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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Work Session  
Thursday, April 25, 2019  
6:00 p.m.**

**AGENDA**

1. Call to Order
2. Approval of Agenda
3. Public Comment on Non-Agenda Items
4. Approval of Minutes: April 11, 2019
5. Lighting Ordinance Review
6. Maple Hill South Overlay Zone Review
7. Any Other Business
8. Planning Commissioner Comments
9. Adjournment

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

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

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

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

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

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

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

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

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
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<b>Township Department Information</b>		
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<b><u>Planning Director:</u></b>		
Julie Johnston	216-5223	<a href="mailto:jjohnston@oshtemo.org">jjohnston@oshtemo.org</a>
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OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD APRIL 11, 2019

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Agenda

**PUBLIC HEARING: OSHTEMO ROTARY CLUB CARNIVAL - WITHDRAWN**  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO HOLD A CARNIVAL AT 5030 WEST  
MAIN STREET. PARCEL NO. 3905-13-280-051.

**PUBLIC HEARING: SENIOR LIVING FACILITY – TABLE TO DATE CERTAIN**  
CONSIDERATION OF AN APPLICATION FROM BYCE & ASSOCIATES FOR  
SPECIAL USE AND SITE PLAN APPROVAL FOR A NEW ASSISTED LIVING  
FACILITY WITHIN THE SKY KING 1 PLANNED UNIT DEVELOPMENT LOCATED AT  
THE NORTHEAST CORNER OF LEXY LANE AND NORTH 9<sup>TH</sup>  
STREET. PARCEL NO. 3905-14-385-070.

**PUBLIC HEARING: JAKE’S FIREWORKS TENT SALES**  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO HOLD A FIREWORKS TENT SALE AT  
6430 STADIUM DRIVE. PARCEL NO. 3905-26-465-022.

**PUBLIC HEARING: LAWTON RIDGE WINERY FOOD TRUCK**  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO ACCOMMODATE ONE FOOD TRUCK  
AT 8456 STADIUM DRIVE EVERY WEDNESDAY EVENING FROM 3:30 P.M. TO  
8:30 P.M. BEGINNING APRIL 17 AND ENDING OCTOBER 30, 2019. PARCEL NO.  
3905-33-402-161.

**PUBLIC HEARING: THIRSTY HOUND FOOD TRUCK**  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO ACCOMMODATE ONE FOOD TRUCK  
AT 1030 SOUTH 8<sup>TH</sup> STREET EVERY TUESDAY, WEDNESDAY AND THURSDAY  
EVENING FROM 5:00 P.M. TO 8:00 P.M. BEGINNING APRIL 16 AND ENDING  
OCTOBER 17, 2019. PARCEL NO. 3905-22-430-040.

**PUBLIC HEARING: MAPLE HILL LEASEHOLDS, LLC CAR SALES LOT**  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A NEW/USED CAR SALES  
LOT AT 6883 WEST MAIN STREET. PARCEL NO. 3905-22-430-040.

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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, April 11, 2019, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

**ALL MEMBERS**

**WERE PRESENT:** Bruce VanderWeele, Chair  
Ollie Chambers  
Ron Commissaris  
Keisha Dickason  
Dusty Farmer, Secretary  
Micki Maxwell  
Mary Smith, Vice Chair

Also present were Julie Johnston, Planning Department Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Approximately 10 other persons were in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and invited those present to join in reciting the “Pledge of Allegiance.”

**Agenda**

The Chair determined no changes to the agenda were needed and let it stand.

**Public Comment on Non-Agenda Items**

Chairperson VanderWeele asked if any member of the audience cared to address the Board on a non-agenda item. Hearing none, he moved to the next item.

**Approval of the Minutes of March 28, 2019**

The Chair asked if there were any additions, deletions or corrections to the Minutes of March 28, 2019. Hearing none, he asked for a motion.

Ms. Maxwell made a motion to approve the Minutes of March 28, 2019 as presented. Ms. Farmer supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

**PUBLIC HEARING: OSHTEMO ROTARY CLUB CARNIVAL - WITHDRAWN  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO HOLD A CARNIVAL AT 5030 WEST  
MAIN STREET. PARCEL NO. 3905-13-280-051.**

Chairperson VanderWeele indicated that this application was withdrawn as an administrative approval was allowed based on last year's approval of the event. He moved to the next item on the agenda.

**PUBLIC HEARING: SENIOR LIVING FACILITY – TABLE TO DATE CERTAIN CONSIDERATION OF AN APPLICATION FROM BYCE & ASSOCIATES FOR SPECIAL USE AND SITE PLAN APPROVAL FOR A NEW ASSISTED LIVING FACILITY WITHIN THE SKY KING 1 PLANNED UNIT DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF LEXY LANE AND NORTH 9TH STREET. PARCEL NO. 3905-14-385-070.**

Chairperson VanderWeele indicated that this request was being tabled to allow the engineer to complete their work on the site plan. Because this application was publicly noticed for the April 11<sup>th</sup> meeting, it remained on the agenda to ensure any public in attendance could be informed of the new public hearing date.

Prior to tabling the agenda item, Chairperson VanderWeele asked if any in the audience was interested in speaking on this item and noted a member of the public wished to speak.

Mr. Brendan Hannapel asked whether a builder had been selected for the project.

Ms. Johnston said she would look into the matter and suggested he contact her during open hours at the Township Hall.

Ms. Farmer made a motion to table the request from Byce & Associates until the May 9<sup>th</sup> meeting of the Planning Commission. Mr. Commissaris supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next item on the agenda and asked Ms. Johnston for her presentation.

**PUBLIC HEARING: JAKE'S FIREWORKS TENT SALES CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR EVENT LASTING MORE THAN ONE DAY TO HOLD A FIREWORKS TENT SALE AT 6430 STADIUM DRIVE. PARCEL NO. 3905-26-465-022.**

Ms. Johnston explained the applicant was seeking special use permission to locate a temporary fireworks sales tent in the parking lot of the Harding's grocery store at the corner of 9<sup>th</sup> Street and Stadium Drive, which is zoned VC: Village Commercial District. Temporary outdoor sales for longer than one day are a special use in the VC zoning district. Jake's has been at the Harding's location for seven years, with the 2019 application being the eighth request.

She said the applicant was proposing a tent be located in the southern portion of the parking lot between the retail structure that contains Subway and the driveway to Stadium Drive at the Parkview Drive intersection, in approximately the same location as last year and is the same size. As in previous years, the tent will need to be set back 10 feet from the edge of the parking lot pavement to satisfy separation requirements.

The tent and the required buffer area from surrounding vehicles shall occupy current parking spaces existing at the site. Although this will reduce the total number of parking spaces, it is not anticipated to be problematic, particularly for the temporary period requested. In previous years, the tent has been located at the same location, with no complaints filed regarding negative impacts on parking lot circulation or capacity.

