



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION – SPECIAL 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, DECEMBER 8, 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: November 17<sup>th</sup>, 2022
6. Work Session:
  - a. Discuss proposed AVB/Hinman MU zoning district draft revisions
7. Other Updates and Business
8. Adjournment

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

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

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

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

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

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

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

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

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

<b>Oshtemo Township Board of Trustees</b>		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Clare Buszka	216-5260	<a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>
<b><u>Trustees</u></b>		
Cheri Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
Kristin Cole	375-4260	<a href="mailto:kcole@oshtemo.org">kcole@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Kizzy Bradford	375-4260	<a href="mailto:kbradford@oshtemo.org">kbradford@oshtemo.org</a>

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

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION  
DRAFT MINUTES OF A MEETING HELD NOVEMBER 17, 2022**

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**Agenda**

**PUBLIC HEARING: Speakeasy Golf**

SiteCreate/Speakeasy Golf was 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.

**PUBLIC HEARING: Open Space Community, Tournesol**

Hinter Properties, on behalf of Kalamazoo Holdings LLC & Rural Republic LLC, was requesting site plan approval of a proposed 49-unit Open Space Community development at 7214 W. N Avenue.

**2023 MEETING DATES**

**WORK SESSION: Draft MU Zoning District Introduction**

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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, November 17, 2022, commencing at approximately 6:00 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  
Anna Versalle

**MEMBER ABSENT:** Kizzy Bradford

Also present were Iris Lubbert, Planning Director, James Porter, Attorney, Anna Horner, Public Works Director, Martha Coash, Recording Secretary, and Kyle Mucha, McKenna.

In addition, there were approximately 15 guests in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:00 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**

Chairperson VanderWeele determined no one present wished to address the Commission on non-agenda items and moved to the next agenda item.

## **Approval of the Minutes of the Meeting of October 27, 2022**

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of October 27, 2022.

Hearing none, Chairperson VanderWeele asked for a motion.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of October 27, 2022 as presented. Ms. VerSalle **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next item on the agenda.

## **PUBLIC HEARING: Speakeasy Golf** **SiteCreate/Speakeasy Golf was requesting special exception use approval to operate a year-round indoor golf facility in existing tenant suite B, within the commercial building located at 6120 Stadium Drive. (Parcel 05-26-440-018)**

Mr. Kyle Mucha of McKenna said on behalf of the Charter Township of Oshtemo Planning Department, McKenna reviewed the proposed indoor golf facility, which will utilize golf simulators, operating year-round. The applicant proposed to occupy an existing tenant suite within the commercial building located at 6120 Stadium Drive.

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

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 not to be required at this time.

Mr. Mucha stated the applicant's request meets the requirements of Section 65.30 and, based on McKenna's review recommended 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

Chairperson VanderWeele asked if there were questions from Board members.

Ms. Maxwell asked whether the applicant intended to open the business prior to receiving a liquor license.

The applicant indicated they did intend to open before receiving the license.

Attorney Porter noted the Township Board will consider the license in December.

The Chair opened the public hearing and asked if there were comments from anyone present.

Mr. Steve Humphrey, 2670 Fairgrove, expressed concern about the narrowness of Fairgrove and that you cannot make a right turn onto Stadium Drive; noted the difficulty of turning left with the 60 homes currently there and that another 60 homes will make it very tight there as there are only two lanes. He also noted the storm drain is always plugged and there are potholes that have been there for years. Turning left on Stadium Drive after alcohol consumption will be dangerous.

Ms. Louise Schaner, 2746 Wildemere, concurred with Mr. Humphrey's traffic concerns and expressed a need for fencing. She noted there are 17 acres behind the neighborhood and if buildings allowed there it will add more traffic to both ends. She was opposed to the proposal.

Hearing no further comments, Chairperson VanderWeele moved to Board Deliberation.

Ms. Versalle asked whether the applicant would go ahead with the business if a liquor license were not granted?

The applicant indicated he would go ahead without a liquor license.

Ms. Maxwell asked if the previous occupant was commercial.

The Chair said offices and an engineering firm are there currently.

Ms. Lubbert noted the Township intends to conduct a traffic study to explore this and the surrounding area of Stadium Drive in the near future.

Ms. VerSalle **made a motion** to approve the SiteCreate/Speakeasy Golf request for special exception use approval to operate a year-round indoor golf facility in existing tenant suite B, within the commercial building located at 6120 Stadium Drive. (Parcel 05-26-440-018) as requested, with the following conditions recommended by McKenna:

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

Ms. Maxwell **seconded the motion**. The **motion was approved unanimously**.

Chairperson VanderWeele moved to the next agenda item.

**PUBLIC HEARING: Open Space Community, Tournesol  
Hinter Properties, on behalf of Kalamazoo Holdings LLC & Rural Republic LLC,  
was requesting site plan approval of a proposed 49-unit Open Space Community  
development at 7214 W. N Avenue.**

Mr. Kyle Mucha reported that on behalf of the Charter Township of Oshtemo Planning Department, McKenna 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 was based on the submitted site plan received on October 24<sup>th</sup>, 2022.

