section 43.40.C.* The applicant has indicated a total of 49 single-family site condominium units, with 1 (Unit #1) of the 49 units to be the existing residential property located in the southeast of the subject site having a separate driveway. Sheet 2 of the submitted site plan, received September 26, 2022, shows a proposed driveway access to Unit #1 (existing residential dwelling) along Tournesol Trail. Final approval of this access driveway will be required via the Road Commission of Kalamazoo County. Documentation of such an approval shall be submitted to the Township for record.
- b. *The permitted density of residential uses within an open space community shall not exceed the density allowed by the Zoning Ordinance standards of the underlying residential zoning district: "RR" as stated in Section 50.10.A.* The Schedule of Regulations permits one (1) dwelling unit per acre within the Rural Residential District. The proposed site is 60.5 acres; the applicant is proposing to develop 48 condominium units, and include one existing residential dwelling, on 60.5 acres. The proposed site density is estimated at one unit per 1.23 acres. We find that the applicant has met this requirement of the Zoning Ordinance.



- c. *Except for minimum parcel, lot, or building site area, frontage, and width requirements, all Zoning Ordinance requirements for the underlying zoning classification shall apply, unless specifically waived or modified by the Planning Commission.* The applicant proposes the following building setbacks:

Building Setbacks (RR District)	Required	Proposed
<i>Front:</i>	30'	30'
<i>Side:</i>	10'	10'
<i>Rear:</i>	15'	15'

We find that the applicant meets the requirements for setbacks, as noted on Sheet 1 of the submitted plans.

- d. *Residential development shall be confined to cluster areas established within the project site.* The applicant meets this requirement.
- e. *Visual screening of residences from off-site street networks and open space community site boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.* The applicant proposes to screen existing residences from the site development by use of existing woodlands. Furthermore, the applicant has provided notes on Sheet 4 of the submitted site plan, received September 26, 2022, indicating the following:
1. Development of site shall comply with Oshtemo Township “Tree Preservation” requirements. Also, at least 40% of existing wooded areas shall be retained. Existing healthy trees 6” diameter and larger shall be preserved as much as possible.
 2. Except for proposed units 25 and 38, within the rear 50’ of every unit, healthy trees that are 6” diameter and larger shall be retained. Also, at least 40% of on-site wooded areas shall be retained during utility, roadway, and house construction.
- f. *Cluster area design standards.*
1. *A minimum of four, maximum of eight dwelling units shall be permitted per cluster area.* The applicant meets the requirements of this provision.
 2. *Cluster areas should be provided access to accommodate vehicles, utilities, and commonly owned facilities, and a linkage to the project open space system.* We find that the intent of this standard is being met.
 3. *Cluster areas should be visually and physically separated from one another and roadways by open space buffers.* The applicant proposes buffers of 120-feet wide, as required by the Planning Commission on April 28th, 2022.



4. *Cluster areas should be integrated into the site without causing significant impacts on neighboring properties.* The proposed site development appears to mitigate the impacts on neighboring properties by preservation of the natural features around the periphery of the subject site.
5. *Cluster areas should be designed to be compatible with the surrounding community character.* The surrounding community character is heavily wooded in nature. The applicant proposes buffers of 120-foot wide, which aligns with the intent of this requirement.
6. *Cluster areas should be designed to avoid a suburban subdivision appearance.* We find that the proposed site layout and design aligns with this provision.
7. *The use of single-loaded streets (houses on only one side) – especially alongside “open space”, around community common areas, and to create foreground meadows along the public road that serves the development – should be incorporated into cluster area designs to avoid a suburban subdivision appearance.* The applicant proposes to construct units #2-21 along a single side of Tournesol Trail. We find that the applicant meets the intent of this provision.

Design Standards (§43.50)

- a. *Access: Direct access for an open space community onto a public road shall be designed in compliance with the Access Management Guidelines.* The applicant proposes to provide direct access to the community via ingress/egress on West “N” Avenue. The site plan, received September 26, 2022, depicts a proposed easement along the western portion of the subject site (between units #29 & #30) which will be 66’ wide and allow for a possible future roadway expansion. Final site access approval will be required to be granted by the Road Commission prior to any issuance of a building permit.
- b. *Interior street system: The open space community shall be serviced by an interior street system; dwelling units shall not front or gain direct access from an off-site road network. Interior streets may be public and/or private subject to Township approval.* The applicant proposes an interior private roadway network that will be maintained by the Condominium Association. The applicant has shown site access to Unit #1 along Tournesol Trail.

Section 43.50 also states the following:

Where adjoining areas are not subdivided, the arrangement of streets in the proposed Open Space Community shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.

The applicant has provided “*possible future roadway locations*” as shown on Sheet 2 of the site plan. One future roadway location has been noted via a 66’ wide easement, located between Units #29 & #30. The easement shall be recorded to ensure future connection points are maintained.

- c. *Utilities: Public water and sanitary sewer may be required where facilities are reasonably available and/or where densities require.* The applicant proposes to connect the community to public water and public sewer services located along West “N” Avenue.



- d. *Storm water management: The design of storm water management systems and drainage facilities shall be designed in coordination with the groundwater protection strategies of the Township.* The following comments are provided by the Township Engineer:
1. Storm sewer and two storm water basins are proposed. The stormwater basin storage design uses a 100-year event for calculating volume that contains more than 1' of freeboard.
 2. Provide 15' soil borings for the northwest basin.
 3. Please keep the name of the basins consistent. The North basin is also referred to as the east basin and it is unclear which is the correct name.
 4. Storm basins must be fully constructed and operational before any building permits are issued.
- e. *Street lighting: Street lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 54.10.* The applicant proposes to include street lighting within the community (see general note #18). The submitted site plan, dated 7/4/2022, includes a note that street lighting will be designed and installed by Consumers Energy. The applicant has included generalized locations of street lighting within the site plan submission.
- f. *Natural features: The development shall be designed to promote the preservation of natural features.* The applicant proposes to provide 24.52 acres of open space land. As previously referenced, section 290.008.J.2 requires that the applicant provide an analysis of natural features to be retained on site. Further review of the natural features is conducted later in this memorandum.
- g. *Setbacks: Front setbacks shall be a minimum of 60 feet from the center of the public or private street. Other setbacks shall comply with Section 50.60.* The applicant meets these provisions.

Open Space Community – Application Procedure/Approval Process (§43.60)

Per Section 43.60.E. – Project Phasing – “*When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space community and the residents of the surrounding area. Each phase of the project shall be commenced within 12 months of the schedule set forth on the approved Site Plan. If construction of any phase is not commenced within the approved time period, plan approval shall become null and void.*”

The applicant has requested that the buildout of the proposed project occur in two phases: phase 1 will include units 1-18 and 39-49, with phase 2 being units 19-38. The proposed phasing plan is designed in a way that each phase can be fully functional on its own. Staff finds the proposed phasing plan acceptable. However, the applicant has not provided a proposed schedule for the implementation of phase II. As such, staff recommends the following schedule: phase II shall be commenced within 24 months after the first building permit for a single-family home is issued within phase I. If construction of phase II is not commenced within this approved time period, plan approval for phase II shall become null and void. The applicant may apply for a 12-month extension administratively before the 24 month deadline lapses.

Site Plan Review (§64.60)

In accordance with the site plan review process, the site plan shall contain all of the materials and information listed below.



1. General Requirements. The site plans are required to be sealed by the architect, engineer, surveyor, or landscape architect: the amended site plans received on October 24, 2022 include the engineer's seal.
2. Access and Circulation. Site plans must include dimensioned drawings of all existing and proposed:
 - a. *Public and private easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned.* Public sanitary sewers and water mains are shown on the site plan. The applicant has also shown an existing 40' wide easement for overhead power distribution lines.
 - b. *Acceleration, deceleration, passing lanes and approaches; dedicated road or service drive locations; proposed locations of driveways, access drives, street intersections; driveway locations on opposite frontage; dimensioned fire lanes, including curve radii; and surfacing materials.* The driveways will be reviewed during the building permit review process.
3. Building and Structures.
 - a. *Location, height, and outside dimensions of all existing and proposed buildings or structures on the site, with setbacks and yard dimensions.* Building envelopes and floor elevations have been included within the site plan submission on September 26, 2022.
4. Utilities, soil erosion, sedimentation control, and drainage. The submitted site plan does not include a SESC Plan. An SESC Permit will be required from the Kalamazoo County Drain Commissioner.
5. Landscaping Plan. The applicant has submitted a natural features plan which includes soil characteristics, pedestrian walks, proposed berms, buffers, screens and other applicable features as stipulated by Section 64.60.C.5 of the Township Zoning Ordinance. The applicant has included a note on Sheet 4 indicates: *"areas on site are either dense wooded areas or meadows with grass, brush, and small trees. No trees with a diameter of 12" or greater (at 4' above ground) were found in the existing open areas."* The provided plan meets requirements.
6. Lighting Plan. The applicant indicates lighting to be designed and installed by Consumers Energy.

Subdivision/Site Condominium Design (§290.008.)

- A. *290.008.D. Lots and Building Sites. Lots and building sites shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. In no event shall sheet drainage from an individual lot or building site onto an adjacent lot, parcel or building site exceed the runoff rate which existed prior to development. Drainage shall be designed to avoid concentration of storm water runoff from or across individual lots and onto adjacent lots, parcels or building sites. If concentrated flow is unavoidable or pre-existing, an engineered solution is required (i.e. designated swales or engineered drains).*

The site plan details do not provide enough information regarding positive drainage on the lots. For example, it was noted on lot 7 that significant grade change is proposed between existing topographic levels and the finished basement level: the grade change appears to slope downwards towards the basement finished floor. The October 24, 2022, site plan submission does include a note that states: *"W-O" indicates potential (or likely) walk-out site.*



Despite additional information provided by the applicant, there are still significant concerns regarding the proposed grading of the subject site as a whole, and individual lots. To address this concern, per Township request, the applicant has placed a note on the site plan indicating *“individual site grading plans shall be required for each unit as part of the building permit process for each proposed dwelling”*. This stipulation will also be noted as a condition of approval.

- B. The applicant has indicated that the majority of the subject site is dense woods. Per Section 290.008.J.6.e: *all trees 12 inches in diameter at DBH outside of dense forest cover as defined by the Natural Features Protection District Map and in good health shall be identified on a subdivision plat or site condominium plan*. The applicant has provided a narrative that no trees 12 inches in diameter have been identified.
- C. Additionally, Section 290.008.J.6.c. (Slopes) states: For those properties found within the Natural Features Protection District due to the presence of steep slopes, the following minimum standards shall apply:
 - i. Slopes between 12 and 18 percent with erodible soils at a K factor of 0.20 to 0.24 – No more than 50 percent of the slope area may be cleared or developed.
 - ii. Slopes between 12 and 18 percent with erodible soils at a K factor higher than 0.24 – No more than 20 percent of the slope area may be cleared or developed.
 - iii. Slopes greater than 18 percent – Development or vegetative clearing is prohibited on any land with a slope at or greater than 18 percent. Slopes greater than 18 percent shall be included in the Reserve Areas established on the site.

The site plan proposes significant elevation changes and slopes. As previously indicated, due to the proposed grade change on various lots, individual site grading plans will need to be presented for review by the Township. As previously referenced, the applicant has placed a note on the site plan indicating *“individual site grading plans shall be required for each unit as part of the building permit process for each proposed dwelling”*.

- D. Landscaping. No landscaping details/plan has been submitted in accordance with Section 290.008.K.
 - 1. *Canopy trees shall be planted within five feet of the right-of-way of roads internal to the subdivision or site condominium. One canopy tree shall be planted for every 50 feet of road frontage. A waiver may be granted by the Township Board as part of the Step 1 process only if there are trees growing along but not within the right-of-way which are intended to be preserved and, in the opinion of the Planning Commission, comply with these regulations.* The applicant proposes to retain at least 40% of the existing wooded areas, and healthy trees 6” in diameter and larger shall be preserved as much as possible. The resubmitted plan shows some lots with street trees, yet others without. Note 1 on sheet 11 of the submitted site plan states *“canopy trees and understory trees shall be planted along roadways in accordance with Township requirements”*. To ensure this requirement has been fully satisfied, the applicant shall clearly indicate where existing trees are to remain.
 - 2. *To preserve view sheds on Township primary roads that abut subdivisions and site condominiums, a 20-foot buffer shall be preserved measured from the right-of-way line. One new canopy tree and two*



understory trees shall be planted for every 50 feet of frontage. To the extent feasible, existing trees and vegetation found outside of the road right-of-way should be preserved to provide screening from the roadway. The Township Board may grant a waiver from the new planting requirement as part of the Step 1 process if, in the opinion of the Planning Commission, existing trees found outside of the road right-of-way can be shown to adequately meet this requirement. This provision has not been satisfied: further revisions to ensure compliance with this provision are required.

3. *New vegetation to be provided pursuant to these regulations shall be planted in accordance with the Landscaping regulations of the Township Zoning Ordinance. We advise the applicant to review applicable Township ordinance sections pertaining to landscaping requirements.*
4. *New and existing trees to be preserved shall be protected during construction. No alteration or disturbance of existing grade or storage of construction materials or equipment can occur within the critical root zone. Fencing shall be placed around the critical root zone to ensure protection of the tree and root system. Tree protection fencing must be constructed of a rigid material a minimum of four feet in height. The applicant has added a note on sheet 11 that “preservation of existing trees shall be maintained as much as possible” (note 7). To ensure full protection of the critical root zone, fencing must be installed as required by this provision.*
5. *Required trees shall be maintained to ensure their survival. At the discretion of the Township Board after receiving recommendation from the Planning Commission, a performance guarantee may be required to ensure that proposed landscaping is maintained for a period of at least 18 months per the requirements of the Landscaping regulations of the Township Zoning Ordinance. Such guarantee may take the form of an irrevocable letter of credit, cash escrow, or performance bond. The applicant has indicated that retention of at least 40% of the existing wooded areas, and healthy trees 6” in diameter and larger shall be preserved as much as possible. Further documentation from the applicant indicating that required trees shall be maintained to ensure their survival is required.*
6. *Additional landscaping considerations.*
 - a. *It has been noted on the submitted preserved wooded areas diagram that lot 25 does not have any preserved wooded areas. The Township would like to request that a dedicated preservation area be added to this lot as well.*
 - b. *We note that proposed street trees will be conifers or deciduous. We advise the applicant that conifers are not typically used for street trees because their lower branches would overhang the road, requiring constant trimming and would also present obstruction to motorists as the trees grew. It is Township staff’s recommendation that deciduous trees be used for street trees.*

Special Uses (§65.30)

Open Space Community Developments are subject to Special Use approval. The submitted site plan has been reviewed in accordance with the review criteria of Section 65.30 of the Township Zoning Ordinance.

- a. *Master Plan/Zoning Ordinance. We find that the site plan is, in essence, in line with the Future Land Use Plan of the 2017 Oshtemo Charter Township Master Plan: the Rural Residential District of this plan encourages open space cluster development practices.*



- b. Site Plan Review. The site plan review has been conducted and comments have been outlined throughout the document.
- c. Impacts. We find that the proposed use is compatible, harmonious, and appropriate with existing character of adjacent properties.
- d. Environment. The applicant has indicated that the natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements. It should be noted that this item cannot be thoroughly evaluated as insufficient information is provided to assess how the project will fully impact the natural features on the site. An amended landscaping plan showing the full extent of the natural features will be required.
- e. Public Facilities. Public facilities continue to be reviewed during the site plan review process. Additional comments will be provided by other reviewing agencies.

Engineering

The Public Works Department and Township Engineer have provided a review of these plans to their authoritative level to ensure compliance with Zoning Ordinance intent and other local agency standards. It should be noted that a more detailed design review cannot in good faith be given without exceeding liability of professional staff and consultants designated roles. Comments have been submitted to the applicant to bring their attention to the Township’s professional engineers’ concerns related to the implementation of the proposed site design. The applicant takes all responsibility for the extent of the site design to ensure constructability of all common elements, utilities, and individual parcels. During development, if site conditions prove different than shown on plans or new information is presented, because either they were not investigated enough or designed wholly, the Township will require a new administrative review and may utilize outside specialized consultants, at the Developers cost via Escrow system, to complete or redesign said conditions.

Public Safety Comments

The Oshtemo Township Fire Department has requested that a fire hydrant be placed near the intersection of “N” Avenue and the development. Final hydrant location to be coordinated with Fire Department prior to any building permit issuance.

RECOMMENDATION

While we acknowledge that the applicant continues to make alterations to the proposed site plan in order to address ongoing concerns raised by members of the Oshtemo Township reviewing team, there are still items that have not been addressed. However, staff believes these items can be addressed administratively. We find that the site plan can be approved by the Planning Commission, subject to the following conditions being met:

- 1. Amend, submit for review by Township Legal Counsel, and record the approved Master Deed and Bylaws, prior to building permit issuance.
 - a. Language shall be included in the Master Deed and Bylaws indicating that common elements are to be properly and adequately maintained and that failure to do so will permit the Township to



- intervene, make the necessary improvements and ensure adequate maintenance, through an assessment to property owners.
2. All applicable easements regarding utilities and street connections are recorded with the County Register of Deeds prior to building permit issuance.
 3. Site grading plans submitted for review by the Township with each individual building permit application.
 4. Submission of a landscaping plan to show existing and proposed tree plantings on all lots prior to any building permit issuance.
 5. Access drive from Unit #1 onto the proposed private street to be approved by the Road Commission of Kalamazoo County.
 6. Final approval for site access from the Road Commission of Kalamazoo County prior to any issuance of a building permit.
 7. Final hydrant location to be coordinated with Fire Department prior to any building permit issuance.
 8. Phase II shall be commenced within 24 months after the first building permit for a single-family home is issued within phase I. If construction of phase II is not commenced within this approved time, plan approval for phase II shall become null and void. The applicant may apply for a 12-month extension administratively before the 24 month deadline lapses.
 9. An amended landscaping plan that clearly shows, but not limited to, the following:
 - a. Show where existing trees are to remain.
 - b. Provide a 20' (twenty-foot) buffer from the edge of the right-of-way into the property along "N" Avenue.
 - c. Provide a note on the landscaping plan that new vegetation which is to be provided shall be planted in accordance with the Landscaping regulations of the Township Zoning Ordinance.
 - d. Add a note on the landscaping plan that shows fencing to be installed around the critical root system of existing trees.
 - e. Deciduous trees be used for street trees.
 - f. A dedicated preservation area be added to lot 25.
 10. Engineering Comments/Requirements as follows and shall be addressed prior to building permit issuance:
 - a. Provide 15' soil borings for the northwest basin.
 - b. Update plan documents so that the basin naming are consistent.
 - c. All storm basins must be fully constructed and operational before any building permits are issued.
 - d. A 20' public utility easement will be required for the water main.
 - e. Hydrants and service connections must meet City of Kalamazoo specifications.
 - f. Provide hydrant and service connection details on plans.
 - g. The proposed connection shall be coordinated with the City of Kalamazoo Department of Public Services – Debbie Jung (269) 337-8558. Once the water plans are reviewed and approved by the City of Kalamazoo provide approval and final plans to Oshtemo Township. Note this on the plans.
 - h. Provide EGLE permit once obtain.
 - i. Show utility separation in plan and profile view.
 - j. Provide detail for drop manhole as it relates to the 8" sanitary sewer proposal.
 - k. A public utility easement will be required regarding the sanitary sewer.
 - l. Submission of a Soil Erosion and Sediment Control Plan (SESC).



Respectfully submitted,

McKENNA

Paul Lippens, AICP, NCI
Vice President

Kyle Mucha, AICP
Senior Planner

Cc: Iris Lubbert, Planning Director, Oshtemo Township



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
 Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Tournesol (7214 West "N" Avenue)

PLANNING & ZONING APPLICATION

Applicant Name : Hinter Properties, LLC
 Company Hinter Properties, LLC
 Address 2222 W. Grand River Avenue,
Suite A
Okemos , MI 48864
 E-mail Jason: j0devri1@protonmail.com Joe: javerqunst@gmail.com
(269) 271-3510 (269) 224-8971
 Telephone _____ Fax N/A
 Interest in Property Developer

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____
 Escrow Amount _____

OWNER*:

Name	& Suite A	
	Kalamazoo Holdings, LLC	Rural Republic, LLC
Address	PO Box 2343 207	2222 W. Grand River Ave.
	Portage, MI 49081	Okemos , MI 48864
Email	Jason: <u>j0devri1@protonmail.com</u>	Joe: <u>javerqunst@gmail.com</u>
	<u>(269) 271-3510</u>	<u>(269) 224-8971</u>
Phone & Fax	<u>N/A</u>	

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|---|--|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input checked="" type="checkbox"/> Other: <u>Open Space Site Plan</u> |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

Site Plan review for proposed "Tournesol" – a proposed
49 unit Open Space Community with public sanitary sewer, public
water mains, and private storm sewer and roadways.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):
(See attached pages)

West parcel Middle Parcel East Parcel
PARCEL NUMBER: 3905- 34-330-014 / 34-455-001 / 34-480-010

ADDRESS OF PROPERTY: 7214 West "N" Avenue

PRESENT USE OF THE PROPERTY: Mostly wooded, and 1 home

PRESENT ZONING RR SIZE OF PROPERTY 60.5 acres

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

Name(s)	Address(es)
N/A	

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.

Owner's Signature (* If different from Applicant)

7/06/2022

Date

Applicant's Signature Joe Vergunst

7/06/2022

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

DETAILED SITE PLAN for "TOURNESOL" PROPOSED OPEN SPACE COMMUNITY in SECTION 34, OSHTEMO TOWNSHIP

NOTE: 'TOURNESOL' IS A PROPOSED OPEN SPACE COMMUNITY WITH PRIVATE ROADS DEVELOPED IN CONFORMANCE WITH ARTICLE 43 OF THE OSHTEMO TOWNSHIP ZONING ORDINANCE.



AERIAL PHOTOGRAPH
(NO SCALE)

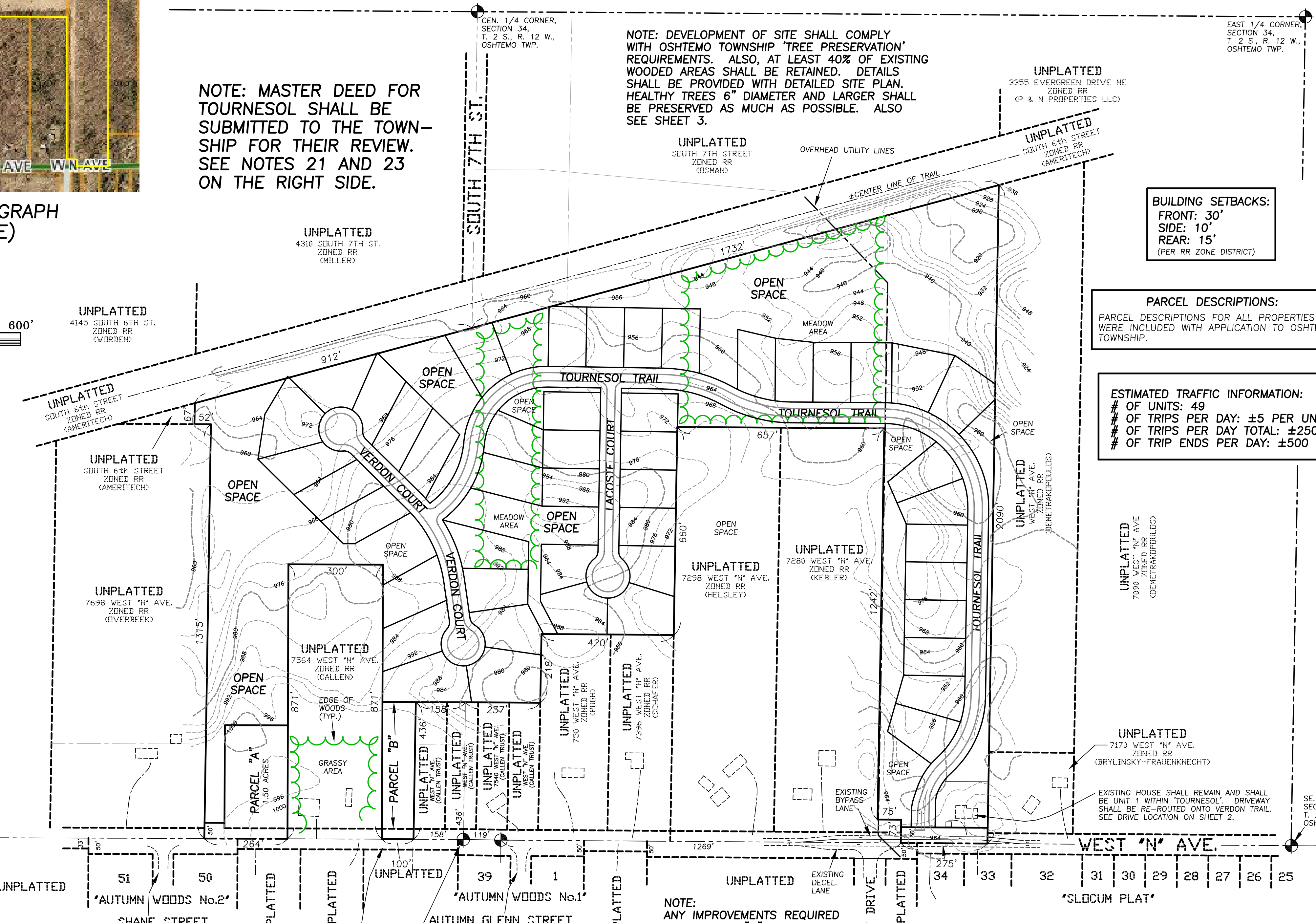


NOTE: AS OF 9/26/2022, APPROVAL OF SHOWN STREET NAMES BY OSHTEMO CHARTER TOWNSHIP IS PENDING. ALSO, ANY IMPROVEMENTS REQUIRED WITHIN WEST "N" AVENUE ARE UNDER CONSIDERATION BY THE ROAD COMMISSION. CENTER TURN LANE OR RE-STRIPING MAY BE REQUIRED.

SECTION LINE IS ALSO CENTER LINE OF SOUTH 6th STREET

NOTE: MASTER DEED FOR TOURNESOL SHALL BE SUBMITTED TO THE TOWNSHIP FOR THEIR REVIEW. SEE NOTES 21 AND 23 ON THE RIGHT SIDE.