Jake's is requesting the tent be allowed on-site from June 20<sup>th</sup> to July 7<sup>th</sup>, with hours of operation will be from 9am to 9pm from June 24<sup>th</sup> through July 1<sup>st</sup>, expanding to 8am to 11pm July 2<sup>nd</sup> through the 5<sup>th</sup>. During the night when the store is closed, representatives of the company will remain on-site to monitor inventory and provide security.

Ms. Johnston indicated the conditions for special use have all been met, but noted the Township has had difficulties with Jake's in the past during events that occurred between 2012 and 2016, but none in 2017 or 2018 after new management was in place.

Following the enforcement actions related to the 2016 event, she explained it was determined the applicant would be required to bring any future requests for special use approval of an outdoor sale back to the Planning Commission instead of being allowed to go through the administrative review process. This public process was conducted in 2017 and 2018. Also, the Planning Commission declared any additional infractions would result in the rejection of future applications, and that an \$800 security escrow was required each year.

If there are no issues with the 2019 event, and the applicant returns for 2020, the Planning Commission may leave these conditions in place, or relax some or all of them as two years have gone by with no concerns. For other recurring outdoor fireworks sales, provided there are no changes to a previously-reviewed site plan, approval is often delegated to Township staff and only a \$400 security deposit is required.

Ms. Johnston said if the Commission wished to approve this request, Staff recommended the following conditions:

1. The tent at the Harding's site shall be permitted from June 20<sup>th</sup> through July 7<sup>th</sup> and sale of fireworks shall not occur on site until June 24<sup>th</sup>.
2. The hours of operation are limited to 9am to 9pm from June 24<sup>th</sup> through July 1<sup>st</sup> and 8am to 11pm from July 2<sup>nd</sup> to July 5<sup>th</sup>.

3. All signs shall satisfy the requirements of the Township Zoning Ordinance.
4. At least one person from Jake's Fireworks staff shall be onsite 24-hours a day while product is present.
5. Compliance with all comments or issues raised by the Fire Department during the course of their review and/or any subsequent inspections.
6. A compliance deposit in the amount of \$800 shall be paid to the Township prior to setting up the tent. The deposit will be refunded to the applicant in full provided that all conditions are met.
7. If there are no enforcement issues during the 2019 tent sale, future Jake's Fireworks events at this location shall be allowed administrative review and approval, provided no changes are made to the site layout. Staff would retain the right to refer the applicant back to the Planning Commission, if needed.

Chairperson VanderWeele asked if there were questions for Ms. Johnston.

In response to a question from Ms. Smith, Ms. Johnston said the compliance deposit would be held in escrow and refunded to Jake's if there are no issues.

Hearing no further questions, Chairperson VanderWeele determined the applicant was not present for comment and moved to a public hearing.

Mr. Themis Corakis, Ted and Maries, 6416 Stadium Drive, noted Jake's tent has been located in the same parking lot as the restaurant and that they have never had an issue with them. He said some of the complaints were a result of customer actions rather than those of Jake's employees. He is pleased to have them there; the stand brings in customers for everyone in the area.

Hearing no further public comments, the Chair moved to Board Deliberations.

Ms. Farmer said since the new management of Jake's has been in place things have improved and she is in support of the application, thought the deposit should return to \$400 and that if there are no issues this year, consideration and approval of future applications should be by administrative review.

Ms. Smith made a motion to approve the request with the inclusion of the seven conditions as recommended by staff, with the change to number six to require a deposit of \$400 rather than \$800. Ms. Maxwell supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next item and asked Ms. Johnston to review the staff report.

**PUBLIC HEARING: LAWTON RIDGE WINERY FOOD TRUCK  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO ACCOMMODATE ONE FOOD TRUCK  
AT 8456 STADIUM DRIVE EVERY WEDNESDAY EVENING FROM 3:30 P.M. TO  
8:30 P.M. BEGINNING APRIL 17 AND ENDING OCTOBER 30, 2019. PARCEL NO.  
3905-33-402-161.**

Ms. Johnston indicated Lawton Ridge Winery, 8546 Stadium Drive, located on the north side of Stadium Drive, west of 6<sup>th</sup> Street and zoned I-1: Industrial District was requesting a special use and general site layout approval to allow a variety of food trucks on their property. The request is to allow one mobile food truck every Wednesday from 3:30 to 8:30 p.m., from April 17<sup>th</sup> through October 30<sup>th</sup>.

This is the second year for this request on the Lawton Ridge Winery property. On July 26, 2018, the Planning Commission approved a special use for food trucks Wednesday evenings from the date of approval through October 31<sup>st</sup>. This approval did not include future administrative reviews and therefore, an application before the Planning Commission was required for the 2019 events.

A layout was provided to Commissioners that indicates the food trucks will be located just to the east of the parking lot, within the lawn area of the site. The proposed location meets all setback requirements and the existing onsite storage structure provides a buffer to the properties to the east. The Lawton Ridge Winery retail building offers the required restroom facilities and onsite fire lanes have been preserved.

Ms. Johnston explained the site plan provided in 2018 showed the trucks parked in front of the building, which was a concern regarding the right of way. The new site plan provided this year is in compliance with all Zoning Ordinance requirements.

She noted the timeframe from 3:30 pm to 8:30 pm includes time for set-up and take-down of the food truck facility.

Ms. Johnston said the application meets special use considerations, but recommended the following five conditions if the request were approved:

1. The food truck will only be permitted onsite every Wednesday evening from 3:30 pm to 8:30 pm with food sales from 4:00 pm to 8:00 pm.
2. The food truck will be permitted from April 17 through October 30, 2019.
3. The Kalamazoo County Environmental Health license for the food truck shall be provided to the applicant and kept on file for proof of proper operating permits.
4. The property owner's liability insurance shall be provided to the Township.



5. Inspections by the Fire Marshall periodically throughout the approved timeframe of the event, if needed.

In addition, she said the Planning Commission may wish to consider allowing the temporary outdoor event to be administratively approved in the future, provided no changes are requested that vary from this potential approval. Staff would retain the right to refer the applicant back to the Planning Commission, should that need arise.

Chairperson VanderWeele determined there were no questions from Commissioners, and asked the applicant if he wished to speak.

Mr. Crick Halton, 7630 W. ML Avenue, had no comment but asked if Commissioners had questions for him.

As there were no questions from the Board, the Chair opened the public hearing. Finding no one in attendance wished to speak on this item, moved to Board deliberations. Commissioners had no objections to the application; Chairperson VanderWeele asked for a motion.