He said the proposed development site is approximately 60.5-acres and is located on the north side of West N Avenue, east of 6<sup>th</sup> Street and west of 9<sup>th</sup> 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.

Further, the applicant has requested 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 conditions. The applicant submitted an updated site plan for consideration by the Township review team. Some

items are outstanding and still need to be addressed which Mr. Mucha reviewed as he addressed the proposal regarding the following sections:

- Open Space Community Provisions (§43.30)
- Development Provisions (§43.40)
- Design Standards (§43.50)
- Open Space Community – Application Procedure/Approval Process (§43.60)
- Site Plan Review (§64.60)
- Subdivision/Site Condominium Design (§290.008.)
- Special Uses (§65.30)

Mr. Mucha said while acknowledging 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. McKenna finds 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).

Chairperson VanderWeele asked if there were questions from Commissioners.

Mr. Smith asked if the plan includes sidewalks on both sides of the far east end development access road.

Mr. Mucha indicated that it did.

Chairperson VanderWeele asked if the applicant wished to speak; he declined so the Chair opened the public hearing.



Mr. Mike Corfman, 7225 W. N Ave., said he was concerned about the roadway location and wondered if there were other options. He doubted the Road Commission would approve it as is.

Ms. Lubbert said the roadway has received preliminary approval from the Road Commission; they are working on the final plan to be approved.

Mr. Corfman noted the 45 mile an hour speed limit there is not abided by and that traffic comes through very fast. The hills allow limited sight distance and there is a lot of heavy commercial equipment traffic. He sees issues with the design of the road and increased traffic and felt the road should be to the north or the west.

Attorney Porter read a letter from Greg Kempfer who indicated opposition to the request citing traffic, loss of front lawns and privacy, as well as the obtrusive nature of the development in and around some of the Consumers Power easements. (Letter attached to these minutes)

Mr. Greg Keebler, 7280 W. N Ave., was concerned about hazardous waste on current property being in the ground water, traffic congestion, felt access should be from Stadium Drive (5 lanes) instead of N Ave (2 lanes). He also cited trespassing problems by owners of the property. He noted he had brought these issues up on the 28<sup>th</sup> of April but had received no response.

Ms. Susan Kebler, 7280 W. N Ave., does not want to lose privacy, and feels walking trails and roads will be impacted, and wildlife lost. Her 10 acres were purchased for those reasons and feels like others she will be pushed out. She also mentioned an increase in traffic and crime.

Hearing no further comments, Chairperson VanderWeele closed the public hearing and moved to Board Deliberations. Hearing no comments, he asked for a motion.

Mr. Smith **made a motion** to approve the request from Hinter Properties, on behalf of Kalamazoo Holdings LLC & Rural Republic LLC, for site plan approval of Tournesol, a proposed 49-unit Open Space Community development at 7214 W. N Avenue as presented subject to the conditions outlined by McKenna and listed below to be addressed administratively by Staff:

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.
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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.
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  - 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).

Ms. VerSalle seconded the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

**2023 MEETING DATES**

Ms. Lubbert provided a draft schedule for Planning Commission meetings for 2023 for consideration and approval:

**Planning Commission**

**Second and Fourth Thursdays of every month @ 6PM**

**Proposed 2023 Meeting Dates**

<i>2<sup>nd</sup> Thursday of the Month</i>	<i>4<sup>th</sup> 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.

Ms. VerSalle **made a motion** to approve the 2023 Planning Commission Meeting Schedule as presented. Ms. Everett **seconded the motion**. The **motion was approved unanimously**.

Chairperson VanderWeele moved to the next agenda item.

## **WORK SESSION: Draft MU Zoning District Introduction**

### **ARTICLE 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

Ms. Lubbert presented a draft of a Mixed Use Zoning District document. She noted it had been begun in 2018 by her predecessor and she was trying to make it as inclusive as possible to be able to include other sub-areas in addition to Maple Hill, acknowledging this has delayed the process. She indicated a letter was received from Mr. Aardema of AVB, regarding the draft and including questions generated from the MU proposed language. (Letter attached to these minutes)

She walked the group through the document, answered questions, and noted suggestions for changes to the text from Commissioners.

Ms. Horner, Public Works Director, answered questions regarding a traffic impact study and its possible timing.

Timing regarding moving an approved document to the Township Board for consideration was discussed.

Mr. Rich MacDonald, of Hinman Co., said he had understood that the changes to the document done earlier consisted of formatting only. He wanted to honor the work that was already done on this issue. He said he was looking at how the language relates to the AVB/Hinman Prairies project and is distressed at continued delay in being able to proceed. He suggested for expediency that a special Planning Commission meeting be held to move the Mixed Use draft to conclusion. Hinman and AVB have waited a long time and followed the process set forth in the very beginning in 2018.

He noted it is important to get this right from the beginning to be consistent with other Township documents. There is a lot in the proposed document they can work with but there are some questions to be answered. They are in for the long haul but want to move the process along and provide solutions.

