



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 Optional in Oshtemo Township Buildings

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

**THURSDAY, JUNE 8, 2023
6:00 P.M.**

AGENDA

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: May 25, 2023
6. **Public Hearing: Article 58 - Airport Zoning Ordinance**
A new Zoning Ordinance to protect the flight patterns and landing area of Newman's Field, a public use airport.
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), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

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

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

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

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

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

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
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	

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A MEETING HELD MAY 25, 2023

Agenda

PUBLIC HEARING: WEST PORT VILLAGE PUD AMENDMENT TO UNIT 1

Jeff Scheffers, on behalf of Visser Property Management, was requesting site plan and special use approval to amend Unit 1, 5401 W. H Avenue, within the West Port Village Planned Unit Development (PUD) to establish and assembly and convention hall use in addition to the existing office space for Visser Construction.

WORK SESSION:

STEERING COMMITTEE, OSHTEMO HOUSING STUDY

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, May 25, 2023, commencing at approximately 6:04 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS WERE PRESENT: Anna Versalle, Chair
Micki Maxwell, Vice Chair
Phil Doorlag
Deb Everett
Zak Ford, Township Board Liaison
Scot Jefferies
Alistair Smith

Also present: Iris Lubbert, Planning Director, James Porter, Attorney, Colten Hutson, Zoning Administrator, Martha Coash, Recording Secretary, and approximately 16 guests, including Emily Petz from the W.E. Upjohn Institute.

Call to Order and Pledge of Allegiance

Chairperson Versalle called the meeting to order and invited those present to join in the Pledge of Allegiance.

Approval of Agenda

The Chair asked if there were any changes to the agenda. Hearing none, she moved to the next agenda item.

Public Comment on Non-Agenda Items

As no one wished to comment, the Chair moved to the next agenda item.

Approval of the Minutes of the Meeting of May 11, 2023

Chairperson Versalle asked if there were additions, deletions, or corrections to the Minutes of the Meeting of May 11, 2023.

Hearing none, she asked for a motion to approve the minutes as presented.

Mr. Ford **made a motion** to approve the Minutes of the Meeting of May 11, 2023 as presented. Mr. Doorlag **seconded the motion**. The **motion was approved** unanimously.

Chairperson Versalle moved to the next item on the agenda.

PUBLIC HEARING: WEST PORT VILLAGE PUD AMENDMENT TO UNIT 1 **Jeff Scheffers, on behalf of Visser Property Management, was requesting site plan and special use approval to amend Unit 1, 5401 W. H Avenue, within the West Port Village Planned Unit Development (PUD) to establish and assembly and convention hall use in addition to the existing office space for Visser Construction.**

Mr. Hutson indicated Jeff Scheffers, on behalf of Visser Property Management, was requesting site plan and special use approval to amend unit 1 within the West Port Village PUD to establish an assembly and convention hall use in addition to the existing office space for Visser Construction. The applicant was also proposing to modify exterior site elements located at Unit 1, including but not limited to, parking, greenspace and site amenities. Approved on November 18, 2004, Unit 1 serves as the nonresidential component of the residential PUD for West Port Village, located on the south side of W. H Avenue, between N. Drake Road and US-131.

On November 18, 2004, the Oshtemo Township Planning Commission granted site plan and special exception use approval for West Port Village PUD which entailed 133 residential units and one nonresidential unit. The nonresidential unit was approved to serve as office space for Visser Construction as well as a community area for the residents of West Port Village. The applicant was proposing to change the community area component within the nonresidential building to a commercial assembly and convention hall use.

He noted nonresidential uses within a PUD are limited to “Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto...” to serve the day-to-day needs of residents in the development (Section 41.60.B). As an

assembly and convention hall use does not clearly fall into this category, the applicant requested a text interpretation from the Zoning Board of Appeals, which considered the request at their regular March 21, 2023 meeting. After discussion, the Zoning Board of Appeals unanimously interpreted that an Assembly and Convention Hall use meets the intent of Section 41.60.B of the ordinance as a neighborhood commercial use.

With this interpretation, the applicant submitted a formal application to the Planning Commission requesting to modify Unit 1. In addition to requesting to change the community area component within the nonresidential building to a commercial assembly and convention hall use, the proposed amendments include modifications to the site's parking, greenspace and amenities. The office space for Visser Construction will remain.

He indicated this application was put in motion through code enforcement action and noted many of the proposed changes have already been implemented. The applicant has been responsive and willing to work with staff to bring the site into compliance.

Mr. Hutson said three sets of criteria need to be considered: 1) the general site plan review criteria outlined in Section 64 of the Zoning Ordinance, 2) the general special use review criteria outlined in Section 65.30 of the Zoning Ordinance, and 3) the specific requirements for special uses outlined in Section 49.40. He provided a thorough analysis of the proposal against these three sections and said overall, most of the requirements of Section 64, Section 65.30, and Section 49.40 have been met.

Attorney Porter explained the ZBA decided an Assembly and Convention Hall use meets the intent of the Zoning Ordinance as a neighborhood commercial use for Unit 1 within the residential PUD of West Port Village. Now the Planning Commission needed to apply the proper standards in place to decide whether the site plan and special use approval meet those requirements.

RECOMMENDATION:

Mr. Hutson said the Planning Department staff recommended the Planning Commission approve the proposed special use and site plan for the proposed modifications to the use and layout of Unit 1 within the West Port Village PUD with the following conditions. He noted Commissioners could consider whether they believed it to be appropriate to impose additional conditions on this request.

- 1) All conditions of approval previously granted by the Planning Commission for the West Port Village Planned Unit Development shall remain in effect unless specifically modified by Planning Commission action.
- 2) Unit 1 shall consist of an office for Visser Construction and an assembly and convention hall use not to exceed 49 occupants in total. The assembly and convention hall use shall not exceed 45 occupants.
- 3) All parking related to the uses within Unit 1 shall be located on the property. On-street parking shall be prohibited.
- 4) The office hours for Visser Construction shall be limited to 7am-5pm Monday through

Friday.

- 5) The assembly and convention hall use shall be limited to the hours of 8am-10pm daily.
- 6) The two tree plantings in the proposed islands shall be changed to a species native to Michigan and installed accordingly. A revised landscaping plan shall be submitted to the Township for review and approval.
- 7) Eliminate the word 'potential' from the annotations on the landscaping plan regarding the fire pit and grill station area.
- 8) Any other additional conditions that the Planning Commission deems necessary.

Chairperson Versalle thanked Mr. Hutson for his presentation and asked if Commissioners had questions for him.

Ms. Maxwell asked if there was a definition for Assembly Convention Hall use when the PUD was enacted.

Attorney Porter said he was not sure of the same wording, but that a definition was in place. The wording was recently modified.

Ms. Lubbert said HOA provided financial support for Unit 1, but recently stopped supporting its maintenance, so it was decided to open the facility to the public in addition to residents to assist with its upkeep.

Mr. Ford asked how to determine whether the request was detrimental to the residential character.

Attorney Porter indicated 20% is allowed commercial. That would have to be weighed by Commissioners, but mixed use is allowed in a PUD. He noted the owners could put in a convenience store if desired.

Ms. Lubbert explained the special use considerations outlined in the ordinance and analyzed in the staff report are there to assist in that determination.

Hearing no further questions from Commissioners, Chairperson Versalle asked if the applicant wished to speak.

Mr. Jeff Scheffers, Visser Property Management, said they are committed to the corner and had worked with the HOA board regarding some amenities, but the board was not interested. Visser's goal is to make a beautiful spot on the corner and to increase the property value again. They want to offer something the community could use and a survey indicated people do like the community this would provide.

There were concerns from Commissioners regarding whether there would be an attendant at events, if alcohol will be allowed, how the gates will be handled, and whether people will honor the allowed parking spaces,

Mr. Scheffers said the area will be monitored by cameras and there is protection,

but not necessarily on site. A rental is usually booked for three hours. The responsible party signs a contract. As there is a large fee required in case of damage or anything that might occur, the contract signer is liable and therefore takes their responsibility seriously. If Visser is hosting an event they will have someone on site. He indicated Visser is protecting both residents and their investment in the corner property.

Ms. Lubbert noted many rentals do not have someone on site to monitor events, including the Township's facilities.

Mr. Scheffers indicated if the applicant wishes to serve alcohol, Visser has the right to refuse, but if allowed, that is addressed on the application and the appropriate legal one-day permit must be provided.

He noted there is both an ingress and an egress gate. When there are evening events, the ingress gate will be open until a reasonable time for guests to arrive, if past the usual closing time. After that time, that gate will be locked and guests will leave through the egress gate.

Ms. Lubbert noted the Commission could recommend as a condition of approval that there be a letter of understanding from the HOA regarding how the gate will be used and other operations.