Mr. Commissaris made a motion to approve the request with the inclusion of the five conditions as recommended by Staff, and to allow the temporary outdoor event to be administratively approved in the future, provided no changes are requested that vary from this approval. Ms. Maxwell supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next item on the agenda and asked Ms. Johnston for her review of the application.

**PUBLIC HEARING: THIRSTY HOUND FOOD TRUCK  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO ACCOMMODATE ONE FOOD TRUCK  
AT 1030 SOUTH 8<sup>TH</sup> STREET EVERY TUESDAY, WEDNESDAY AND THURSDAY  
EVENING FROM 5:00 P.M. TO 8:00 P.M. BEGINNING APRIL 16 AND ENDING  
OCTOBER 17, 2019. PARCEL NO. 3905-22-430-040.**

Ms. Johnston reported the applicant was requesting a special use and general site layout approval to allow a variety of food trucks on their property three evenings a week from April 16<sup>th</sup> through October 17<sup>th</sup>. This is the second year for this request on the Thirsty Hound property, although the application has increased in intensity. In June of 2018, the Planning Commission approved a special use for food trucks on Tuesday and Thursday nights from June 15 through September 30, 2018. The request in 2018 was intended to be a “stop-gap” measure while the applicant secured their food license from Kalamazoo County Environmental Health. Staff understands the food license was denied due to the dog friendly nature of the dining area.

She noted The Thirsty Hound is part of the larger Meadow Run Knoll complex and Meadow Run Dog Park. The full request is to allow mobile food trucks every Tuesday, Wednesday, and Thursday from 5:00 pm to 8:00 pm from April 16 to October 17, 2019.

Ms. Johnston explained the applicant utilized the approved site plan from Meadow Run Knoll to indicate the placement of the food truck at the far western edge of the parking lot. Public restroom facilities are provided inside the building. No additional equipment or trailers are being brought to the subject property. The proposed food truck location will not impede emergency vehicles as a turn-around is still provided at the eastern end of the parking lot.

She said one item which was missed during the 2018 review is the rear yard setback requirement. Section 49.220 indicates that all vehicles, trailers, and other equipment for the outdoor event must meet all required setbacks. A revised site plan was provided by the applicant and hard copies were given to the Planning Commission that shows this 20-foot distance.

The applicant requested the time period of the event to last from 5:00 pm to 8:00 pm. A 5:00 pm start time does not allow for set-up. If the Planning Commission is considering an approval for this outdoor event, a start time of 4:30 pm may be more appropriate.

Finally, she said, the application has increased from the two evenings approved in 2018 to three evenings in 2019. This leads staff to request the Planning Commission consider the parameters of a "temporary" outdoor event. Generally, past practice has been to limit these events to approximately 30 days. Fireworks tents and Christmas tree sales generally meet this 30-day requirement. These tent sales often run from 10:00 am to approximately 10:00 pm during this 30-day period.

The Thirsty Hound's application is for 27 weeks, three nights a week. This is a total of 81 days, which is much longer than past practice. However, the actual length of time for the requested food truck event is much shorter. If you consider the trucks will only be on site for approximately 3.5 hours a day, a total of 283.5 hours or roughly 12 days is calculated. The retail tent sales generally run 12 hours a day for 30 days, which equals 360 hours or approximately 15 days.

Unfortunately, the Township Zoning Ordinance does not provide a definition for "temporary" or "temporary use." For this application, she said, the Planning Commission will need to consider the meaning of "temporary" and if past practice should be weighed.

She asked whether the nature of the event in relation to the type of use makes a difference in this application. The Thirsty Hound was intended to be developed as a tavern that serves food. Due to Health Department concerns, the full intent of the restaurant did not come to fruition. The applicant is hoping food trucks will serve this

goal. While understandable, staff is concerned the duration of the request could set a precedent for other temporary events, for example, a retail store requesting outdoor sales three days a week. As a special use, the Planning Commission is permitted to consider the specifics of each application. The difficult question with this application is whether the specifics of this use are of a defined enough nature that it does not set a precedent for other temporary outdoor events.

Ms. Johnston said the application meets special use consideration criteria.

If the Planning Commission decided to allow the special use in some capacity, Staff recommended the following conditions:

1. A revised site layout plan indicating the required 20-foot rear yard setback for the food truck. (already met by revised layout plan)
2. The food truck will only be permitted three days per week from 4:30 p.m. to 8:00 p.m. with food sales from 5:00 p.m. to 7:30 p.m.
3. The food truck will be permitted from April 16 through October 17, 2019.
4. The Kalamazoo County Environmental Health license for the food truck shall be provided to the applicant and kept on file for proof of proper operating permits.
5. The property owner's liability insurance shall be provided to the Township.
6. Inspections by the Fire Marshall periodically throughout the approved timeframe of the event, if needed.

In addition, she said the Planning Commission may wish to consider allowing the temporary outdoor event to be administratively approved in the future, provided no changes are requested that vary from this potential approval. Staff would retain the right to refer the applicant back to the Planning Commission, should that need arise.

In response to a question from Ms. Dickason, Ms. Johnston explained the applicant hopes a food truck will bring patrons in. A purchase could be brought into the building for consumption.

Chairperson VanderWeele asked for an explanation of how granting this request could be precedent setting.

Ms. Johnston said if you look at the request from the perspective of the number of hours of operation it is not precedent setting; but if you look at it from the perspective of the number of days requested (81) it would set a precedent. Other outdoor temporary events generally last about 30 days, but the number of open hours is greater.

Attorney Porter said Commissioners should note for the record whether they are considering the number of hours or the number of days when making a decision.

Ms. Johnston said she was struggling a little with whether the Board may feel it is acceptable to treat outdoor catering in a different way than if a retail store might want an ongoing event to offer merchandise in their parking lot. She noted there is no other restaurant in the area for which a food truck would provide competition. There is currently no food truck ordinance.

Ms. Farmer pointed out the Township would be providing fire and police protection services without receiving tax income from food trucks.

Hearing no further comments, the Chair asked if the applicant wished to speak.

Ms. Patty Ruppel, 3020 Brandywine, said the food truck was extremely popular last year and that members at the park hoped to see the opportunity expanded. She explained dog training classes take place at Tip Top Tails within the building on Tuesday, Wednesday and Thursday and the hours requested aligns with them. She said most food truck business begins at 5:30. Since minimal set up time is required she would prefer approved hours of operation to be 5:00 p.m. to 8:30 p.m.

The Chair asked if any member of the public wished to speak.

Mr. Themis Corakis, 7000 W. N Avenue asked how many trucks would be on the premises at one time and whether any would be left parked there overnight.

Ms. Johnston indicated one food truck would be on site each evening and would leave the site by 8:30 each night, if that was the time approved by the Planning Commission.

Hearing no further public comment, Chairperson VanderWeele moved to Board Deliberations.