Mr. MacDonald suggested they be allowed to take the draft document and put it in red line format to show where they have concerns and to provide options and have a dialog about that with the Commission. They would be able to submit the red lined

document to Ms. Lubbert two weeks before the next PC meeting for the Commission to provide a productive meeting.

Mr. Curt Aardema, AVB, also spoke for the need to align the new document with the overlay and sub-area plan. He was concerned that six month's-worth of meetings on this subject which has been a long, several year process seemed to be coming down to squeezing changes into two meetings. He hopes to get to the point where everyone is comfortable while still providing an expedient process.

Ms. Lubbert said it was not her intent to run this through in two meetings; she anticipated additional discussion and amendments.

Mr. MacDonald said they are behind schedule on the Prairies, that they are a zoning request, and have been working with the Township for four years, but they keep getting pushed back. They'd like to be put at the front of the agenda.

It was decided to accept the offer of a red line document from AVB for comparison, that a special meeting of the Planning Commission will be held December 8 at 6:00 p.m. to work through that document and that it would be provided to Ms. Lubbert ahead of that meeting no later than November 29<sup>th</sup>.

Mr. Vyas stated the Commission's purpose is not to be for or against any company, but to seek the convergence of interests to result in the greater good for the community.

Mr. Joe Gesmundo, AVB, said he had been dedicated to making legacy developments for 55 years and that it is a 2-way street with municipalities. Communication is important. Oshtemo staff feels it is inappropriate to communicate directly with developers, but communication is the key to success; it will shorten the time period it takes to get these things done and result in a better project. He hoped Staff would consider an open dialog.

### **PUBLIC COMMENT**

There were no public comments.

### **OTHER UPDATES AND BUSINESS**

There was no further business.

### **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:02 p.m.

Minutes prepared:  
November 19, 2022

Minutes approved:  
\_\_\_\_\_, 2022

DRAFT

Ms. Lubbert, et al;

*(missing w/ no e-mail ID found: Bruce Vanderweele, Micki Maxwell, Kizzy Bradford, Deb Everett, Alistair Smith, Anna Versalle, Chetan Vyas, Kyle Mucha, Paul Lippens)*

Regarding the Consideration of the application of Hinter Properties, LLC for special exemption use and site plan under article 65;

I would like to request these attached opposing comments be read during this 17Nov2022 Planning Commission meeting and placed into the record.

Name: Gregg Kebler

Address: 7280 West N Ave, Kalamazoo, MI 49009

It saddens and troubles me that the Planning Commission is still considering and moving forward with this Hinter project.

**I remain against this project moving forward** for the following reasons:

1) With Verndon Trail coming out on West N Ave, there will be a major increase in West N Ave and Beatrice Dr traffic, at an intersection that is already dangerous at current traffic flow patterns and speeds. Motorcycles, cars, trucks and even Semi's use West N Ave and Beatrice Dr; many as drag strips, trash (and beer/alcohol) dumps and shooting galleries on a regular basis. Police can easily fill their speeding ticket quota in a day. Add another 98 more vehicles minimum onto this intersection and drag-strip, the entire length of West N Ave. is going to be a less peaceful and safe area to walk, bike and jog along.

**NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.**

2) With that entrance, both sides of West N Ave will have to be widened 16 more feet for 200 feet both sides of the entrance, At least one neighbor to the east of 7214 West N Ave on the same side will lose more of their front lawns. At least Three neighbors to the east of 7214 West N Ave on the south/Texas Township side will lose more of their front lawns. They all will still be paying taxes on 'their' property, eventhough it won't be theirs anymore. Doesn't seem fair does it?

**NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.**

3) Loss of privacy. We bought this property for peace, quiet, privacy and hunting, this project borders my north property line. I have heard nonsense re: this project does not affect me since I'm 9 acres away along West N Ave. I think I may have already dispelled this myth – as this couldn't be further from the truth. I regularly enjoy ALL my 10 acres;

for peace and quiet, for hunting, for security buffer. These will absolutely be lost because of this project; especially since Verdon Trail will border right next to my north property line, not to mention Oshtemo township has a 'proposed trail' running through Consumer's Easement and along my entire East property line. Again, my security and safety will be significantly destroyed because of this project.

I have routinely had people trespass on my property already, including my back property line, homeless sleeping in my woods, quad runners tearing up my side of the CE easement and across my CE road frontage on West N Ave, including the current owner or friends of 7214 West N Ave. Surveyors hired by Hinter Properties, LLC. have trespassed onto my property as well as violated my surveyed posts. Many of these folks (that I could catch trespassing) I have had to stop and politely inform them they were on posted and staked private property and they left with no issues. My trail cams have caught trucks and Jeeps driving back there at all hours of the day and night, winter/summer to get high, scout/poach/whatever. This trespassing will significantly increase – in both directions, as will the calls to local law enforcement (and associated workload); workload which is already stretched well past providing safety/security for our community, not to mention the 2 mile Fruitbelt bike trail to nowhere.

Oshtemo Township and this project will ruin the uncongested peace, quiet and safety that made this area attractive for families like mine to move here and into the community, in the first place. Oshtemo Township may very well lose as many families as they hope to gain by this project.

**NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission nor Hinter Properties, LLC.**

4) During the Developer's presentation 28Apr2022 he made sure to use all the appropriate flowery PC/environmental words and design descriptions so as to promote this project (lipstick on a pig). There were a couple design 'features/descriptions' that were ridiculous and stuck out to me; "Unobtrusive to the Neighbors" and "Preserving Greenspace".

Again, I am unsure how a 49 unit development can be anything other than "Obtrusive to the Neighbors"

Our peace, security, safety, privacy as well as our hunting rights which allow us to help feed our families will now be destroyed with this development.

We have already discussed this before when regarding the "Beautiful bike trail through the woods and wildlife".

This is the same trail that was vehemently and fiercely fought tooth and nail against by a majority of Oshtemo's citizens, including the Miller family - who now are tearfully in love with the Township and this Hinter project. It is amazing how quickly that sentiment reversed with the right amount of \$. I recall the township hall overflowing with people voicing overwhelming opposition to this boondoggle to nowhere, yet a mere 5 mins later many included in this email voted to approve it anyway,- against it's citizen's (and we your employers') voiced disapproval and rejection.



Now we have this 49 townhouse unit project squeezed into the neighborhood like a size 10 foot into a size 7 shoe - destroying 'Greenspace' the developer claims he is preserving, as well as causing a safety hazard for anyone living, biking, walking or driving on West N Ave. and Beatrice Dr.

What attracted us and most of my neighbors to this area was that this was a peaceful safe community; sadly because of the decision noted here - it is no longer that community.

**NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.**

5) The Township or the developer will have to contact the EPA or WHMD re: the possible (personally observed) dumping of hazardous oil and other waste in the large trash pile/dump located back in the woods on the 7214 West N Ave property. According to the current development map many of the 1<sup>st</sup> few units will be built right over the top of that contaminated soil.

I would hope that Oshtemo Township will look into this real threat to our community's groundwater and environmental contamination with the same diligence and enthusiasm as it has with their years' long demand to force 'mandatory' Septic system replacement; eventhough most of our homes have perfectly functioning systems.

Please advise what the Township's next action will be regarding this potential environmental hazard.

**NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.**

6) As per Consumer's Energy legally signed and filed document for this easement specifically denying Buildings/Structures on this easement:

"Owner agrees not to build, create, construct, or permit to be built, created, or constructed, any obstruction, building, septic system, drain field, fuel tank, pond, swimming pool, lake, pit, well, foundation, engineering works, installation or any other type of structure within 20 feet of the centerline as described in Exhibit D, whether temporary or permanent, natural or man-made."

I am curious regarding what discussions have been made with Consumers Energy to allow these easement terms to be legally violated or waved or compensated for – specifically for the city sewer and lift station, the road in across the easement, 'proposed walking trail' as well as under the powerlines, as well as all 'engineering works'.

ALL Three of these are considered "Buildings/Structures".

I am confused how the Township has received approval to put a walking trail on that easement, yet I as a property owner would be in legal liability with Consumers Energy if I put up a fence in the middle of this easement to protect my property and privacy from that walking trail and potential increased number of trespassers onto my property. I would also be sued by Consumers Energy if I put a pedestrian trail on my side

of the easement; as it would clearly obstruct access, safety and maintenance of the easement, powerlines and bordering trees as this proposed trail and road will do.

**NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.**

Since Consumers Energy just gave Oshtemo Township \$150K for the bike path to nowhere, I'm sure these easement legal issues are or most likely were a mere speed bump in the road for this project.

I will reach out to my attorneys and Consumers Energy to discuss legal clarification and enforcement of this filed document.

**7)** I question the Kalamazoo County Road Commission decision (Thom Brennan?) which thought it was best to force an additional 100 vehicle traffic load onto a very busy 2-Lane obstructed view West N Ave as it is a traffic safety hazard at current traffic flow patterns and numbers; especially with the added rush traffic from Beatrice Drive, versus:

extending 7th Street a couple 100 feet south across the bike trail and into the north side of this development. 7th Street comes out onto Stadium Drive/Red Arrow highway; which is already 2.5 times wider with 4 traffic lanes and a center turn lane. This road is significantly more than capable to handle this additional traffic flow, as well as unobstructed views from the East and West; both of which support this route as the more common sense traffic pattern, not to mention much safer for the citizens of Oshtemo; which everyone receiving this e-mail is supposed to protect, safeguard and represent.

Common sense would have two (2) separated traffic flows/entrances/exits for a project this large.

**NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.**

Please enter these revised concerns and next actions into the record for this project, **as well as my continued objection to this project moving forward,**

Thank you for your time,  
Gregg Kebler  
17Nov2022

# PRAIRIES

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15 November 2022

Iris Lubbert, Planning Director  
Charter Township of Oshtemo  
7275 W. Main Street  
Kalamazoo, MI 49009

RE: Mixed-Use Zoning District – Proposed Language

Dear Ms. Lubbert:

Thank you for taking the time to draft a Mixed-Use Zoning District for Oshtemo Township. While a Mixed-Use District is important for the Township to consider, the proposed language has generated some questions that I've attached to this letter.