Mr. Scheffers said applicants for use of the room will be educated that there are 19 sanctioned parking spaces and instructions will be specific. He noted owners also live there and if they see a problem they will intervene.

He said it was always their intent to have something rentable. They are not looking to do anything detrimental to residents. This is the most limited, low intensity commercial use they could probably do. They went to the HOA board with a proposal for them to buy the building in order to spread the cost, but the board was not interested, nor were they interested in a suggested a pickle ball court.

Mr. Scheffers noted Visser does not oppose any of the Township staff recommended conditions of approval.

Chairperson Versalle opened the meeting to public hearing and asked if any members of the public wished to speak.

Mr. Cal Asma, 5411 Harborview, asked about the defined restrictions for Unit 1.

Ms. Lubbert said staff has suggested eight restrictions as part of their recommendation for approval of the request which are outlined in the staff report.

Mr. Asma noted there have been a few events held at this site since December with no problems and said they are not dealing with a gun or liquor store or the like. He would call Mr. Scheffers if there were an issue.

Mr. Tristan Stempien, 2652 West Port Drive, voiced several concerns: 1) he felt the property management group moved forward without proper prior approval from the Township. 2) that there have been documented incidents of pranking including doorbell ringing. 3) that cameras are not sufficient to deter wandering. 4) that there will be additional risk with expanded gate hours; safety and privacy will be taken away. 5) that quiet neighborhood walks will be impacted by concern about safety with open gates. 6) increased parking issues/parking along roads adjacent to Unit 1. Obstruction has already occurred. He asked that negative impacts be considered.

At this point, Chairperson Versalle read the three written comments that were included with the meeting packet and five that were received after the packet was published. All eight written comments, a mix of positive and negative perspectives, are attached to these minutes.

The Chair asked if there were further comments from the public.

Ms. Karen Dixon, 2807 Stone Valley Lane, noted previous break-in incidents when the gate was closed and 5:00 a.m. trespassers. If the gate is open, older people in the community who planned on safety and security will be impacted. No supervisor for events is not acceptable. What assurance is there that use of fines will be result in safety? She lives one house away from Unit 1 and was concerned about liability to sidewalks and streets. The Association has paid for heat, AC and lights for the exercise room. They were asked to pay \$482,000 for the community center.

Ms. Jill Vroegindeway, 2557 Piers End Lane, said she did not have concerns, that it would be a bigger concern to her if the proposed use is not approved, as Visser could develop the corner into any other commercial space. The community had the opportunity to own the piece of property, but the residents declined. The board did not want to do anything. They passed on the opportunity to participate in the renovation, so she felt Visser has the right to do what they want.

Hearing from no other members of the public, Chairperson Versalle closed the public hearing and moved to Board Deliberations.

Mr. Ford felt there could be a much worse neighbor and felt that what was being proposed strikes the right balance. He was supportive of moving ahead with the recommendation.

Ms. Everett felt there should be a letter of understanding from the HOA.

Mr. Jefferies agreed and that included should be what happens and when, so the HOA, owner and Township have the same understanding. He was concerned about no supervision as well as the parking issue and felt there should be a little more monitoring. He wondered what we could ask for and how much violation Oshtemo would tolerate.

Ms. Lubbert said the Commission may require additional conditions on top of the

staff recommendations.

Attorney Porter suggested remote cameras for monitoring could be a condition and noted the Township has enforcement officers and if there are violations, owners could be at risk and cited.

Ms. Everett asked Mr. Scheffers if there is contact information available to residents for recourse if there are problems.

Mr. Scheffers said they have talked about that internally and that it would be a process through the board. MRM Management Co. would field calls. Four cameras already monitor the whole front of the property.

Ms. Everett said she would like to add a condition for approval that the Management Company provide contact information through Visser.

Mr. Scheffers explained the gate is automatic. It would not stay open for the whole event. If the event starts at 7:00, board members would be asked to leave the ingress gate open until 7:45. After that time, people can leave through the exit gate. There is a limited time to get in the entrance gate. The egress gate is automatic.

Chairperson Versalle asked if there could be a change to limit the open hours M-F from 8:00 am to 8 pm and weekends 8-10 p.m.

Ms. Lubbert said that could be imposed if necessary.

Mr. Ford indicated he had no concern with the open hours as proposed.

Mr. Doorlag said the Planning Commission cannot enforce or mitigate concerns. The requested use is almost as low intensity as it could be. It is an effort to still provide a benefit to the community.

The Chair said it did sound like there were some concerns at the beginning of the transformation that Visser was cognizant of and is working to eliminate, which demonstrates good neighborly stewardship.

Ms. Lubbert noted this is a special use request and that if terms are violated or there are too many issues, protections are in place and approval could be revoked.

Ms. Everett wondered if they could require a bond for alcohol use.

Attorney Porter said one-day coverage for homeowners could be imposed as a condition but he did not think Visser would not do that on their own.

Mr. Scheffers said the requirement for insurance if alcohol is to be served is already in place.

Ms. Lubbert said it could still be included as a condition just to be sure.

Mr. Ford **made a motion** to approve the proposed special use and site plan for the proposed modifications to the use and layout of Unit 1 within the West Port Village PUD with the following conditions:

1. All conditions of approval previously granted by the Planning Commission for the West Port Village Planned Unit Development shall remain in effect unless specifically modified by Planning Commission action.
2. Unit 1 shall consist of an office for Visser Construction and an assembly and convention hall use not to exceed 49 occupants in total. The assembly and convention hall use shall not exceed 45 occupants.
3. All parking related to the uses within Unit 1 shall be located on the property. On-street parking shall be prohibited.
4. The office hours for Visser Construction shall be limited to 7am-5pm Monday through Friday.
5. The assembly and convention hall use shall be limited to the hours of 8am-10pm daily.
6. The two tree plantings in the proposed islands shall be changed to a species native to Michigan and installed accordingly. A revised landscaping plan shall be submitted to the Township for review and approval.
7. Eliminate the word 'potential' from the annotations on the landscaping plan regarding the fire pit and grill station area.
8. A letter of understanding from the West Port Village HOA shall be provided to the Township outlining their understanding of the use of the security gate as it relates to this special use.
9. In case concerns or issues arise from an event hosted at this site, Visser Construction's contact information shall be provided to the West Port Village management company.

Chairperson Versalle **seconded the motion. The motion was approved unanimously.**

Attorney Porter said although not part of the Motion, Oshtemo staff will ask HOA to inform their residents of what has been approved.

At approximately 7:45 p.m. the Chair moved to a group work session.

WORK SESSION:

Steering Committee, Oshtemo Housing Study Report

Emily Petz, representative from the W.E. Upjohn Institute for Employment Research, continued work with the Planning Commission to identify appropriate tools and strategies for the Housing Study. She provided updated strategies for goals three and four for discussion.

The group reviewed goals three and four and adjusted strategies based on their discussion and suggestions from an attending member of the public.

Chairperson Versalle moved to the next item on the agenda.

OTHER UPDATES AND BUSINESS

Ms. Lubbert told Commissioners two responses to the RFP for work on the Master Plan update were reviewed and the preferred firm's proposal was approved by the Township Board. It is expected their work will begin soon.

In response to a question about the cost, she indicated the amount of the proposal was not unexpected given the scope of work and length of time estimated for completion.

She informed the commission that new member Jeff Carsons has been appointed to the Township Board.

Attorney Porter told the group the airport zoning ordinance will come to the board at its next meeting for consideration. He noted it has been cut back in scope and area of responsibility from what was previously discussed.

ADJOURNMENT

With there being no further business to consider, Chairperson Versalle adjourned the meeting at approximately 8:42 p.m.

Minutes prepared:
May 26, 2023

Minutes approved:
_____, 2023

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Oshtemo Township Planning Commission
C/O Mr. Colten Hutson, Zoning Administrator
7275 West Main St
Kalamazoo, MI 49009

Re: Minutes from Oshtemo Charter Township Zoning Board of Appeals Meeting of 03/21/2023

Dear Mr. Hutson,

As a longtime association member of West Port Village Condominiums, I am writing to you to express my concerns about the impending request by Visser Property Management to continue the use of Corner 401 (formerly our clubhouse or Unit 1) as an Assembly and Convention Hall. As stated in the minutes of the 3/21 meeting the decision has been made to allow Assembly and Convention Halls as an acceptable neighborhood commercial use in a Residential PUD. I also read that future requests would be reviewed on a case by case basis.

Below is a detailed list of concerns that I ask you to share with the Oshtemo Township Planning Commission on my behalf as the Commission reviews Visser Property Management's request to allow an Assembly and Convention Hall within West Port Village Condominium. These concerns are a direct result of observations made while Visser Property Management conducted business last year at Corner 401, as an Assembly and Convention Hall. My concerns show that Corner 401, as it has operated in the past and would presumably in the future, does not have proper controls and limitations thus cause it to be incompatible and detrimental to the West Port Village Condominium.