Ms. Maxwell said she was comfortable that the minimal hours, three times per week, qualify this request as temporary.

Mr. Commissaris noted that in the fall it would be dark by 8:30 and confirmed with Ms. Ruppel that there is lighting on site.

Ms. Farmer said she was comfortable with approving the request based on the number of hours involved and suggested trying it for a year and then reviewing again if requested in 2020. She wondered if the food truck is incidental to the business if food is not being sold inside the building. She does not want to set a precedent but is interested in seeing how it plays out after trying it for a season.

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

Ms. Maxwell made a motion to approve the request with the inclusion of the six conditions as recommended by Staff, with a change in hours in condition #2 to 5:00 p.m. to 8:30 p.m., and to allow the temporary outdoor event to be administratively approved in the future, provided no changes are requested that vary from this approval. Ms. Dickason supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item and asked Mr. Johnston for her report.

**PUBLIC HEARING: MAPLE HILL LEASEHOLDS, LLC CAR SALES LOT  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A NEW/USED CAR SALES  
LOT AT 6883 WEST MAIN STREET. PARCEL NO. 3905-22-430-040.**

Ms. Johnston explained the applicant was requesting special use and general site layout approval to allow the establishment of a new/used car sales lot. Located at the southeast corner of the intersection of West Main Street and North 8<sup>th</sup> Street, the four-acre subject property is zoned C: Local Business District, within which new and used vehicle sales establishments are classified as a special use.

Part of the node of commercially-zoned properties centered around North 9<sup>th</sup> Street and West Main Street, the subject parcel was initially developed to accommodate a car sales lot in 1989, and was used as such for around 20 years before the owner began leasing the building out to general retail tenants. Having gone dormant for more than one year as outlined in Section 63.30 of the Nonconforming Uses and Structure Ordinance, the original special use approval for a vehicle sales lot at this property lapsed, and its reactivation requires approval from the Planning Commission.

She noted no significant changes were being requested by the applicant at this time. If the special use is approved, current site conditions would be grandfathered until such time that changes are requested.

The site layout plan and existing conditions of the property meet all of the requirements of Section 49.130. A building exists on site to function as the sales office, lighting is provided for security, the site is paved with asphalt for a dust free surface, all setbacks for the display of vehicles has been met, and finally, customer parking is provided near the building.

As far as special use considerations are concerned, she said that given the site is fully developed, an engineered site plan is not required at this time. There is concern for neighbors on 8<sup>th</sup> Street regarding the implications of noise, landscaping and lighting.

Ms. Johnston listed the following outstanding items/issues for the Planning Commission's consideration:

1. Discussion of any PA systems with the applicant and its possible impacts on neighboring residential uses.
2. Ensuring a reduction in onsite lighting after the close of business operations. Based on past practice, staff would recommend consideration of reduced lighting from 10:00 pm to 7:00 am.
3. Preservation of the existing vegetation between the parking lot and North 8<sup>th</sup> Street.
4. Final site layout approval that meets all Zoning Ordinance requirements.

She recommended attaching the following conditions if the Planning Commission approved the special use for a new/used car sales lot:

1. Planning and Fire Department staff will finalize vehicle arrangement details to ensure adequate and appropriate circulation for patrons and emergency vehicles within the site.
2. The existing landscape buffer between the parking lot and the North 8<sup>th</sup> Street right-of-way must remain intact, with no removal of existing vegetation unless replaced in-kind.
3. Site lighting will be reduced to security lighting only between the hours of 10:00 pm and 7:00 am.

Chairperson VanderWeele asked if there were questions from Commissioners.

Ms. Farmer was concerned about disruption for neighbors from possible early and late shipment arrivals.

Ms. Johnston indicated conditions could be attached to an approval for compatibility with neighbors.

Ms. Maxwell wondered if both sales and service would be part of the business. Ms. Johnston indicated she thought both would occur.

Ms. Farmer asked about access and possible additional curb cut(s).

Ms. Johnston said there is only one access; a curb cut is not wanted on 8<sup>th</sup> St.

Chairperson VanderWeele asked whether there is cross-access with the property to the east.

Ms. Johnston said bottle-necked traffic is sometimes a problem within cross-access areas in front of businesses. Since there are no changes requested at this time,

cross-access was not addressed. When changes to the site are requested, she would rather see cross-access at the rear.

Ms. Maxwell asked if the plan indicates a new addition to the building.

Ms. Johnston said that was not part of this request, but would be a likely request in the future if the application is approved.

Mr. Commissaris confirmed the current lighting is grandfathered until site changes are made, at which time they can be brought into compliance.

Chairperson VanderWeele asked whether the applicant wished to speak.

Mr. Jim VandenBerg, Maple Hill Auto Group, 5622 West Main Street, explained he is in a buy/sell agreement with the Seelye Group, contingent on approval of the special use permit. If received, he will move forward with the project.

He said he plans a number of changes, including upgrading the current building, replacing lighting with LEDs with no spillage, demolition of part of the current building, adding a large showroom. He would keep the current vegetation along 8<sup>th</sup> Street.

The business would include sales of new and used vehicles and parts sales and service. The only overnight shipments would be one to possibly two deliveries of parts between midnight and 3 a.m., which would come in from West Main, and be on site for no more than 15 minutes. The building will act as a screen, and he does not expect noise from deliveries to be disruptive to neighbors. Auto deliveries would be during daylight hours only.

He noted MDOT property there is not favorable to the location and is not kept up to their standards.

He expects to ask for a variance from the 170 foot set back for the display of cars in order to improve visibility from West Main Street and to bring it into line with others' property setbacks there, which range from 105 – 150 feet.

Mr. VandenBerg noted Maple Hill Auto Group has been a long time good neighbor and have had no issues with residents regarding sound or lighting. They play music every day from a PA system through speakers attached to the buildings to provide white noise. They do not page outdoors.

In answer to a question from Ms. Farmer, he said before they could start selling vehicles, he would need to build to standards dictated by the manufacturer(s).

Chairperson VanderWeele asked for public comment; hearing none he moved to Board deliberations.

Ms. Farmer wished to add a condition for approval that would prohibit car deliveries between 10:00 p.m. and 7:00 a.m.

Ms. Smith felt the application was reasonable and noted any change in the traffic pattern would be addressed at the point that site changes were requested.

Hearing no further comments, the Chair asked for a motion.

Ms. Farmer made a motion to approve the special use contingent on including the three conditions as recommended by Staff, and the additional requirement that no cars be delivered between 10:00 p.m. and 7:00 a.m. Ms. Dickason supported the motion.

Ms. Johnston asked whether the requirement to allow PA system speakers only if attached to the building might be appropriate to add to the motion.