NOTE: DEVELOPMENT OF SITE SHALL COMPLY WITH OSHTEMO TOWNSHIP 'TREE PRESERVATION' REQUIREMENTS. ALSO, AT LEAST 40% OF EXISTING WOODED AREAS SHALL BE RETAINED. DETAILS SHALL BE PROVIDED WITH DETAILED SITE PLAN. HEALTHY TREES 6" DIAMETER AND LARGER SHALL BE PRESERVED AS MUCH AS POSSIBLE. ALSO SEE SHEET 3.

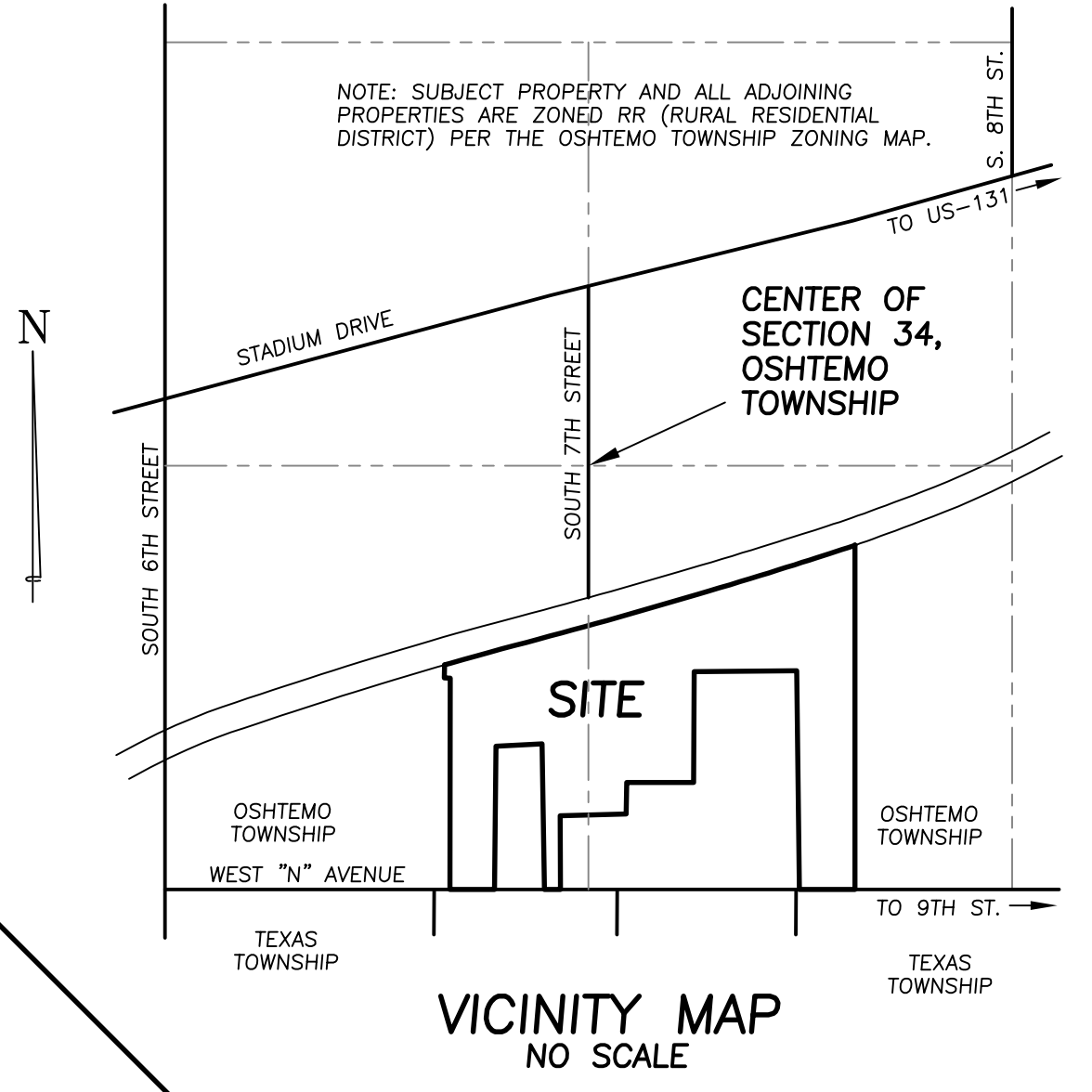


BUILDING SETBACKS:
FRONT: 30'
SIDE: 10'
REAR: 15'
(PER RR ZONE DISTRICT)

PARCEL DESCRIPTIONS:
PARCEL DESCRIPTIONS FOR ALL PROPERTIES WERE INCLUDED WITH APPLICATION TO OSHTEMO TOWNSHIP.

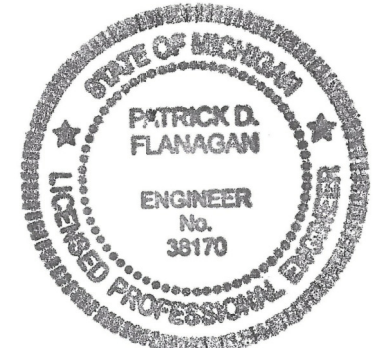
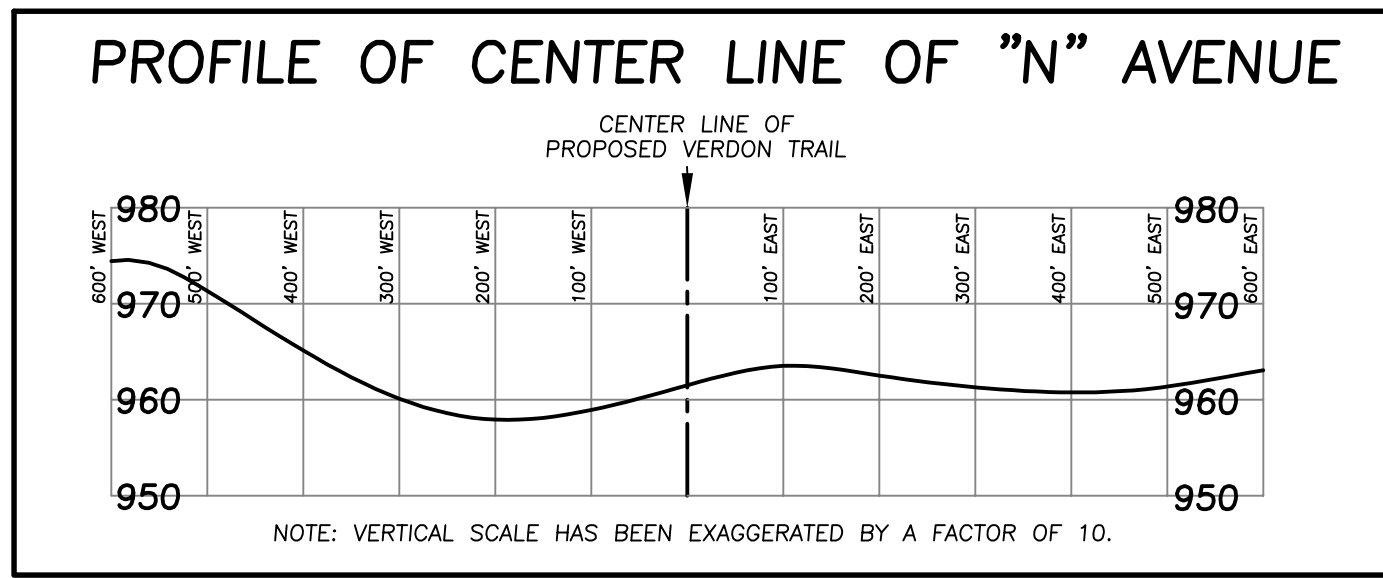
ESTIMATED TRAFFIC INFORMATION:
OF UNITS: 49
OF TRIPS PER DAY: ±5 PER UNIT
OF TRIPS PER DAY TOTAL: ±250
OF TRIP ENDS PER DAY: ±500

- ### GENERAL NOTES
- PROPERTY IS CURRENTLY ZONED RR.
 - PROJECT INCLUDES 49 UNITS & 2 PARCELS ON 63 ACRES.
 - SHOWN PROPERTY LINE DIMENSIONS TAKEN FROM SURVEY RECORDS FROM THIS OFFICE AND CERTAIN AVAILABLE RECORDS.
 - SUBJECT PROPERTY IS PRIMARILY WOODED.
 - SHOWN TOPOGRAPHICAL INFORMATION BASED ON KALAMAZOO COUNTY AERIAL TOPOGRAPHIC MAPS.
 - THERE ARE NO DESIGNATED WETLANDS OR FLOOD PLAINS ON THE PROPERTY.
 - SHOWN LOCATIONS OF EXISTING HOUSES AND DRIVEWAYS ON NEIGHBORING PROPERTIES ARE APPROXIMATE.
 - SIZE AND LOCATION OF FUTURE DWELLINGS WITHIN EACH UNIT NOT YET KNOWN.
 - SITE SHALL BE SERVED WITH PUBLIC WATER MAIN. WATER MAIN SYSTEM SHALL CONNECT TO EXISTING WATER MAIN IN "N" AVENUE.
 - SITE SHALL BE SERVED WITH PUBLIC SANITARY SEWER. SEWER SYSTEM SHALL CONNECT TO EXISTING SANITARY SEWER IN "N" AVENUE.
 - PROPOSED STREETS HAVE A MINIMUM RIGHT OF WAY WIDTH OF 66.0' AND SHALL BE PRIVATE. STREETS SHALL BE OWNED AND MAINTAINED BY THE CONDOMINIUM ASSOCIATION. IMPROVED SURFACE SHALL BE 28.0 FEET WIDE. ROADS SHALL BE BUILT TO ROAD COMMISSION STANDARDS (4" OF PAVEMENT ON TOP OF 8" OF GRAVEL BASE ON TOP OF GRANULAR SUB-BASE).
 - PROPOSED STORM SEWER SYSTEM SHALL BE PRIVATE AND SHALL BE OWNED AND MAINTAINED BY THE CONDOMINIUM ASSOCIATION. THE STORM WATER BASIN(S) SHALL BE DESIGNED AND CONSTRUCTED TO MEET OSHTEMO TOWNSHIP APPROVAL.
 - PUBLIC UTILITIES (GAS, ELECTRIC, ETC.) SHALL BE PLACED UNDERGROUND.
 - AT ALL INTERSECTIONS, A CLEAR VISION AREA SHALL BE PROVIDED IN ACCORDANCE WITH STANDARD REQUIREMENTS.
 - PROPOSED STREET NAMES ARE PRELIMINARY AND ARE SUBJECT TO TOWNSHIP AND COUNTY APPROVAL.
 - A LAND DIVISION APPLICATION SHALL BE SUBMITTED FOR PROPOSED PARCELS "A" AND "B".
 - ALL SHOWN DIMENSIONS ARE SUBJECT TO FINAL ADJUSTMENT.
 - STREET LIGHTING SHALL BE PROVIDED.
 - SOILS WITHIN SUBJECT PROPERTY ARE SHOWN AS "COLOMA LOAMY SAND" AND "SPINKS LOAMY SAND" WITHIN THE USDA'S "SOIL SURVEY OF KALAMAZOO COUNTY" BOOK.
 - SITE LANDSCAPING AND EARTH BERMS SHALL BE PROVIDED IN VARIOUS LOCATIONS.
 - RULES AND REGULATIONS REGARDING OPEN SPACE SHALL BE STIPULATED IN PENDING MASTER DEED. SEE NOTE 23 BELOW.
 - SITE SHALL BE DEVELOPED IN ONE PHASE.
 - PERMANENT OPEN SPACE SHALL BE DESIGNATED AS SUCH WITHIN THE PROJECT MASTER DEED AND SHALL ALSO BE "GENERAL COMMON AREA" THAT IS OWNED BY THE CONDOMINIUM ASSOCIATION. MASTER DEED SHALL BE SUBJECT TO TOWNSHIP REVIEW.
 - ALL UNITS SHALL BE FOR SINGLE-FAMILY DWELLINGS.
 - SEE SITE LIGHTING ON SHEET 2. ADDITIONAL LIGHTING INFO PENDING.
 - THE STORM SEWER SYSTEM AND THE STORM WATER DISPOSAL SYSTEM SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH OSHTEMO TOWNSHIP REQUIREMENTS.
 - DETAILED SITE PLAN SHALL COMPLY WITH ARTICLE 64 AND ARTICLE 290 OF THE OSHTEMO ZONING ORDINANCE.
 - A S.E.S.C. PLAN SHALL BE PREPARED FOR THE REQUIRED SESC PERMIT. (IF REQUIRED) AND A COPY OF EACH RECORDED EASEMENT SHALL BE PROVIDED TO THE TOWNSHIP.



VICINITY MAP
NO SCALE

SITE DATA:
TOTAL AREA = 60.5 ACRES *
REQUIRED PERMANENT OPEN SPACE = 40% MINIMUM (24.2 AC.)
PROVIDED PERMANENT OPEN SPACE = 24.34 ACRES (40.23%)
PROVIDED NON-PERMANENT OPEN SPACE = 0.33 ACRES
AREA FOR PROPOSED PRIVATE ROAD R.O.W. = 7.50 ACRES
AREA FOR PROPOSED UNITS = 27.89 ACRES (FOR 49 UNITS)
NET DENSITY = 60.24 ACRES/49 UNITS = 1.23 ACRES/UNIT
AVERAGE UNIT SIZE = 27.89 ACRES/49 UNITS = 0.57 ACRES = 24,800 SQ.FT. (= 120' x 206')
* EXCLUDES PARCELS "A" AND "B" & 9TH STREET R.O.W. AREA
NOTE: LAND DIVISION APPLICATION SHALL BE SUBMITTED FOR PROPOSED PARCELS "A" AND "B".



- SHEET INDEX:**
- COVER SHEET
 - LAYOUT PLAN
 - GRADING PLAN
 - NATURAL FEATURES PLAN
 - 9) PLAN & PROFILE SHEETS
 - CONSTRUCTION DETAILS & NOTES
 - LANDSCAPE PLAN

APPLICANT:
HINTER PROPERTIES, LLC
2222 W. GRAND RIVER AVE.,
SUITE A
OKEMOS, MI 48864

PROPERTY OWNERS:
KAZOO HOLDINGS, LLC
P.O. BOX 2343 207
PORTAGE, MI 49081
RURAL REPUBLIC, LLC
2222 W. GRAND RIVER AVE.,
SUITE A
OKEMOS, MI 48864

COVER SHEET
"TOURNESOL"
PART OF THE SOUTH 1/2 OF SECTION 34, T. 2 S., R. 12 W., OSHTEMO TWP., KALAMAZOO COUNTY, MI

DATE: 7/04/2022
SHEET: 1
JOB No.: 36886

MONUMENT ENGINEERING GROUP ASSOC., INC.
Formerly Ingersoll, Watson & McMachen, Inc.
1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165



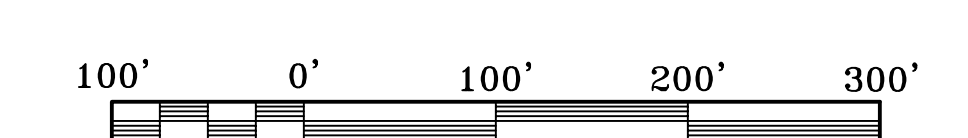
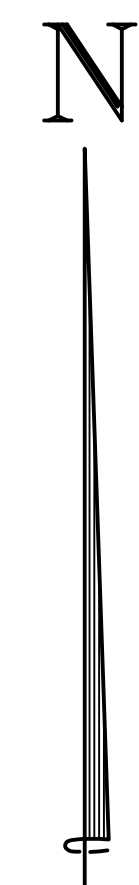
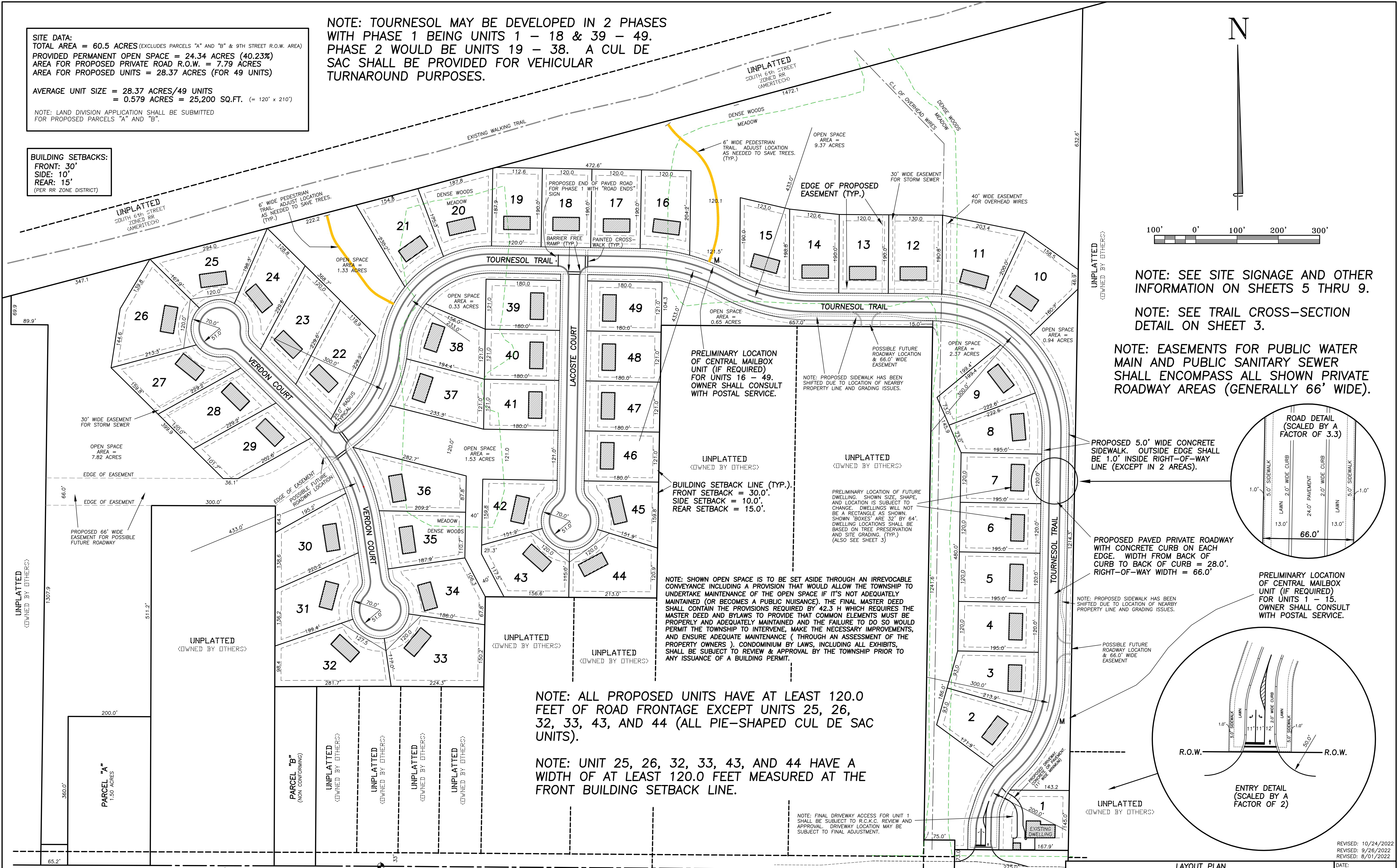
SITE DATA:
 TOTAL AREA = 60.5 ACRES (EXCLUDES PARCELS "A" AND "B" & 9TH STREET R.O.W. AREA)
 PROVIDED PERMANENT OPEN SPACE = 24.34 ACRES (40.23%)
 AREA FOR PROPOSED PRIVATE ROAD R.O.W. = 7.79 ACRES
 AREA FOR PROPOSED UNITS = 28.37 ACRES (FOR 49 UNITS)

AVERAGE UNIT SIZE = 28.37 ACRES/49 UNITS
 = 0.579 ACRES = 25,200 SQ.FT. (= 120' x 210')

NOTE: LAND DIVISION APPLICATION SHALL BE SUBMITTED FOR PROPOSED PARCELS "A" AND "B".

BUILDING SETBACKS:
 FRONT: 30'
 SIDE: 10'
 REAR: 15'
 (PER RR ZONE DISTRICT)

NOTE: TOURNESOL MAY BE DEVELOPED IN 2 PHASES WITH PHASE 1 BEING UNITS 1 - 18 & 39 - 49. PHASE 2 WOULD BE UNITS 19 - 38. A CUL DE SAC SHALL BE PROVIDED FOR VEHICULAR TURNAROUND PURPOSES.



NOTE: SEE SITE SIGNAGE AND OTHER INFORMATION ON SHEETS 5 THRU 9.

NOTE: SEE TRAIL CROSS-SECTION DETAIL ON SHEET 3.

NOTE: EASEMENTS FOR PUBLIC WATER MAIN AND PUBLIC SANITARY SEWER SHALL ENCOMPASS ALL SHOWN PRIVATE ROADWAY AREAS (GENERALLY 66' WIDE).

PRELIMINARY LOCATION OF CENTRAL MAILBOX UNIT (IF REQUIRED) FOR UNITS 16 - 49. OWNER SHALL CONSULT WITH POSTAL SERVICE.

NOTE: PROPOSED SIDEWALK HAS BEEN SHIFTED DUE TO LOCATION OF NEARBY PROPERTY LINE AND GRADING ISSUES.

BUILDING SETBACK LINE (TYP.). FRONT SETBACK = 30.0'. SIDE SETBACK = 10.0'. REAR SETBACK = 15.0'.

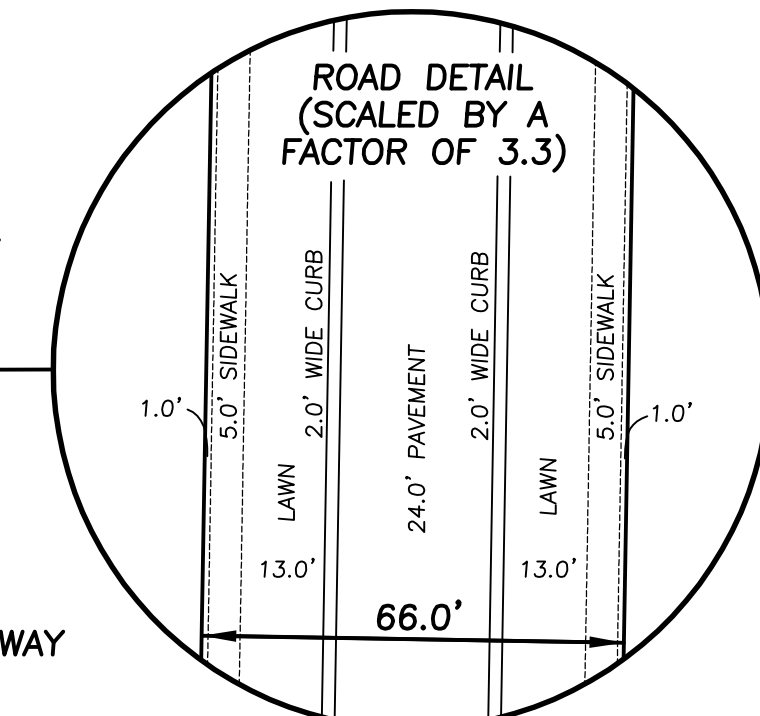
PRELIMINARY LOCATION OF FUTURE DWELLING. SHOWN SIZE, SHAPE, AND LOCATION IS SUBJECT TO CHANGE. DWELLINGS WILL NOT BE A RECTANGLE AS SHOWN. SHOWN "BOXES" ARE 32' BY 64'. DWELLING LOCATIONS SHALL BE BASED ON TREE PRESERVATION AND SITE GRADING. (TYP.) (ALSO SEE SHEET 3)

NOTE: SHOWN OPEN SPACE IS TO BE SET ASIDE THROUGH AN IRREVOCABLE CONVEYANCE INCLUDING A PROVISION THAT WOULD ALLOW THE TOWNSHIP TO UNDERTAKE MAINTENANCE OF THE OPEN SPACE IF IT'S NOT ADEQUATELY MAINTAINED (OR BECOMES A PUBLIC NUISANCE). THE FINAL MASTER DEED SHALL CONTAIN THE PROVISIONS REQUIRED BY 42.3.4 WHICH REQUIRES THE MASTER DEED AND BYLAWS TO PROVIDE THAT COMMON ELEMENTS MUST BE PROPERLY AND ADEQUATELY MAINTAINED AND THE FAILURE TO DO SO WOULD PERMIT THE TOWNSHIP TO INTERVENE, MAKE THE NECESSARY IMPROVEMENTS, AND ENSURE ADEQUATE MAINTENANCE (THROUGH AN ASSESSMENT OF THE PROPERTY OWNERS). CONDOMINIUM BY LAWS, INCLUDING ALL EXHIBITS, SHALL BE SUBJECT TO REVIEW & APPROVAL BY THE TOWNSHIP PRIOR TO ANY ISSUANCE OF A BUILDING PERMIT.

NOTE: ALL PROPOSED UNITS HAVE AT LEAST 120.0 FEET OF ROAD FRONTAGE EXCEPT UNITS 25, 26, 32, 33, 43, AND 44 (ALL PIE-SHAPED CUL DE SAC UNITS).

NOTE: UNIT 25, 26, 32, 33, 43, AND 44 HAVE A WIDTH OF AT LEAST 120.0 FEET MEASURED AT THE FRONT BUILDING SETBACK LINE.

