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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON
AT OSHTEMO TOWNSHIP HALL
7275 W MAIN STREET**
Masks Are Optional in Oshtemo Township Buildings

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

**THURSDAY, AUGUST 10, 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: July 27, 2023
6. Work Session
 - a. Continued Discussion: Height Requirements for Residential Dwellings
 - b. Introduction, Solar Ordinance
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)
(revised 5/3/2023)

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 Trustees		
<u>Supervisor</u> Cheri Bell	216-5220	cbell@oshtemo.org
<u>Clerk</u> Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u> Clare Buszka	216-5221	cbuszka@oshtemo.org
<u>Trustees</u> Zak Ford	271-5513	zford@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org
Neil Sikora	760-6769	nsikora@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 Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Vanessa Street	216-5233	vstreet@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Anna Horner	216-5228	ahorner@oshtemo.org

**OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A MEETING HELD JULY 27, 2023

Agenda

PUBLIC HEARING: REZONING, 1560 S. 8TH STREET

The applicant, Scott Williams, was requesting to rezone 1560 S. 8th Street from its current zoning designation of R-3, Residence District to I-1, Industrial District.

WORK SESSION: Introduction, 5G Ordinance

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, July 27, 2023, commencing at approximately 6:02 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS

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

Also present: Jim Porter, Township Attorney and Colten Hutson, Zoning Administrator.

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 suggested two changes to the agenda: moving items 6-9 down and inserting a new no. 6: Election of Officer for Chair, as she will be resigning from the Planning Commission later in the meeting, and no.7: her official resignation from the Planning Commission. Hearing no objections, the agenda was revised as suggested.

Public Comment on Non-Agenda Items

There were no public comments on non-agenda items.

Approval of the Minutes of the Meeting of June 22, 2023

Chairperson Versalle asked if there were additions, deletions, or corrections to the Minutes of the Meeting of June 22, 2023.

Hearing none, she asked for a motion.

Mr. Ford **made a motion** to approve the Minutes of the Meeting of June 22, 2023 as presented. Mr. Doorlag **seconded the motion**. The **motion was approved** unanimously.

ELECTION OF CHAIRPERSON FOR THE REMAINDER OF THE CURRENT TERM

Chairperson Versalle asked for nominations for the position of Planning Commission Chair for the remainder of the current term.

Mr. Ford nominated Mr. Doorlag for the position of Chair for the remainder of the current term. Mr. Doorlag accepted the nomination.

Mr. Ford **made a motion** to elect Mr. Doorlag to the position of Chair of the Planning Commission for the remainder of the current term. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously.

RESIGNATION FROM THE PLANNING COMMISSION

Chairperson Doorlag **made a motion** to accept Ms. Versalle's resignation from the Planning Commission effective at the end of this meeting. Mr. Ford **seconded the motion**. The motion to accept Ms. Versalle's resignation was approved unanimously.

Commissioners thanked Ms. Versalle for her service and wished her well.

Ms. Versalle said she would be moving to Germany, which is a big thing, and it will not be easy to leave Oshtemo Township where she has lived most of her adult life. She expressed her gratitude for the opportunity to serve on the Planning Commission and to serve the people of Oshtemo Township.

Mr. Doorlag assumed the position of Chairperson, moved to the next agenda item and asked for Mr. Hutson's presentation.

PUBLIC HEARING: REZONING, 1560 S. 8TH STREET

The applicant, Scott Williams, was requesting to rezone 1560 S. 8th Street from its current zoning designation of R-3, Residence District to I-1, Industrial District.

Mr. Hutson said 1560 S. 8th Street is currently zoned R-3, Residence District. The Parcel is 8.26 acres and located along the western portion of S. 8th Street, south of W.

KL Avenue. The site is improved with a single-story building, measuring an estimated 7,760 square feet. Currently, the subject site functions as a religious institution.

He said although this is not a conditional rezoning request, the applicant indicated in the letter of intent that if the rezoning request is approved, the intention is to convert the existing building onsite into Complete Team Outfitters' home office. Complete Team Outfitters is primarily an apparel embroidery company.