Ms. Farmer amended the motion to add the requirement that any outdoor PA speakers must only operate during business hours. Ms. Dickason supported the amendment. The motion, as amended, was approved unanimously.

### **OLD BUSINESS**

There was no old business to consider.

### **ANY OTHER BUSINESS**

Ms. Johnston told the Board she had reached out to Mr. Dan Cunningham several times regarding attending the April 25<sup>th</sup> meeting to assist with lighting ordinance questions, but has not been able to reach him. She will continue to try to contact him. She noted she will not be at that meeting; Mr. Clark will be attending in her place.

She reminded Commissioners of the joint board meeting scheduled for April 16.

### **PLANNING COMMISSIONER COMMENTS**

There were no comments from Commissioners.

### **ADJOURNMENT**

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 7:35 p.m.

Minutes prepared:  
April 13, 2019  
Minutes approved:  
\_\_\_\_\_, 2019





April 16, 2019

**Mtg Date:** April 25, 2019  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** DRAFT Lighting Ordinance

The attached document is the most up-to-date DRAFT of the Lighting Ordinance for Planning Commission review.

Staff added some new language to the draft Ordinance related to shared parking lots. We recently had a concern brought to our attention related to the 0.1 foot-candle requirement at the property line and a shared parking lot which spanned two parcels. Based on the current Lighting Ordinance and this draft Ordinance, the property owner would have had to request a variance to allow lighting brighter than 0.1 foot-candles at the property line, which ran through the middle of the parking lot. New language was added to address shared parking lot scenarios.

Finally, the language highlighted in **yellow** is ordinance language that still needs additional clarification. Ben Clark, Zoning Administrator is going to try and resolve these final clarification issues on lighting ratios at the meeting.

Thank you.

ARTICLE 54 - LIGHTING  
DRAFT 04/16/2019

**54.10 INTENT**

A. Statement of purpose. The purpose of this Article is to regulate the placement and arrangement of lighting within the Township. These regulations are intended to:

1. Protect the public health, safety and general welfare by regulating lighting levels;
2. Control light spillover and glare;
3. Minimize the detrimental effect of urban sky glow;
4. Encourage lighting systems which conserve energy and costs;
5. Preserve community character and enhance the appearance of the Township;
6. Provide for nighttime safety, and security.

B. Objectives. Outdoor lighting shall satisfy the following objectives.

1. Avoid excessive light spillover onto any adjacent premises;
2. Be shielded, and downward directed so that the light intensity or brightness will not interfere with the enjoyment, health, safety, and welfare of surrounding properties;
3. Control illumination of vertical architectural surfaces.
4. Provide for uniform lighting within sites.
5. Enable the fair and consistent enforcement of these regulations.

**54.20 APPLICABILITY**

Except as is otherwise provided below, these lighting requirements shall apply to all lighting installed on any property within the Township. Any lighting legally in existence before the effective date of this Ordinance that does not comply with these requirements shall be considered legal nonconforming and may remain, except as detailed in Section 54.80 and subject to the following provisions:

A. Alterations to existing lighting.

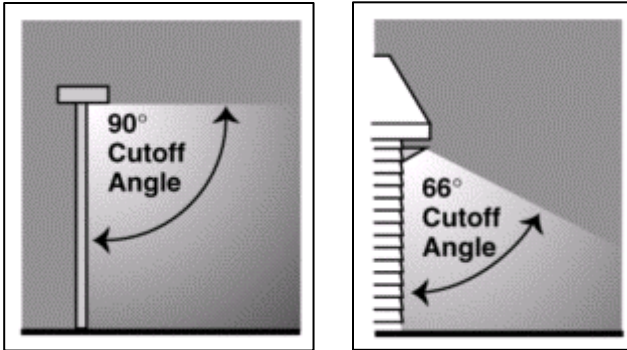
1. When poles and support structures are destroyed or removed, they must be replaced with poles and supports that comply with all of the provisions of this Article.

2. When luminaries are destroyed or removed, they must be replaced with luminaries that comply with all provisions of this Article.
- B. New parking lots or parking lot additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this Article.
- C. New structures, additions, or replacements. When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition, or replacement on the site must meet the requirements of this Article.

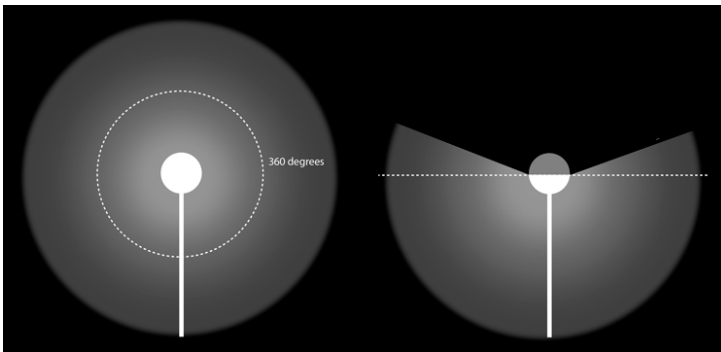
#### **54.30 DEFINITIONS**

- A. Ambient lighting - The general overall level of lighting in an area.
- B. Baffle or light shield - An opaque or translucent element to screen a light source from direct view.
- C. Building canopy - A portion of the building, whether structural or architectural in character, that projects outward.
- D. Bulb or lamp - The source of electric light. The term "bulb or lamp" is to be distinguished from the whole assembly (see Luminaire).
- E. Canopy structure - An overhead structure which is designed to allow vehicles or pedestrians to pass under it.
- F. Color rendering index (CRI) - a scale from 0 to 100 percent measuring a light source's ability to show object colors "realistically" or "naturally" compared to a familiar reference source, either incandescent light or daylight.
- G. Encased – a lamp obscured by translucent sheathing.
- H. Existing lighting - Any and all lighting installed prior to the effective date of this Ordinance.
- I. Exterior lighting - Temporary or permanent lighting that is installed, located, or used in such a manner to emit light outside. Fixtures that are installed indoors that are intended to draw attention to the exterior of the building from the outside are considered exterior lighting for the purposes of this Article.
- J. Fixture - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

- K. Fixture, cutoff – A fixture that allows no emissions above the horizontal plane passing through the lowest point on the fixture from where light is emitted.



- L. Fixture, non-cutoff – A fixture that allows light to emit beyond the horizontal plan of the lowest point of the fixture and/or allows light emissions in all directions.