1. Initial Design Intent – Based upon the minutes of the Oshtemo Township Planning Commission meeting of November 18, 2004 the intended use of the Unit 1 (formerly the clubhouse) was to provide space for use by the developer/builder and members of the West Port Village Condominium. Residents bought property within the condominium with the understanding that it was an amenity for condominium owners, and to this day, it is still listed in Developer's advertising as such. To my knowledge, neither have my association dues been used for maintenance, upkeep or support of this facility; nor do I believe that the association has ever paid for me to have access. Access to the exercise room and equipment was given freely by the developer from the very beginning. As I understand it, Visser Property Management unilaterally ended my access in 2021.
2. Security – West Port Village Condominium is a gated community with typical closing hours between dusk and dawn. Our community and Corner 401 (proposed Assembly and Convention Hall) can only be accessed via our entrance gate. Visser Property Management has opened the gates and left the gates open during the time the facility was in use by non-residents, at times beyond the normal gate operating schedule, resulting in compromised security for all residents.

Historically, there has been no Visser Property Management presence during the use of the property. Shortly after Corner 401 opened for business, during a late night event by held by non-residents, there was a "pranking" conducted by event attendees which involved doorbell ringing at one nearby home, at least.

3. Parking – During previous events conducted at Corner 401 by non-residents, vehicle parking has not been sufficient for event attendees. In these cases, Harborview Pass has been congested with parking on both sides of the street and on vacant lots. At times, traffic has been restricted to one lane.
4. Property Values – I am concerned that having an Assembly and Convention Hall that is commercial in nature will negatively affect my property values due to the added traffic in the neighborhood, the wear and tear on our private roads and the congestion at the entrance to our neighborhood.
5. Future – Should an exemption be made for an Assembly and Convention Hall and that business fails, what is to prevent the facility to be used as a salon, 7-Eleven or a butcher shop?

The following comments are related to the minutes of the Zoning Board of Appeals meeting of March 21, 2023. After reading the minutes for these proceedings I feel compelled to specifically address:

1. Unit 1 (formerly the clubhouse) was recently renovated by Visser Property Management and became Corner 401. Prior to the renovation, I believe the exercise room and pickleball courts were the most used assets. The renovated facility has no exercise room and pickleball courts have been removed. With those assets removed Corner 401 has less appeal than before and is even less likely to “serve the day to day needs of residents in the development”.
2. While the initial non-residential use of Corner 401 could not be considered frequent, the events could easily be considered moderate intensity. Should business use increase over time, as I would expect Visser Property Management hopes/envisions, it is conceivable that frequency and intensity could easily climb to the “moderate” category.
3. A business that is inside a gated community with but one access is detrimental to the residential character of West Port Village Condominium. During the zoning board of appeals meeting it appears that parallels were drawn between West Port Village and the Sky King Meadows PUD. Comparing the Sky King Meadows PUD along the 9th St commercial corridor to West Port Village sitting along H Ave seems inappropriate. The neighborhood commercial businesses at Sky King Meadows have their own access points off 9th St and do not require patrons to traverse residential areas, park on private streets or gain access via a security gate. It should also be noted that Sky King Meadows has access roads maintained by the county and Corner 401 access is via private roads maintained by the association members.

Thank you in advance for your consideration in this matter.

Sincerely,

A concerned West Port Village Condominium Association member

2509 West Port Drive
Kalamazoo, MI 49009
May 15, 2023

Oshtemo Township Planning Committee
7275 West Main Street
Kalamazoo, MI 49009

To Whom It May Concern:

I am writing to you in regards to the requested zoning change for the Visser property within the West Port Village condominium community.

I have some grave concerns about security when I am told that the security gate will remain open until midnight the days Visser's venue is rented for various functions. As a community of largely retired people, among them widows and widowers that sought a secure location to live, this encourages the possibility of harassment and vandalism. Some of this has already occurred since the facility has been rented out already from what I understand.

The use of alcohol at events also invites noise and mischief - disruption of the quietude we, as a community, sought when we built here. Since there is no monitoring of people at the venue even legal products from local dispensaries would be allowable. There is the possibility of damage to property, the gate which the Association maintains, and common areas.

Parking along and on both sides of the streets at past events has made it almost impossible to navigate the community. Even with an enlarged parking area, large groups will be still be forced to park along streets not designed for public, or commercial, use.

In the initial and current on-line description of West Port, the community is offered a "clubhouse and recreation area... a workout area at your doorstep.. a tennis court." All of these have been converted into a commercial venture, that fronts within the confines of the community and not on H Avenue. And for these reasons, I have to oppose the zoning change.

Truly,



Charles Bryan

WestPort Village: Oshtemo Condominiums

Beautiful free-standing condominiums within a gated community.

Whether you are looking for added luxury, convenience, or value... our condominium floor plans offer you the flexibility to modify them a number of ways.

We are particularly happy that you allowed us to "personalize" our model to make it truly "ours" and to make it more functional for our lifestyle.

~ WPV Condo Owner

Our clubhouse and recreation area offers you fun activities and a workout area at your doorstep. Outside enjoy the many benefits like a tennis court, walking trail and picnic pavilion.

Imagine living in the place where neighbors quickly become friends!

For more, information please call (269) 552-9090. Or, contact us through the website.

Oshtemo Township Planning Committee
7275 W. Main St.
Kalamazoo, MI 49009

Julie A. Stempien
2819 Stone Valley Ln
Kalamazoo, MI 49009

May 25, 2023

To Whom It May Concern:

I would like to address the Planning Commission concerning the request of Visser Property Management for plan approval to amend the use in existing Unit 1.

Since Corner 401 has been functioning there have been several events where, due to the parking lot being full, vehicles have parked on Harbor view Pass, Stone Valley Lane, and West Port Dr. It is reasonable to say that even though staff recommended on-site parking be used and no on-street parking be allowed, if the parking lot is full the attendees will park where ever they can. The obvious concerns are more traffic in, out and through our community. Vehicles parking on-street and restricting visibility through and around cars. I am concerned that this will result in an increase of accident and or injury.

During a known event, attendees did leave the site, walking through our neighborhood, knocking on at least 2 resident's doors. There is no guarantee that attendees will stay on-site. The concern, the attendees will leave the site and access our neighborhood. Since alcohol is permitted on the premise there is the possibility and likelihood that intoxication will incur. This is a huge concern and the Planning Commission need to take this into consideration. It affects our safety, our security and our liability.

The noise will be and issue for those of us in close proximity to Corner 401. Arriving, leaving and outdoor activities will impact the noise level. Add in alcohol consumption.

With these concerns I would like to drive the point that there is no known monitoring during these events. We, the community will have to deal with each and every issue. With all due respect, Visser Management can assure you and us that they will work with attendees, however, there is no guarantee that the issues will be resolved.

Since there is only one entrance and exit attendees will be using the gate to gain access. We have closing hours so accommodations will be expected. The options are, leaving the gate open and extended time after hours or giving out access codes, which can be used at any time to reenter our community. That will compromise the safety and security of our community.

I would be interested in knowing how the staff concluded that this proposal would not change or have a negative impact on our community. I respectfully disagree.

In conclusion, I want to emphasize again, there will be no known monitoring of events.

Thank you for your consideration of my concerns regarding this matter.

Sincerely,

Julie A. Stempien

Iris Lubbert

From: Dusty Farmer
Sent: Friday, May 19, 2023 10:38 AM
To: Iris Lubbert
Subject: Fwd: Planning Commission meeting on May 25

Dusty Farmer, Clerk
Oshtemo Township
269-216-5224

From: Clara Paine
Sent: Friday, May 19, 2023 9:04:15 AM
To: Oshtemo <Oshtemo@oshtemo.org>
Subject: Planning Commission meeting on May 25

CAUTION: External Email

We are Douglas & Clara Paine, longtime Oshtemo Township residents. Recently, we moved into a new condo at West Port Village.

We are writing in regard to a planning commission meeting scheduled for May 25. One of the agenda items for that meeting pertains to Corner 401, a meeting space located at West Port Village.

Corner 401 is a beautiful, newly-renovated structure located at the entrance to West Port Village. It is serving as a gathering spot for various social events, such as showers and parties.

Our experiences over the years with the Visser family—encompassing multiple generations—have been overwhelmingly positive. They do things right. We ask that you be supportive of Corner 401; it is a benefit to our township.

Thank you for your consideration of this request.

Douglas & Clara Paine

Sent from my iPad

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Iris Lubbert

From: Dusty Farmer
Sent: Thursday, May 25, 2023 10:27 AM
To: Iris Lubbert
Subject: FW: Planning Commission meeting on May 25, 2023

-----Original Message-----

From: George Spengler
Sent: Thursday, May 25, 2023 9:53 AM
To: Oshtemo <Oshtemo@oshtemo.org>
Cc: Jeff Scheffers
Subject: Planning Commission meeting on May 25, 2023

CAUTION: External Email

We are George and Jennifer Spengler and have resided in a new condo at West Port Village since July, 2021.