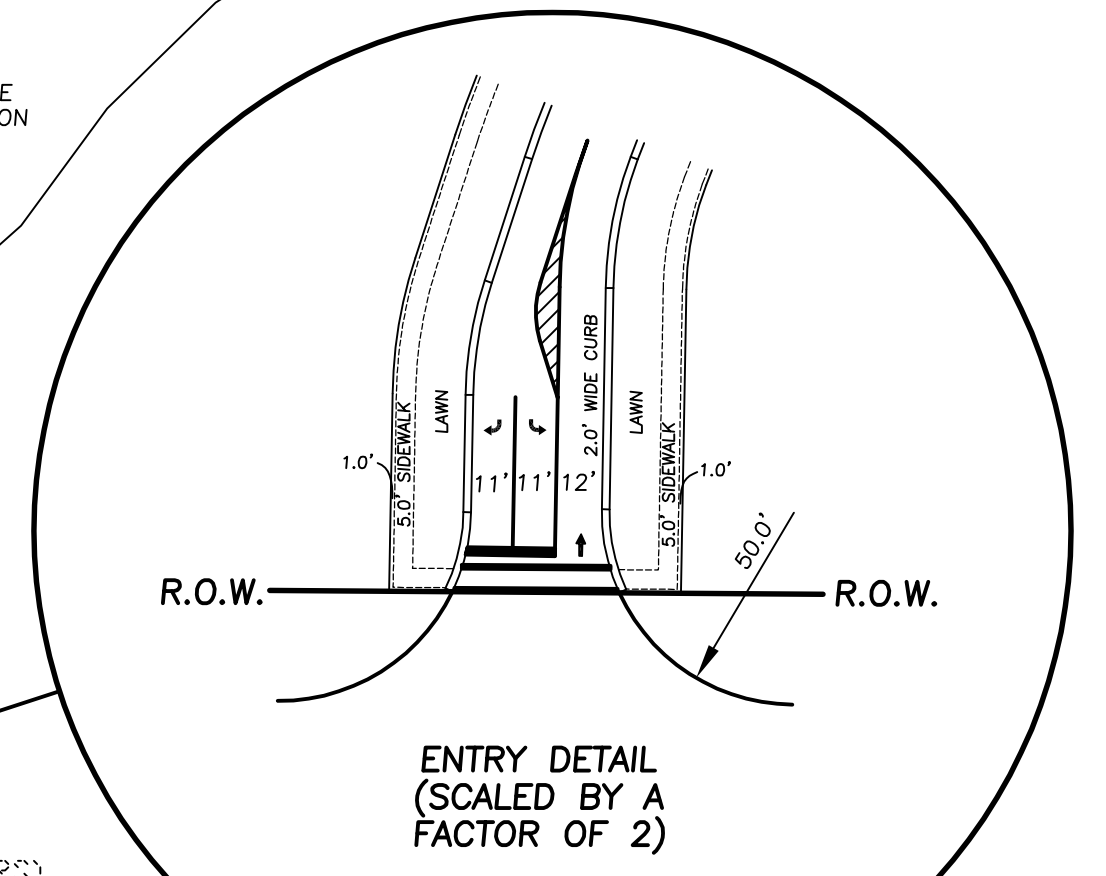
NOTE: FINAL DRIVEWAY ACCESS FOR UNIT 1 SHALL BE SUBJECT TO R.C.K.C. REVIEW AND APPROVAL. DRIVEWAY LOCATION MAY BE SUBJECT TO FINAL ADJUSTMENT.



PROPOSED 5.0' WIDE CONCRETE SIDEWALK. OUTSIDE EDGE SHALL BE 1.0' INSIDE RIGHT-OF-WAY LINE (EXCEPT IN 2 AREAS).

PROPOSED PAVED PRIVATE ROADWAY WITH CONCRETE CURB ON EACH EDGE. WIDTH FROM BACK OF CURB TO BACK OF CURB = 28.0'. RIGHT-OF-WAY WIDTH = 66.0'

PRELIMINARY LOCATION OF CENTRAL MAILBOX UNIT (IF REQUIRED) FOR UNITS 1 - 15. OWNER SHALL CONSULT WITH POSTAL SERVICE.



NOTE: PROPOSED SIDEWALK HAS BEEN SHIFTED DUE TO LOCATION OF NEARBY PROPERTY LINE AND GRADING ISSUES.

POSSIBLE FUTURE ROADWAY LOCATION & 66.0' WIDE EASEMENT

UNPLATTED (OWNED BY OTHERS)

REVISED: 10/24/2022
 REVISED: 9/26/2022
 REVISED: 8/01/2022

LAYOUT PLAN
"TOURNESOL"
 PART OF THE SOUTH 1/2 OF SECTION 34, T. 2 S., R. 12 W., OSHTEMO TWP., KALAMAZOO COUNTY, MI
MONUMENT ENGINEERING GROUP ASSOC., INC.
 Formerly Ingersoll, Watson & McMachen, Inc.
 1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165

DATE: 7/04/2022
 SHEET: 2
 JOB No.: 36886



WEST "N" AVENUE

NOTE: STREET LIGHTING SYSTEM WILL BE DESIGNED AND INSTALLED BY CONSUMERS ENERGY. LIGHTS WILL BE SPACED IN GENERAL EVERY 300' TO 400'. SUGGESTED LIGHT LOCATIONS ARE SHOWN ON SHEETS 5 THRU 9.

NOTE: PERMITS SHALL BE OBTAINED FROM THE ROAD COMMISSION AS REQUIRED. ANY REQUIRED IMPROVEMENTS TO WEST "N" AVENUE SHALL BE COMPLETED. REQUIRED SIGHT DISTANCE AT INTERSECTION SHALL BE PROVIDED.

NOTE: ONCE THIS SHEET (GRADING PLAN) HAS BEEN OKAYED BY TOWNSHIP STAFF/ENGINEER, A S.E.S.C. PLAN SHALL BE PREPARED AND SUBMITTED TO THE TOWNSHIP AND THE OFFICE OF THE KALAMAZOO COUNTY DRAIN COMMISSIONER. A S.E.S.C. PERMIT SHALL BE OBTAINED PRIOR TO STARTING ANY GRADING ACTIVITIES.

NOTE: STORM WATER BASINS SHALL BE COMPLETED PRIOR TO COMMENCEMENT OF CONSTRUCTION OF DWELLINGS ON INDIVIDUAL UNITS.

WEST INFILTRATION BASIN:

PROPOSED STORM WATER INFILTRATION BASIN. BOTTOM ELEV = 950. REQUIRED STORAGE VOLUME = 60,000 CF (6.2" RAIN). PROVIDED STORAGE VOLUME (950 TO 960) = 171,025 CF. SIDE SLOPES = 4:1.

NOTE: ANY POORLY DRAINING SOILS AT BASIN BOTTOM OR WITHIN 5' OF BASIN BOTTOM SHALL BE REMOVED AND REPLACED WITH WELL DRAINING SOIL (I.E. SANDY SOILS OR GRAVELLY SOILS WITH LITTLE OR NO FINES).

NOTE: TURF REINFORCEMENT MATTING MAY BE NEEDED ON BASIN SLOPES TO HELP CONTROL AND REDUCE EROSION.

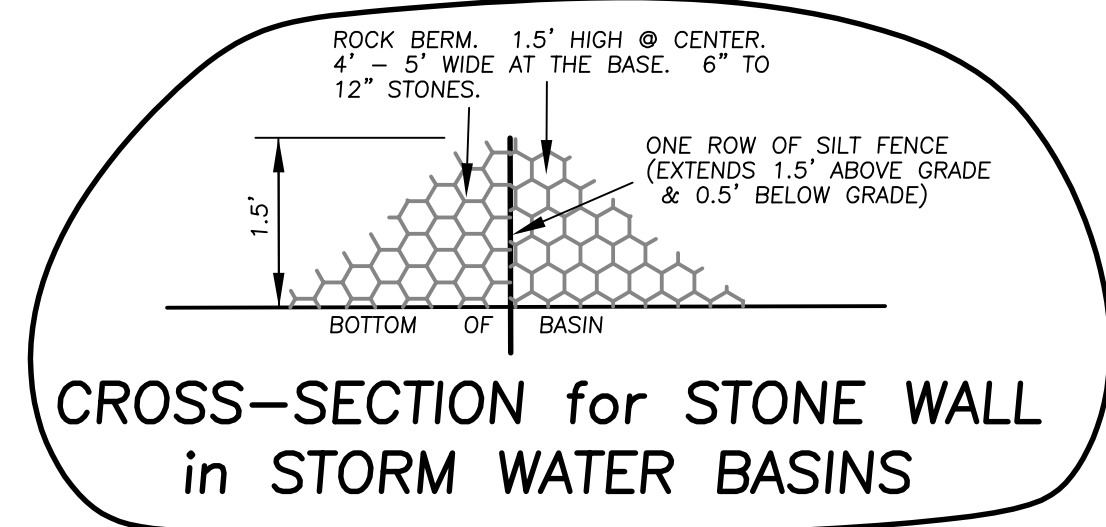
SOIL BORING #3 (SB#3):

0' - 1': TOPSOIL
1' - 6': SANDY CLAY LOAM
6' - 10': CLEAN SAND

NOTE: ADDITIONAL SOIL BORING WAS DIG IN BASIN BOTTOM AREA BUT BORING WAS HALTED DUE TO PRESENCE OF STONES.

SOIL BORING #2 (SB#2):

0' - 1': TOPSOIL
1' - 6': SANDY CLAY LOAM
6' - 7.5': CLEAN SAND (LIGHT TAN)
NOTE: SAND AND STONES WERE FOUND AT 7.5' AND BORING WAS UNABLE TO PROCEED DEEPER.



CROSS-SECTION for STONE WALL in STORM WATER BASINS

EAST INFILTRATION BASIN:

PROPOSED STORM WATER INFILTRATION BASIN. BOTTOM ELEV = 930. REQUIRED STORAGE VOLUME = 190,000 CF (6.2" RAIN). PROVIDED STORAGE VOLUME (930 TO 940) = 212,000 CF. SIDE SLOPES = 4:1.

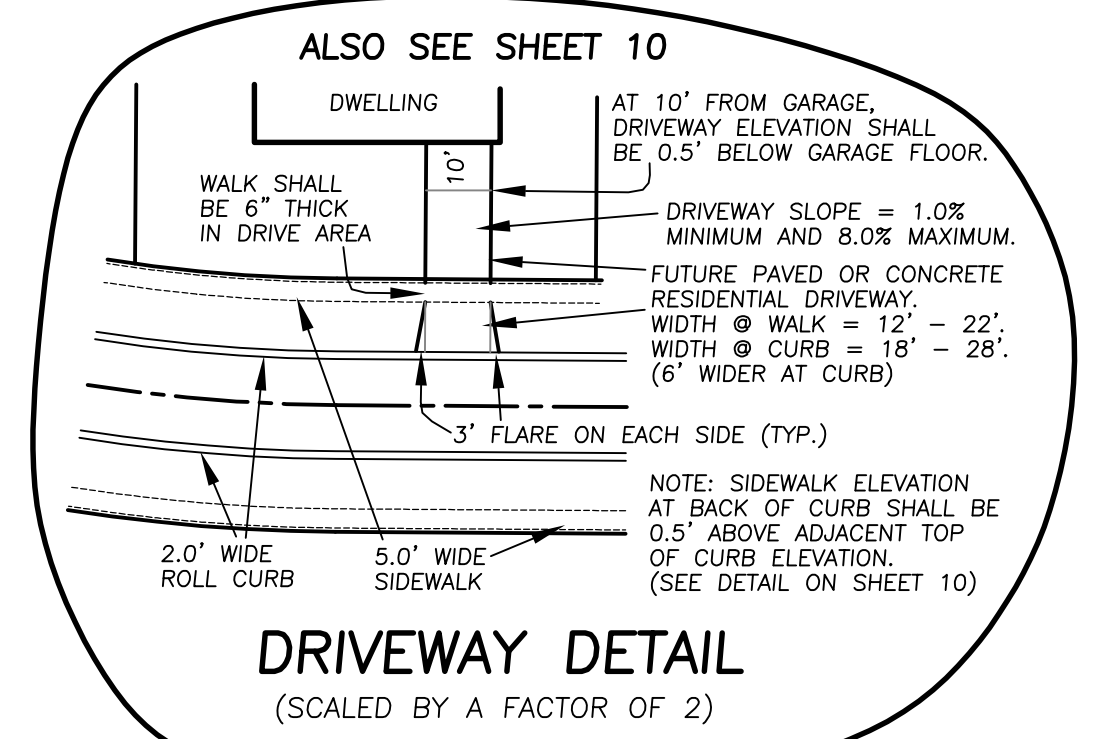
NOTE: ANY POORLY DRAINING SOILS AT BASIN BOTTOM OR WITHIN 5' OF BASIN BOTTOM SHALL BE REMOVED AND REPLACED WITH WELL DRAINING SOIL (I.E. SANDY SOILS OR GRAVELLY SOILS WITH LITTLE OR NO FINES).

NOTE: TURF REINFORCEMENT MATTING MAY BE NEEDED ON BASIN SLOPES TO HELP CONTROL AND REDUCE EROSION.

SOIL BORING #1 (SB#1):

0' - 1': TOPSOIL
1' - 6': SANDY CLAY LOAM
6' - 11': SAND

SOIL PERMEABILITY FOR SAND SAMPLE TESTED AT 36 INCHES PER HOUR.



DRIVEWAY DETAIL (SCALED BY A FACTOR OF 2)

STORM WATER BASIN SIZING CALCULATIONS:

Drain areas C & D (along roads) = 928,000 sq.ft.
32% of drain areas C & D is impervious. (297,000 sq ft)
68% of drain areas C & D is pervious. (631,000 sq ft)
C = (32%)(0.90) + (68%)(0.20) = 0.424 (instead use 0.45)

Drain area A = 25,500 sq.ft. (use C of 0.80)
Drain area B = 70,600 sq.ft. (use C = 0.20)
Drain area C = 173,000 sq.ft. (use C = 0.45)

Required storage volume for westerly basin = (25,500)(6.2)(0.80) + (70,600)(6.2)(0.20) + (173,000)(6.2)(0.45) = 58,060 cubic feet

Provided storage volume (up to elev 960) = 171,025 cubic feet. (See sheet 3)

Drain area D = 755,000 sq.ft. (use C of 0.45)
Drain area E = 63,400 sq.ft. (use C = 0.20)
Drain area F = 45,000 sq.ft. (use C = 0.80)

Required storage volume for easterly basin = (755,000)(6.2)(0.45) + (63,400)(6.2)(0.20) + (45,000)(6.2)(0.80) = 200,700 cubic feet

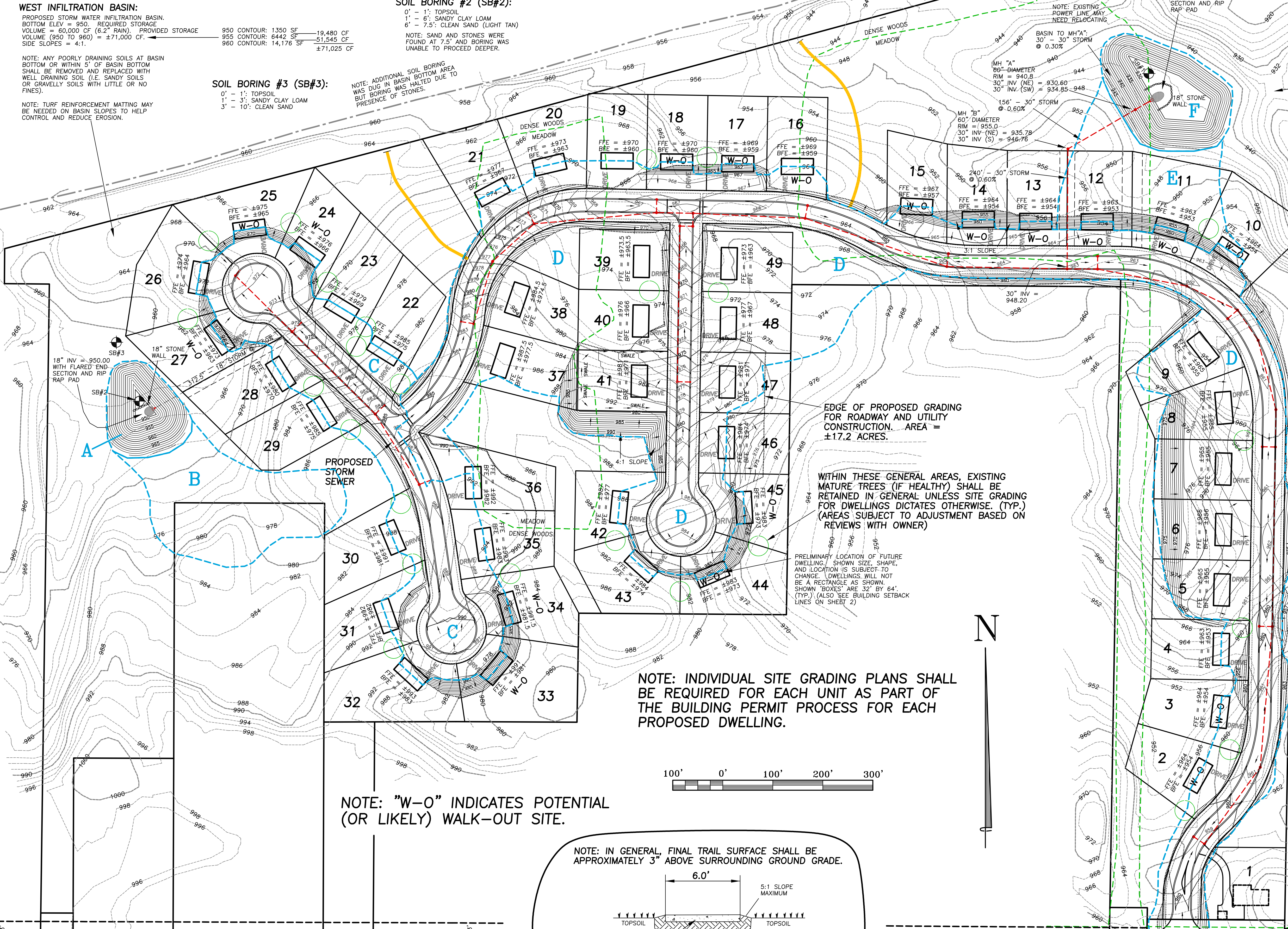
Provided storage volume (up to elev 940) = 212,370 cubic feet. (See sheet 3)

NOTE: Infiltration into basin bottom and basin sidewall has not been taken into account but would reduce required basin volume (if taken into account).

NOTE: PERMITS SHALL BE OBTAINED FROM THE ROAD COMMISSION AS REQUIRED. ANY REQUIRED IMPROVEMENTS TO WEST "N" AVENUE SHALL BE COMPLETED. REQUIRED SIGHT DISTANCE AT INTERSECTION SHALL BE PROVIDED.

- NOTES:**
- EXISTING ELEVATION CONTOURS ARE SHOWN WITH A 2' INTERVAL.
 - PROPOSED ELEVATION CONTOURS ARE SHOWN WITH A 1' INTERVAL.
 - SOIL EROSION AND SEDIMENTATION CONTROL PLAN AND PERMIT SHALL BE SUBMITTED TO THE OFFICE OF THE KALAMAZOO COUNTY DRAIN COMMISSIONER. PERMIT SHALL BE IN PLACE PRIOR TO ANY GRADING ACTIVITIES (SEE NOTE IN UPPER LEFT CORNER).

REVISED: 10/24/2022
REVISED: 10/7/2022
REVISED: 9/26/2022
REVISED: 8/01/2022



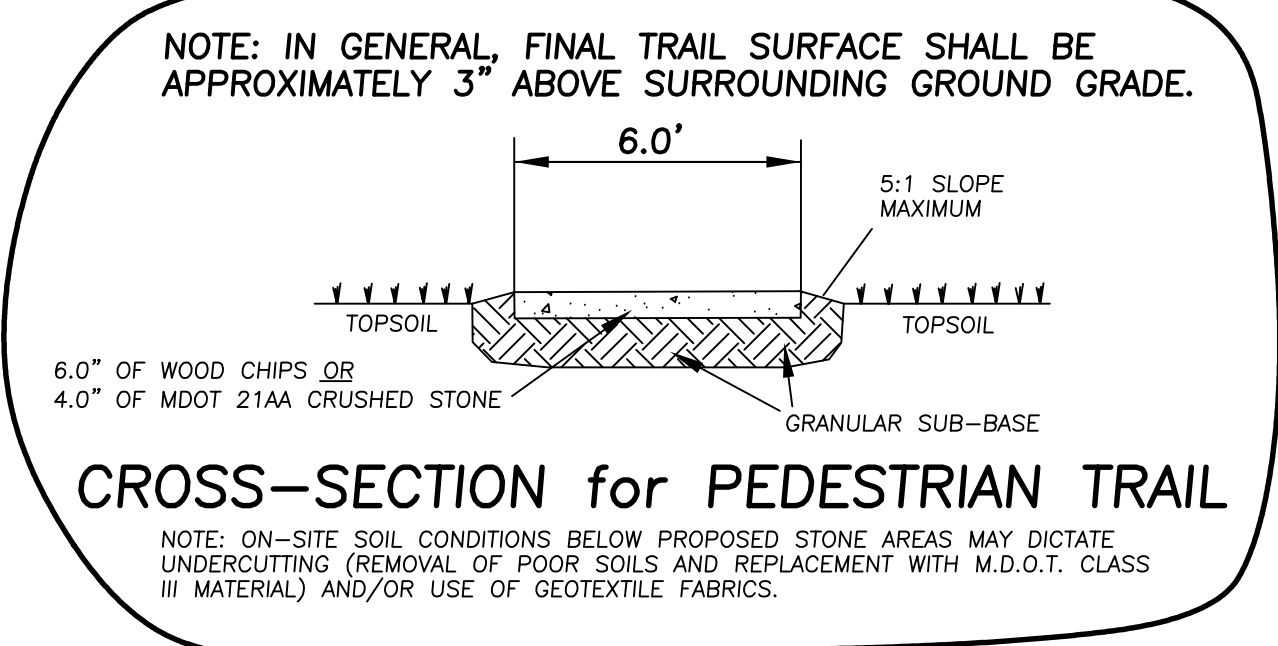
EDGE OF PROPOSED GRADING FOR ROADWAY AND UTILITY CONSTRUCTION. AREA = ±17.2 ACRES.

WITHIN THESE GENERAL AREAS, EXISTING MATURE TREES (IF HEALTHY) SHALL BE RETAINED IN GENERAL UNLESS SITE GRADING FOR DWELLINGS DICTATES OTHERWISE. (TYP.) (AREAS SUBJECT TO ADJUSTMENT BASED ON REVIEWS WITH OWNER)

PRELIMINARY LOCATION OF FUTURE DWELLING, SHOWN SIZE, SHAPE, AND LOCATION IS SUBJECT TO CHANGE. DWELLINGS WILL NOT BE A RECTANGLE AS SHOWN. SHOW 'BOXES' ARE 32' BY 64' (TYP.) (ALSO SEE BUILDING SETBACK LINES ON SHEET 2)

NOTE: INDIVIDUAL SITE GRADING PLANS SHALL BE REQUIRED FOR EACH UNIT AS PART OF THE BUILDING PERMIT PROCESS FOR EACH PROPOSED DWELLING.

NOTE: "W-O" INDICATES POTENTIAL (OR LIKELY) WALK-OUT SITE.



CROSS-SECTION for PEDESTRIAN TRAIL

NOTE: ON-SITE SOIL CONDITIONS BELOW PROPOSED STONE AREAS MAY DICTATE UNDERCUTTING (REMOVAL OF POOR SOILS AND REPLACEMENT WITH M.D.O.T. CLASS III MATERIAL) AND/OR USE OF GEOTEXTILE FABRICS.

72 HOURS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

WEST "N" AVENUE

GRADING PLAN "TOURNESOL"

PART OF THE SOUTH 1/2 OF SECTION 34, T. 2 S., R. 12 W., OSHTEMO TWP., KALAMAZOO COUNTY, MI

MONUMENT ENGINEERING GROUP ASSOC., INC.
Formerly Ingersoll, Watson & McMachen, Inc.

1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165

DATE: 7/04/2022

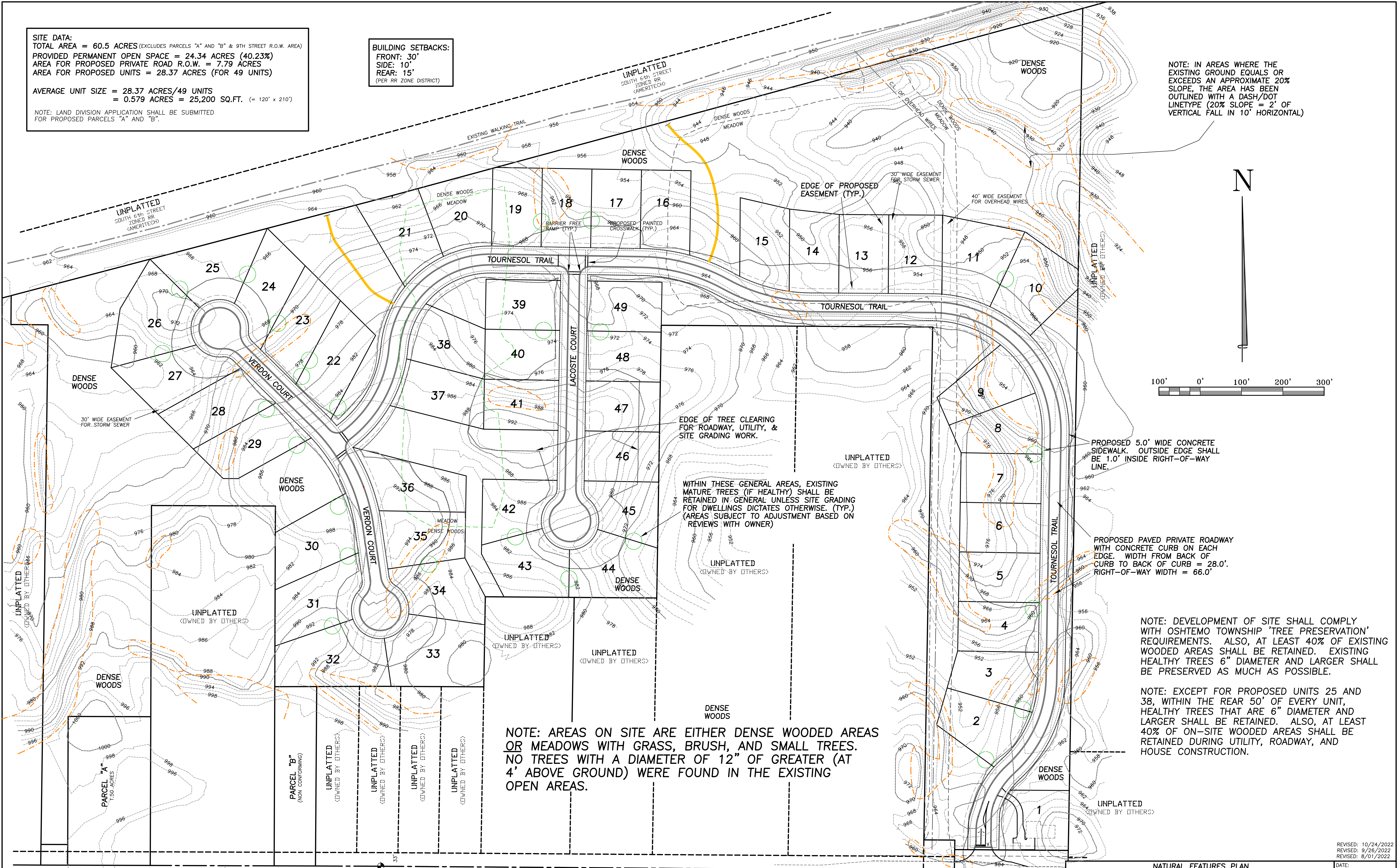
SHEET: 3

JOB No.: 36886

SITE DATA:
 TOTAL AREA = 60.5 ACRES (EXCLUDES PARCELS "A" AND "B" & 9TH STREET R.O.W. AREA)
 PROVIDED PERMANENT OPEN SPACE = 24.34 ACRES (40.23%)
 AREA FOR PROPOSED PRIVATE ROAD R.O.W. = 7.79 ACRES
 AREA FOR PROPOSED UNITS = 28.37 ACRES (FOR 49 UNITS)
 AVERAGE UNIT SIZE = 28.37 ACRES/49 UNITS
 = 0.579 ACRES = 25,200 SQ.FT. (= 120' x 210')
 NOTE: LAND DIVISION APPLICATION SHALL BE SUBMITTED FOR PROPOSED PARCELS "A" AND "B".