- M. Foot-candle - A unit of measurement for quantifying the brightness of illumination produced on a surface. One foot-candle is equal to one lumen per square foot.
- N. Glare - Harsh, uncomfortably brilliant light caused by the ability to see an unshielded light source.
- O. Kelvin rating – A unit to measure the color temperature of a light source, the higher the Kelvin rating (expressed in K), the whiter the light source.
- P. Lamp - The component of a luminaire that produces the light.
- Q. Light pole - The structure to support and elevate a luminaire.
- R. Light trespass - Light that is unnecessarily emitted beyond the boundaries of the property on which the luminaire is located.
- S. Luminaire – The complete lighting system, including the lamp and light fixture.
- T. Lumen - A unit of measurement for quantifying the amount of light energy emitted by a light source (power of the light radiated by the light source).

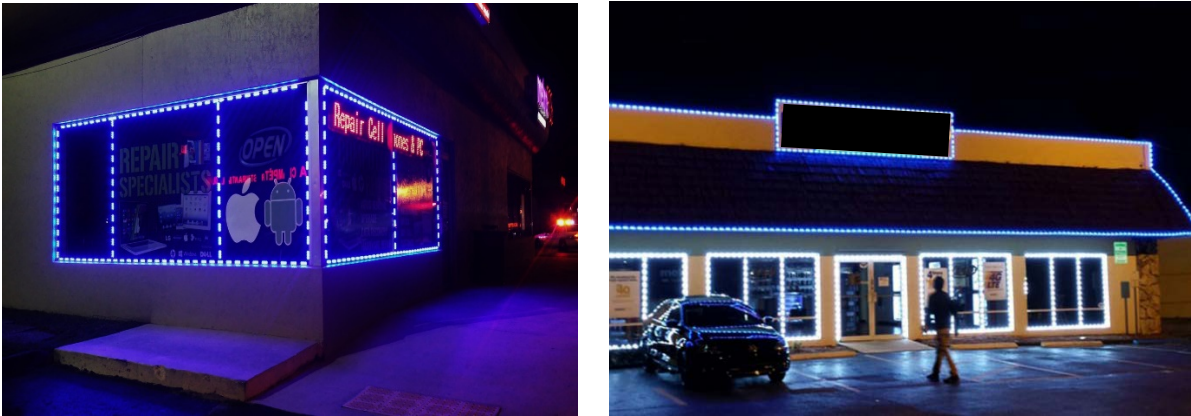
- U. Photometric plan - A diagram prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer, architect, or landscape architect showing predicted maintained lighting levels produced by the proposed lighting fixtures, including any freestanding and building mounted lighting.
- V. Recessed - When a light is built into a structure or portion of a structure such that the light is fully cut off by the structure to which it is attached.
- W. Shielded - A bulb or lamp concealed by a baffle or light shield.
- X. Spotlight - A luminaire designed to light only a small, well defined area or object.
- Y. Urban sky glow - The brightening of the night sky due to manmade lighting.
- Z. Visibility - Being perceived by the human eye.

#### **54.40 EXEMPTIONS**

- A. Emergency lighting necessary to conduct rescue operations, support public safety, provide emergency medical treatment, to illuminate emergency means of egress, or address any other emergency situation.
- B. Lighting operated by a public utility or agency during the course of constructing, repairing, or replacing public utilities and infrastructure.
- C. Temporary construction lighting, provided it is discontinued daily immediately upon completion of the work.
- D. Temporary holiday decorative lighting, from November 15<sup>th</sup> through January 5<sup>th</sup>.
- E. Lights on communication towers and other hazards to aerial navigation as may be required by the Federal Aviation Administration.
- F. Lighting used to illuminate a flag of the United States, subject to Section 54.60.D.
- G. Lighting associated with Department of Agriculture recognized agricultural activities.
- H. Typical residential light fixtures on residential buildings and associated accessory buildings, which do not violate Section 54.50, are exempt from the cut-off requirement when mounted at a height of eight feet or less.
- I. All outdoor light fixtures existing and legally installed prior to the effective date of this Ordinance.

## 54.50 PROHIBITED LIGHTING

- A. Lighting of a blinking, flashing, rotating, or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes.
- B. Beacon and/or search lights except for public safety purposes.
- C. Fixtures that direct light upward unless permitted by this Article.
- D. Roof mounted lighting.
- E. Lighting of an intensity or brightness that interferes with enjoyment, health, safety, and welfare of surrounding properties.
- F. Unshielded luminous tube, LED, incandescent, or fluorescent lighting as an architectural detail on the exterior of any structure or the interior of any windows; including but not limited to rooflines, cornices, eaves, windows, and door openings.



(Examples of unshielded tube lighting)

## 54.60 OUTDOOR LIGHTING STANDARDS

- A. General Provisions
  - 1. **Cut-Off Fixtures.** All luminaires are required to be cut-off fixtures, unless otherwise permitted in this Article.
  - 2. **Security Lighting.** Security or flood lighting shall be attached to buildings and controlled by motion sensors, which extinguish within 10 minutes of activation.
  - 3. **Direction of Lighting.** Lighting plans shall be designed to direct light into the development and away from adjacent property.
  - 4. **Light Levels at Property Line.** Site and area lighting of nonresidential properties shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the

property adjacent to residential zoning or uses and 0.5 foot-candles adjacent to all other zoning and uses.

5. **Shared Parking Lots.** Lighting designed to illuminate shared parking lots that span two or more parcels shall be exempt from the 0.5 foot-candle requirement at the shared property line only.
6. **Lighting Ratio.** To provide for uniformity of lighting, the ratio of maximum to minimum levels of light within the illuminated areas of a nonresidential property shall not exceed 4:1. Exception shall be made for those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of the subsection above.
7. **Reduced Lighting.** Lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. Lighting installations should include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting that affects urban sky glow. The lighting plan shall note when and how this reduction in lighting will occur.
8. **Color Temperature and Rendering.** Lighting for all nonresidential developments shall have a minimum color rendering index (CRI) of 65 and a Kelvin rating between 4000-5000k.

B. Pole-Mounted Lighting

1. All pole-mounted luminaires shall be affixed horizontally and angled parallel to the ground.
2. No more than two luminaires shall be allowed per pole.
3. Luminaire height of 15 feet or less shall not exceed 12,000 lumens per luminaire and shall be spaced a minimum of 30 feet apart.
4. Luminaire height greater than 15 feet and not exceeding 25 feet shall not exceed 20,000 lumens per luminaire and shall be spaced a minimum of 40 feet apart.
5. Luminaire height exceeding 25 feet shall be subject to approval by the reviewing body. The applicant must prove, to the reviewing body's satisfaction, that pole heights exceeding 25 feet are needed to ensure public health, safety, and welfare. If permitted, such lighting shall not exceed 40,000 lumens per luminaire and shall be spaced a minimum of 50 feet apart.