We are writing in regard to the planning commission meeting scheduled for May 25. One of the agenda items for that meeting pertains to Corner 401, a meeting space and business office of Visser Construction, just inside the West Port Village property.

After the WPV owners decided to not accept the offer from the Visser Property Management contribute financially to have partial ownership and rent activity space in the building in 2021 the Vissers took private ownership of this property. Renovations were made to Corner 401 to upgrade their office space and to create welcoming gathering space (both inside and outside the building).

We have noted residents' concerns about parking and gate security which we believe have been addressed by the WPV Board and the Vissers. From our perspective the Visser Property Management has made necessary adjustments to their practices when renting the gathering space and believe that they will continue to have the best interest in the residents safety and security in mind.

We request your support for the Visser Property Management in their request of a site plan and special use approval to establish an assembly and convention hall use in addition to the existing office space at the Corner 401 building.

Thank you for your consideration of this request.

George and Jennifer Spengler

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Oshtemo Township Planning Committee
7275 W. Main St.
Kalamazoo, MI 49009

Julie A. Stempien
2819 Stone Valley Ln
Kalamazoo, MI 49009

May 25, 2023

To Whom It May Concern:

I would like to address the Planning Commission concerning the request of Visser Property Management for plan approval to amend the use in existing Unit 1.

Since Corner 401 has been functioning there have been several events where, due to the parking lot being full, vehicles have parked on Harbor view Pass, Stone Valley Lane, and West Port Dr. It is reasonable to say that even though staff recommended on-site parking be used and no on-street parking be allowed, if the parking lot is full the attendees will park where ever they can. The obvious concerns are more traffic in, out and through our community. Vehicles parking on-street and restricting visibility through and around cars. I am concerned that this will result in an increase of accident and or injury.

During a known event, attendees did leave the site, walking through our neighborhood, knocking on at least 2 resident's doors. There is no guarantee that attendees will stay on-site. The concern, the attendees will leave the site and access our neighborhood. Since alcohol is permitted on the premise there is the possibility and likelihood that intoxication will incur. This is a huge concern and the Planning Commission need to take this into consideration. It affects our safety, our security and our liability.

The noise will be and issue for those of us in close proximity to Corner 401. Arriving, leaving and outdoor activities will impact the noise level. Add in alcohol consumption.

With these concerns I would like to drive the point that there is no known monitoring during these events. We, the community will have to deal with each and every issue. With all due respect, Visser Management can assure you and us that they will work with attendees, however, there is no guarantee that the issues will be resolved.

Since there is only one entrance and exit attendees will be using the gate to gain access. We have closing hours so accommodations will be expected. The options are, leaving the gate open and extended time after hours or giving out access codes, which can be used at any time to reenter our community. That will compromise the safety and security of our community.

I would be interested in knowing how the staff concluded that this proposal would not change or have a negative impact on our community. I respectfully disagree.

In conclusion, I want to emphasize again, there will be no known monitoring of events.

Thank you for your consideration of my concerns regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Stempien". The signature is written in black ink and is positioned above the printed name.

Julie A. Stempien

Iris Lubbert

From: Dusty Farmer
Sent: Tuesday, May 23, 2023 7:56 AM
To: Iris Lubbert
Subject: Fwd: Comment on Visser Property Management Zoning Change to Unit 1 (Corner 401)

Dusty Farmer, Clerk
Oshtemo Township
269-216-5224

From: Sharon Soltesz
Sent: Tuesday, May 23, 2023 7:19:42 AM
To: Oshtemo <Oshtemo@oshtemo.org>
Subject: Comment on Visser Property Management Zoning Change to Unit 1 (Corner 401)

CAUTION: External Email

Good Morning,

I would like to send a quick note to express my approval on the zoning update for Visser Property Management's Unit 1, also known as Corner 401. The property has been extensively improved, and it is a nice addition to our community.

Thank you very much,
Sharon Soltesz
2562 Piers End Lane

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Iris Lubbert

From: Stephen Olson
Sent: Wednesday, May 24, 2023 3:58 PM
To: Iris Lubbert; Colten Hutson
Subject: "Corner 401" at 5401 W H Ave.

CAUTION: External Email

Dear Ms. Lubbert & Mr. Hutson,

We are sending this email, as we may not be able to attend the planned meeting tomorrow, Thursday May 25, 2023.

We have been residents of West Port Village, our home being at 2465 Piers End Court, since March 13, 2018. We believe that the current controversy over the parking, security & future changes to this facility are irrelevant.

We are very pleased with the way Jeff & Kelli Scheffers have beautifully remodeled this "Corner 401" & made it generously accessible to all of us who reside in West Port Village! Any attempt to limit their use of this facility we believe is counterproductive.

We encourage you to approve the proposed changes in wording for this facility, because Jeff & Kelli have gone over & above to earn our trust & admiration, based in part on all their efforts to beautify West Port Village. The improvements they have made to this facility & throughout our neighborhood have increased our feelings of mutual goodwill towards them, as well as, appreciating the increased value of our own individual homes in the process. We are,

Respectfully yours,

Stephen & Janet Olson

Home Phone: 1-269-254-8014

[Sent from Yahoo Mail for iPhone](#)

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO.

Adopted: _____, 2023

Effective: _____, 2023

An Ordinance to amend the Oshtemo Township Zoning Ordinance to add Article 58
– Airport Zoning Ordinance

OSHTEMO CHARTER TOWNSHIP AIRPORT ZONING ORDINANCE

FOREWARD

The principal objective is to provide additional safety and protection to the users of Newman’s airport and to the people who live and work in its vicinity.

The Ordinance recognizes the Federal Communications Commissions (FCC) regulations on land within a 10-mile radius of the Newman’s Airport (a public use airport). This Ordinance establishes an air bowl with a minimum height limitation above ground at some locations in the approaches to the runways immediately adjacent to the airport (2 miles) increasing to a maximum height limitation of 500 feet above the established elevations of the airport as the distance from the airport is increased. The purpose of this Ordinance is to protect the flight pattern and landing area of Newman’s Field. Subject to the jurisdictional limitations of the Township.

Structures and trees which project above the height limitations are considered hazards to flying and endanger lives and property. The prescribed height limits are based on studies made by the Aeronautics Commission of the State of Michigan and by the Federal Aviation Administration. Height limits are based upon the established elevation of the airport or upon the elevation of the end of the nearest runway.

This Ordinance does not affect existing structures, the height of which exceeded the limits imposed by this Ordinance at the time it became effective. New construction, and construction increasing the height of existing structures, within the airport area, must conform to the provisions on height. The Ordinance also restricts such uses of land within the vicinity of the airport as would unreasonably interfere with radio communication systems and other navigational aids or devices used by the airport and aircraft, or would reduce visibility, or would create confusing lights, or would be subject to undesirable effects that may be caused by the operation of aircraft.

The Township is charged with the responsibility of administering and enforcing the provisions of the Ordinance with the understanding that it will seek the close cooperation of, and work through, the Planning Commission and Township Planning Department Director.

To effectively administer the Ordinance, the Township establishes application heights which are below the allowable height limits of the Ordinance. This was done to make it easier for the local Planning Commission, Zoning Board of Appeals, and the general public, to decide whether an application for permit must be filed with the Township

Planning Department Director. This was also done to give added insurance to those who are constructing the higher, more costly structures. The establishment of application heights reduces the number of those who must make application.

The Ordinance contains provisions for the variance of the regulations in the event of practical difficulty or unnecessary hardship if the relief granted would not be contrary to the public interest and safety. It is the intent of the Township, with the cooperation of the public, to have the Ordinance administered in a reasonable and just manner in keeping with the responsibilities involved.

The preceding is by way of explanation only and is not to be considered a part of the Ordinance. Information regarding height limits and copies of the Ordinance are available at the offices of the Oshtemo Charter Township, Kalamazoo, Michigan. A copy of the Ordinance is on file with the Clerk of Oshtemo Charter Township.

OSHTEMO CHARTER TOWNSHIP AIRPORT ZONING ORDINANCE

An Ordinance establishing airport zoning regulations restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Newman's Airport (a public use airport); providing for the allowance of variances from such regulations; designating the Administrator charged with the administration and enforcement of such regulations; providing for enforcement; and imposing penalties for violation of this Ordinance.

Pursuant to the authority conferred by the provisions of the Airport Zoning Act, being Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session) and for the purpose of promoting the health, safety, and general welfare of the inhabitants of the Oshtemo Charter Township by preventing the establishment of the airport hazards and thereby protecting the general public, users of Newman's Airport, and occupants of land in its vicinity, and preventing the destruction and impairment of the utility of said airports and the public investment therein.