BUILDING SETBACKS:
 FRONT: 30'
 SIDE: 10'
 REAR: 15'
 (PER RR ZONE DISTRICT)

NOTE: IN AREAS WHERE THE EXISTING GROUND EQUALS OR EXCEEDS AN APPROXIMATE 20% SLOPE, THE AREA HAS BEEN OUTLINED WITH A DASH/DOT LINETYPE (20% SLOPE = 2' OF VERTICAL FALL IN 10' HORIZONTAL)



WITHIN THESE GENERAL AREAS, EXISTING MATURE TREES (IF HEALTHY) SHALL BE RETAINED IN GENERAL UNLESS SITE GRADING FOR DWELLINGS DICTATES OTHERWISE. (TYP.) (AREAS SUBJECT TO ADJUSTMENT BASED ON REVIEWS WITH OWNER)

NOTE: AREAS ON SITE ARE EITHER DENSE WOODED AREAS OR MEADOWS WITH GRASS, BRUSH, AND SMALL TREES. NO TREES WITH A DIAMETER OF 12" OF GREATER (AT 4' ABOVE GROUND) WERE FOUND IN THE EXISTING OPEN AREAS.

PROPOSED 5.0' WIDE CONCRETE SIDEWALK. OUTSIDE EDGE SHALL BE 1.0' INSIDE RIGHT-OF-WAY LINE.

PROPOSED PAVED PRIVATE ROADWAY WITH CONCRETE CURB ON EACH EDGE. WIDTH FROM BACK OF CURB TO BACK OF CURB = 28.0'. RIGHT-OF-WAY WIDTH = 66.0'

NOTE: DEVELOPMENT OF SITE SHALL COMPLY WITH OSHEMIO TOWNSHIP 'TREE PRESERVATION' REQUIREMENTS. ALSO, AT LEAST 40% OF EXISTING WOODED AREAS SHALL BE RETAINED. EXISTING HEALTHY TREES 6" DIAMETER AND LARGER SHALL BE PRESERVED AS MUCH AS POSSIBLE.

NOTE: EXCEPT FOR PROPOSED UNITS 25 AND 38, WITHIN THE REAR 50' OF EVERY UNIT, HEALTHY TREES THAT ARE 6" DIAMETER AND LARGER SHALL BE RETAINED. ALSO, AT LEAST 40% OF ON-SITE WOODED AREAS SHALL BE RETAINED DURING UTILITY, ROADWAY, AND HOUSE CONSTRUCTION.

NOTE: SOILS WITHIN SUBJECT PROPERTY ARE SHOWN AS 'COLOMA LOAMY SAND' AND 'SPINKS LOAMY SAND' WITHIN THE USDA'S SOIL SURVEY OF KALAMAZOO COUNTY.

NOTE: PERMITS SHALL BE OBTAINED FROM THE ROAD COMMISSION AS REQUIRED. ANY REQUIRED IMPROVEMENTS TO WEST "N" AVENUE SHALL BE COMPLETED. REQUIRED SIGHT DISTANCE AT INTERSECTION SHALL BE PROVIDED.

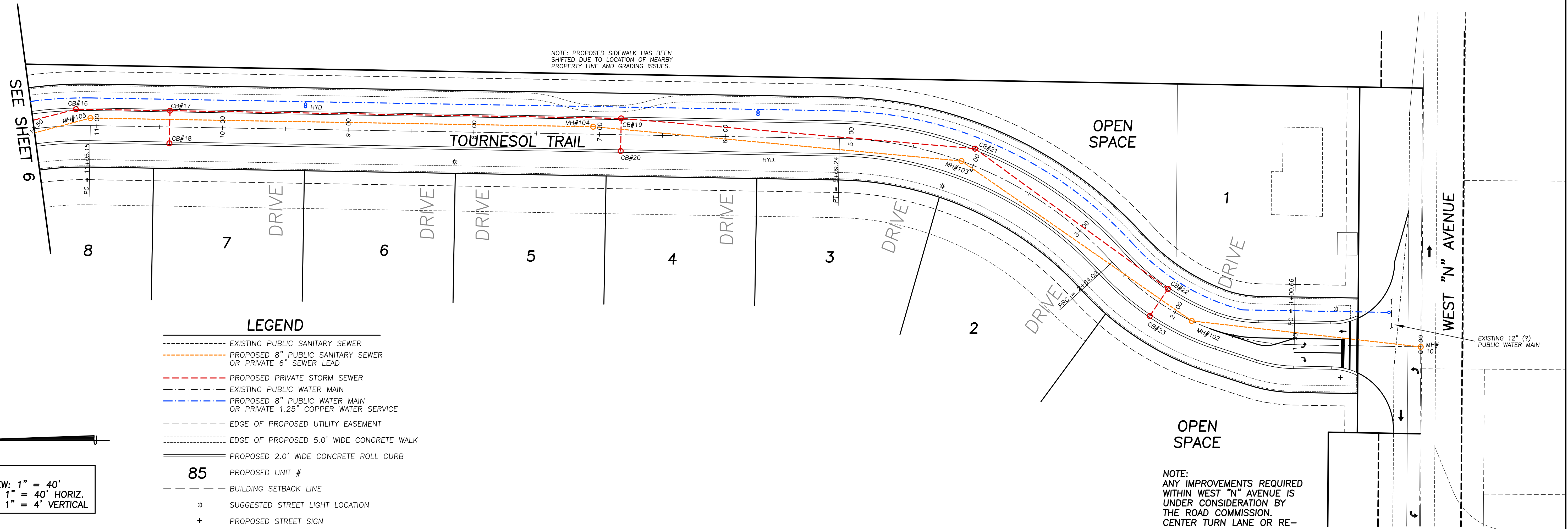


WEST "N" AVENUE

NATURAL FEATURES PLAN "TOURNESOL"		DATE: 7/04/2022
PART OF THE SOUTH 1/2 OF SECTION 34, T. 2 S., R. 12 W., OSHEMIO TWP., KALAMAZOO COUNTY, MI		SHEET: 4
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Ingersoll, Watson & McMachen, Inc.		JOB No.: 36886
1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165		

REVISED: 10/24/2022
 REVISED: 9/26/2022
 REVISED: 6/01/2022

NOTE: PROPOSED SIDEWALK HAS BEEN SHIFTED DUE TO LOCATION OF NEARBY PROPERTY LINE AND GRADING ISSUES.



LEGEND

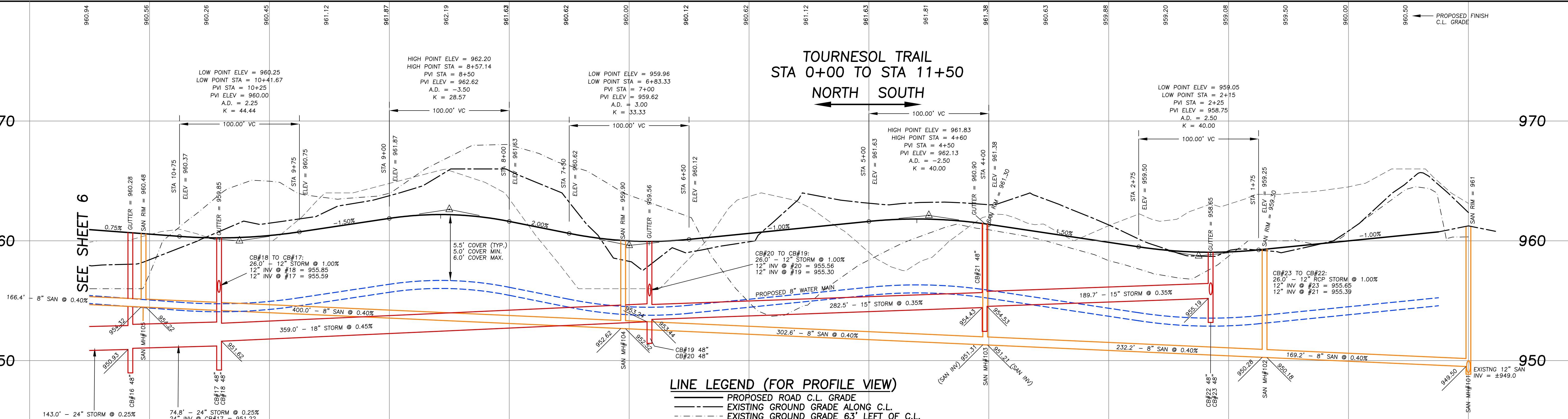
- - - - - EXISTING PUBLIC SANITARY SEWER
- - - - - PROPOSED 8" PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- - - - - PROPOSED PRIVATE STORM SEWER
- - - - - EXISTING PUBLIC WATER MAIN
- - - - - PROPOSED 8" PUBLIC WATER MAIN OR PRIVATE 1.25" COPPER WATER SERVICE
- - - - - EDGE OF PROPOSED UTILITY EASEMENT
- - - - - EDGE OF PROPOSED 5.0' WIDE CONCRETE WALK
- - - - - PROPOSED 2.0' WIDE CONCRETE ROLL CURB
- 85 PROPOSED UNIT #
- - - - - BUILDING SETBACK LINE
- * SUGGESTED STREET LIGHT LOCATION
- + PROPOSED STREET SIGN

SCALES:
 PLAN VIEW: 1" = 40'
 PROFILE: 1" = 40' HORIZ.
 1" = 4' VERTICAL

NOTE: ANY IMPROVEMENTS REQUIRED WITHIN WEST "N" AVENUE IS UNDER CONSIDERATION BY THE ROAD COMMISSION. CENTER TURN LANE OR RE-STRIPING MAY BE REQUIRED.

NOTE: LOCATIONS OF WATER SERVICES AND SEWER LEADS TO EACH UNIT ARE PENDING.

12+00 11+00 10+00 9+00 8+00 7+00 6+00 5+00 4+00 3+00 2+00 1+00 0+00



LINE LEGEND (FOR PROFILE VIEW)

- PROPOSED ROAD C.L. GRADE
- - - - - EXISTING GROUND GRADE ALONG C.L.
- - - - - EXISTING GROUND GRADE 63' LEFT OF C.L.
- - - - - EXISTING GROUND GRADE 63' RIGHT OF C.L.
- - - - - PROPOSED WATER MAIN
- - - - - PROPOSED SANITARY SEWER
- - - - - PROPOSED STORM SEWER

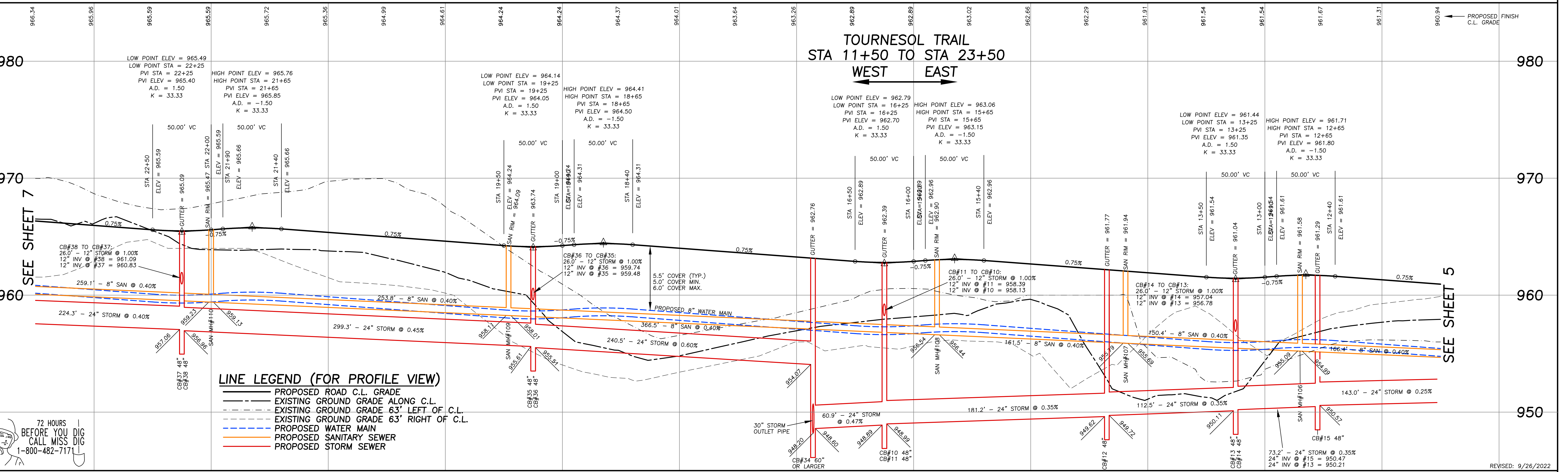
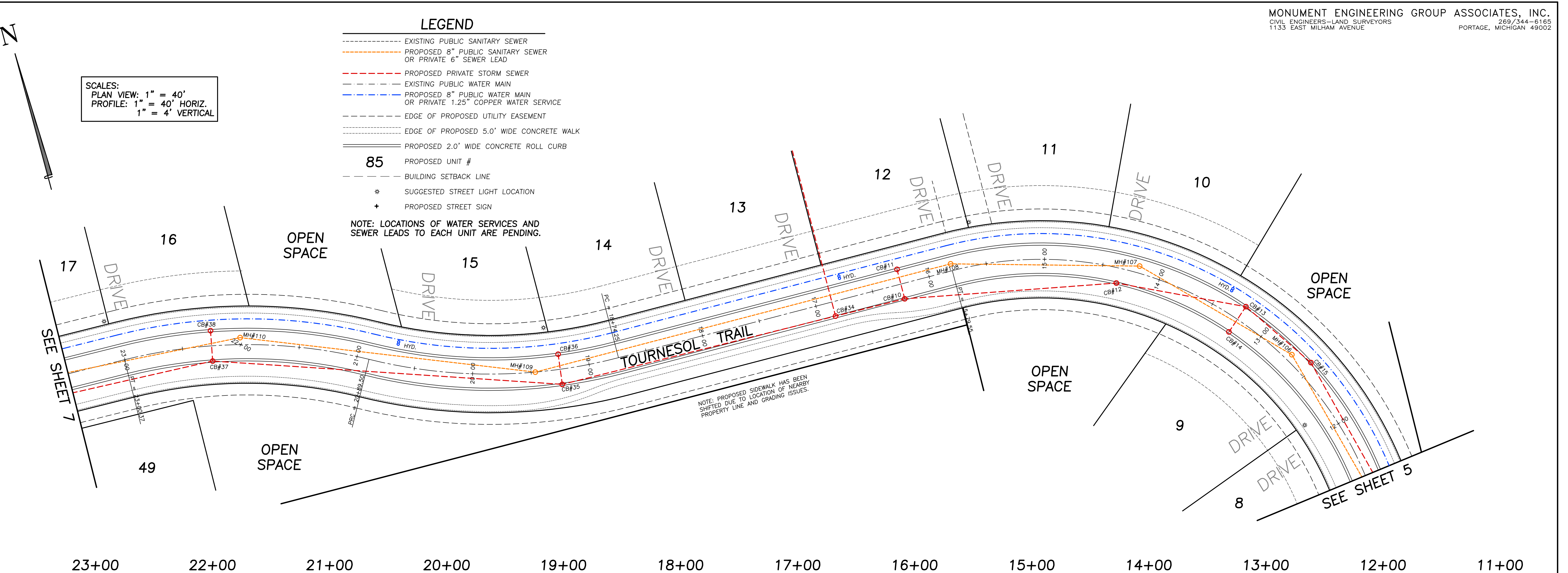


LEGEND

- EXISTING PUBLIC SANITARY SEWER
- PROPOSED 8" PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- PROPOSED PRIVATE STORM SEWER
- EXISTING PUBLIC WATER MAIN
- PROPOSED 8" PUBLIC WATER MAIN OR PRIVATE 1.25" COPPER WATER SERVICE
- EDGE OF PROPOSED UTILITY EASEMENT
- EDGE OF PROPOSED 5.0' WIDE CONCRETE WALK
- PROPOSED 2.0' WIDE CONCRETE ROLL CURB
- 85 PROPOSED UNIT #
- BUILDING SETBACK LINE
- * SUGGESTED STREET LIGHT LOCATION
- + PROPOSED STREET SIGN

SCALES:
 PLAN VIEW: 1" = 40'
 PROFILE: 1" = 40' HORIZ.
 1" = 4' VERTICAL

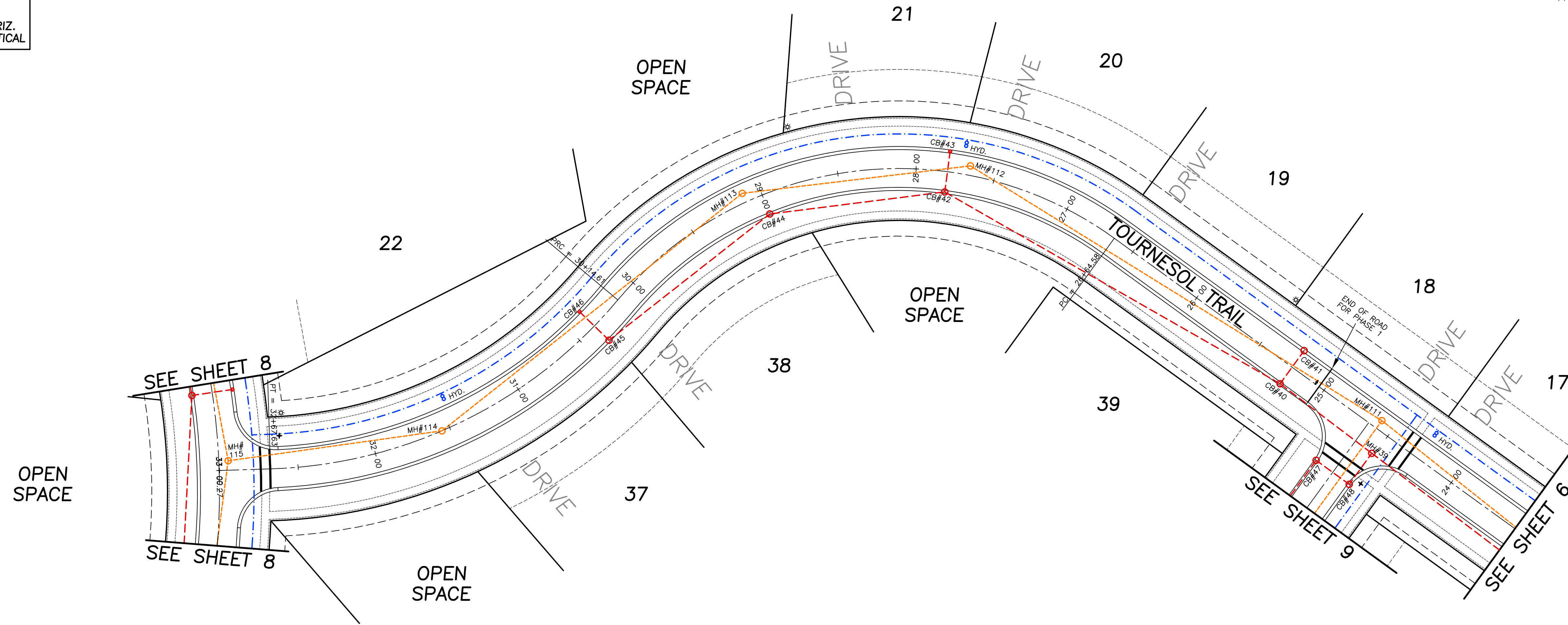
NOTE: LOCATIONS OF WATER SERVICES AND SEWER LEADS TO EACH UNIT ARE PENDING.



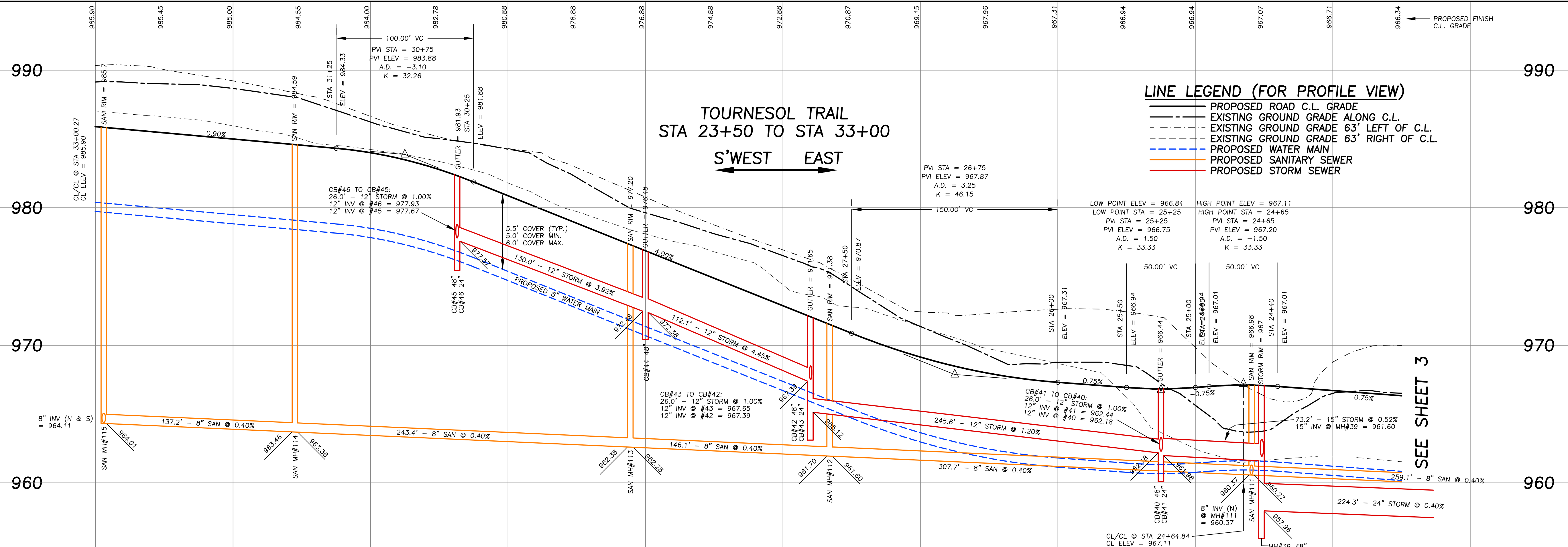
SCALES:
 PLAN VIEW: 1" = 40'
 PROFILE: 1" = 40' HORIZ.
 1" = 4' VERTICAL

LEGEND

- EXISTING PUBLIC SANITARY SEWER
 - PROPOSED 8" PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
 - PROPOSED PRIVATE STORM SEWER
 - EXISTING PUBLIC WATER MAIN
 - PROPOSED 8" PUBLIC WATER MAIN OR PRIVATE 1.25" COPPER WATER SERVICE
 - EDGE OF PROPOSED UTILITY EASEMENT
 - EDGE OF PROPOSED 5.0' WIDE CONCRETE WALK
 - PROPOSED 2.0' WIDE CONCRETE ROLL CURB
 - 85 PROPOSED UNIT #
 - BUILDING SETBACK LINE
 - * SUGGESTED STREET LIGHT LOCATION
 - + PROPOSED STREET SIGN
- NOTE: LOCATIONS OF WATER SERVICES AND SEWER LEADS TO EACH UNIT ARE PENDING.