C. Building-Mounted Lighting

1. Pedestrian walkways and doorways
  - a. Shall not exceed 14-feet in height.
  - b. Each luminaire shall not exceed 8,000 lumens and shall be spaced so the lighting for pedestrian walkways does not exceed 2.0 foot-candles and entryways do not exceed 6.0 foot-candles.
2. Luminaires used for the sole purpose of illuminating a building façade:

- a. May be up to 1.5 foot-candles averaged over the building façade.
  - b. May be located on the building or be ground-mounted.
  - c. Light generated from said fixtures shall be appropriately shielded so that no light is emitted beyond the building facade.
3. Architectural lighting - The use of architectural features on the building, such as a canopy, which prevent the projection of light beyond the architectural feature may satisfy the intent of this Section and allow the use of noncut-off fixtures, subject to the approval of the reviewing body.

D. Landscape Features and Green Belt Lighting

1. Landscape luminaires may include uplighting, which is specifically directed at the landscape or plant feature.
2. Shall be equipped with shields to help direct light to the landscape or plant feature and to help eliminate light spillover and glare.
3. Shall not exceed 300 lumens per luminaire.
4. Shall not exceed a height of 18-inches above grade.

E. Special Uses

1. Service station/fuel sales canopy structure
  - a. Luminaires shall be recessed so that the lens cover is flush with the lower surface of the canopy and shielded by a fixture or the edge of the canopy so that light is directed downward.
  - b. As an alternative, indirect lighting may be used where uplighting is reflected from the underside of the canopy. When this method is used, luminaires must be shielded so that direct light is focused exclusively on the underside of the canopy.
  - c. Luminaires shall not be mounted on the top or sides (fascia) of a canopy.
  - d. Internally illuminated signs in compliance with the Sign Ordinance may be placed on the fascia of the canopy.
  - e. The total light output directly below the canopy shall not exceed 30 foot-candles.
2. Outdoor display areas - The ratio of maximum to minimum foot-candles of light for a site which includes outdoor display may increase to 6:1 during hours of operation.
3. Outdoor dining areas



- a. Decorative unshielded lighting may be used in outdoor dining areas as long as the lighting does not exceed 1.5 foot-candles and is designed to control light spillover and reduce glare to adjacent properties.
- b. Lighting in outdoor dining areas adjacent to residentially zoned or used land must be extinguished by 11:00 pm or when the business closes, whichever is first.

#### **54.70 INTERIOR LIGHTING**

Where interior lighting and/or lighting displays are located within 10 feet of a bay of windows, glass doors, or other transparent areas of a building facade, walls, or roof (e.g., skylights), the lighting shall be shielded or screened to reduce visibility and prevent glare to patrons, individuals on adjacent and nearby properties, and/or motorists on adjacent streets.

#### **54.80 EXISTING LIGHTING**

All lighting established prior to this Ordinance shall be so arranged as to avoid glare or direct illumination onto any portion of any adjacent rights-of-way or onto any adjacent premises.

#### **54.90 ADMINISTRATION**

A site lighting plan for uses requiring Site Plan review shall be submitted, **in compliance with this Article**, and shall provide the following information:

- A. Proposed location on premises of all outdoor light fixture(s), including all building-mounted lighting, architectural lighting, and landscape lighting.
- B. Manufacturer specification sheets, cut-sheets, or other manufacturer provided information for all proposed luminaires that provides a description of the illumination devices, fixtures, lamps, supports, reflectors, and other devices, including lumens produced.
- C. The height of all luminaires and poles.
- D. A photometric plan showing foot-candle readings every ten feet within the subject site and ten feet beyond the property lines, **and lighting ratios**.
- E. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.



April 16, 2019

**Mtg Date:** April 25, 2019  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** DRAFT Maple Hill South Overlay Zone

The attached document is the first DRAFT of the new Maple Hill South Overlay Zone for the Planning Commission's consideration. This new ordinance is in response to the Maple Hill South Sub-Area Plan, which was developed as part of the 2017 Master Plan Update. The Overlay Zone is an optional ordinance, providing flexibility to the property owners to either develop utilizing the requirements of the Overlay Zone or develop applying the existing underlying zoning, which is R-2: Residence District. The Overlay Zone is intended to mirror the goals of the Sub-Area Plan, providing regulations for these goals.

The intent at the April 25<sup>th</sup> meeting is to begin systematic review of this draft Ordinance for possible additions or changes.

Thank you.

**SECTION XX.000 MAPLE HILL SOUTH MIXED-USE OVERLAY DISTRICT**

March 20, 2019 PRELIMINARY DRAFT

**XX.10 INTENT AND APPLICABILITY**

- A. **Intent.** The Maple Hill South Mixed-Use Overlay District (MHS-Overlay District) is intended to provide, through comprehensive planning, zoning and project review, for the development of a compact, pedestrian-oriented, mixed-use district, consisting of a planned mixture of commercial, office and technology, residential, and public use, which features high quality and uniform building and site design standards, and which complements and is compatible with adjacent uses. The district is designed to provide residents and visitors with a unique opportunity to meet their needs for housing, employment services, entertainment, and recreation.
- B. **Optional Overlay.** The MHS-Overlay District is established as an optional overlay district, the limits of which are designated on the official Zoning Map of Oshtemo Township. This means that it is overlaid on other, existing zoning districts. Within this optional overlay district, property owners have the option to continue to use their property in the manner permitted in the underlying districts. The overlay district provides additional opportunities and flexibility should property owners choose to avail themselves of those choices. These opportunities within the overlay district, however, do not apply unless the property owner elects to become subject to the overlay district and the standards and procedures contained herein.
- C. **Eligibility Criteria.** In order to qualify as an eligible development under the MHP-Overlay District standards and procedures contained herein, the Planning Commission, shall find that the development demonstrates compliance with the following principles:
1. **Size.** In order to ensure that the intent of this Overlay District is accomplished, projects must be of a sufficient size. A minimum development size of 80 acres of contiguous land shall be required.
  2. **Walkability.** Physical infrastructure shall be provided to support pedestrian access and a mix of amenities and destinations within a reasonable walking distance. Blocks shall be short and walkable. Streets should be designed for cars, bicycles, and pedestrians.
  3. **Circulation.** Site access and on-site circulation shall be provided through an interconnected network of streets, sidewalks and other routes. A grid-like network of streets shall be established to enable an efficient dispersion of traffic. Accommodations for transit facilities should be provided.
  4. **Pedestrian-Orientation.** Sites shall be designed such that vehicles are not the dominant feature. Large expanses of pavement shall be replaced or reduced via on-street parking,

parking structures, shared parking, underground parking, and other parking management strategies.