The Oshtemo Charter Township under the provisions of Section 13, 14, 17 of Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session), does hereby ordain as follows:

SECTION 1 PURPOSE AND LIMITATIONS

1.1 Title

This Ordinance includes all airport zoning plans attached hereto and is to be known and may be cited as the "Oshtemo Charter Township Airport Zoning Ordinance."

1.2 Objective

The principle objective of this Ordinance is to prevent the creation or establishment of airport hazards and thereby to provide additional safety and protection to the users of the airport and to the people who live and work in its vicinity.

1.3 Hazard Area

The Ordinance establishes regulations on land within a two-mile radius of Newman's Airport subject to the jurisdictional boundaries of the Township. This Ordinance establishes an air bowl with a maximum height limitation of 500 feet above the established elevation of the airport at the outer edge and has a minimum height limitation of 25 feet above the ground at some locations in the approaches to the runways immediately adjacent to the airports. The height limitations of this Ordinance become less severe as the distance from the airport is increased. See Map A.

The Township recognizes the FCC's 10 mile and 6.32-mile height restrictions and has established its hazard area, in furtherance of the FCC regulations, as well as the Michigan Aeronautics Commissions general rules.

1.4 Hazards

Structures and trees which project above the height limitations under this Ordinance are considered hazards to flying and endanger lives and property. The prescribed height limits are not arbitrarily set, but are based on studies made by the Michigan Aeronautics Commission and by the Federal Aviation Administration. Height limits are based upon the established elevation of the airport or upon the elevation of the end of the nearest runway.

1.5 Existing Non-Conforming Objects

The Ordinance does not affect existing non-conforming use structures, the height of which exceeded the limits imposed by this Ordinance at the time it became effective. New construction, and construction increasing the height of existing structures, within the hazard area, must conform to the provisions on height limitations. The Ordinance also restricts such uses of land within the vicinity of the airport as will unreasonably interfere with radio communications systems, navigational aids, or other devices used by the airport and aircraft, or would reduce visibility or would create confusing lights, or would be subject to undesirable effects that may be caused by the operation of aircraft.

1.6 Administration

The Administrator shall administer and enforce the provisions of the Ordinance and shall seek the close cooperation of and work through the local County, Township Planning Commission, and Zoning Board of Appeals.

1.7 Heights Requiring Permits

To effectively administer the Ordinance, the Township hereby establishes application requirement for all new structures over 50 ft in height within the Hazard Area Map or for new uses or changes in use within the Accident Safety Zones (see Map B). This is done to make it easier for the local Planning Commission, Zoning Board of Appeals, and the general public to decide whether an application for permit must be filed with the Oshtemo Township Planning Department. This was also done to give added insurance to those who are constructing the higher, more costly structures. The establishment of application heights reduces the number of those who must make application.

1.8 Land-Use Types Requiring Permits

To promote the general purpose and objectives of this Ordinance and its effective administration, all persons making use of land within the areas shown on Land-Use Guidelines Table 1-5 of the zoning plans are advised to consult Section 3.07 of this Ordinance as to undesirable land uses within designated airport Land-Use guidance zones.

1.9 Provisions for Variance

The Ordinance contains provisions for the variance of the regulations in event of practical difficulty or unnecessary hardship if the relief granted would not be contrary to the public interest and safety. It is the intent of the Administrator with the cooperation of the public, to have the Ordinance administered in a reasonable and just manner in keeping with the responsibilities involved.

1.10 Where to Obtain Copies of this Ordinance

Information regarding height limits and copies of the Ordinance are available at the Oshtemo Charter Township offices at 7275 West Main St Kalamazoo, Michigan, 49009. A copy of the Ordinance is on file with the Oshtemo Charter Township Clerk.

SECTION 2 DEFINITIONS

For the purposes of this Ordinance, the words, terms and phrases set forth in Sections 2.1 through 2.13 inclusive, shall have the meanings prescribed in those sections.

2.1 Above Mean Sea Level

The term "above mean sea level" denotes elevations above sea level based upon and determined by reference to United States Coast and Geodetic Survey datum.

2.2 Accident Safety Zones:

Those areas as outlined in the Accident Safety Zones Map with the 20:1 ratio surrounding the immediate area of the airport (see Map B).

2.3 Administrator

"Administrator" means the Planning Director of Oshtemo Charter Township, or their designee, who is designated and charged with the administration and enforcement of this Ordinance.

2.4 Airport

The term "Airport" means the Newman's Airport and all appurtenances used or acquired for airport buildings or other airport facilities, and all other adjacent rights of way or other existing or future interests.

2.5 Airport Hazard

"Airport Hazard" means any structure or tree within the airport hazard area which exceeds the height limitations established by this Ordinance, or any use of land or appurtenances within the airport hazard area which interferes with the safe use of the airport by aircraft.

2.6 Airport Hazard Area

The term "airport hazard area" means any area of land or water, or both, lying within a two-mile radius from the established center of Newman's Airport in which an airport hazard might exist if not prevented by this Ordinance (see Map A).

2.7 Airport Zoning Act

The term "Airport Zoning Act" refers to Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session).

2.8 Board

The term "Board" means the Zoning Board of Appeals as hereinafter created and designated below.

2.9 Land-Use Guidance Zone

The term "land-use guidance zone" means an area or zone in which certain types of land uses are recommended due to noise, vibrations, fumes, dust, fuel particles and other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at Newman's Airport.

2.10 Non-Conforming Use

The term "non-conforming use" means any structure, tree or use of land which does not conform to a regulation prescribed in this Ordinance or any amendment as of the effective date of such regulation.

2.11 Person

The term "person" means any individual, firm, partnership, corporation, company, association, joint stock association, municipal corporation or other body politic, including any trustee, receiver, assignee or other similar representative.

2.12 Structure

The term "structure" means any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, overhead transmission lines, and radio and television aerials and antennae, but not including highways and their appurtenances.

2.13 Tree

The term "tree" means any object of natural growth.

SECTION 3 ZONES

3.1 Airport Hazard Areas

An airport hazard area is established, which area or zone consists of all the lands within Kalamazoo County lying beneath the approach, transitional, 149 feet horizontal, conical and 500 feet horizontal surfaces, said land being located within a circle having a radius extending horizontally two miles (see Map A) from the established center of the usable landing areas of the airport, known as the airport reference point. No person shall erect or add to the height of or replace an object within an area two miles from the nearest boundary of Newman's Field which will result in an object height extending higher than the height determined by the ratio of 20:1 between the nearest boundary of the airport and the object. The boundaries of the hazard areas are shown on the Land-Use Guideline Tables numbered 1-5, which are attached and made a part of this Ordinance.

3.2 Airport Zoning Plans

The height limitations shown on the attached airport Land-Use Guideline Tables numbered 1-5 of zoning plans are imposed on the lands in the airport hazard areas, the

same being based upon the elevations above mean sea level at the ends of the respective airport runways and the established Elevation of the airport, which elevations are shown on Land-Use Guideline Tables 1-5 of the zoning plans.

3.3 Height Limitation

No person may erect or maintain any structure to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached maps, or to plant or allow any tree to grow to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached maps; or to establish any use of lands contrary to the provisions of this Ordinance.

3.4 Unlawful Land Use

Notwithstanding any other provisions of this Ordinance, no person may use any lands within any airport hazard area which:

- (a) Would create electrical interference with radio communications between the airport and aircraft or create interference with navigational aids employed by aircraft;
- (b) Would make it difficult for flyers to distinguish between airport lights and others or result in glare to the eyes of flyers using the airport;
- (c) Would create air pollution in such amounts as to impair the visibility of flyers in the use of the airport;
- (d) Would locate or permit the operation of a dump, waste disposal site, sanitary landfill, hazardous waste facility, solid waste transfer station or recycling facility within 10,000 feet of any runway at the airport, unless the construction, location and operation of the site is approved or authorized by the Federal Aviation Administration as not being in violation of its orders, rules or regulations applicable to the airport, or unless a waiver is issued by the Federal Aviation Administration.
- (e) Would otherwise endanger the landing, taking off, or maneuvering of aircraft;
- (f) Would attract birds.
- (g) Would raise the descent minimums of any instrument approach procedure to the airport, or otherwise limit operations at the airport, as determined by an airspace study conducted by the Federal Aviation Administration.

3.5 Non-Conforming Existing Uses

The provisions of Section 3.3 of this Ordinance shall not apply to structures, trees or other nonconforming uses existing in an airport hazard area on the effective date of this Ordinance, unless the Administrator determines it to be damaged or should be abandoned as set forth in Section 63.30 and 63.40 of the Zoning Ordinance.