As we have stated over the past five years, our team is ready and eager to begin the process of implementing the Township's vision set forth in the Maple Hill South Sub-Area Plan. We have participated alongside the Planning Commissioners, the Township Board members, the neighbors, and the public since the beginning of the Township's visioning activities for our property back in 2017. We hope that the difficult work that has already been invested into the Sub-Area Plan, the original Maple Hill South Overlay, and numerous public meetings is respected and incorporated into the final approved language for a new zoning district linked to the Prairies property.

The attached list of questions was generated after a review of the proposed Mixed-Use District language, which we located inside of the Planning Commission's meeting packet. I'd like to request that these questions be shared with the Planning Commission prior to the November 17<sup>th</sup> meeting. We look forward to a robust and productive conversation at that meeting.

Sincerely,

Curt Aardema

### **30.10 Statement of Purpose**

**30.10** In the case of the Maple Hill South (Prairies) area, will the Planning Commission-approved Sub-Area Plan continue to serve as the guide for future development of those parcels? Will the Sub-Area Plan take precedence if conflicts arise with the proposed Mixed-Use zoning language? If the Mixed-Use ordinance prevails, is the only opportunity for changes through the ZBA? How likely would a change going the route of ZBA be with new construction, given the parameters the ZBA requires you to meet?

### **30.20 Establishing a Mixed-Use District**

**30.20 A** - Could you please provide background on the rationale for selecting 20 acres as the minimum parcel size for the Mixed-Use zoning eligibility? Could multiple contiguous or adjacent 20-acre sites be developed as independent Mixed-Use projects? The original Overlay document indicated that “In order to ensure that the intent of this Overlay District is accomplished, projects must be of a sufficient size. A minimum development size of 80 acres of contiguous land shall be required, which may be developed in phases.”

**30.20 B** - Could you please provide clarity on the request for common ownership information? Does this apply to separate LLC entities? It’s common for sections of large projects to be broken into multiple LLC entities. Also, it’s possible that different “phases” of a project could be developed by multiple ownership groups---how would this be accommodated in the proposed language? Committing to develop a large property in mixes of uses and committing that the initial plan will be completed in its entirety is not realistic.

Will an existing concept plan approval be terminated if the ownership changes during the project? For reference, many large projects take decades to complete. Another example is Costco. In the case of that project, the original developer had to sell land to get Costco to commit to the site which allowed the other uses to occur. Does it really matter the ownership provided it complies with the requirements? The Maple Hill South Sub-Area Plan actually overlaps two ownership groups, and most Sub-Area Plans overlap a collection of properties owned by different entities.

30.20 C

30.20 C (1)

30.20 C (2)

30.20 C (3)

**30.20. C (4)** - How will flexibility in road designs be accommodated within the proposed language? We’ve learned that creative transportation network options are key to mixed-use developments---on-street parking, bike lanes, etc. How will these be accomplished if typical RCKC/MDOT standards are required? Will proposed non-motorized improvements be owned, maintained, and insured by Oshtemo Township? The Sub-Area Plan calls for a “safe, efficient, and balanced multi-modal transportation

network” for the Prairies. Given the limitations of RCKC design standards, this objective may be difficult to achieve without the use of private roadways. The original Overlay language addressed this concern by simply stating that “the development shall be serviced by an interior street system, which may be public, private, or a combination of both.”

**30.20 C (5)** – Will existing businesses and properties be liable for mitigating current traffic issues generated by their establishments, as proposed in the Mixed-Use District? It seems unfair for the developer to be obligated to resolve traffic failures that currently exist or that wouldn’t be required of the developer under the current zoning. We would request that the mitigation measures be limited only to the increased decline in service above the situation that currently exists and assumed the current zoning use was developed at its highest proposed use. Further, if the Township requires connection to an adjacent development or roadway system, and such connection causes an increase in decline in service compared to if that connection had not been made, then mitigation measures will be waived.

Development of the Prairies could potentially have a positive impact of traffic flow by connecting several isolated pockets of the surrounding neighborhood. The Sub-Area Plan specifically suggests that “local connections to adjacent development should also be established.” If existing traffic issues are mitigated by the creation of a new roadway network at the Prairies, will the developer be compensated for such improvements by the adjacent property owners or the Township?

**30.20 C (6)** - How will the proposed “Design Standards” be established? Will Staff, Planning Commission, Township Board, and others all need to agree on the proposed “Design” of a development within the Mixed-Use District? Will the property owner be permitted to propose the initial design concepts? The Sub-Area Plan suggests that “standards must be flexible enough to allow for various aesthetic interpretations.”

30.20 C (7)

**30.20 C (8) i** – The planning commission previously went through great lengths in discussing residential density and arrived at a definition of “Net Acreage.” The Planning Commission decided during Planning Commission meetings in June-Oct of 2019 that “net acreage shall be defined as the gross acreage of the proposed development, minus public/private right-of-way and stormwater detention areas.”

The proposed mixed-use definition in this section further excludes areas within the development that are developed as commercial thereby reducing the residential density.