Mr. Hutson explained the Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

Master Plan Designation

The Township's adopted 2017 Future Land Use Map designates 1560 S. 8th Street and the properties directly north of it as General Industrial. This designation is noted to include both light and general industrial uses. The Township's I-1, Industrial District meets the intent of the Master Plan's General Industrial designation. The proposal is consistent with the Oshtemo Township Master Plan.

Consistency of the Zoning Classification in the General Area

1560 S. 8th Street is the only R-3, Residence zoned property on the west side of S. 8th Street between W. KI Avenue and W. ML Avenue. RR, Rural Residential zoning is directly to the south. R-5, R-3, and R-2 Residence zoning is established to the east. I-1, Industrial zoned properties are located to the immediate north and west of the subject site. Rezoning 1560 S. 8th Street to I-1, Industrial would be consistent with the zoning classifications in the area.

Consistency and Compatibility with General Land Use Patterns in the Area

1560 S. 8th Street is improved with a single-story building, measuring an estimated 7,760 square feet. Currently, the site functions as a religious institution. There are existing industrial-use properties located to the immediate north of the subject site; he noted that there is an established development trend of general industrial uses along KL Avenue and 8th Street. With the requested rezoning being consistent with the 2017 Future Land Use Plan and compatible with the industrial properties to the north, the proposed rezoning to I-1, Industrial would match the established character of the area.

Utilities and Infrastructure

Municipal water and sewer are not available to this site nor to the two established industrial properties directly to the north. Municipal water and sewer currently are only available on the north side of the railroad that crosses S. 8th Street. The existing church on-site is currently serviced by a private drinking well and private septic system. It should be noted that if any future development on the subject

site requires such public infrastructure needs, that development will be mandated to extend and connect to the municipal system prior to the issuance of a certificate of occupancy. Review of utility needs would be conducted during a site plan review phase. Based on the information provided by the applicant, the proposed use of an industrial office, it is not anticipated that a connection will be needed anytime in the near future.

Reasonable Use under Current Zoning Classification

1560 S. 8th Street is currently zoned R-3, Residence District which does not allow for the variety of uses and activities permitted within the I-1, Industrial district. The rezoning achieves the Township's Master Plan goals for this area and also fits the applicant's vision for the site.

Effects on Surrounding Property

The existing use of the subject parcel is that of a religious institution, which is indicative of higher traffic volumes and usage than that of a rural residential property. The properties to the north and west have been zoned for and used as Industrial enterprises since the 1990's. The proposed rezoning of the subject site to an Industrial designation would be compatible with adjacent properties. Impacts beyond the activities currently occurring in the area are not anticipated.

RECOMMENDATION:

Mr. Hutson said Planning Department staff recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of 1560 S. 8th Street from the R-3, Residence District to the I-1, Industrial District based on the following findings of fact:

1. The Oshtemo Township 2017 Master Plan's Future Land Use Plan designates the subject property as Industrial.
2. The subject property is adjacent to industrially zoned properties to the north and west.
3. No adverse impact on existing utilities nor infrastructure are anticipated by the rezoning request.
4. The rezoning of the subject site to I-1 would provide a reasonable use of the property.
5. The rezoning is anticipated to have minimal impact on adjacent properties.

Chairperson Doorlag asked whether Commissioners had questions for Mr. Hutson.

Mr. Ford asked for examples of what a higher intensity use might be and what types of infrastructure would be triggered for higher intensity usage. He also wondered what the distance would be required from a parcel to public infrastructure.

Mr. Hutson said examples of higher intensity use would be manufacturing and assembly.

Attorney Porter said infrastructure required for higher use intensity would depend upon the usage of large amounts of water or significant discharge and fire suppression.

Mr. Ford asked what the distance would be from the parcel to public infrastructure.

Attorney Porter indicated that could be mandated if someone pays for it, but because of the limited uses the intensity will continue at a low level. Getting utilities there would be cost prohibitive.

Mr. Ford noted if more building space were required it would require a site plan request.