3.6 Alterations to Non-Conforming Land Use

The provisions of Section 3.3 of this Ordinance shall apply to changes or alterations which increase the height of existing structures, trees or other non-conforming uses after the effective date of this Ordinance, with the same force and effect as though the same were new uses.

3.7 Land-Use Guidance Zone

- (a) Purpose. The purpose of Land-Use Guidance Zones defined in Section 2.7, is to designate areas in which certain types of land uses are recommended due to undesirable effects that may be caused by the operation of aircraft. See the Land-Use Guidance Chart I, as shown on Land-Use Guideline Tables 1-5 of the airport zoning plans, for recommended land uses.
- (b) Acceptable Land-Use. The uses of land within the areas shown on the zoning plans are acceptable land-uses as outlined in land-use guidance chart II, as shown on Land-Use Guideline Tables 1-5 of the airport zoning plans.

SECTION 4 ORDINANCE ADMINISTRATION

4.1 Approach Standards

The approach, transitional, conical and inner horizontal surfaces which establish the height limitations under this Ordinance are denoted on Land-Use Guideline Tables 1-5 of the zoning plans, and are established in conformance with approach standards or regulations of the Michigan Aeronautics Commission or the Federal Aviation Administration. In acting upon applications for permits, the Administrator will arrive at proper height limitations by interpolating between contours shown on the zoning plans.

4.2 The Administrator

The Administrator is charged with the duty of administering and enforcing this Ordinance. The Administrator shall act as the "administrative agency" referred to in the Airport Zoning Act. The duties of the Administrator shall include those of issuing permits as provided below, but the Administrator shall not have or exercise any of the powers or duties delegated to the Zoning Board of Appeals. The Administrator is granted sole authority to approve land uses on airport property in accordance with State and Federal guidelines. The Administrator may adopt such rules of procedure as may be necessary in connection with the administration and enforcement of this Ordinance.

4.3 Board of Appeals

The Zoning Board of Appeals has the powers set forth in Section 28 of the Airport Zoning Act and shall exercise such powers as are conferred upon it in the Airport Zoning Act and Article 69 of this Ordinance.

SECTION 5 PERMITS

5.1 Permit Maps

There is attached hereto as Land Use Guideline Tables 1-5 of the Airport Zoning Maps, a "permit map" showing applicable height limitations within the airport hazard areas above which permits are required under this Ordinance. For objects that exceed 50' within 2 miles of the airport. The permit maps are affixed to this Ordinance for the information of and consultation by all persons proposing to make uses of land within the airport hazard areas, whether the same be new uses or changes in existing uses, and it shall not be a defense in any action that a person charged with violation of this Ordinance, whether in a criminal or civil action, failed to consult this Ordinance or the permit maps prior to the action giving rise to the violation.

5.2 Application for Permits

Applications for permits shall be made to the Administrator upon forms furnished by the Administrator. Within 15 days from the application, the Administrator will determine whether the height limitations as designated by the Airport Zoning Map (A) and Airport Safety Map (B) and this Ordinance, would or would not be violated if the application were granted and shall grant or deny the application accordingly (the Administrator not being vested with authority to permit a variance). In the event of a denial, the applicant may apply to the Zoning Board of Appeals for a Certificate of Variance. Prior to applying for a Certificate of Variance, the person proposing to undertake such development, shall first apply and receive approval from the Michigan Aeronautics Commission and the Federal Communication Commission. The Administrator is authorized and directed to approve all applications for permits for uses

not exceeding 50 feet in height above the existing ground level which meets all other requirements of the Zoning Ordinance as the same may exist on the effective date of this Ordinance, notwithstanding anything to the contrary herein contained, it being intended that the maximum height limitation to be imposed by this Ordinance shall be 50 feet above ground level existing on the date of this Ordinance. The issuance of a permit shall not be construed to permit a use that violates Section 3.5 of this Ordinance or any General Zoning Ordinance or regulations of any political subdivision applicable to the same area.

5.3 Permit Procedures

Persons wishing to create new uses or to change existing uses requiring site plan approval, must designate on their site plan application if the proposed use or change in use, is within the Airport Safety Zones set forth on the Accident Safety Zone Map (B), is greater than 50 feet in height and lies within the Hazard Area of Newman's Field (see Map A) or is within the accident safety zones of Newman's Field (see Map B).

If the proposed use or changing use, meets any of the three conditions outlined above, an Airport Safety Review Permit Application must be filed with the Administrator.

If it appears, after consulting the permit maps, that the proposed new use or changing use will violate the provisions of this Ordinance, then no such use or change in use shall be undertaken unless and until the person proposing to undertake such development, shall first apply and receive approval from the Michigan Aeronautics Commission and the Federal Communication Commission. If such approval is granted, the applicant shall apply to the Zoning Board of Appeals for a variance, in accordance with the procedures and standards contained in this Ordinance.

5.4 Exception for Emergency Repairs

No permit is required for the emergency repair or emergency replacement of nonconforming public utility structures, other than buildings, when the height of such structures will not be increased by such repairs or replacement. It is intended that in the application of this provision any combination of circumstances calling for immediate action or remedy in the repair or replacement of such non-conforming public utility structures shall be deemed an emergency.

SECTION 6 JUDICIAL ACTION

6.1 Appeals to Circuit Court

Any person, including the Michigan Aeronautics Commission on behalf of and in the name of the State, aggrieved by any decision of the Zoning Board of Appeals, may appeal to Circuit Court of the County of Kalamazoo as provided in Section 30 of the Airport Zoning Ordinance.

6.2 Penalties

Any person who violates this Ordinance or any regulations, orders or rulings made pursuant to this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00 or imprisoned for a term not to exceed 90 days, or both. Each day a violation continues to exist after notice shall constitute a separate offense. Such notice may be given by the Zoning Administrator by certified mail, return receipt requested, addressed to the person maintaining the violation at the last known address.

6.3 Appearance Ticket Authorization

Unless prohibited by state law, the following persons are empowered to issue and serve appearance tickets for violations of this Ordinance, pursuant to PA 246 of 1965, as amended, PA 181 of 1951, as amended, and PA 50 of 1919, as amended.

The Oshtemo Charter Township Ordinance Enforcement Officer pursuant to Ordinance No. 58

6.4 Civil Action Available

The Township may in addition to any criminal action taken, institute in the Circuit Court of Kalamazoo County, an action to prevent, restrain, correct or abate any violation of this Ordinance or the Airport Zoning Act, or of airport zoning regulations adopted under this Ordinance or under the Airport Zoning Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order to effectuate fully the purposes of this Ordinance or the Airport Zoning Act and the regulations adopted and orders and rulings made pursuant thereto

**SECTION 7
FEDERAL LAWS
FEDERAL AVIATION REGULATIONS**

7.1 Federal Laws (Part 77, 14 C.F.R §77.1 et seq.)

The Airport Zoning Ordinance is not intended to conflict with existing federal approach protection laws. The Federal Aviation Administration requires that it be given notice of any construction or alteration:

- (a) That would be more than 200 feet above ground level at its site.
- (b) That would be above an imaginary surface extending outward and upward at 100:1 slope within 20,000 feet of the nearest point of a runway more than 3,200 feet in length.
- (c) That would be above an imaginary surface extending outward and upward at 50:1 slope within 10,000 feet of the nearest point of a runway less than 3,200 feet in length.

**SECTION 8
SEVERABILITY OF PROVISIONS**

8.1 Severability of Provisions

If any of the provisions of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications of the Ordinance, and to that end the provisions of this Ordinance are declared to be severable.

**SECTION 9
AMENDMENTS**

9.1 Amendments

This Ordinance, and the regulations prescribed herein, may be amended by the Township after a Public Hearing is held in relation to the proposed amendment, pursuant to Section 19 of the Airport Zoning Act.

SECTION 10
EFFECTIVE DATE

10.1 Effective Date

This Ordinance will take effect upon Publication after Adoption in accordance with state law. Ordinances, or parts Ordinances, are in conflict herewith are hereby suspended until the Moratorium provisions of this Ordinance are otherwise amended, or repealed.