33+00 32+00 31+00 30+00 29+00 28+00 27+00 26+00 25+00 24+00 23+00

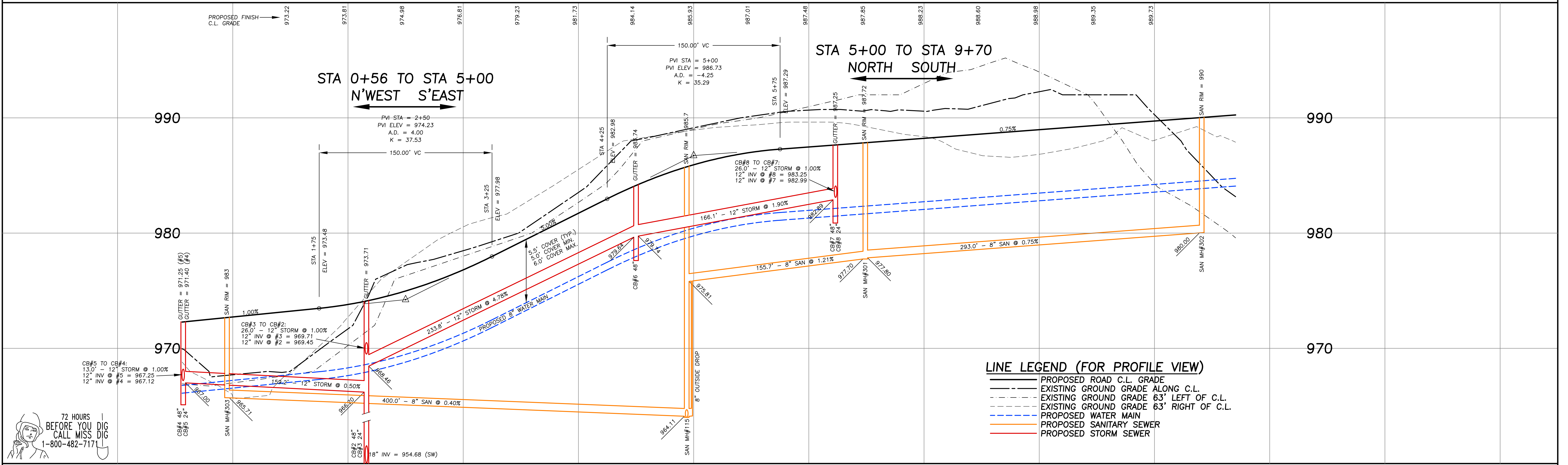
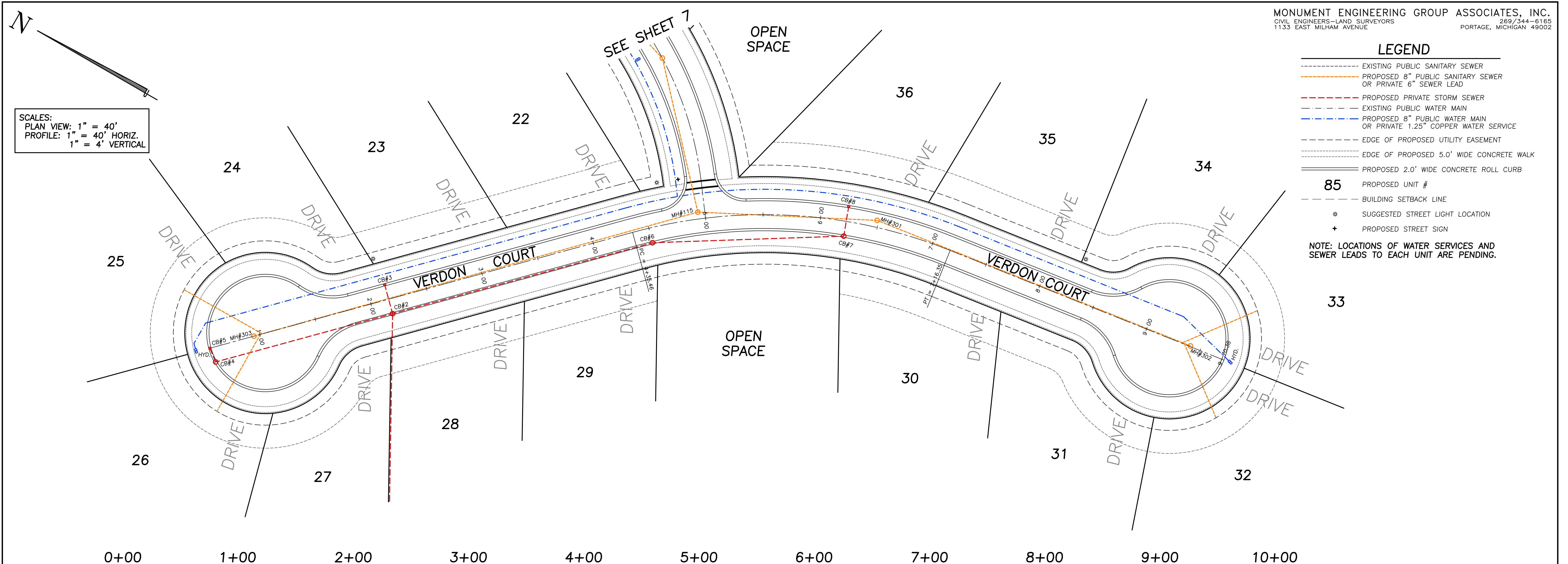


SCALES:
 PLAN VIEW: 1" = 40'
 PROFILE: 1" = 40' HORIZ.
 1" = 4' VERTICAL

LEGEND

- EXISTING PUBLIC SANITARY SEWER
- PROPOSED 8" PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- PROPOSED PRIVATE STORM SEWER
- EXISTING PUBLIC WATER MAIN
- PROPOSED 8" PUBLIC WATER MAIN OR PRIVATE 1.25" COPPER WATER SERVICE
- EDGE OF PROPOSED UTILITY EASEMENT
- EDGE OF PROPOSED 5.0' WIDE CONCRETE WALK
- PROPOSED 2.0' WIDE CONCRETE ROLL CURB
- 85 PROPOSED UNIT #
- BUILDING SETBACK LINE
- * SUGGESTED STREET LIGHT LOCATION
- + PROPOSED STREET SIGN

NOTE: LOCATIONS OF WATER SERVICES AND SEWER LEADS TO EACH UNIT ARE PENDING.



LINE LEGEND (FOR PROFILE VIEW)

- PROPOSED ROAD C.L. GRADE
- EXISTING GROUND GRADE ALONG C.L.
- EXISTING GROUND GRADE 63' LEFT OF C.L.
- EXISTING GROUND GRADE 63' RIGHT OF C.L.
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER

72 HOURS BEFORE YOU DIG
 CALL MISS DIG
 1-800-482-7171

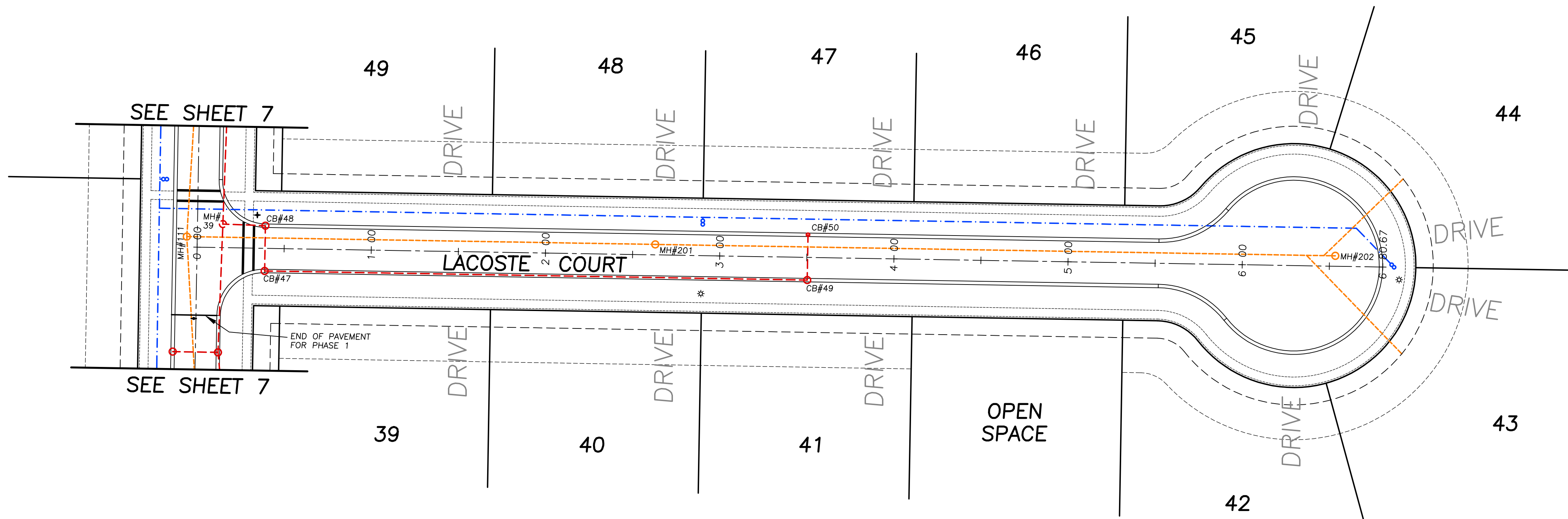


SCALES:
 PLAN VIEW: 1" = 40'
 PROFILE: 1" = 40' HORIZ.
 1" = 4' VERTICAL

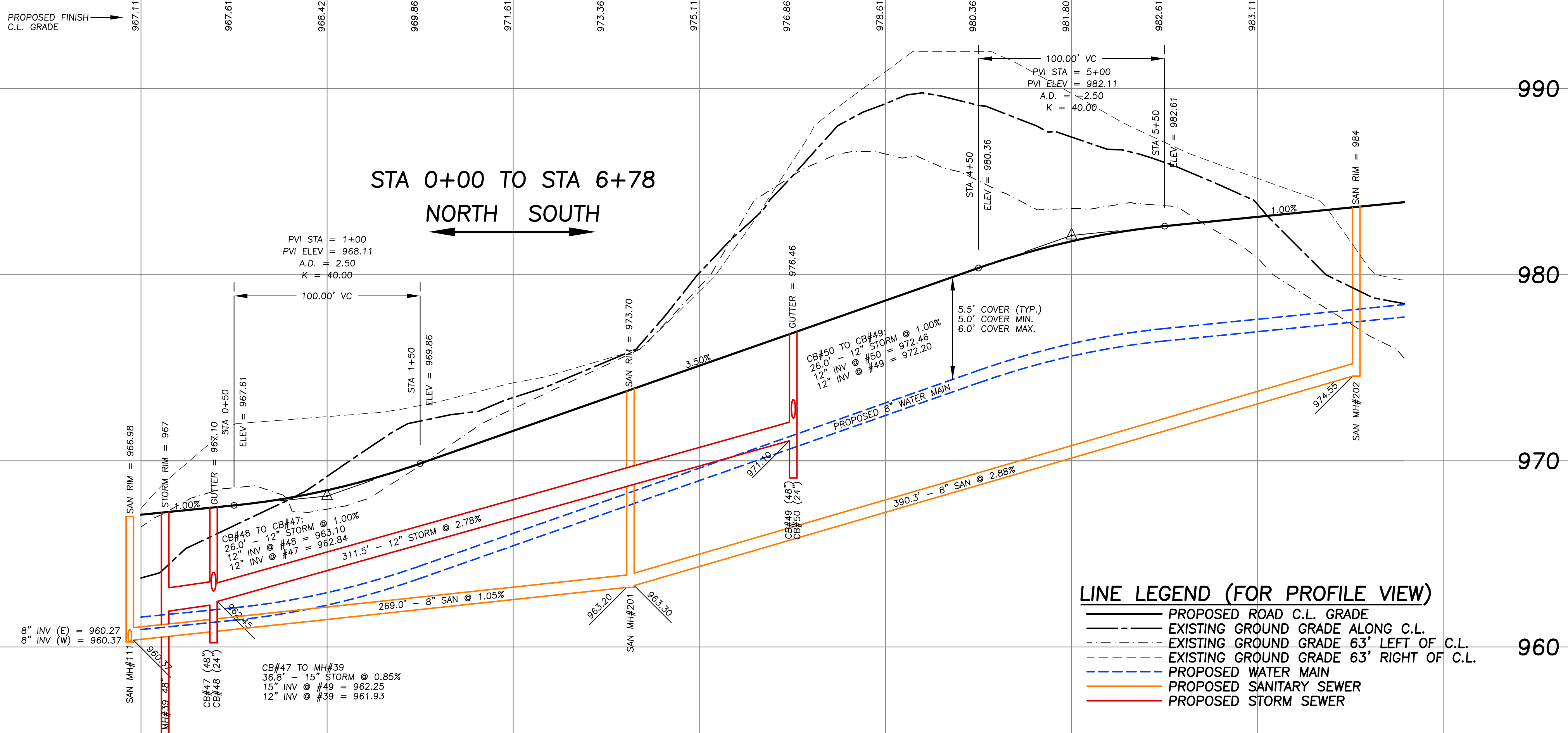
LEGEND

- EXISTING PUBLIC SANITARY SEWER
- PROPOSED 8" PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- PROPOSED PRIVATE STORM SEWER
- EXISTING PUBLIC WATER MAIN
- PROPOSED 8" PUBLIC WATER MAIN OR PRIVATE 1.25" COPPER WATER SERVICE
- EDGE OF PROPOSED UTILITY EASEMENT
- EDGE OF PROPOSED 5.0' WIDE CONCRETE WALK
- PROPOSED 2.0' WIDE CONCRETE ROLL CURB
- 85** PROPOSED UNIT #
- BUILDING SETBACK LINE
- * SUGGESTED STREET LIGHT LOCATION
- + PROPOSED STREET SIGN

NOTE: LOCATIONS OF WATER SERVICES AND SEWER LEADS TO EACH UNIT ARE PENDING.



0+00 1+00 2+00 3+00 4+00 5+00 6+00 7+00



LINE LEGEND (FOR PROFILE VIEW)

- PROPOSED ROAD C.L. GRADE
- EXISTING GROUND GRADE ALONG C.L.
- EXISTING GROUND GRADE 63' LEFT OF C.L.
- EXISTING GROUND GRADE 63' RIGHT OF C.L.
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER

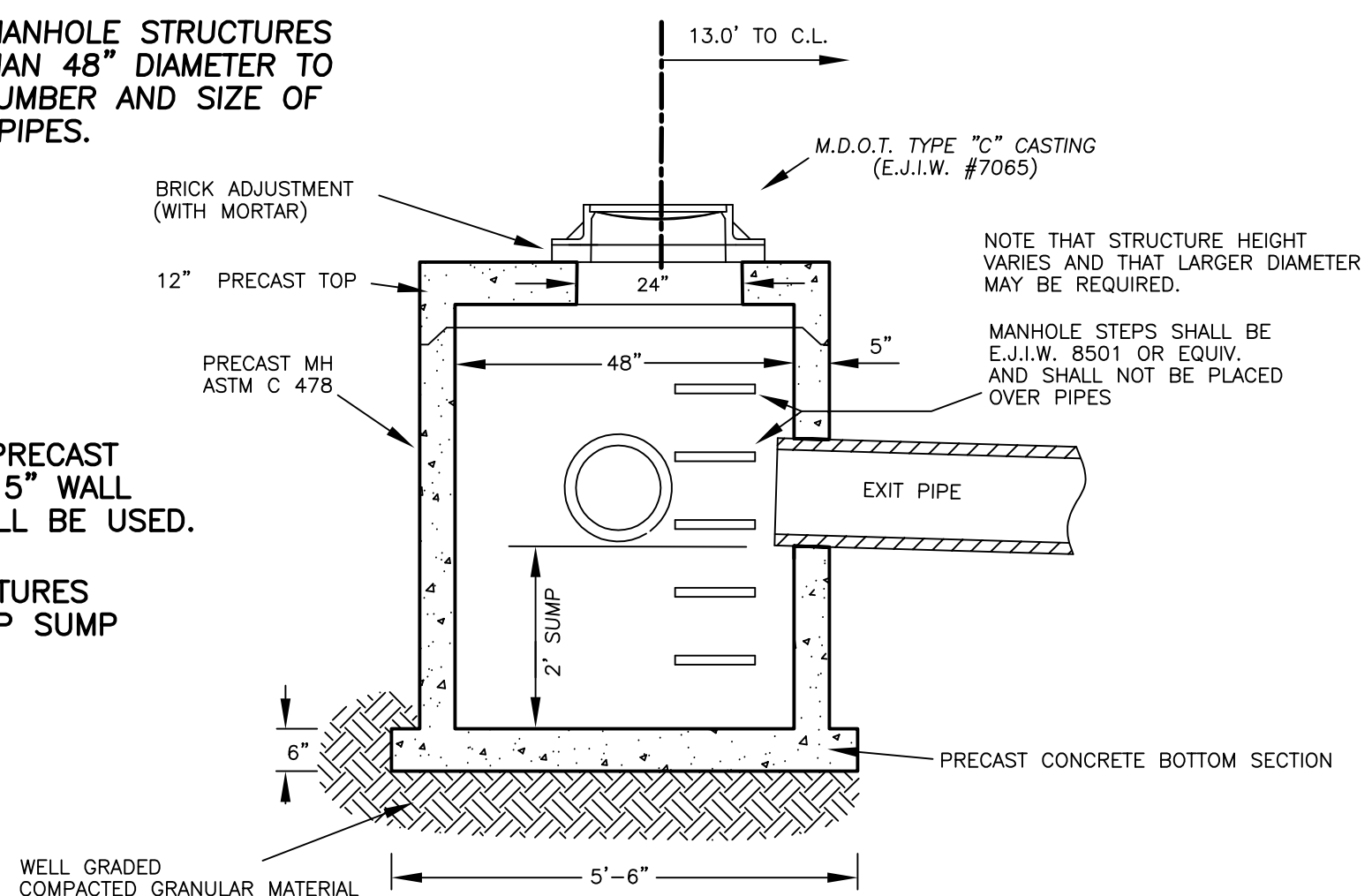


CONSTRUCTION DETAILS

*NOTE: SOME MANHOLE STRUCTURES ARE LARGER THAN 48" DIAMETER TO ACCOMMODATE NUMBER AND SIZE OF STORM SEWER PIPES.

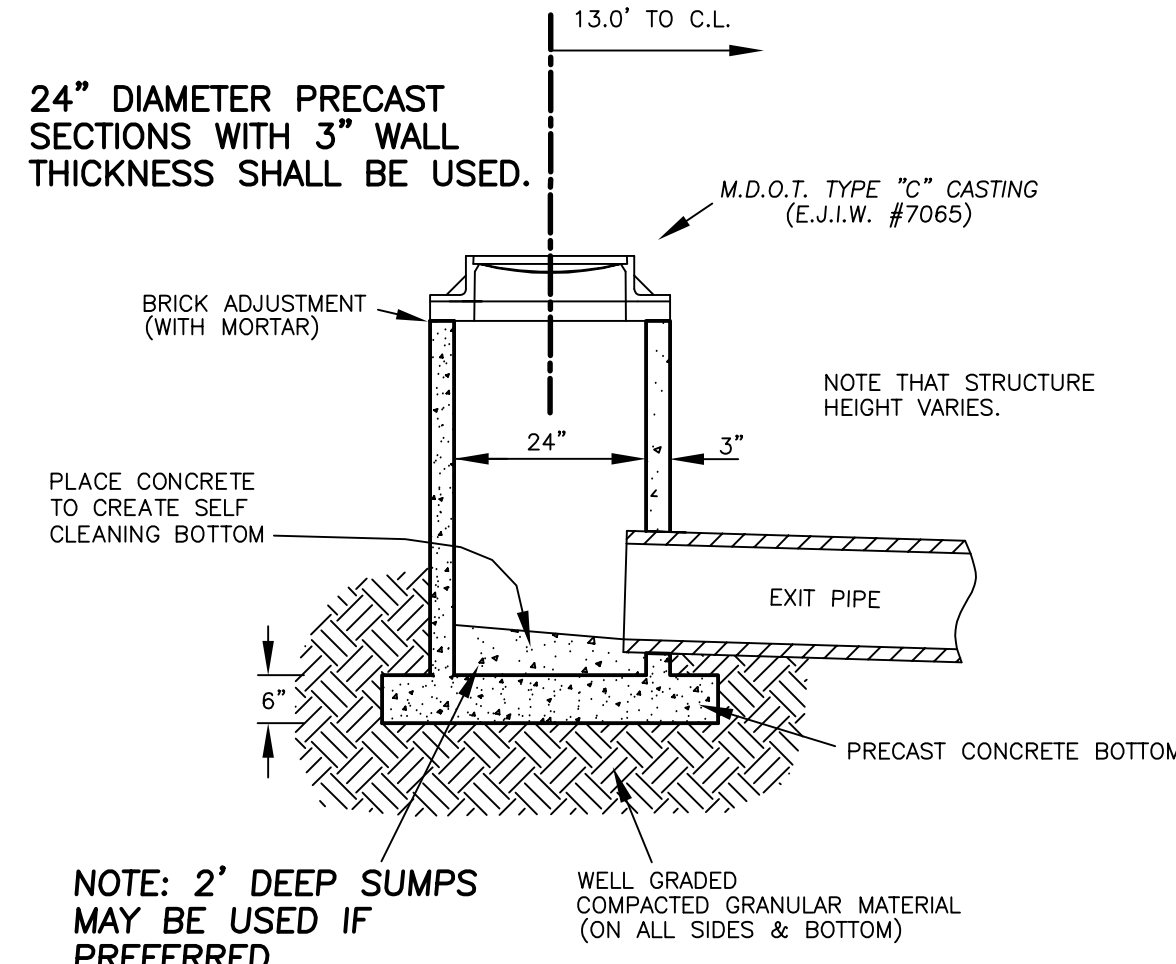
48" DIAMETER PRECAST SECTIONS WITH 5" WALL THICKNESS SHALL BE USED.

ALL 48" STRUCTURES HAVE A 2' DEEP SUMP

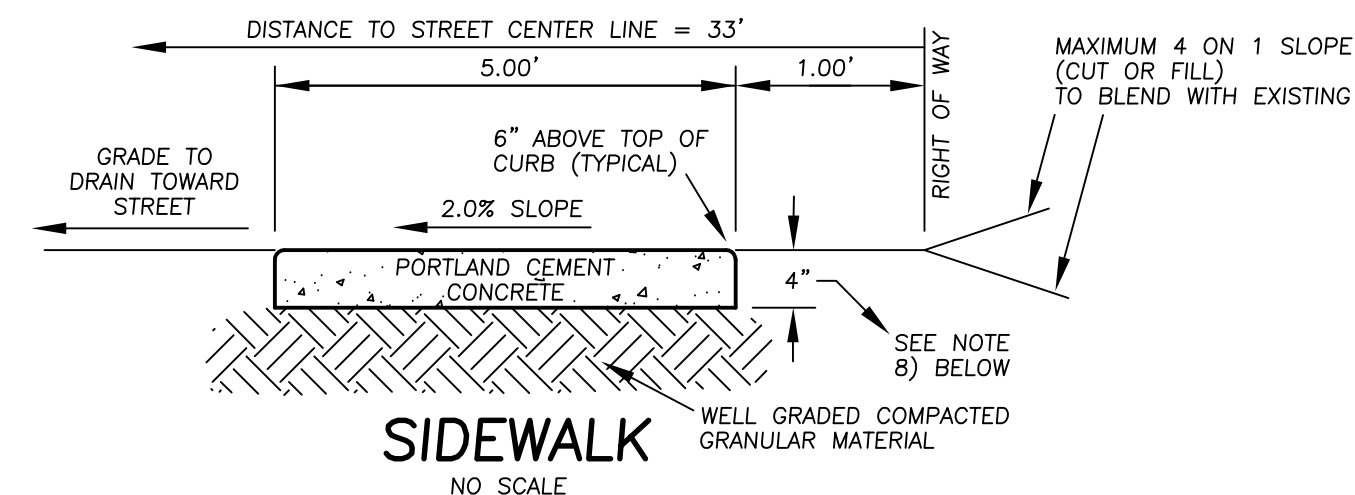


48" STORM SEWER CATCH BASIN/MANHOLE W/FLAT TOP
NO SCALE

24" DIAMETER PRECAST SECTIONS WITH 3" WALL THICKNESS SHALL BE USED.



24" STORM SEWER INLET
NO SCALE



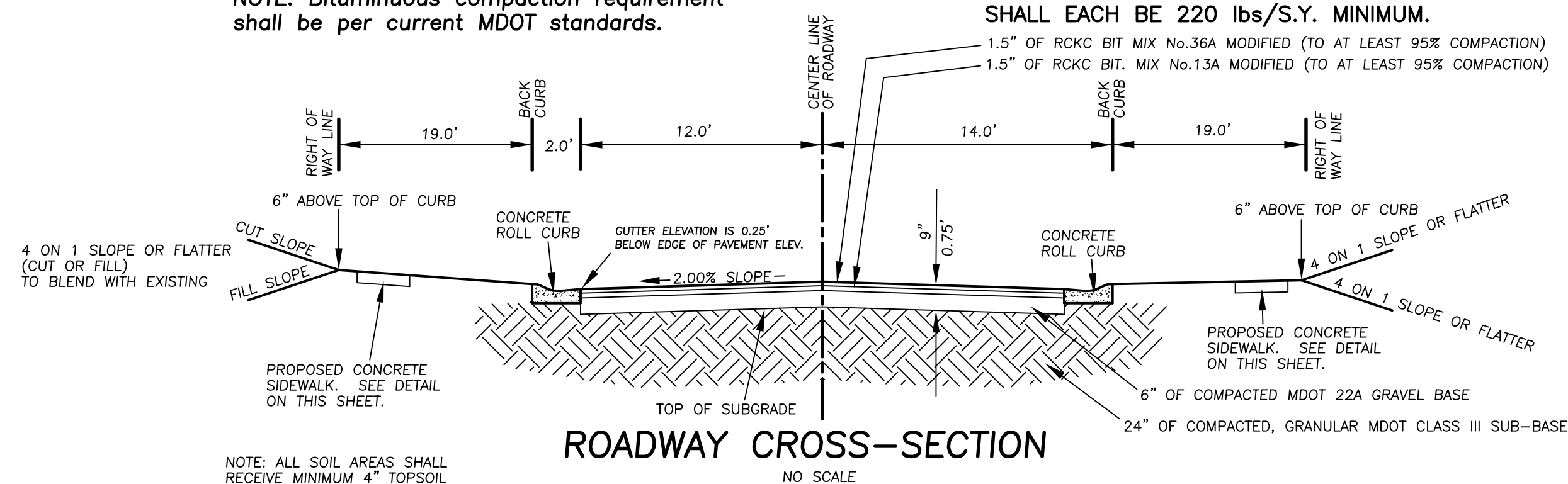
SIDEWALK
NO SCALE

NOTES:
1) CONCRETE SHALL BE MDOT GRADES 35P OR 35S, AND MEET THE FOLLOWING REQUIREMENTS:
• ALL AGGREGATES SHALL BE LIMESTONE OR SLAG MATERIAL
• ENTRAINED AIR = 6 TO 8 PERCENT
• COMPRESSIVE STRENGTH AT 28 DAYS = 3500 P.S.I.
• SLUMP = 1.5 TO 3 INCHES
• MODULUS OF RUPTURE AT 28 DAYS = 650 P.S.I.
• MINIMUM PORTLAND CEMENT CONTENT = 5.50 SACKS PER CUBIC YARD
2) ONE (1) INCH TRANSVERSE EXPANSION JOINTS SHALL BE PLACED AT UNIFORM INTERVALS OF NOT MORE THAN 50 FEET.
3) PLANE OF WEAKNESS JOINTS SHALL BE PLACED AT UNIFORM INTERVALS OF FOUR (4) FEET.
4) ALL JOINTS SHALL BE CONSTRUCTED AT RIGHT ANGLES TO THE CENTERLINE OF THE WALK.
5) ALL EDGES AND JOINTS SHALL BE PROPERLY TOOLED.
6) THE SURFACE SHALL BE FINISHED WITH A WOOD FLOAT OR BRUSH TO PROVIDE A NON-SLIP SURFACE.
7) CONCRETE SHALL BE CURED IN A PROPER AND REASONABLE MANNER.
8) WALK WITHIN DRIVEWAY AREAS SHALL BE SIX (6) INCHES THICK.

NOTE: Within all Roads, all unsuitable material must be removed to a depth of 2' below top of subgrade (or as directed by the developer) and backfilled with MDOT Granular Material Class III.

NOTE: Bituminous compaction requirement shall be per current MDOT standards.

NOTE: SURFACE AND BASE COURSE OF PAVEMENT SHALL EACH BE 220 lbs/S.Y. MINIMUM.