Attorney Porter said a site plan and everything that goes with that would mean we will likely never see intensive usage there.

Mr. Jefferies asked why the property had been changed I-1 to R-3 originally and what would happen with the septic system if there were a new owner in the future.

Attorney Porter said the property designation was changed to accommodate a church that was occupying an industrial building. This request will return the property to the original designation to make the property usable; it is incompatible as it is currently zoned. A new owner would have to check the utilities and comply with requirements at that time.

Chairperson Doorlag noted the applicant did not wish to speak and opened the meeting to public hearing. No one present wished to speak, but Mr. Hutson read a letter from Mr. Harry Cotterill, 1767 S. 8th Street, who was opposed to the request for rezoning. A copy of the letter is attached to these minutes.

Attorney Porter said the argument the property owner was making was contrary to what the zoning plan calls for and recommended the Commission not follow it.

Ms. Everett noted if a more intense use were proposed a site plan review would be required and discussed.

Hearing no further comments, Chairperson Doorlag asked for a motion.

Mr. Ford **made a motion** to forward a recommendation of approval to the Township Board to rezone 1560 S. 8th Street from R-3, Residence District to I-1, Industrial District, based on the five findings of fact as listed by Mr. Hutson:

1. The Oshtemo Township 2017 Master Plan's Future Land Use Plan designates the subject property as Industrial.
2. The subject property is adjacent to industrially zoned properties to the north and west.
3. No adverse impact on existing utilities nor infrastructure are anticipated by the rezoning request.
4. The rezoning of the subject site to I-1 would provide a reasonable use of the property.

5. The rezoning is anticipated to have minimal impact on adjacent properties. Ms. Maxwell **seconded the motion.** The **motion was approved** unanimously.

Chairperson Doorlag moved the meeting to a work session to consider the next agenda item.

WORK SESSION: Introduction, 5G Ordinance

Attorney Porter indicated his intent was to give an overview of what is coming. Act 365 enacted 2-3 years ago, mandated 5G within communities. A separate ordinance is needed to regulate 5G within the township and needs to be in place as soon as possible as the Township will be required to accept a lot of equipment within the public road rights-of-way (ROW); there are many overlapping issues regarding where things go. The goal is to accommodate 5G, but to minimize negative impact. Some things will be in the Township's control, others are controlled by state law. There are strict timelines the Township must meet going forward. We had a consultant develop a framework for an ordinance; it has been worked and reworked. Act 365 regulates the rights-of-way, but an ordinance will regulate what it can outside the ROW and will encourage underground structure and use of existing poles and buildings as much as possible. The Township wants 5G but in a way that will provide organized development within the community.

There was extensive discussion and questions from Commissioners, much centered on taking advantage of the opportunity to regulate and encourage co-location of equipment as much as possible according to the statute.

Attorney Porter asked that a public hearing be set to consider a draft 5G Ordinance.

Mr. Ford **made a motion** to set a public hearing for the proposed 5G Ordinance at its meeting of August 24, 2023. Mr. Jefferies **seconded the motion.** The **motion was approved** unanimously.

Chairperson Doorlag moved to the next item on the agenda.

OTHER UPDATES AND BUSINESS

Attorney Porter reported he was working on a draft of a solar energy ordinance, based on models from MSU and U of M, and would need Commissioners' input soon. He indicated it would include setbacks, buffers, and screening requirements and feels solar can be accomplished without being intrusive or negative.

He also is working on a wind energy ordinance which likely will come to the Commission in the next 2-3 months. The biggest problems to be addressed are aesthetics and noise. Although it is not likely to be needed, something should be in place to accommodate development if it occurs.

Mr. Ford announced Mr. Neil Sikora has been appointed to the vacancy on the Township Board created when Ms. Bell was appointed as Township Supervisor. He indicated the Board is currently working on the 2024 budget, that things are going well and the new Supervisor is doing a great job.

Mr. Jefferies noted concern for the traffic load at West Main and Drake Rd and the need to look for ways to alleviate it.

Mr. Ford said there are concepts being considered for extending SEECO Drive to 10th Street.