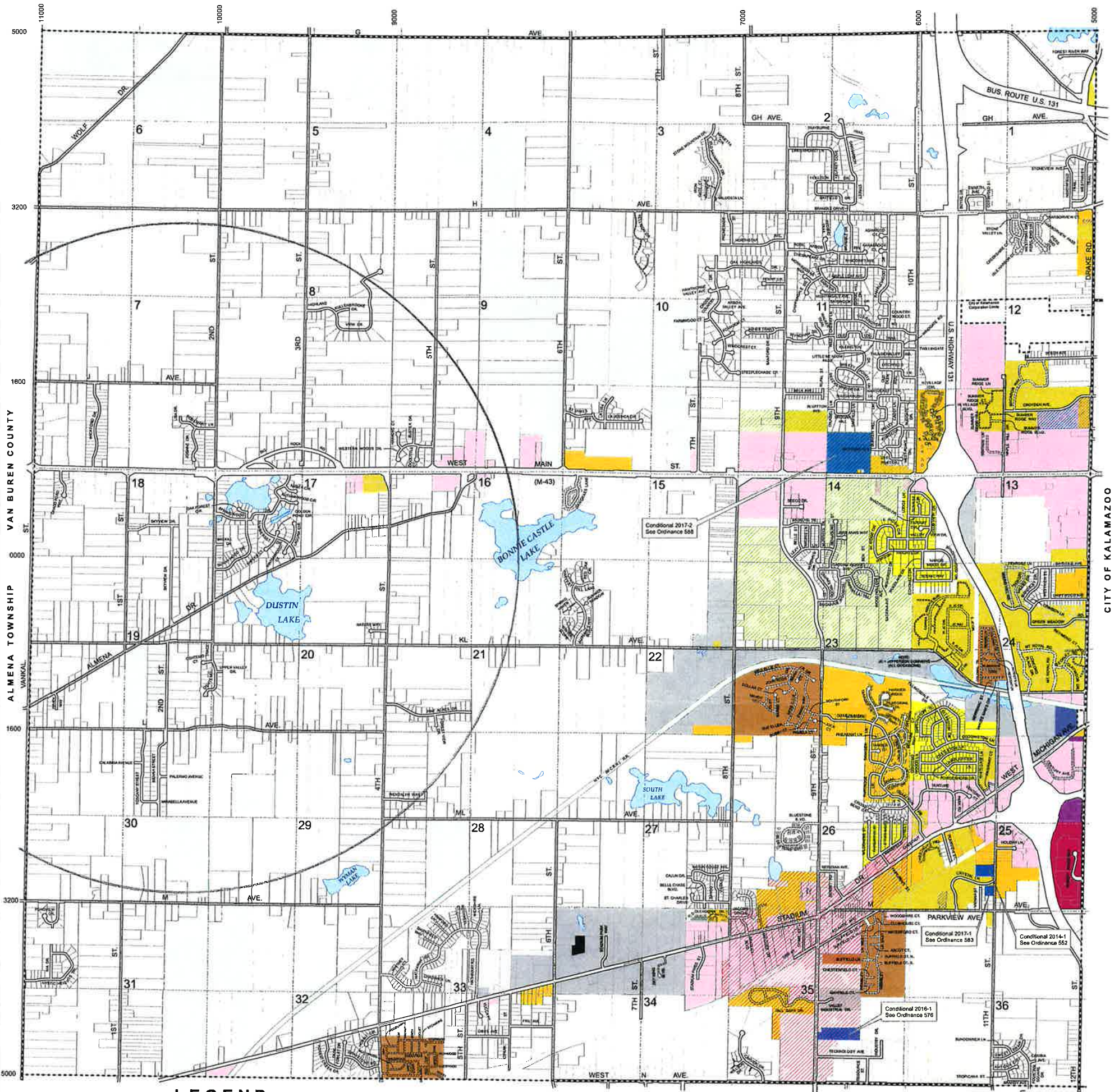
DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

Charter Township of Oshtemo

Kalamazoo County, Michigan

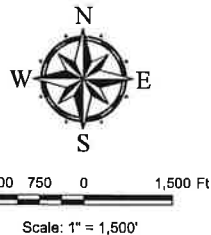
AIRPORT HAZARD AREA

MAP A



LEGEND

- AG - AGRICULTURAL DISTRICT
- RR - RURAL RESIDENTIAL DISTRICT
- R1 - RESIDENCE DISTRICT
- R2 - RESIDENCE DISTRICT
- R3 - RESIDENCE DISTRICT
- R4 - RESIDENCE DISTRICT
- R5 - RESIDENCE DISTRICT
- VC - VILLAGE COMMERCIAL DISTRICT
- C-R - LOCAL BUSINESS DISTRICT RESTRICTED
- C - LOCAL BUSINESS DISTRICT
- BRP - BUSINESS AND RESEARCH PARK DISTRICT
- I-R - INDUSTRIAL DISTRICT RESTRICTED
- I-1 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- I-2 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- I-3 - INDUSTRIAL DISTRICT SPECIAL
- CONDITIONAL (See Notes On Map)
- 9TH STREET AND WEST MAIN STREET OVERLAY ZONE
- HISTORICAL OVERLAY ZONE
- NEIGHBORHOOD COMMERCIAL OVERLAY ZONE
- VILLAGE FORM BASED CODE OVERLAY ZONE



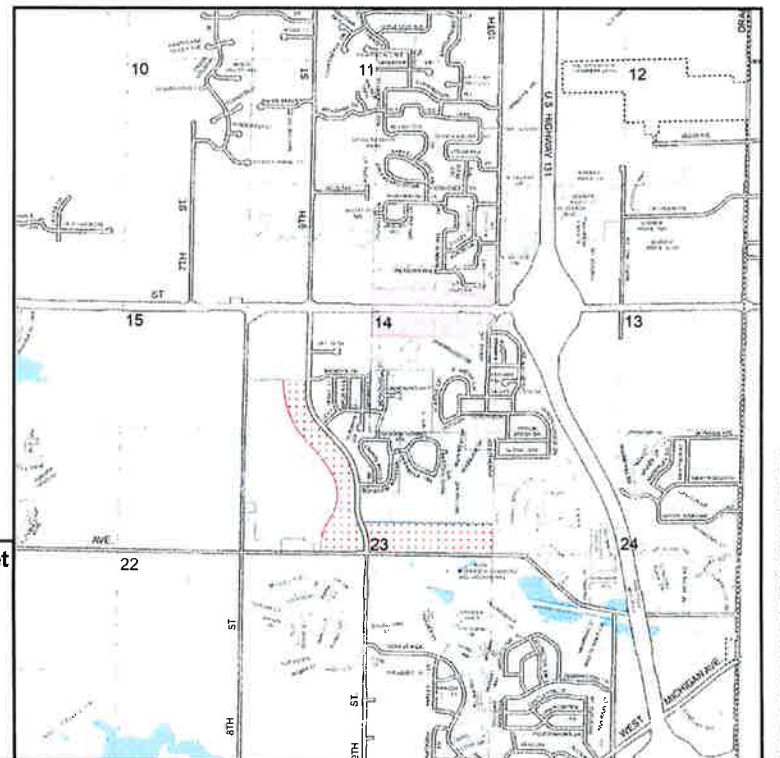
- Public ROW
- Private ROW
- Railroad ROW

Current Through Ordinance Number: 649
Effective: May 9, 2023

Printed: May 2023

9th Street and West Main Street Overlay Zone Designations

- 9th Street Commercial
- 9th Street Residential
- West Main Commercial
- West Main Residential



OSHTEMO TWP.

J AVE.

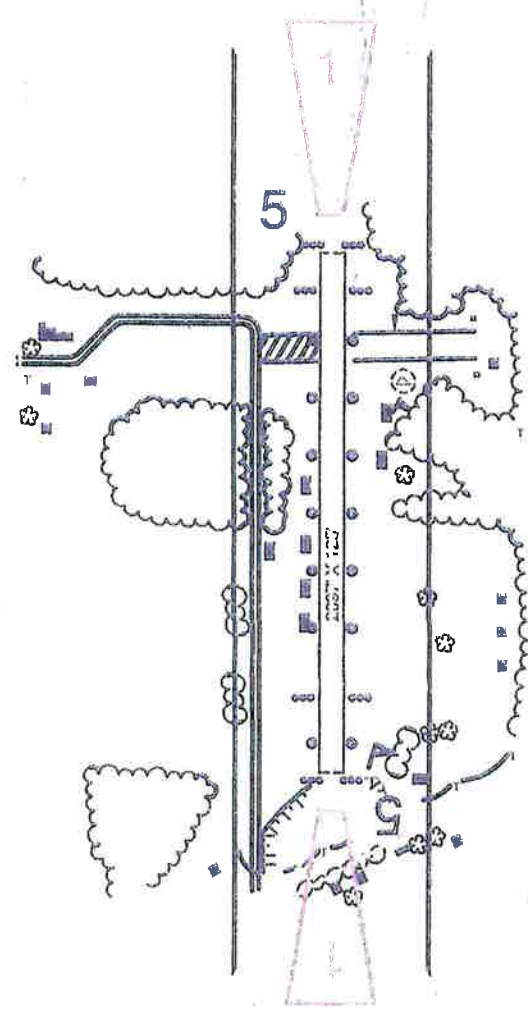
2ND

AIRPORT SAFETY ZONE MAP B

3RD ST.

4

(4)



MUD LAKE

ALMENA DR.

DUSTIN LAKE

KL AVE.