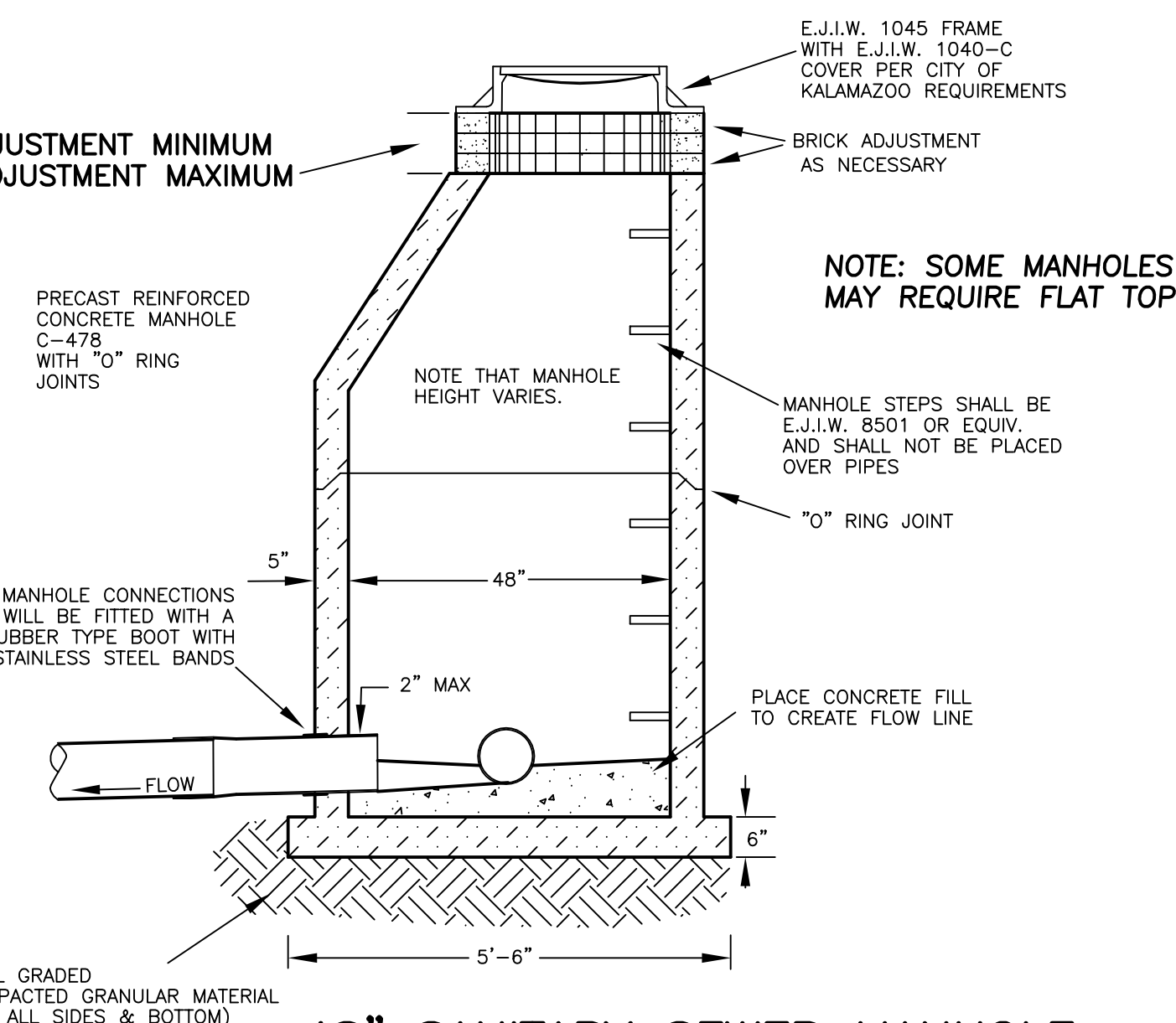


ROADWAY CROSS-SECTION
NO SCALE

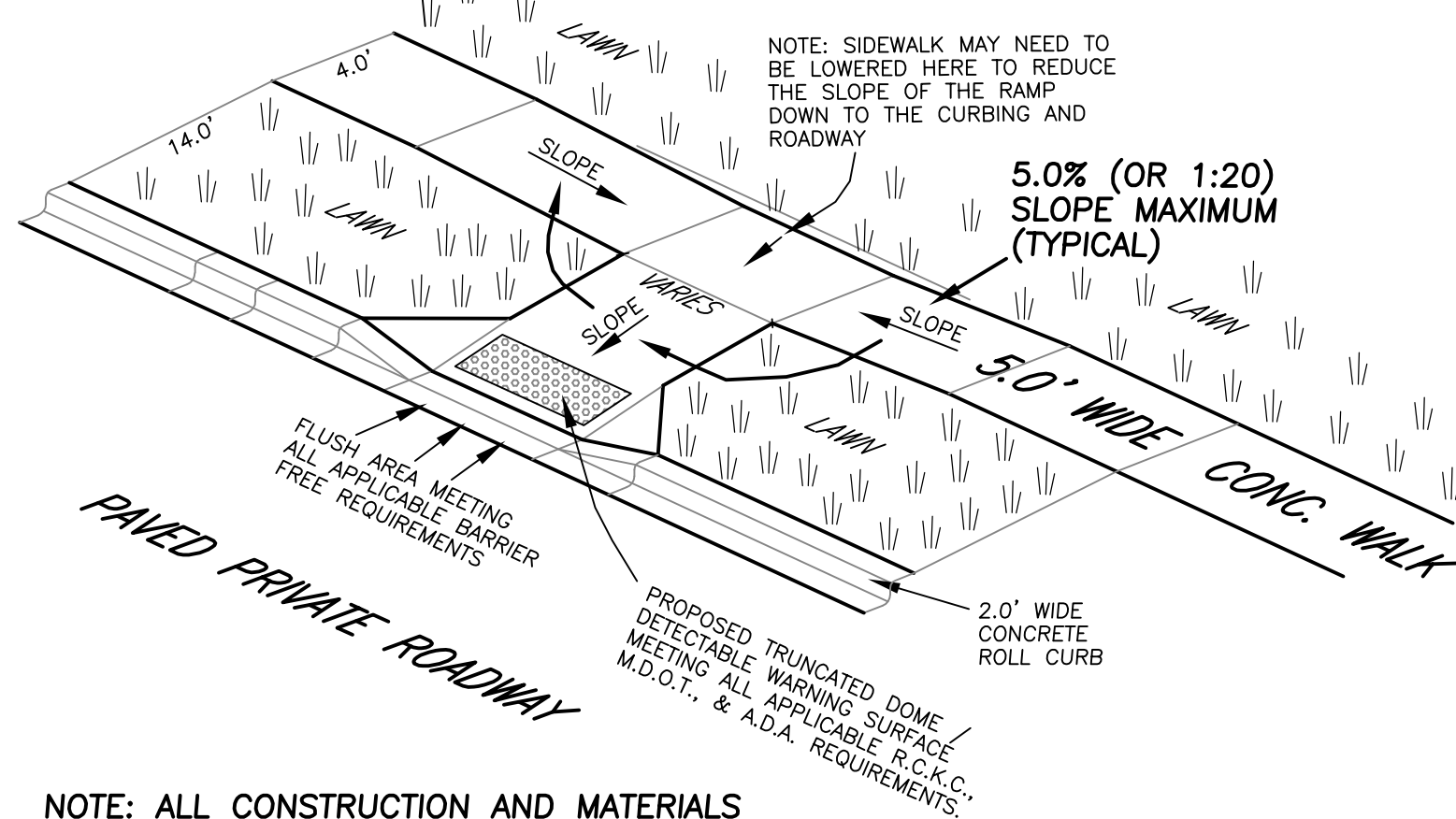
NOTE: ALL SOIL AREAS SHALL RECEIVE MINIMUM 4" TOPSOIL AND GRASS SEED.

NOTE: CONTRACTOR SHALL SPECIFY UNDERCUTTING PROVISIONS AND PRICES WITHIN BID.

NOTE: 6" ADJUSTMENT MINIMUM
12" ADJUSTMENT MAXIMUM



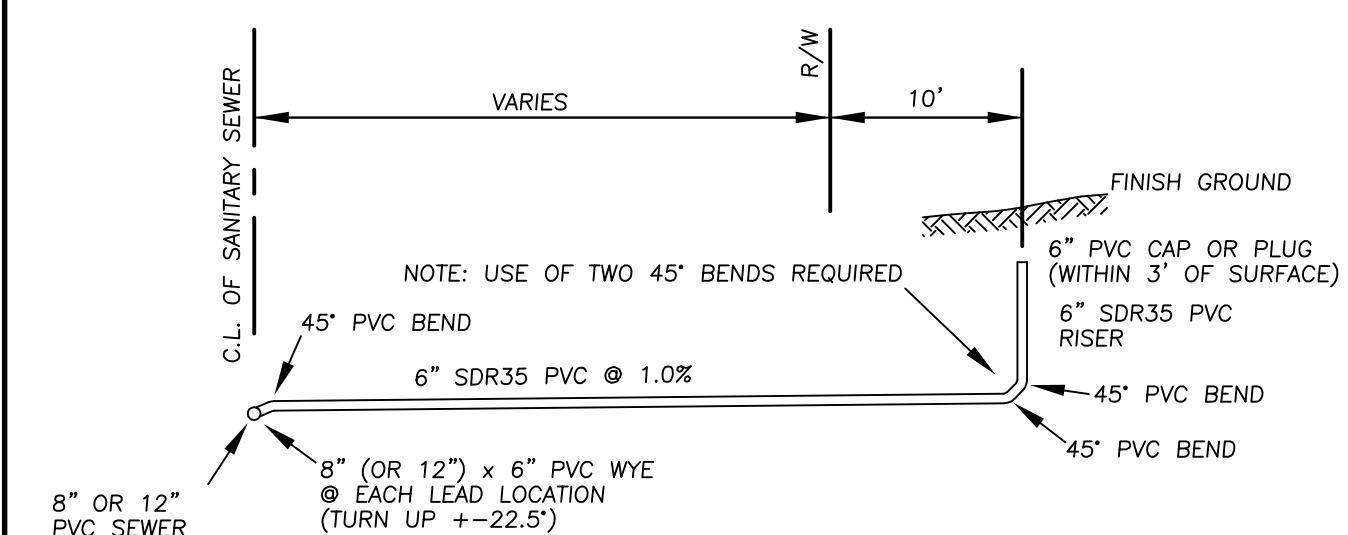
48" SANITARY SEWER MANHOLE
NO SCALE



NOTE: ALL CONSTRUCTION AND MATERIALS RELATED TO BARRIER FREE RAMPS SHALL COMPLY WITH M.D.O.T., R.C.K.C. AND A.D.A. BARRIER FREE REQUIREMENTS.

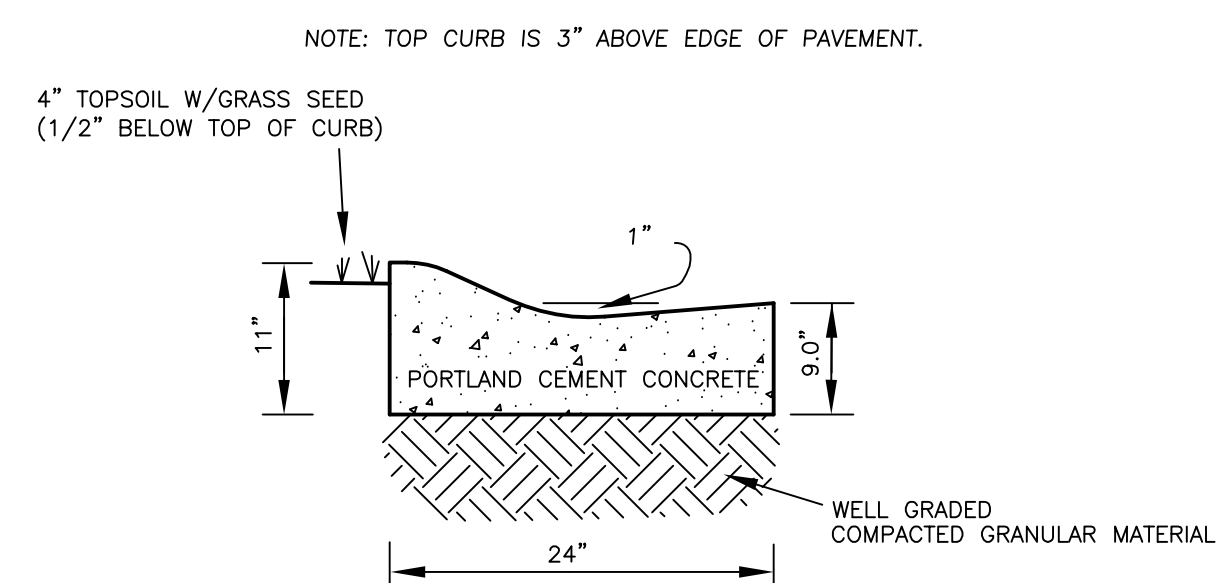
BARRIER FREE RAMP DETAIL
(NOT TO SCALE)

NOTE: RISER MAY BE ELIMINATED IF DEPTH OF LEAD IS LESS THAN 5' AND WITH APPROVAL OF THE TOWNSHIP ENGINEER.



SANITARY SEWER LEAD
NO SCALE

NOTES:
1) ALSO SEE ANY DETAIL BY TOWNSHIP ENGINEER.
2) BEDDING AND COMPACTION SHALL BE PER TOWNSHIP STANDARD SPECIFICATIONS.
3) 4" x 4" RISER MARKER STAKE REQUIRED AT EACH RISER LOCATION WITH 1/2" x 18" MIN. STEEL REBAR SECURELY ATTACHED TO MARKER POST.



CONCRETE ROLL CURB
NO SCALE

(ALSO REFERRED TO AS "MOUNTABLE CONCRETE CURB & GUTTER" BY THE ROAD COMMISSION OF KALAMAZOO COUNTY)

ALSO SEE FIGURE II WITHIN THE ROAD COMMISSION OF KALAMAZOO COUNTY'S PROCEDURES, GUIDELINES, AND SPECIFICATIONS FOR DEVELOPING NEW PUBLIC ROADS

CONSTRUCTION NOTES

GENERAL NOTES

- CONTRACTOR SHALL NOTIFY MISS DIG AT 1-800-482-7171 72 HOURS PRIOR TO THE START OF CONSTRUCTION.
- LOCATIONS OF UNDERGROUND UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. ADDITIONAL UNDERGROUND UTILITIES MAY EXIST ON THIS SITE WHICH ARE NOT SHOWN ON THESE PLANS. CONTRACTOR SHALL BE RESPONSIBLE TO LOCATE AND PROTECT ALL UTILITIES ON SITE, WHETHER SHOWN ON THESE PLANS OR NOT.
- CONTRACTOR SHALL PROVIDE ALL SIGNS, FENCING, LIGHTS, BARRICADES, ETC. NECESSARY TO PROVIDE FOR PUBLIC SAFETY DURING CONSTRUCTION.
- REQUESTS FOR CONSTRUCTION STAKING SHALL BE DIRECTED TO THE ENGINEER A MINIMUM OF 48 HOURS PRIOR TO THEIR ACTUAL NEED.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH ALL UTILITY COMPANIES FOR THE PROTECTION AND/OR RELOCATION OF EXISTING UTILITIES.
- ALL MATERIALS PLACED DURING CONSTRUCTION SHALL BE IN NEW CONDITION, SHALL BE FREE FROM DEFECTS AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE TOWNSHIP, CITY, OWNER AND/OR THEIR REPRESENTATIVES.
- ALL CONSTRUCTION SHALL BE SUBJECT TO CONSTRUCTION INSPECTION & APPROVAL BY THE TOWNSHIP, CITY, OWNER AND/OR THEIR REPRESENTATIVES.

CONSTRUCTION NOTES

- ALL PIPE LENGTH DISTANCES ARE FROM CENTER TO CENTER OF STRUCTURE.
- ALL TRENCHING AND BACKFILLING FOR UTILITIES SHALL COMPLY WITH APPLICABLE REQUIREMENTS.
- ALL CONSTRUCTION SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL RULES, REQUIREMENTS, AND LAWS.

SANITARY SEWER NOTES

- ALL SANITARY SEWER PIPE SHALL BE 6", 8" OR 12" SDR35 OR SDR26 PVC AND SHALL COMPLY WITH ASTM D 3034. PIPE SHALL BE INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS.
- ALL 8" SANITARY SEWER INSTALLATION; ALL SANITARY SEWER MANHOLE CONSTRUCTION; AND ALL OTHER SANITARY SEWER CONSTRUCTION SHALL CONFORM WITH OSHTEMO TOWNSHIP & CITY OF KALAMAZOO REQUIREMENTS AND SPECIFICATIONS & SHALL BE SUBJECT TO THEIR FULL-TIME INSPECTION AND APPROVAL.

STORM SEWER NOTES

- CORRUGATED POLYETHYLENE PIPE ("CPE") SHALL BE ADS N-12, HANCOR, OR EQUIV. (DUAL WALL, SMOOTH INSIDE, CORRUGATED OUTSIDE, NO PERFORATIONS, PREMIUM JOINTS) AND SHALL COMPLY WITH AASHTO M 294. PIPE SHALL BE INSTALLED IN ACCORDANCE WITH ROAD COMMISSION/MDOT REQUIREMENTS AND SPEC'S.
- ALL STORM SEWER PIPE SHALL BE PROVIDED WITH A MINIMUM 3.0' OF COMPACTED EARTH COVER DURING CONSTRUCTION (EXCEPT "RCP" PIPE).
- REINFORCED CONCRETE STORM SEWER PIPE SHALL BE C-76 CLASS IV (MDOT TYPE 3) AND SHALL COMPLY WITH ROAD COMMISSION OF KALAMAZOO COUNTY'S AND MDOT SPEC'S.
- ALL 48" DRAINAGE STRUCTURES SHALL BE CONSTRUCTED WITH A 2' SUMP. ALL 24" DRAIN STRUCTURES SHALL NOT HAVE A SUMP.

WATER MAIN NOTES

- WATER MAIN SHALL BE A CITY OF KALAMAZOO / OSHTEMO TOWNSHIP PUBLIC WATER MAIN SYSTEM. EASEMENT SHALL BE GRANTED TO CITY OF KALAMAZOO & TEXAS TOWNSHIP. SYSTEM SHALL BE DESIGNED TO COMPLY WITH TEXAS TOWNSHIP AND CITY OF KALAMAZOO REQUIREMENTS. ALL WATER MAIN AND APPURTENANCES (MATERIALS AND INSTALLATION) SHALL COMPLY WITH CITY OF KALAMAZOO STANDARD SPECIFICATIONS FOR WATER MAIN, HYDRANT, AND VALVE INSTALLATION.

SOIL EROSION CONTROL NOTES

- ALL CONSTRUCTION SHALL COMPLY WITH THE SOIL EROSION AND SEDIMENTATION CONTROL ACT (ACT 451, P.A. 1994, AS AMENDED) AS ADMINISTERED BY THE COUNTY OF KALAMAZOO.
- EARTHWORK CONTRACTORS SHALL BE RESPONSIBLE FOR THE FOLLOWING:
 - BERMING OR FILTERING OF PROPERTY LINES AT ALL LOCATIONS WHERE EROSION COULD OCCUR.
 - PROTECTION OF ALL EXISTING AND NEWLY CONSTRUCTED STORM SEWER STRUCTURES, WHETHER ADJACENT TO OR ON THE SITE.
 - MINIMIZATION OF TRACKING OF MATERIAL OFF-SITE.
 - SWEEPING & CLEANING OF ADJACENT STREETS AS NECESSARY.
 - COMPLYING WITH SOIL EROSION CONTROL PERMIT & STATE LAWS.

NOTE: All work must comply with the provisions of Part 91 of the Erosion and Sedimentation Control Act of the Natural Resources and Environmental Protection Act P.A. 451 of 1994, as amended, and as administered by the KCD, or local jurisdiction

RESTORATION NOTES

- ALL DISTURBED AREAS SHALL BE RESTORED WITH MINIMUM 4" TOPSOIL, GRASS SEED, AND MULCH.
- ALL SEEDING AND RESTORATION SHALL COMPLY WITH M.D.O.T. AND K.C.R.C. SPECIFICATIONS AND REQUIREMENTS.
- EXISTING STREETS SHALL BE RESTORED TO A CONDITION AT LEAST EQUAL TO THAT WHICH EXISTED PRIOR TO CONSTRUCTION.
- EROSION CONTROL BLANKETS SHALL BE USED ON ALL DISTURBED AREAS WITH SLOPES STEEPER THAN 4H:1V AND WITHIN 10' OF YARD DRAINS AND CATCH BASINS LOCATED IN TURF AREAS.

RIP RAP PAD NOTES

- RIP RAP PADS SHALL BE CONSTRUCTED OF 8" TO 12" ROUNDED STONES. STONE LAYER SHALL BE 4-16" DEEP. STONES SHALL BE PLACED SO AS TO PREVENT MOVEMENT. ONE LAYER OF GEOTEXTILE FABRIC SHALL BE PLACED UNDER RIP RAP.

PRIVATE UTILITY NOTES

- UNDERGROUND ELECTRIC, NATURAL GAS, TELEPHONE, AND CABLE TV PRIVATE UTILITIES SHALL BE SIZED & INSTALLED BY UTILITY OWNERS.

TREE AND BRUSH REMOVAL NOTES

- TREES, STUMPS, BRUSH AND OTHER VEGETATIVE MATERIAL SHALL BE REMOVED FROM CONSTRUCTION AREA AND DISPOSED OF BY CONTRACTOR. MATERIAL SHALL BE DISPOSED OF BY A METHOD WHICH MEETS OWNER'S APPROVAL AND COMPLIES WITH GOVERNING BODY REQUIREMENTS.

CONSTRUCTION DETAILS & NOTES

"TOURNESOL"

PART OF THE SOUTH 1/2 OF SECTION 34, T. 2 S., R. 12 W., OSHTEMO TWP., KALAMAZOO COUNTY, MI

MONUMENT ENGINEERING GROUP ASSOC., INC.

Formerly Ingersoll, Watson & McMachen, Inc.