Attorney Porter explained the State of Michigan wants an access drive on the south side of M-43 from U.S. 131 to Drake Road, with the goal of pulling traffic from M-43. It is hoped the Township can be more of a partner with developers to relieve the traffic on Drake Road and M-43. He said everyone is trying to build on what has been done in the past.

ADJOURNMENT

With there being no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 7:08 p.m.

Minutes prepared:
July 29, 2023

Minutes approved:
_____, 2023

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July 25, 2023
Oshtemo Township Planning Commission
Attn: Iris Lubbert
7275 W Main St
Kalamazoo, MI 49009

Re: Rezoning Part of 1560 S. 8th St from R-3 to I-R

Dear Members of the Planning Commission:

I offer the below comments regarding the proposed rezoning from R-3 to I-R of the 8.3 acre portion of the two-parcel property addressed as 1560 S.8th St currently occupied by Life Spring Church. The second parcel of 5.3 acres at this address is already zoned I-R

My wife and I have been the owners of the R-2 property located at 1767 S 8th St for 24 years. It is located three doors south of 1560 S. 8th St. and across the street.

We are opposed to the applicant's request for the reasons below.

The current R-3 zoning of this parcel would already today accommodate the applicant's stated office planned-use with no changes as a R-3 Special Use classification. Indeed, as for a precedent, the only occupant of the building at this address previous to the church was a software development office, back at least to our arrival in 1997. The applicant's purchase of 1560 S. 8th St. seems dependent on this rezoning-approval but the rezoning is not needed for his stated planned use. If there is an additional planned use for which I-R is needed it has not been announced.

Further, the existing R-3 classification is good buffer between the existing I-R properties to the north and the residential properties adjacent and nearby to the south, southeast and east. Those residents do not need more loud equipment-loading noises, burn-pile smoke odors or equipment traffic than already exists from the I-R neighbors to the north of 1560 S. 8th St. A new 2023 office-use for this site likely would not generate such things but rezoning would apply to any I-R future use by the applicant or future owner.

The Township Long Range Plans may support I-R for this entire address but the plans would be improved by rezoning the current 5.3 acre I-R portion of 1560 S. 8th St from I-R to R-3 making the entire address a better-yet R-3 buffer to the nearby residential owners.

Please do not approve the proposal. There is already enough industry on S. 8th St for its residents.

Most respectfully submitted, and thanking you for your service,



Harry Cotterill
1767 S. 8th St
Oshtemo, MI 49009
harrycotterill@aol.com
269-375-8656

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August 3, 2023

Mtg Date: August 10, 2023
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Discussion, Height Requirements for Residential Dwellings

Based on the Planning Commission's feedback from their June 22nd meeting, the draft ordinance amendments pertaining to residential dwelling height requirements have been updated. At the Planning Commission's regular August 10th meeting, Iris Lubbert, Planning Director, will walk through the changes with the Commission, collect feedback, and if deemed appropriate forward for a Public Hearing.

Attachments: Proposed ordinance amendments (in red)

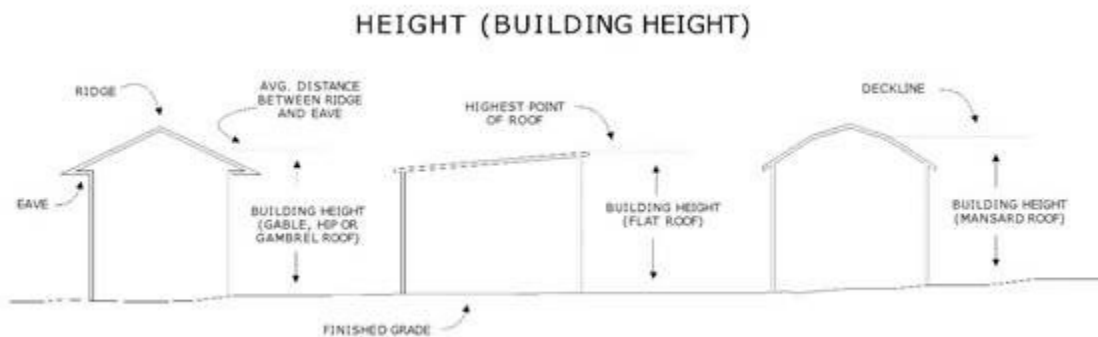
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2.20 DEFINITIONS