Accident Safety Zones		Area in feet
1	N & S	1000 ft
2	N&S	2500 ft
3	N&S	2500 ft
4	N&S	5000 ft
5	E&W	500 ft

Ratio 20:1 in feet					
100 ft	20 ft	1100 ft	220 ft	2000 ft	400 ft
200 ft	40 ft	1200 ft	240 ft	2100 ft	420 ft
300 ft	60 ft	1300 ft	260 ft	2200 ft	440 ft
400 ft	80 ft	1400 ft	280 ft	2300 ft	460 ft
500 ft	100 ft	1500 ft	300 ft	2400 ft	480 ft
600 ft	120 ft	1600 ft	320 ft	2500 ft	500 ft
700 ft	140 ft	1700 ft	340 ft		
800 ft	160 ft	1800 ft	360 ft		
900 ft	180 ft	1900 ft	380 ft		
1000 ft	200 ft				

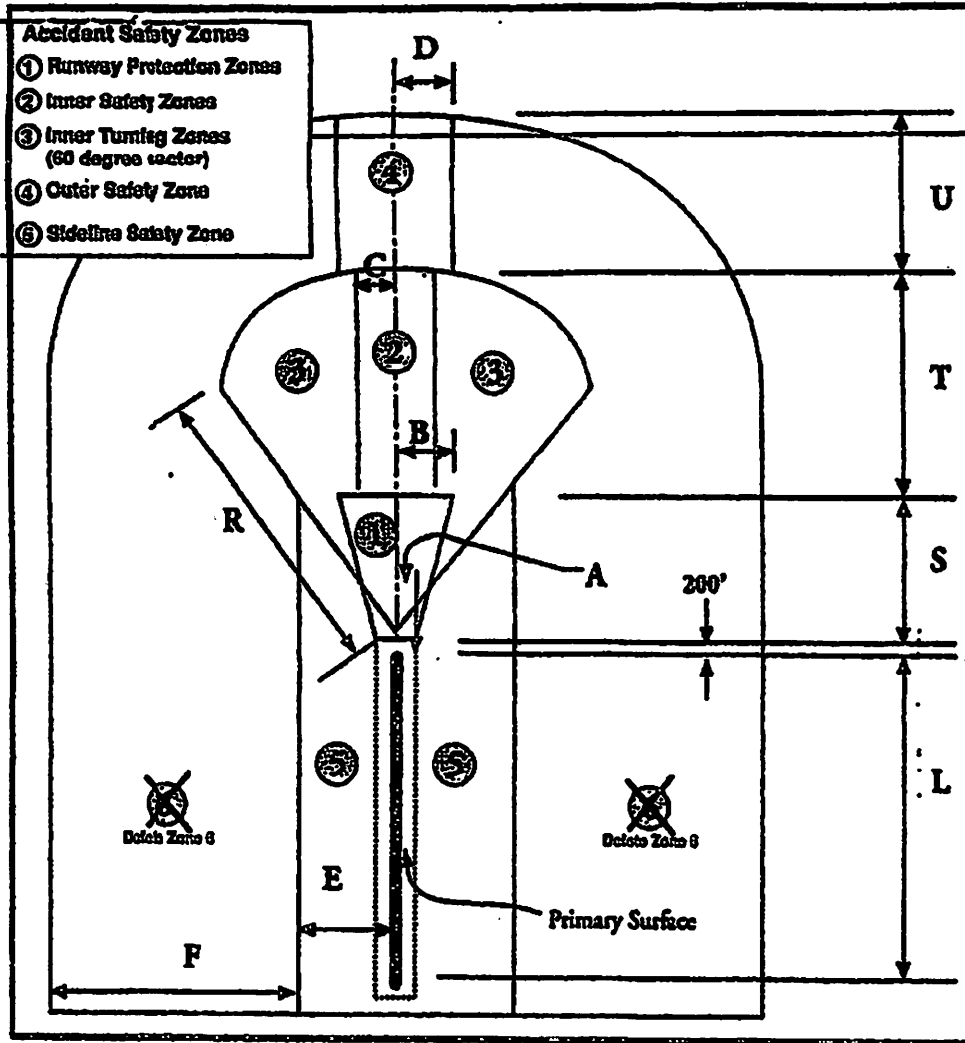
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L AVE.

OSHTEMO TWP.

4TH ST.

AIRCRAFT ACCIDENT SAFETY ZONE DIAGRAM



SAFETY ZONE DIMENSION (IN FEET)

Note:
 Data Source: NTSB accident investigations 1984-1991. Illustration Source: Hodges and Shutt, Institute of Transportation Studies, University of California, Berkeley, 1993.

Dimension	Runway Length Category (L)	
	Runway less than 4,000	
A	125	
B	225	
C	225	
D	225	
E	500	
F	4,000	
R (60° Sector)	2,500	
S	1,000	
T	1,500	
U	2,500	

ACCIDENT SAFETY ZONES, LAND USE GUIDELINES AND PLANNING STRATEGIES FOR NEW DEVELOPMENT

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies
Zone 1 (See Special Note)	Population Density	Avoid land uses which concentrate people indoors or outdoors.	*All aviation uses are acceptable 1. 0-5 people/acre. 2. Airport sponsor should purchase property if possible. 3. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-Residential land Use	Limit residential uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	1. Create a height hazard overlay ordinance around the airport. 2. Airport sponsor should purchase property if possible. 3. Airport sponsor should obtain aviation and obstruction easements. 4. During the site development process, shift all structures away from the runway centerlines if possible. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Discourage all Special Function Land Uses.	1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Special Note: Since the dimensions of Zone 1 correspond to the dimensions of the Runway Protection Zone (RPZ), those airports receiving federal grant dollars from the FAA's Airport Improvement Program, should strongly consider purchasing the RPZ, or otherwise acquire rights to the property for the RPZ.

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 2	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p> <p>Special Function Land Use</p>	<p>Avoid land uses which concentrate people indoors or outdoors.</p> <p>Limit residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.</p> <p>Discourage all Special Function Land Uses.</p>	<ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots). <ol style="list-style-type: none"> 1. Create a height hazard overlay ordinance around the airport. 2. Obtain aviation and obstruction easements. 3. During site development process, shift all structures away from the runway centerlines if possible. 4. Prohibit mobile home parks. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use. <ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 3	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p>	<p>Avoid land uses which concentrate people indoors or outdoors.</p> <p><u>Runway</u> < <u>4,000 feet</u> - Limit residential land uses.</p> <p><u>All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.</u></p> <p>Discourage all Special Function Land Uses.</p>	<p>1. < 25 people/acre.</p> <p>2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).</p> <p>1. Create a height hazard overlay ordinance around the airport.</p> <p>2. Obtain aviation and obstruction easements.</p> <p>3. During site development process, shift all structures away from the runway centerlines if possible.</p> <p>4. Prohibit mobile home parks.</p> <p>5. Landscaping requirements shall establish only low growing vegetation.</p> <p>6. Prohibit high overhead outdoor lighting.</p> <p>7. Require downward shading of lighting to reduce glare.</p> <p>8. Evaluate all possible permitted conditional uses to assure compatible land use.</p>
	<p>Special Function Land Use</p>		<p>1. Prohibit overhead utilities and all noise sensitive land uses.</p> <p>2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches.</p> <p>3. Limit storage of large quantities of hazardous or flammable material.</p> <p>4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</p>

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies <small>*All aviation uses are acceptable</small>
Zone 4	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p>	<p>Limit population concentrations.</p> <p><u>Runway < 4,000 feet</u> - Limit residential development to Low Density housing standards</p> <p>All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.</p> <p>Discourage all Special Function Land Uses.</p>	<p>1. < 40 people/acre in buildings, < 75 persons/acre outside buildings.</p> <p>1. Create a height hazard overlay ordinance around the airport.</p> <p>2. Obtain aviation easements.</p> <p>3. Clustered development to maintain density as long as open space remains unbuilt. Place clustered development away from extended runway centerline.</p> <p>4. Prohibit mobile home parks.</p> <p>5. Require downward shading of lighting to reduce glare.</p> <p>6. Evaluate all possible permitted conditional uses to assure compatible land use.</p>
	Special Function Land Use		<p>1. Evaluate noise sensitive land uses in light of aircraft noise contour lines (if available) when establishing new zoning.</p> <p>2. Prohibit high overhead utilities and all noise sensitive land uses.</p> <p>3. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches.</p> <p>4. Limit storage of large quantities of hazardous or flammable material.</p> <p>5. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</p>

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 5	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-Residential Land Use	Limit residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Airport sponsor should purchase property if possible. 2. Create a height hazard overlay ordinance around the airport. 3. Obtain aviation and obstruction easements. 4. During site development process, shift all structures away from the runway centerlines if possible. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Discourage all Special Function Land Uses.	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.