1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165

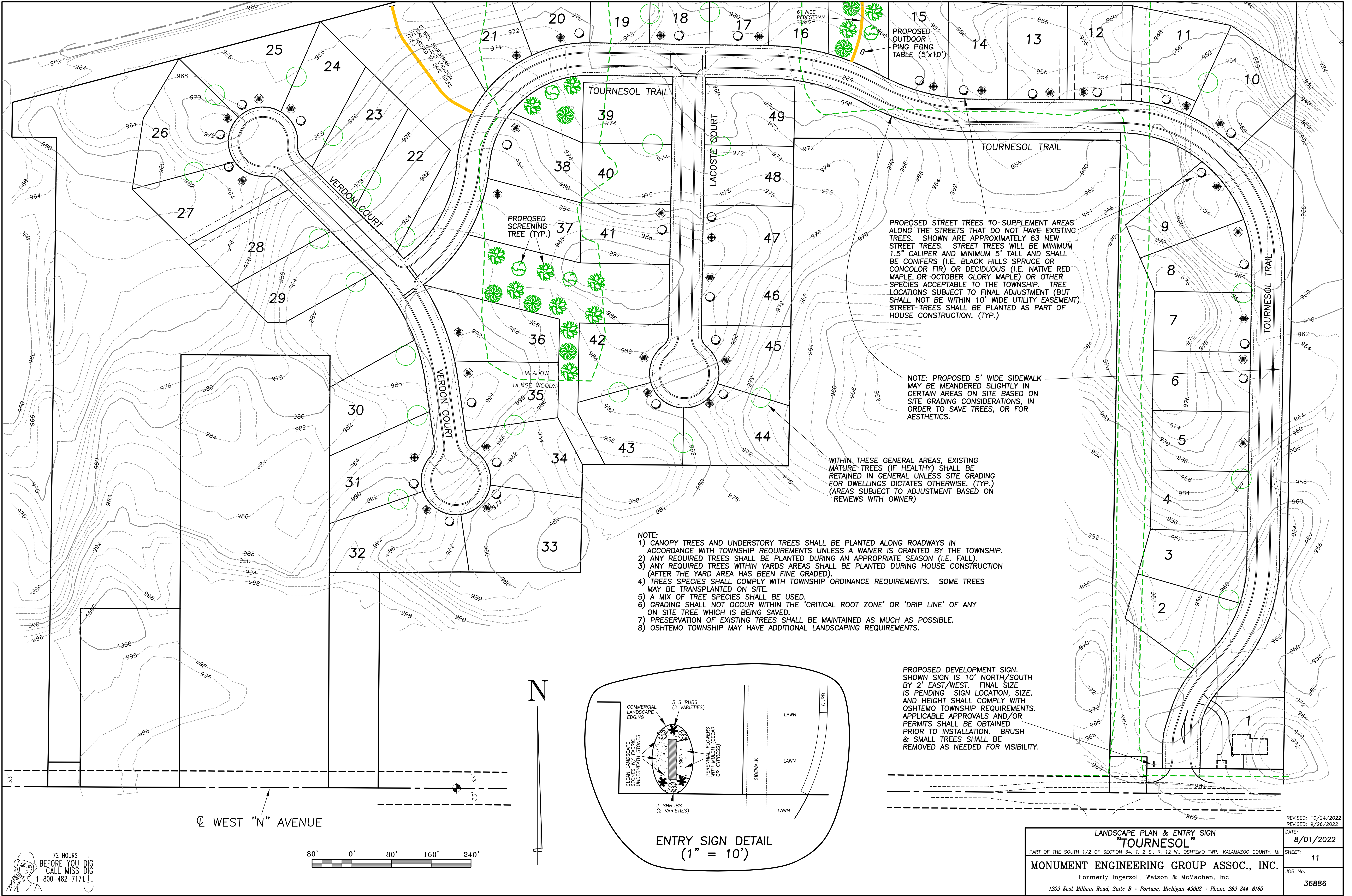
DATE: 7/04/2022

SHEET: 10

JOB No.: 36886



72 HOURS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171



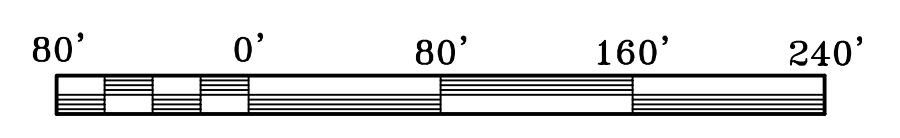
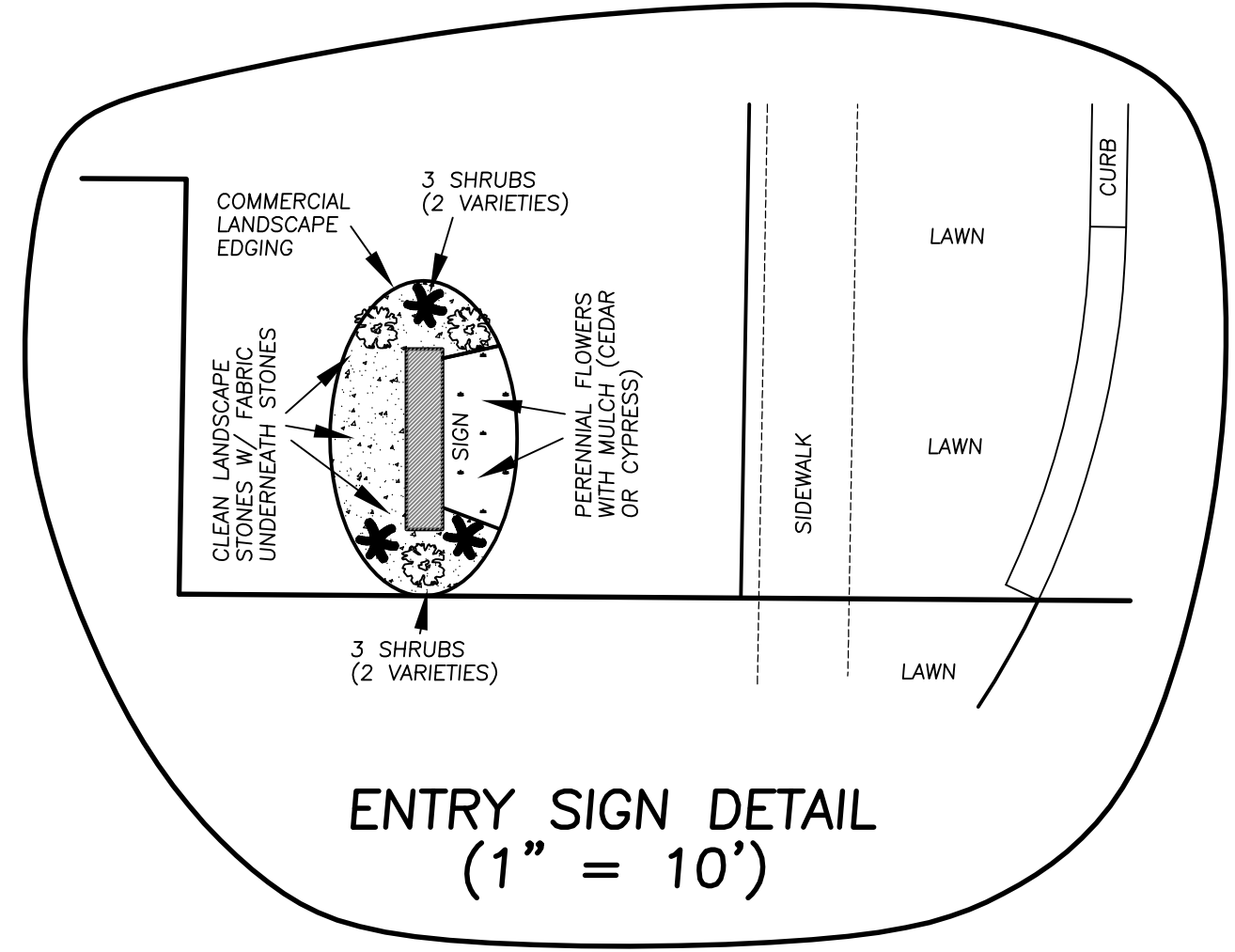
PROPOSED STREET TREES TO SUPPLEMENT AREAS ALONG THE STREETS THAT DO NOT HAVE EXISTING TREES. SHOWN ARE APPROXIMATELY 63 NEW STREET TREES. STREET TREES WILL BE MINIMUM 1.5" CALIPER AND MINIMUM 5' TALL AND SHALL BE CONIFERS (I.E. BLACK HILLS SPRUCE OR CONCOLOR FIR) OR DECIDUOUS (I.E. NATIVE RED MAPLE OR OCTOBER GLORY MAPLE) OR OTHER SPECIES ACCEPTABLE TO THE TOWNSHIP. TREE LOCATIONS SUBJECT TO FINAL ADJUSTMENT (BUT SHALL NOT BE WITHIN 10' WIDE UTILITY EASEMENT). STREET TREES SHALL BE PLANTED AS PART OF HOUSE CONSTRUCTION. (TYP.)

NOTE: PROPOSED 5' WIDE SIDEWALK MAY BE MEANDERED SLIGHTLY IN CERTAIN AREAS ON SITE BASED ON SITE GRADING CONSIDERATIONS, IN ORDER TO SAVE TREES, OR FOR AESTHETICS.

WITHIN THESE GENERAL AREAS, EXISTING MATURE TREES (IF HEALTHY) SHALL BE RETAINED IN GENERAL UNLESS SITE GRADING FOR DWELLINGS DICTATES OTHERWISE. (TYP.) (AREAS SUBJECT TO ADJUSTMENT BASED ON REVIEWS WITH OWNER)

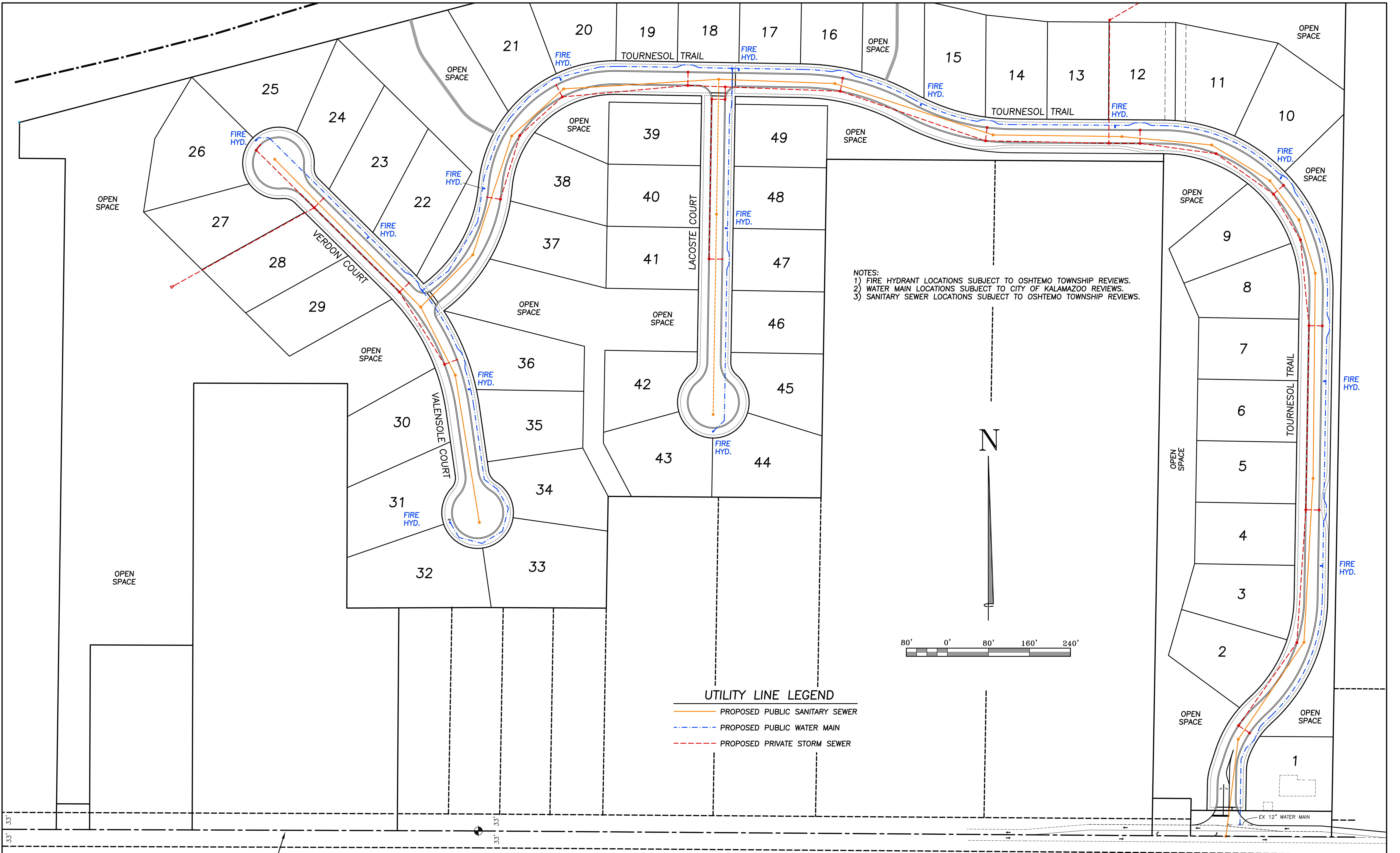
- NOTE:
- 1) CANOPY TREES AND UNDERSTORY TREES SHALL BE PLANTED ALONG ROADWAYS IN ACCORDANCE WITH TOWNSHIP REQUIREMENTS UNLESS A WAIVER IS GRANTED BY THE TOWNSHIP.
 - 2) ANY REQUIRED TREES SHALL BE PLANTED DURING AN APPROPRIATE SEASON (I.E. FALL).
 - 3) ANY REQUIRED TREES WITHIN YARDS AREAS SHALL BE PLANTED DURING HOUSE CONSTRUCTION (AFTER THE YARD AREA HAS BEEN FINE GRADED).
 - 4) TREES SPECIES SHALL COMPLY WITH TOWNSHIP ORDINANCE REQUIREMENTS. SOME TREES MAY BE TRANSPLANTED ON SITE.
 - 5) A MIX OF TREE SPECIES SHALL BE USED.
 - 6) GRADING SHALL NOT OCCUR WITHIN THE 'CRITICAL ROOT ZONE' OR 'DRIP LINE' OF ANY ON SITE TREE WHICH IS BEING SAVED.
 - 7) PRESERVATION OF EXISTING TREES SHALL BE MAINTAINED AS MUCH AS POSSIBLE.
 - 8) OSHTEMO TOWNSHIP MAY HAVE ADDITIONAL LANDSCAPING REQUIREMENTS.

PROPOSED DEVELOPMENT SIGN. SHOWN SIGN IS 10' NORTH/SOUTH BY 2' EAST/WEST. FINAL SIZE IS PENDING SIGN LOCATION, SIZE, AND HEIGHT SHALL COMPLY WITH OSHTEMO TOWNSHIP REQUIREMENTS. APPLICABLE APPROVALS AND/OR PERMITS SHALL BE OBTAINED PRIOR TO INSTALLATION. BRUSH & SMALL TREES SHALL BE REMOVED AS NEEDED FOR VISIBILITY.



LANDSCAPE PLAN & ENTRY SIGN "TOURNESOL"		DATE: 8/01/2022
PART OF THE SOUTH 1/2 OF SECTION 34, T. 2 S., R. 12 W., OSHTEMO TWP., KALAMAZOO COUNTY, MI		SHEET: 11
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Ingersoll, Watson & McMachen, Inc.		JOB No.: 36886
1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165		

REVISED: 10/24/2022
REVISED: 9/26/2022



NOTES:
 1) FIRE HYDRANT LOCATIONS SUBJECT TO OSHTEMO TOWNSHIP REVIEWS.
 2) WATER MAIN LOCATIONS SUBJECT TO CITY OF KALAMAZOO REVIEWS.
 3) SANITARY SEWER LOCATIONS SUBJECT TO OSHTEMO TOWNSHIP REVIEWS.

UTILITY LINE LEGEND
 — PROPOSED PUBLIC SANITARY SEWER
 - - - PROPOSED PUBLIC WATER MAIN
 - - - PROPOSED PRIVATE STORM SEWER

WEST "N" AVENUE



LAYOUT FOR WATER MAIN, SANITARY SEWER, & STORM SEWER		DATE: 8/01/2022
"TOURNESOL"		SHEET: 1 of 2
PART OF THE SOUTH 1/2 OF SECTION 34, T. 2 S., R. 12 W., OSHTEMO TWP., KALAMAZOO COUNTY, MI		JOB No.: 36886
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Ingersoll, Watson & McMachen, Inc.		
1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165		

**MASTER DEED
TOURNESOL CONDOMINIUMS**

This Master Deed is made and executed on this _____ day of _____, 2022, by Hinter Properties, L.L.C, a Michigan limited liability company, hereinafter referred to as “Developer”, whose post office address is _____, in pursuance of the provisions of the Michigan Condominium Act (being Act 59 of the Public Acts of 1978, as amended), hereinafter referred to as the “Act”.

WHEREAS, the Developer desires by recording this Master Deed, together with the Declaration of Building Restrictions and Covenants attached hereto as Exhibit A and together with the Condominium Subdivision Plan attached here to as Exhibit B (both of which are hereby incorporated herein by reference and made a part hereof), to establish the real property described in Article II below, together with the improvements located and to be located thereon, and the appurtenances thereto, as a residential Condominium Project under the provisions of the Act.

NOW, THEREFORE, the Developer does, upon the recording hereof, establish Tournesol Condominiums as a Condominium Project under the Act and does declare that Tournesol Condominiums (hereinafter referred to as the “Condominium”, “Project” or the “Condominium Project”) shall, after such establishment, be held, conveyed, hypothecated, encumbered, leased, rented, occupied, improved, or in other manner utilized, subject to the provisions of the Act, and to covenants, conditions , restrictions, uses, limitations and affirmative obligations set forth in this Master Deed and Exhibits A and B hereto, all of which shall deemed to run with the land and shall be a burden and a benefit to the Developer, its successors and assigns, and any persons acquiring or owning an interest in the Condominium Premises, their grantees, successors, heirs, personal preventatives and assigns. In Furtherance of the establishment of the Condominium Project, it is proved as follows:

ARTICLE I

TITLE AND NATURE

The Condominium Project shall be known as Tournesol Condominiums, Kalamazoo County Condominium Subdivision Plan No. _____. The Condominium Project is established in accordance with the Act. The buildings and Units contained in the Condominium, including the number, boundaries, dimensions, area and volume of each Unit therein, are set forth completely the Condominium Subdivision Plan attached as Exhibit B hereto. Each building contains individual Units for residential purposes and each UNIT is capable of individual utilization on account of having its own entrance from and exit to the Common Element or the Condominium Project. Each Co-owner in the Condominium Project shall have an exclusive right to his Unit and shall have undivided and inseparable rights to share with other Co-owners the Common Elements of the Condominium Project as are designated by the Master Deed.

ARTICLE II

LEGAL DESCRIPTION

The land which is submitted to the Condominium Project established by this Master Deed is particularly described as follows:

Currently being processed. (All Units, Common Elements including Open Spaces set aside as an irrevocable conveyance described here in.)

Excepting there from any portion taken, deeded or used for public road purposes, and subject to all easements and restrictions of record and all governmental limitations.

ARTICLE III

DEFINITIONS

Certain terms are utilized not only in this Master Deed and Exhibits A and B hereto, but are or may be used in various other instruments such as, by way of example and not limitation, the Articles of Incorporation and rules and regulations of the _____, a Michigan non-profit corporation, and deeds, mortgages, liens, land contracts, easements and other instruments affecting the establishment of, or transfer of, interests in _____ as a condominium. Wherever used in such documents or any other pertinent instruments, the terms set forth below shall be defined as follows:

Section 1. Act. The “Act” means the Michigan Condominium Act, being Act 59 of the Public Acts of 1978, as amended.

Section 2. Association. “Association” means _____, which is organized under Michigan law of which all Co-owners shall be members, which corporation shall administer, operate, manage and maintain the Condominium. Any action required of or permitted to the Association shall be exercisable by its Board of Directors unless specifically reserved to its members by the Condominium Documents or the laws of the State of Michigan.

Section 3. Bylaws. “Bylaws” means Exhibit A hereto, being the Bylaws setting forth the substantive rights and obligations of the Co-owners and required by Section 3(8) of the Act to be recorded as part of the Master Deed. The Bylaws shall also constitute the corporate bylaws of the Association as provided for under the Michigan Nonprofit Corporation Act.

Section 4. Common Elements. “Common Elements”, where used without modification, means both the General and Limited Common Elements described in Article IV hereof.

Section 5. Condominium Documents. “Condominium Documents” means and includes this Master Deed and Exhibits A and B hereto, and the Articles of Incorporation, and rules and regulations, if any, of the Association, as all of the same may be amended from time to time.

Section 6. Condominium Premises. “Condominium Premises. “Condominium Premises” means and includes the land described in Article II above, all improvements and structures thereon, and all easements, rights and appurtenances belonging to _____ as described above.

Section 7. Condominium Project, Condominium or Project. “Condominium Project”, “Condominium” or “Project” means _____, a Condominium Project established in conformity with the provisions of the Act.

Section 8. Condominium Subdivision Plan. “Condominium Subdivision Plan” means Exhibit B hereto.

Section 9. Construction and Sales Period. “Construction and Sales Period” means the period commencing with the recording of the Master Deed and continuing as long as the Developer owns any Unit which it offers for sale or for so long as the Developer continues to construct or proposes to construct additional Units.

Section 10. Co-Owner. “Co-owner” means a person, firm, corporation, partnership, association, trust or other legal entity or any combination thereof who or which own one or more Units in the Condominium Project and shall include a Land Contract Vendee. The term “Owner”, where ever used, shall be synonymous with the term “Co-owner”.

Section 11. Developer. “Developer” means _____, a Michigan limited liability company, which has made and executed this Master Deed, and its successors and assigns. Both successors and assigns shall always be deemed to be included within the term “Developer” whoever, however, and wherever such terms are used in the Condominium Documents.

Section 12. First Annual Meeting. “First Annual Meeting” means the initial meeting at which non-developer Co-owners are permitted to cote for the election of all Directors and upon all other matters which properly may be brought before the meeting. Such meeting is to be held (a) in the Developer’s sole discretion after 50% of the Units which may be created are sold or (b) mandatorily after the elapse of 54 months from the date of the first Unit conveyance or (c) mandatorily after 75% of all Units which may be created are sold, whichever first occurs.

Section 13. Transitional Control Date. "Transitional Control Date" means the date on which a Board of Directors of the Association takes office pursuant to an election in which the votes which may be cast by eligible Co-owners unaffiliated with the Developer exceeds the votes which may be cast by the Developer.

Section 14. Unit or Condominium Unit. "Unit" or "Condominium Unit" each mean the enclosed space constituting a single complete residential Unit in _____, as such space may be described on Exhibit B hereto, and shall have the same meaning as the term "Condominium Unit" as defined in the Act.

Section 15. Open Space. Designated Open Spaces shall consist of land area which is restricted to nondevelopment uses set aside through an irrevocable conveyance for the enjoyment of Unit owners.

ARTICLE IV

COMMON ELEMENTS

The Common Elements of the Project described in Exhibit B attached hereto, and the respective responsibilities for maintenance, decoration, repair or replacement thereof, are as follows:

Section 1. General Common Elements. The General Common Elements are:

- (a) Land. The land described in Article II hereof, not identified as Limited Common Elements.
- (b) Open Space. The open space described in Article II hereof, identified on Exhibit 3.
- (c) Electrical. The electrical transmission system throughout the Project, including that contained within Unit walls, up to the point of connection with, but not including, electrical fixtures, plugs, and switches within any Unit.
- (d) Telephone. The telephone system throughout the Project up to the point of entry to each Unit.
- (e) Gas. The gas distribution system throughout the Project, including that contained within Unit walls, up to the point of connection with gas fixtures within any Unit.
- (f) Water. The water distribution system throughout the Project, including that contained within Unit walls, up to the point of connection with plumbing fixtures within any Unit.
- (g) Sanitary Sewer. The sanitary sewer system throughout the Project, including that contained within Unit walls, up to the point of connection with plumbing fixtures within any Unit.
- (h) Telecommunications. The telecommunications system, if and when it may be installed, up to, but not including, connections to provide service to individual Units.
- (i) Construction. Foundations, supporting columns, Unit perimeter walls, (excluding windows and doors therein), roofs, ceilings, floor construction between Unit levels and chimneys.
- (j) Other. Such other elements of the Project not herein designated as General or Limited common Elements which are not enclosed within the boundaries of a Unit, and which are intended for common use or necessary to the existence, upkeep and safety of the Project.

Some or all of the utility lines, systems (including mains and service leads) and equipment and the telecommunications systems, if and when constructed, described above may be owned by the local public authority or by the company that is providing the pertinent service. Accordingly, such utility lines, systems, and equipment, and the telecommunications system, if and when constructed, shall be General Common Elements only to the extent of the

Co-owners' interest therein, if any, and Developer makes no warranty whatever with respect to the nature or extent of such interest, if any.

Section 2. Limited Common Elements. Limited Common Elements shall be subject to the exclusive use and enjoyment of the Owner of the Unit to which the Limited Common Elements are appurtenant. The Limited Common Elements are:

- (a) **Patio Areas.** Each individual patio area (including any permitted improvement within any patio area) in the Project is restricted in use to the Co-owner of the Unit which opens into such patio area as shown on Exhibit B hereto. Developer has no obligation to construct any improvements within patio areas, except to the extent a Co-owner contracts with the Developer for such improvements.
- (b) **Porches.** Each individual porch in the Project is restricted in use to the Co-owner of the Unit which opens into such porch as shown on Exhibit B hereto.
- (c) **Garages and Driveways.** Each garage and adjacent driveway shall be appurtenant as a Limited Common Element to the Unit to which the number of the garage and driveway corresponds as shown on Exhibit B hereto.
- (d) **Garage Doors and Openers.** The garage door and electric garage door opener for each garage having the same shall be limited in use to the Co-owner of the Unit to which such garage is appurtenant as a Limited Common Element.
- (e) **Air-Conditioner Compressors.** Each air-conditioner compressor, if any, located outside any building shall be limited in use to the Co-owner of the Unit which such compressor services.
- (f) **Interior Surfaces.** The interior surfaces of Unit perimeter walls, ceiling, and floors contained within a Unit shall be subject to the exclusive use and enjoyment of the Co-owner of such Unit.
- (g) **Windows and Doors.** Windows and doors shall be appurtenant as Limited Common Elements to the Units which they service.

Section 3. Responsibilities. The respective responsibilities for the maintenance, decoration, repair and replacement of the Common Elements are as follows:

- (a) **Garage Doors and Openers.** The costs of maintenance, repair and replacement of each garage door and electric garage door opener referred to in Section 2(d) above shall be borne by the Co-owner of the Unit to which such Limited Common Element is appurtenant.
- (b) **Air-Conditioner Compressors.** The costs of maintenance, repair, and replacement of each air-conditioner compressor, if any, referred to in Section 2(e) above shall be borne by the Co-owner of the Unit to which such air-conditioner compressor is appurtenant.
- (c) **Windows and Doors.** The costs of maintenance, repair and replacement of all windows and doors referred to in Section 2(g) above shall be borne by the Co-owner of the Unit to which such Limited Common Elements are appurtenant.
- (d) **Interior Maintenance.** The costs of decoration and maintenance (but not repair or replacement except in cases of Co-owner fault) of the interiors of garages referred to in Section 2(c) above and all surfaces referred to in Section 2(f) above shall be borne by the Co-owner of each Unit to which such Limited Common Elements are appurtenant.
- (e) **Patio Areas.** The costs of maintenance, repair and replacement of each patio area (including any permitted improvement located therein), referred to in Article IV, Section 2(a) above shall be borne by the Co-owner of the Unit to which it relates.
- (f) **Open Spaces.** The costs of the maintenance and repair shall be borne by the Association. If the Open Spaces are not adequately maintained or become a public nuisance, according to Township Ordinance it may undertake the maintenance and make the necessary improvements to the open space through an assessment of the Co-owners.

(g) Other. The costs of maintenance, repair and replacement of all General and Limited Common Elements other than as described above shall be borne by the Association, subject to any provisions of the Bylaws expressly to the contrary.

Section 4. Use of Units and Common Elements. No Co-owner shall use his Unit or the Common Elements in any manner inconsistent with the purposes of the Project or in any manner which will interfere with or impair the rights of any other Co-owner in the use and enjoyment of his Unit or the Common Elements.

ARTICLE V

UNIT DESCRIPTION AND PERCENTAGE OF VALUE

Section 1. Description of Units. Each Unit in the Condominium Project is described in this paragraph with reference to the Condominium Subdivision Plan of _____ attached hereto as Exhibit B. Each Unit shall include: (1) With respect to each Unit basement, all that space contained within the unpainted surfaces of the basement floor and walls and the uncovered underside of the first floor joists, and (2) with respect to the upper floors of Units all that space contained within the finished unpainted walls and ceilings and from the finished subfloor all as shown on the floor plans and sections in Exhibit B hereto. In the event the Unit as constructed deviates from the dimensions shown on the Condominium Subdivision Plan, then the Plans shall be deemed automatically changed to the dimensions for the Units as constructed by the Developer.

Section 2. Percentage of Value. The percentage of value assigned to each Unit is equal. The percentages of value were computed on the basis of comparative characteristics of the Units and concluding that there are not material differences among the insofar as the allocation of the Percentages of Value is concerned. The total value of the Project is precisely 100%. The percentage of value assigned to each Unit shall be determinative of each Co-owner's respective share of the Common Elements of the Condominium Project, the proportionate share of each respective Co-owner in the proceeds and expenses of the administration and the value of such Co-owner's vote at meetings of the Association of Co-owners.

ARTICLE VI

CONVERTIBLE AREAS

Section 1 Designation of Convertible Areas. Each Unit in the Project and all General and Limited Common Elements are Convertible Areas within which the individual Units may be expanded and/or reduced in size and within which the Limited Common Elements appurtenant to such Units may be constructed and/or relocated.

Section 2. Developer's Rights. Developer reserves the right, in its sole discretion, during a period ending no later than 6 years from the date of recording this Master Deed, to expand and/or reduce the size of individual Units, and to construct and/or relocate Limited Common Elements within the Convertible Areas.

Section 3. Compatibility of Improvements. All improvements constructed within the Convertible Areas described above shall be reasonably compatible with the structures on the other portion of the Condominium Project. No improvements, other than as above indicated, may be created on the Convertible Areas.

Section 4. Amendment of Master Deed. Modifications within this Condominium Project shall be given effect by an appropriate amendment to the Master Deed in the manner provided by law, which amendment shall be prepared by and at the discretion of the Developer or its successors and in which the percentages of value set forth in Article V hereof shall be proportionately readjusted in order to preserve a total value of 100 for the entire Project resulting from such amendment or amendments to this Master Deed. The precise determination of the readjustments in percentages of value shall be made within the sole judgment of Developer. Such readjustments, however, shall reflect a continuing reasonable relationship among percentages of value based upon the method of original determination of percentages of value for the Project. Such amendment or amendments to the Master Deed shall also contain such further definitions and redefinitions of General or Limited Common Elements as may be necessary to adequately describe and service the Units and Common Elements being modified by such amendment. In connection with such amendment, Developer shall have the right to change the nature of any Common Element previously included in the Project for any purpose reasonably necessary to achieve the purposes of this Article.