Height (building height) - The vertical distance of a building measured from the average elevation of the adjacent finished grade to the highest point of the coping of a flat roof, to the average height between eaves and ridge for a gable, hip or gambrel roof, and to the deck line of a mansard roof.—Building height shall be measured from the elevation of the average of the highest and lowest adjacent finished grade to:

1. Mansard, Gable, Hip, or Gambrel Roof. The average height between the eaves and ridge.
2. Parapet/Flat Roof. The highest point of the roof.
3. Other Roof Type. A point equivalent to the roof types specified in this section, as determined by the Zoning Administrator

In the case of artificially raising the natural grade of the building site, the average high and low point of the pre-existing natural grade shall be used when calculating building height.



50 – SCHEDULE OF REGULATIONS

50.30 RESIDENTIAL DWELLING STANDARDS

A building, mobile home, pre-manufactured or pre-cut dwelling structure designed and used for a single-family or two-family dwelling shall comply with the following standards:

- A. The minimum floor to ceiling height shall be 7.5 feet.
- B. **Building height shall not exceed 35 feet in Height.**
- C. At least 50 percent of the longest side of a dwelling must also have a depth of not less than 24 feet. In the case of a single story, two-family dwelling, at least 50 percent of the longest side of each dwelling unit shall have a depth of not less than 24 feet.

- D. Be permanently attached to a solid foundation or in the case of mobile homes, connected to piers, constructed on the site in accordance with the Michigan Building Code and any manufacture's specifications. The dwelling shall be fully enclosed with a permanent wall around its perimeter extending from the footing or slab to the ground floor. The perimeter wall shall be constructed of concrete, concrete block, wood, or other material, comparable to those used to construct the foundation of site-built homes; in no case shall metal, plastic or vinyl skirting be utilized.
- E. No exposed wheels, towing mechanisms, undercarriage, or chassis will be permitted. Any space that may exist between the foundation and the ground floor of the dwelling will be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling.
- F. The dwelling will be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- G. The dwelling must contain permanently attached steps connected to exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- H. The dwelling must contain no additions of rooms or other areas which are not constructed with an appropriate foundation and permanent attachment to the principal structure.
- I. The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Michigan Building Code, then and in that event, the less stringent federal or state standards or regulation will apply.
- J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state law or otherwise specifically required in the ordinance of the Charter Township of Oshtemo pertaining to such parks.
- K. Energy-saving earth shelter homes shall be constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run, or constructed with a roof which is not completely earth-covered having a slope with at least a five-inch rise for each 12 inches of run, and in either case, containing at least one exposed vertical exterior elevation not less than 7.5 feet in height by 24 feet in width designed and constructed in accordance with Michigan Building Code regulations pertinent thereto and without any accommodation for any dwelling units above ground.

42 – RESIDENTIAL CONDOMINIUM DEVELOPMENT STANDARDS

42.30 DEVELOPMENT STANDARDS

- A. Density. The overall density of a condominium development shall be as follows:
 - 1. R-2 District – 4 dwelling units per acre
 - 2. R-3 District – 4 dwelling units per acre
 - 3. R-4 District – 6 dwelling units per acre
- B. In the event the development lies in more than one zoning classification, the number of dwelling units shall be computed for each zoning classification separately.
- B. Units per Building. A two-unit building shall be permitted in the R-2 District. Up to a four-unit building shall be permitted in the R-3 and R-4 Districts.
- ~~L. Height. No unit shall be taller than two stories or 25 feet in height. Building height shall not exceed 35 feet in Height.~~

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August 3, 2023

Mtg Date: August 10, 2023
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Introduction, Solar Ordinance

At the Planning Commission's regular August 10th meeting, Jim Porter, Township Attorney, will introduce a Solar Ordinance that the legal department has been working on.