It is our request that the last sentence in (i) be removed. This will allow more housing to be developed consistent with the regional goals for creating more housing. We also request that the word “reasonably” be inserted in the first sentence before the word “match”.

**30.20 C (8) ii** - The Planning Commission at its 10/19/24 meeting “decided a ‘sliding’ density bonus would be established for densities between 10 and 16 (units per acre) with the inclusion of amenities.” The proposed density in the new Mixed-Use language abruptly changes the low end of the density range to 4 units per acre.

**30.20 C (8) ii. f)** – We would request the possible points for this section be increased to 1-4 points as determined by the Planning Commission.

30.20 C (9)

30.20 C (10)

**Table 30.20.1** – This table is confusing when we are trying to relate it specifically to the Prairies. The zoning section is mixed use in a highly developed area. Please clarify that that initial density for all of the Prairies is intended to be “High” and not “Agriculture, Low, or Medium Transitional.” Development of a mixed-use district in an agricultural zone seems unlikely and distracts from the goal of the Sub-Area Plan to establish “a mix of uses, complementing the commercial character of the area while respecting adjacent residential development.”

**Table 30.20.1** – The planning commission previously indicated its willingness to permit 8 units per net acreage of development with the ability to go up to 16 units per acre. We would request the table be updated to reflect the lengthy conversations that the planning commission had previously on this topic. These density amounts were discussed thoroughly and decided at the Planning Commission’s 10/24/19 meeting, as noted in the meeting minutes.

**30.20 C (11)** – Will the proposed 85’ buffer from residential districts apply to proposed residential development within the Mixed-Use district? Does this exist elsewhere in the Township---Residential with a buffer for Residential development?

**30.20 C (11) I** – Can we identify some examples of would be acceptable in this category? For example, the Sub-Area plan suggests a vegetative screen may be acceptable.

**30.20 C (11) II** – For our project, please confirm that if we developed residential in the scale and format currently allowed under the current zoning, that would be an acceptable waiver. The current zoning allows us to develop duplex buildings along the southern property line and the current zoning allows quadplex buildings to be developed along the east property line of the thumb that orients further south.

**30.20 C (12)** - How was the 15% Open Space requirement selected? Is this based on best practices? Does it continue to limit land available for new housing in the township? The Planning Commission’s 12/14/17 minutes note that “The recommendations in the Sub-Area plan are based on the community outreach and careful consideration of the Planning Commission with regard to the uniqueness of this area and its location in that portion of the Township slated for more intense development.” How can the development be “intense” at the Maple Hill South Sub-Area with a blanket 15% open space requirement? The last section requires all open space be irrevocably conveyed....is this legal and what is intended by this objective?

**30.20 D** - With the proposed staff review of all site plans inside of an approved comprehensive plan, will the applicant be permitted an opportunity to “present” their project and answer questions---similar to a traditional PC Public Hearing? If the Planning Commission and Township Board wanted additional flexibilities knowing that large scale developments like the Prairies may evolve over decades, is there additional language you could offer that would give flexibility as the Sub-Area plan suggests?

**30.20 E** – We assume “same manner as originally required” means the manner set forth in D? Can you confirm?

### 30.30 Developing within the Mixed-Use District

**30.30 A** - The proposed completion of all infrastructure before building construction could create dated and worn infrastructure by overall development completion. For example, building roadways, sidewalks, and street lighting for future phases that might not be occupied for several decades could create a situation where the infrastructure is non-functional when the phase is occupied and populated. A master plan for all infrastructure is practical, but installation at the beginning could create challenges.

The Sub-Area Plan specifically addresses this concern by noting that “The vision is forward-looking, anticipating that development or redevelopment will not occur immediately, but rather, will occur in line with the market demand over a longer period of time.”

**30.30 D 1) and 2)** – These sections are confusing in the context of Mixed Use. Please help us understand how these might be applied in Mixed Use zoning district.

**30.30 D 4) iv** – We would request the minimum dwelling unit size to be 400 square feet which is what the Planning Commission previously decided after lengthy discussion and noted in the original Overlay draft document.

**30.30 D 4) vi** - The proposed language notes a maximum height of 2 stories unless otherwise specifically permitted in an approved comprehensive plan. What items will be considered to explore additional stories---nearby building heights, architectural design, etc.? If the objective is to keep buildings shorter, won't the 12' first floor minimum artificially make the buildings taller? If mixed-use is truly desired, a building will typically need 4 to 5 stories to become economically viable.

Also, shouldn't this link back to the Sub-Area Plan, which notes that “Building design shall be elevated with varied building heights?” How can the area be varied with only 1 and 2 story structures? The Sub Area Plan further suggests that massing and building scale could be more intense adjacent to established commercial areas along West Main and US-131, or with a small downtown feel in other areas.

**30.30 D 4) viii** – This seems to be a new standard which may be impossible to meet. Please clarify what is intended here.

**30.30 E** – It seems that if there is a denial by the Planning Department because of “interpretation” implementation or other subjective matters, that matter should be appealed to the Planning Commission or Township Board. The ZBA is the venue for variances.