Section 5. Consent of Interested Persons. All of the Co-owners and mortgagees of Units and other persons interested or to become interested in the Project from time to time shall be deemed to have irrevocably and unanimously consented to such amendment or amendments to this Master Deed to effectuate the foregoing and to any proportionate reallocation of percentages of value of existing Units which Developer or its successors may determine necessary in conjunction with such amendment or amendments. All such interested persons irrevocably appoint Developer or its successors as agent and attorney for the purposes of execution of such amendment or amendments to the Master Deed and all other documents necessary to effectuate the foregoing.

ARTICLE VII

EASEMENTS

Section 1. Easement for Maintenance of Encroachments and Utilities. In the event any portion of a Unit or Common Element encroaches upon another Unit or Common Element due to shifting settling, or moving of a building, or due to survey errors, or construction deviations, reciprocal easements shall exist for the maintenance of such encroachment for so long as such encroachment exists, and for maintenance thereof after rebuilding in the event of any destruction. There shall be easements to, through and over those portions of the land, structures, buildings, improvements and walls (including interior Unit walls) contained therein for the continuing maintenance and repair of all utilities in the Condominium. There shall exist easements of support with respect to any Unit interior wall which supports a Common Element.

Section 2. Easements Retained by Developer.

- (a) Utility Easements. Developer hereby reserves for the benefit of itself, its successors and assigns, perpetual easements to utilize, tap, tie into, extend and enlarge all utility mains located in the Condominium Premises, including, but not limited to water, gas, storm

retention areas, storm and sanitary sewer mains. In the event Developer, its successors or assigns, utilizes, taps, ties into, extends or enlarges any utilities located on the Condominium Premises, it shall be obligated to pay all of the expenses reasonably necessary to restore the Condominium Premises to their state immediately prior to such utilization, tapping, tying-in, extension or enlargement.

- (b) Sign Easements. Developer reserves for the benefit of itself, its successors and assigns, a easement to construct and maintain on the Project entrance a sign advertising the Developer's new location.
- (c) Model Easements. The Developer reserves right to at all times use the model Units in the Condominium Project to market other projects developed by the Developer, its successors and assigns.

Section 3. Grant of Easements by Association. The Association, acting through its lawfully constituted Board of Directors (including any Board of Directors acting prior to the Transitional Control Date) shall be empowered and obligated to grant such easements, licenses, rights-of-entry and rights-of-way over, under and across the Condominium Premises for utility purposes, access purposes or other lawful purposes as may be necessary for the benefit of the Condominium; subject, however, to the approval of the Developer so long as the Construction and Sales Period has not expired.

Section 4. Easements for Maintenance, Repair and Replacement. The Developer, the Association and all public or private utilities shall have such easements as may be necessary over the Condominium Premises, including all Units and Common Elements to fulfill any responsibilities of maintenance, repair, decoration, or replacement which they or any of them are required or permitted to perform under the Condominium Documents.

Section 5. Telecommunications Agreements. The Association, acting through its duly constituted Board of Directors and subject to the Developer's approval during the Construction and Sales Period, shall have the power to grant such easements, licenses and other rights of entry, use and access and to enter into any contract or agreement, including wiring agreements, right-of-way agreements, access agreements and multi-unit agreements and, to the extent allowed by law, contracts for sharing of any installation or periodic subscriber service fees as may be necessary, convenient or desirable to provide for telecommunications, videotext, broad band cable, satellite dish, earth antenna and similar services (collectively "Telecommunications") to Project or any contract or agreement or grant any easement, license or right of entry to do any other aft or thing which will violate any provision of any federal, state, or local law or ordinance. Any and all sums paid by any Telecommunications or other company or entity in connection with such service, including fees, if any, for the privilege of installing same or sharing periodic subscriber service fees, shall be receipts affecting the administration of the Condominium Project within the meaning of the Act and shall be paid over to and shall be the property of the Association.

ARTICLE VIII

AMENDMENT

This Master Deed and the Condominium Subdivision Plan (Exhibit B to said Master Deed) may be amended with the consent of 66-2/3% of the Co-owners except as hereinafter set forth:

Section 1. Co-owner Consent. No Unit dimension may be modified without the consent of the Co-owner of such Unit nor may the nature or extent of Limited Common Elements or the

responsibility for maintenance, repair or replacement thereof be modified without the written consent of the Co-owner of any Unit to which the same are appurtenant.

Section 2. By Developer. Prior to 1 year after expiration of the Construction and Sales Period, the Developer may, without consent of any Co-owner or any other person, amend this Master Deed and the Condominium Subdivision Plan attached as Exhibit B in order to correct survey or other errors made in such documents and to make such other amendments to such instruments and to the Bylaws attached here as Exhibit A as do not materially affect any rights of any Co-owners or mortgagees in the Project, including, but not limited to, amendments for the purpose of facilitating conventional mortgage loan financing for existing or prospective Co-owners and to enable to purchase or insurance of such mortgage loans by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Government National Mortgage Association, the Veterans Administration or the Department of Housing and Urban Development or by any other public or private mortgage insurer or any institutional participant in the secondary mortgage market.

Section 3. Change in Value of Vote, Maintenance Fee and Percentages of Value. The value of the vote of any Co-owner shall not be modified without the written consent of such Co-owner and his mortgagee, nor shall the percentage of value assigned to any Unit be modified without like consent, except as provided in Article V, Section 6)c) of the Bylaws and except as provided in Article VI and Article VII hereof.

Section 4. Mortgage Approval. Pursuant to Section 90(1) of the Act, the Developer hereby reserves the right, on behalf of itself and on behalf of the Association of Co-owners, to amend this Master Deed and the Condominium Documents without approval of any mortgagee unless the Amendment would materially alter or change the rights of a mortgagee, in which event 66 2/3% of the mortgagees shall approve such Amendment, giving one vote for each mortgage held.

Section 5. Termination, Vacation, Revocation or Abandonment. The Condominium Project may not be terminated, vacated, revoked or abandoned without the written consent of 85% of all Co-owners.

Section 6. Developer Approval. This Master Deed shall not be amended nor shall the provisions thereof be modified without the written consent of the Developer so long as the Developer continues to offer any Unit in the Condominium for sale or for so long as there remains, under such provisions, any further possibility of expansion of the Condominium Project or possibility of construction of Units on the land described in Article VI hereof. No easements created under the Condominium Documents may be modified or obligations with respect thereto varied without the consent of each owner benefited thereby.

ARTICLE IX

ASSIGNMENT

Any or all of the rights and powers granted or reserved to the Developer in the Condominium Documents or by law, including the power to approve or disapprove any act, use, or proposed action or any other matter or thing, may be assigned by it to any other city or to the Association. Any such assignment or transfer shall be made by appropriate instrument in writing duly recorded in the office of the _____.

WITNESSES:

STATE OF MICHIGAN)
) ss.
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____,
_____, by _____, on behalf it.

EXHIBIT A

TOURNESOL DECLARATION OF BUILDING RESTRICTIONS AND COVENANTS

THIS DECLARATION made on Sept 14, 2022 by HINTER PROPERTIES LLC, hereinafter referred to as the DECLARANT,

WITNESSETH that the lots or parcels refer to the units of the TOURNESOL CONDOMINIUM, Osthemo Township, Kalamazoo County, Michigan. Plat refers to the entire TOURNESOL CONDOMINIUM site.

WHEREAS DECLARANT is the owner of certain property in the Township of Oshtemo, County of Kalamazoo, State of Michigan, which is more particularly described in Exhibit "A" attached hereto and referred to herein as the PROPERTY and

WHEREAS DECLARANT desires to provide for the orderly residential development of the PROPERTY and the preservation of the value of the PROPERTY.

NOW, THEREFORE, DECLARANT hereby declares that the PROPERTY described herein shall be held, sold and conveyed subject to the following restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the PROPERTY and be binding upon all parties thereof, their heirs, successors, legal representatives and assigns, and shall inure to the benefit of each owner thereof.

LANDS AFFECTED: the PROPERTY described in Exhibit "A" attached hereto and made a part hereof shall be subject to and be bound by the terms of this instrument.

1. Lot owners shall use the premises solely for single family dwelling purposes, and no structure, fence, driveway, or any type of improvements, facility or construction may be constructed, placed, altered or maintained on any lot until the proposed building plans, specifications, site plans and construction schedule shall be approved in writing by the Architectural Control Committee, hereinafter referred to as the ACC. The design and shape of any home structures, roof, walls and appendages must be approved by the ACC and should harmonize with the land and other homes in the area. No alterations may be made in such plans after approval by the ACC is given except with the written consent of the ACC. One copy of all plans and related data shall be furnished to the ACC and approved prior to application to the Township of Oshtemo for building permit or prior to commencement of construction of any structure.

2. No dwelling or house shall be constructed or located within the plat which does not comply with the minimum square foot area requirements of the above grade levels for two-story homes 2400sqft. and ranch homes 1800sqft. Only one (1) accessory building is allowed on each unit. Construction on any accessory building shall only occur after the single family home is substantially completed.

3. No building shall be located on any lot nearer to the road right of way line than thirty (30) feet, nor nearer than ten (10) feet to an interior lot line and no closer than fifteen (15) feet to the rear of the lot line. In any event, the requirements of the local governing body shall supersede those listed herein.

4. No lot shall be divided into two or more parcels for use as separate lots, except that an interior lot may be divided between the owners of the two adjacent lots, in which case the aggregate parcel shall thereafter be considered as one lot for the purposes of these covenants.

5. Except for units 25 and 38, within the rear 50' of every unit, healthy trees that are 6" diameter and larger shall be retained. Also, at least 40% of on-site wooded areas shall be retained during utility, roadway and house construction.

6. The designated "open space" shall be under common ownership and control of the CONDOMINIUM, such that there is a single entity having proprietary responsibility. This area, including the "green strip" buffer zones separating the unit clusters, shall be maintained and protected by the CONDOMINIUM as much as possible. These areas can be used for low impact recreation, conservation, crop growing, orchards or be preserved in a natural state.

7. The ACC shall initially be comprised of Hinter Properties, LLC. Action of any one of the committee shall constitute action of the ACC. In the event of the death or resignation of any member of the ACC, the remaining members shall have full authority to designate a successor. At any time after all of the lots in the plat are built upon, the then record title owners of a majority of the lots shall, through a duly recorded written instrument, change the membership of the ACC. The ACC's approval or disapproval, as required in these covenants, shall be in writing.

8. The approval or refusal by the ACC to grant any of the approvals referred to herein may be based upon any grounds, including purely aesthetic considerations, which in the sole and uncontrolled discretion for the ACC shall be sufficient.

9. No structure shall be erected or permitted to remain on any lot other than one (1) detached single-family dwelling with a basement and a private garage for not less than two (2) cars which garage must be attached to the dwelling. Homes with the following characteristics are not permitted: a certificate title issued by the motor vehicle division, the home is brought to the lot in two separate units and then joined together; the home has a steel frame and all other accessories necessary for transporting it, the manufactured home is taxed as personal property; the manufactured home is not set on a permanent foundation; the home is designed to be moved from one place to another by independent transport, i.e. by a tractor.

10. Temporary or permanent buildings, swimming pools, garages carports, fences, sheds, tennis courts, paddle tennis, recreational lighting, or other structures shall not be erected, placed or altered on any lot until the construction plans and specifications, and a plan showing the location of the structure shall have been approved by the ACC.

11. Lot owners shall maintain the improvements on the premises and the grounds of such premises in a neat and attractive manner and in particular shall keep grass and weeds cut and shall remove dead trees, dead shrubbery and dead plants. Lot owners shall keep the exterior of the improvements on the premises clean and in good state of repair and appearance.

12. Lot owners at no time shall keep or permit to be kept on the premises or on the driveways any motor home, semi-truck, house trailer, truck campers, mobile home, boat or boat trailer. All vehicles, snowmobiles, motorcycles, trailers and similar property shall be kept in garages.

13. No domestic animals of any kind shall be raised or kept or permitted upon the premises or any part thereof other than dogs, cats, and birds, nor kept, bred or raised there on for commercial purposes or in unreasonable numbers. A maximum number of two (2) dogs are allowed. Such animals shall be reasonably controlled to prevent them from being a nuisance

to other lot owners. Excessive barking will not be tolerated. Pets and other animals shall be permitted subject to such regulations which shall from time to time be adopted by the ACC. No pets will be allowed to run free and shall be restrained from going onto other lot owners or neighboring properties. No garbage, refuse, rubbish or cuttings shall be deposited upon or left on the premises unless packed in an attractive container subtly located and screened from view.

13. No motorcycles, motorbikes, snowmobiles or their recreational vehicles shall be operated on the premises, except for the purpose of ingress and egress from the same.

14. No sign shall be displayed to the public view on any lot, except one sign of not more than 30 inches by 30 inches advertising the property for sale, or a sign of the same size used by a builder to advertise the property during the construction and sales period. The foregoing is not applicable to signs erected at the entrance or exit of the plat advertising the same.

15. No laundry, clothing or other articles shall be hung out to dry on any lot and no other unsightly conditions shall be allowed on any lot.

16. No television nor radio aerials shall be allowed on the premises. Only eighteen-inch satellite dishes, or smaller, are allowed and only with permission from ACC prior to installation taking place.

17. Garage doors to be de-emphasized and shall be of one color and of steel, wood or wood based materials. No decorative garage doors will be allowed.

18. If property owners wish to remodel or add any structure or change the exterior color scheme of any improvement, they must first submit their plans and or color sample, and then such changes shall be undertaken only after written approval is obtained from the ACC.

19. The exterior of any improvements to be constructed on the premises are to be approved by the ACC and completed within twelve (12) months from the date upon which construction of the improvement is commenced. Acceptable exterior materials include the following: wood, brick, smartboard, vinyl siding, stone or cultured stone, and stucco. Plywood, T-111, and aluminum siding are prohibited. A minimum 50% of the front elevation will consist of natural materials (ie stone, brick, wood).

20. Any soil or dirt required to be removed from any lot in said plat, and all excess dirt, shall be moved to another lot in said plat under the direction of the ACC unless the ACC directs that the excess dirt or soil be hauled away from the plat.

21. Driveways on any lot shall be made of only brick, asphalt, pavers or concrete material.

22. The covenants herein shall be deemed to be covenants running with the land and shall be binding upon the owners of said lots, their heirs, representatives and assigns, and all persons claiming under them, for a period of twenty (20) years, the said covenants shall be automatically extended and renewed for successive periods of ten (10) years unless by a vote of a majority of the owners of the lots included in said plat, it shall be agreed to change or revoke said covenants in whole or in part.

23. The foregoing covenants may be enforced by any legal or equitable owner of any lot contained in said plat by proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant, to restrain said violations, or to secure a declaration of rights or to recover damages for such violation.

24. In the event of any one or more of the covenants herein contained shall be declared invalid by a court of competent jurisdiction, the remaining covenants shall remain in full force and effect as though no such decision or order has been entered or promulgated.

25. The ACC's review of plans and specifications shall be for the sole purpose of enforcing the provisions hereof and to control the aesthetics of improvements within the plat. The ACC, by granting approval of plans and specifications, shall not be deemed to have judged the structure or mechanical integrity of any improvements or to have approved the architectural or engineering employed in developing the plans and specifications. The ACC shall not be liable to any person or entity with respect to the plans and specifications submitted to it.

26. Properties are to be owner-occupied and are not to be rented to non-owners.

27. A buy-in fee of \$200.00 must be paid to the condominium association at the time of a warranty deed transfer to a new owner.

28. The condominium association shall have a right of first refusal seven (7) days prior to a closing on any vacant lot.

29. The condominium association shall contract with only one trash removal company to be used by all owners in order to minimize truck traffic.

Signed and Delivered in the presence of:

Witness:

HINTER PROPERTIES LLC

, Member

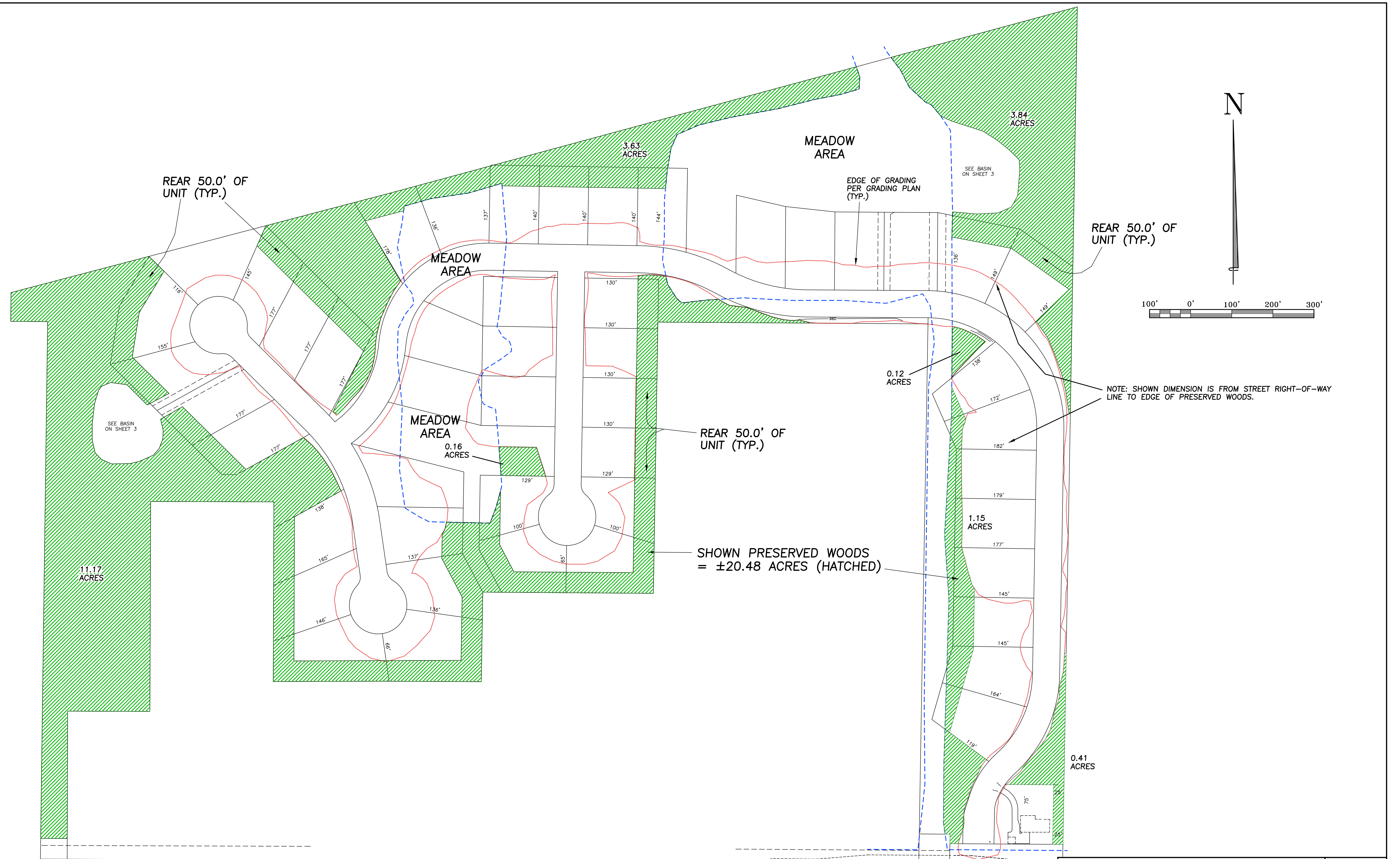
STATE OF MICHIGAN)
) SS:
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged by André Timmermans, Member, on ___ day of September, 2022.

Notary Public
Kalamazoo County, Michigan
My commission expires:

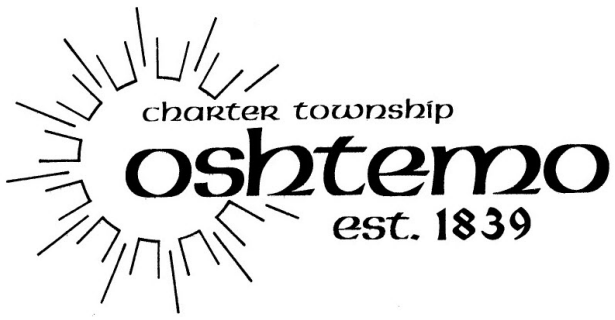
EXHIBIT B
CONDOMINIUM SUBDIVISION PLAN

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72 HOURS
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CALL MISS DIG
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PRESERVED WOODED AREAS DIAGRAM "TOURNESOL"		DATE: 10/24/2022
PART OF THE SOUTH 1/2 OF SECTION 34, T. 2 S., R. 12 W., OSHTEMO TWP., KALAMAZOO COUNTY, MI		SHEET: 1
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Ingersoll, Watson & McMachen, Inc.		JOB No.: 36886
1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165		



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

Planning Commission

Second and Fourth Thursdays of every month @ 6PM

Proposed 2023 Meeting Dates

<i>2nd Thursday of the Month</i>	<i>4th Thursday of the Month</i>
1/12	1/26
2/9	2/23
3/9	3/23
4/13	4/27
5/11	5/25
6/8	6/22
7/13	7/27
8/10	8/24
9/14	9/28
10/12	10/26
11/16*	No meeting
12/14	No meeting
1/11/2024	1/25/2024

*Dates shifted to avoid holidays or for consistency with the Development Schedule of Applications.

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 purpose of implementing Oshtemo Township’s adopted Sub Area Plans and to allow for 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 its 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 single entity having proprietary responsibility for the full completion of the project. Sufficient documentation of ownership or control, that indicates the proposed development will be completed in its entirety, shall be submitted with the application for approval.

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 its 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. 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. Only 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. Both public and private streets shall be designed to the standards of the Road Commission of Kalamazoo County, as well as Article 51: Access Management Guidelines of the Township Zoning Ordinance.
 - ii. Streets shall be interconnected with each other and with streets on abutting properties in a grid or modified grid pattern.
 - iii. 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. Prior to commencement of the TIS, the Public Works Director or Township designated Traffic Engineer shall approve the limits of the study area, level of study, and inputs for forecasted trips and volumes which may include other approved and pending developments. The traffic analysis models shall anticipate the highest proposed use for each designated area within the development site plan. At a minimum, the TIS shall meet requirements of the Road Commission of Kalamazoo County's and Michigan Department of Transportation in the handbook titled Evaluating Traffic Impact Studies. Formal approval from other agencies shall be provided to the Township prior to formal Planning Commission Review. Any decline in level of service shall be completely mitigated by proposed solutions within the site design.
- (6) **Design Standards.** 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 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 when constructed. Feasibility of site conditions should be considered.

(8) Residential Density and Density Bonus.

- i. **Overall Density:** The overall density within the development schematic plan's residential areas shall match the intended character of the correlating Sub Area Plan; each residential density category is defined within Table 30.20.1 below. 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.
- ii. **Density Bonus.** The Planning Commission may determine a density bonus, up to the maximum gross density defined within Table 30.20.1, upon finding that the proposed development provides additional public benefits to the overall community as outlined below. For the purpose of calculating the density bonus one (1) point shall equate to one (1) additional unit an acre.
 - a) Dedication of land(s) for a public park and/or community buildings, if acceptable to the Township (2 - 4 points as determined by Planning Commission based on impact to overall community).
 - b) Dedication of land(s) for the purpose of private parks that incorporate usable amenities. Acceptable amenities include playground equipment, picnic areas with grills and tables, tennis courts, baseball diamonds, etc. (1 - 2 points as determined by Planning Commission based on impact to overall community).
 - c) The project incorporates, either through the development schematic plan or within the design and/or development standards, a guaranteed range of housing opportunities through various housing types: for example, lofts, townhomes, mixed use, cottages, single-family homes, etc. (1 - 4 points as determined by the Planning Commission based on the variety of housing types).
 - d) The project incorporates, within the design or development standards, significant use of sustainable building design and/or site design features such as, stormwater filtration landscaping, low impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, use of reused/ recycled/ renewable materials, indoor air quality mechanisms, green roofs, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards. (2-4 points as determined by the Planning Commission based on the level of efficiency and impact to overall community).
 - e) Provision of usable common open space in an amount which is at least 50 percent greater than the minimum common open space percentage required by Section. (1 point)
 - f) Provision of other exceptional public benefits within the development (1-2 points as determined by Planning Commission based on impact to overall community).

Table 30.20.1 – Gross 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	6 units an acre	15 units an acre

- (9) **Public Sanitary Sewer and Water shall be required.** If 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 measuring eighty-five (85) feet in width shall be established at the perimeter of the development site adjacent to existing residentially zoned districts. No structures or parking areas shall be permitted within said buffer area.
- I. 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.
 - II. This 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.
- (12) **Open Space.** 15% of the of the development schematic plan shall be designated as open space subject to the following standards:
- I. Storm water management facilities and any required buffering shall not be included in the designated open space.
 - II. A minimum of 50% of the total open space must be designated as useable common open space 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 and maintain, subject to the review and approval of the Parks Director, a density bonus would be applicable; see Section 30.20.C.8 for details.

- III. Open space not designated as usable common open space shall be retained in an essentially undeveloped or unimproved state.
- IV. All designated open space areas shall 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.
- V. All designated open space areas shall be set aside through an irrevocable conveyance approved by the Planning Commission.

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.

- 1) **Optional pre-application review(s).** Informal pre-application review(s) is encouraged and may be scheduled with the Planning Department and/or Planning Commission, at which the project concept may be reviewed by the applicant, Township staff, and Township consultants.
- 2) **Planning Commission Review.** 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, 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 impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety, and health of area residents.
- 3) **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.

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 a mixture of first-floor commercial, retail, office and/or minimal 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: 20 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. A minimum separation of 20 feet shall be maintained between principal structures established.
- iv. Residential unit sizes shall be regulated by Section 50.20 of the Ordinance.
- v. A minimum ground floor height of 12 feet shall be required for all commercial and mixed use development.
- vi. Maximum building height shall be two (2) stories unless otherwise specifically permitted by the adopted comprehensive development plan.
- vii. All roadways shall be designed and constructed as Streets to Kalamazoo County Road Commission standards.
- viii. Pedestrian-Orientation. Sites shall be designed such that vehicles are not the dominant feature.
- ix. 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.
- x. No outdoor storage shall be permitted in this district.
- xi. 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 Zoning Board of Appeals.