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November 30, 2022

**Mtg Date:** December 8, 2022  
**To:** Planning Commission  
**From:** Iris Lubbert, AICP, Planning Director  
**Subject:** Work Session: Discuss proposed AVB/Hinman MU zoning district draft revisions

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A draft of a newly proposed MU zoning district was introduced to the Planning Commission at their regular November 17<sup>th</sup> meeting. At that meeting representatives of AVB and Hinman requested that they be able to submit a redline version of the draft with their proposed changes for the Planning Commission to consider. The Planning Commission agreed to hold a special meeting to consider the requested changes on December 8<sup>th</sup> if the proposed changes were provided to staff no later than 5PM on Tuesday, November 29<sup>th</sup>. The redline document was submitted to the Township at 1:16 PM on Tuesday, November 29<sup>th</sup>.

Attached is the draft Mixed Use District language with the AVB/Hinman proposed changes and comments in redline. Township staff will review the suggested language and have their recommendations ready for the discussion on December 8<sup>th</sup>.

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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. Larger comprehensive development plans, in excess of 80 acres and part of a Sub Area Plan, may have multiple owners and developed in phases. 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.

Ref - MH Sub Area Plan, Pg 51 "vision, goals, and principles", 2nd Par.

**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. SpecificPotential 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. For larger comprehensive development plans in excess of 80 acres and part of a Sub Area Plan, specific uses and proposed residential densities shall be limited to the first (and current) phase of development and potential future uses and potential future residential densities shall be suggested for the remaining phases.
- (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 interiorInterior 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 meet the quality standards of the Road Commission of Kalamazoo County, as well as Article 51: Access Management Guidelines of the Township Zoning Ordinance. For larger comprehensive development plans with a correlating minimum 80 acre Sub Area Plan where a greater quantity of roads will be required:
    1. The Township shall promote innovative and creative efforts to enhance a safer pedestrian experience and lower traffic speeds, including on-street parking, reduced road widths and rights of way, on-street non-motorized facilities, etc.
    2. Private Road Guidelines
      - a. Private roads may consist of the following classifications and designed to the following standards:
        - i. Alleyway
          1. Purpose = To provide access to the rear or side of properties
          2. Right-of-way = 20 feet
          3. Street Width = 20 feet
          4. Number of Travel Lanes = 2
        - ii. Local Residential Street
          1. Purpose = To serve the local residential access needs within the development
          2. Right-of-way = 56 feet (may be reduced to 42 feet if on-street parking is prohibited)

See Overlay Draft Pages 8 & 9, Section 5.

3. Street Width (curb to curb) = ~~32~~ 28 feet
4. On-Street Parking = Parallel (7 feet)
5. Number of Travel Lanes = 2
6. Block Length = 600 feet maximum
7. Alleys = Optional
8. Landscape Strip = 6 feet
9. Sidewalk = 5 feet + one foot beyond sidewalk
10. Bike Lane = None

iii. Local Mixed-Use Street

1. Purpose = To serve the areas of low-volume mixed-use access needs within the development
2. Right-of-way = 62 feet (may be reduced to 46 feet if on-street parking is prohibited)
3. Street Width (curb to curb) = 36 feet
4. On-Street Parking = Parallel (8 feet)
5. Number of Travel Lanes = 2
6. Block Length = 600 feet maximum
7. Alleys = Optional
8. Landscape Strip = 6 feet
9. Sidewalk = 6 feet + one foot beyond sidewalk
10. Bike Lane = None

iv. Collector Street

1. Purpose = To serve as a distributor road within the development and to move traffic from local streets to arterial roads.
2. Right-of-way = 76 feet Parallel Parking, 98 feet Diagonal Parking (right of way may be reduced to 60 feet if on-street parking is prohibited)
3. Street Width (curb to curb) = 46 feet Parallel Parking, 68 feet Diagonal Parking
4. On-Street Parking = Parallel or Diagonal (8 feet or 19 feet)
5. Number of Travel Lanes = 2
6. Block Length = 1000 feet maximum
7. Alleys = Optional
8. Landscape Strip = 8 feet
9. Sidewalk = 6 feet + one foot beyond sidewalk
10. Bike Lane = 5 feet

v. Parkway

1. Purpose = For swifter and unimpeded travel through the development, carrying higher volumes of traffic.
2. Right-of-way = 128 feet

- 3. Street Width (curb to curb) = 29 feet one way – total pavement width 58 feet
- 4. Median Type = Raised
- 5. Median Width = 16 feet
- 6. On-Street Parking = No
- 7. Number of Travel Lanes = 4
- 8. Block Length = n/a
- 9. Alleys = Optional
- 10. Landscape Strip = 8 feet
- 11. Sidewalk = 6 feet + one foot beyond sidewalk
- 12. Bike Lane = 6 feet

ii. ii. Streets shall be interconnected with each other and with streets on abutting properties in a grid or modified grid pattern, unless otherwise approved by the Planning Commission.

iii. 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.

For larger comprehensive development plans in excess of 80 acres and linked to a Sub Area Plan:

- I. The TIS above shall also establish a baseline traffic volume calculating the traffic volume that would occur under the existing zoning district and/or the future land use plan, regardless of/prior to a rezoning to Mixed Use. Developer/applicant shall not be responsible for traffic mitigation below the baseline traffic volume.
- II. Mitigation efforts, if any, shall be broken into phases tied directly to the comprehensive development plan
- III. Mitigation shall not be required if the decline in service is caused by the Township requiring connection to an adjacent property or neighborhood and such connection is the sole cause of the decline in level of service
- IV. A decline in level of service to a level of service that is commercially acceptable will not require mitigation

V. Some or all mitigation requirements may be waived by the Planning Commission if adequate traffic improvements are implemented as part of a larger plan by MDOT, the Road Commission, or the Township

VI. In the event mitigation efforts are required, the Township will reasonably work with the developer/applicant in good faith to seek solutions and approvals necessary

(5)

- (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 proposed by the owner shall incorporate and may go beyond the development requirements in Section 30.30.D.
- (7) **Stormwater.** Areas for common stormwater detention, those with the intention of serving a larger area or multiple facilities, shall be identified on the development schematic plan and turned over to the Kalamazoo County Drain Commission Office (unless otherwise agreed to by all parties involved) when constructed. Feasibility of site conditions should be considered.
- (8) **Residential Density and Density Bonus.**
- i. **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 (a) without a correlating Sub Area Plan and is within a C: Local Business District designation, or (b) with a correlating minimum 80 acre Sub Area Plan 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. For comprehensive development plans with a correlating minimum 80 acre Sub Area Plan, overall gross density calculation shall be the gross acreage of the proposed development, including commercial development minus public/private rights-of-way and stormwater detention areas, however, stormwater detention areas may be included in the gross density calculation if they are designed as functional open spaces, are accessible to pedestrians, and do not require safety fencing.
  - 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~~).

See Overlay Draft  
Page 5 Section  
XX.40 A.

- 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, apartments, 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, a Walk Score of 70 or above, 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-~~24~~ 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	<del>68</del> units an acre	<del>1516</del> units an acre

See Overlay Draft  
10.24.19 and PC Meeting  
Minutes

- (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. Buffer can include a non-motorized trail system.

- 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 85' 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.
- III. This buffering requirement of 85' shall be waived if abutting residential uses are developed in compliance with the residential zoning that existed prior to the change to this MU zoning 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 (except as otherwise provided for herein) and any required buffering shall not be included in the designated open space, unless the buffering exceeds the minimum requirement, or the buffer includes a non-motorized trail system.
- 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-, except for necessary site grading.
- IV. All designated open space areas shall initially be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.
- V. All designated open space areas shall be set aside through an irrevocable conveyance approved by the Planning Commission as part of final site plan approval, such as recorded deed restrictions, covenants that run perpetually with the land, a conservation easement, or land trusts.

See Overlay Draft  
Page 10 E.3.

#### 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. Planning Department shall schedule such review within 4 weeks of application submittal.
- 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 positive and negative impact on neighboring land uses ~~and~~; potential impact on the natural environment; and other concerns and benefits 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 in D. above.

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 (unless specified

otherwise in 30.20 C. (4) above) 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. The Planning Commission may approve reduced separation between structures in a manner consistent with the approved comprehensive development plan when requested by applicant together with reasoning for the request.
- iv. Residential unit sizes shall be regulated by Section 50.20 of the Ordinance.
- v. A minimum ground floor to floor height of 12 feet shall be required for all commercial and mixed use development unless the ground floor in a mixed use building is used for residential or residential ancillary uses.
- vi. Maximum building height shall ~~be two (2) stories~~ meet the Township's zoning ordinance unless otherwise specifically permitted by a Sub Area Plan and/or the adopted comprehensive development plan.
- vii. All roadways shall be designed and constructed as Streets to Kalamazoo County Road Commission standards, unless otherwise approved by the Planning Commission or pursuant to section 30.20 C.(4) above.
- viii. Pedestrian-Orientation. Sites and streets 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.
- xii. For larger comprehensive development plans with a correlating minimum 80 acre Sub Area Plan where a greater overall quantity of parking will be available, to avoid excessive unused parking, the Planning Commission shall have ability to reduce or land bank the required parking counts if adequate parking is demonstrated for each phase.

#### **E. AUTHORITY TO WAIVER**

Regulations relating to the use of land, including permitted land uses, height requirements, yard setbacks, and site improvements shall, in the first instance, be based on the standards and requirements outlined in this Article 30. However, the Planning Commission is given the authority to permit flexibility in such standards and encourage innovation in land use and variety of design, layout, type and use of structures, provided any variation granted would also result in the overall design being consistent with the intent and eligibility criteria of this Article 30, compatible with adjacent uses of land, the natural environment, and capacities of public services and facilities affected by the land uses.

See Overlay Draft  
Page 11 Sec XX.50

#### **E.F. 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~~ Planning Commission. If administrative approval is denied because a zoning variance is required, the applicant may appeal the decision to the Zoning Board of Appeals.

DRAFT