5. **Mixed-Use.** There shall be a variety of compatible uses, services and building types that serve the needs of residents, workers, and visitors alike. A range of types, sizes, amenities, and uses will enhance a series of inviting functional spaces, including streets and pedestrian-friendly streetscapes, open spaces, courtyards, trails, residential, office, and retail in mixed-use buildings. Varied styles of residential development shall be provided to attract residents of diverse ages, incomes, and lifestyles.
6. **District Identity and Physical Design.** A coordinated distinct identity shall be developed for the District to promote a sense of place. Building design shall be elevated with varied building heights, architectural character, and high-quality building materials that provide visual interest at a pedestrian scale. A streetscape aesthetic shall be designed that includes public elements and integrated gateways and signage within the District.
7. **Community Spaces.** Open spaces and community gathering spaces shall be provided within the District to be used as locations to stimulate social interaction, civic events, and recreational activity. Passive open spaces shall be designed to be reflective of the existing landscape and natural features (tree rows, ponds, etc.) of the site. Active plazas and civic spaces shall also be integrated into the overall development.
8. **Compatibility with Adjacent Residential Uses.** The physical height and bulk of buildings shall reduce in size from north to south, providing compatibility in size to the adjacent residential neighborhoods. A transitional land use scheme shall be employed, with the least intensive and lowest density land uses to be located along the southern edge of the District (adjacent to established residential areas).

## **XX.20 CONTEXT ZONES**

The Maple Hill South Mixed Use Overlay District is divided into three Context Zones. These Context Zones are illustrated on the map herein and are as follows: Gateway (G); Town Center (TC); and Neighborhood Transition (NT). The regulations of this Article related to uses allowed, building heights, building design, site orientation, parking and other development standards may vary for each of the Context Zones. The Planning Commission is given the authority to permit flexibility in the delineation of the context zones to encourage innovation in land use and variety of design, layout, type and use of structures.

*[Insert Context Zones Map]*

## **XX.30 USES PERMITTED BY CONTEXT ZONE**

- A. **Permitted Uses.** The following Context Zone character descriptions shall determine the types of uses which may be allowed. The Planning Commission, may approve any use determined to be compatible with the Context Zone character descriptions, with the exception of prohibited uses listed in Subsection B.

1. Gateway (G) – Lands along the edge of the MHS-Overlay District with frontage along or near U.S. 131 and/or West Main Street are designated in this Context Zone. Land uses within this area will primarily be of a retail, restaurant, entertainment, lodging, office and technology character. Other uses may also be accommodated, including compatible medical, educational, institutional and higher-density residential use.
2. Town Center (TC) – This Context Zone is envisioned as a central focal point of the MHS-Overlay District, with compact mixed-uses that will provide a nucleus to attract future growth. Development will allow for a mix of uses both vertically within buildings and horizontally within blocks. Mixed-use buildings could contain first-floor commercial, retail, and/or office uses, with upper floor office and/or residential uses. Mixed-use blocks allow for single-use buildings in a range of land uses within one block. Commercial uses, professional offices, entertainment facilities and cultural centers are encouraged.
3. Neighborhood Transition (NT) – This Context Zone is anticipated to accommodate a wide variety of residential styles. This could include higher density residential land uses adjacent to the Town Center, Gateway and/or existing commercial development on West Main Street. Traditional single-family detached and/or attached residential uses will be accommodated to serve as a buffer between mixed-uses within the District and the adjacent neighborhoods to the south of the District.
4. Community and Open Space Uses shall also be integrated throughout the development to ensure an exceptional environment for visitors and residents. A central community space area is recommended as a District focal point; this space would be designed to accommodate more active community functions, such as civic events, recreation, and entertainment. Passive open space areas shall serve as buffers and places to experience and enjoy nature.

**B. Prohibited Uses.** The following uses are specifically prohibited within the MHS-Overlay District:

1. New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales or activities connected with retail sales.
2. Filling stations, carwashes, public garages or service stations, auto body and auto paint shops.
3. Automobile repair, service and/or automobile glass repair facilities.
4. Drive-in theatres.
5. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
6. Manufacturing, compounding, assembling or treatment of merchandise.

7. Wholesaling, storage and/or warehousing of commodities.
8. Storage buildings and mini warehouses.
9. Outdoor equipment and/or vehicle storage yards.
10. Kennels for the breeding, raising and/or boarding of dogs or cats.
11. Adult regulated uses.

**XX.40 DEVELOPMENT REQUIREMENTS**

A. **Site Development Requirements.** The following regulations shall apply to all development within the MHS-Overlay District.

Context Zone	Height		Placement			Minimum Floor Area per Dwelling Unit	Minimum Required Open Space
	Minimum Building Height (1)	Maximum Building Height	Front and Street Sides	Minimum Side Setback	Minimum Rear Setback		
Gateway (G)	1 story / 18 feet	3 stories / 6 stories with direct US-131 frontage	15 feet (2)	10 feet (2)	20 feet (2)	(4)	15% of net acreage (5)
Town Center (TC)	2 stories	5 stories	0 feet required building line (3)	0 feet	0 feet	(4)	10% of net acreage (5)
Neighborhood Transition (NT)	1 story	2 stories	15 feet (2)	10 feet (2)	15 feet (2)	(4)	25% of net acreage (5)

Footnotes to the Development Requirements Table:

- (1) A minimum ground floor height of 12 feet shall be required for all development within the MHS-Overlay District.
- (2) The Planning Commission, may approve reduced setbacks to allow for buildings to be placed in a manner that encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment.
- (3) Buildings shall be placed on lots in relation to their frontages in a manner that encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment. 75% of the building façade must meet the required building line, while up to 25% of the façade can be setback to allow for architectural considerations such as outdoor cafés, plazas, squares or other public spaces. The

required build to line and frontage coverages may be modified by the Planning Commission, provided that the location of any proposed building is in keeping with or improves the context of the existing area.

- (4) The minimum floor area per dwelling unit shall be as follows:

<u>Unit Type:</u>	<u>Minimum Floor Area:</u>
Efficiency or 1 bedroom	600 sq. ft.
2 Bedrooms	800 sq. ft.
3 or More Bedrooms	1,000 sq. ft.
Elderly (independent)	525 sq. ft.
Elderly (limited assisted)	425 sq. ft.

- (5) Required open space may include plazas, parks, pedestrian pathways, lakes or similar types of park-like features.

**B. Residential Maximum Density and Density Bonus.**

1. For the purposes of this Article, net acreage shall be defined as the gross acreage of the development, minus public/private rights-of-way and stormwater detention areas. However, stormwater detention areas may be included within the net acreage if they are designed as functional open spaces, are accessible to pedestrians, and do not require safety fencing.
2. The maximum residential density shall not exceed six (6) dwelling units per net acreage of the development.
3. The inclusion of certain amenities or design options may result in an allowed increase in residential density, referred to as a density bonus. However, the total density bonus shall not result in a residential density of more than eight (8) dwelling units per net acreage of development. The Planning Commission may determine the density bonus upon a finding that the proposed development would accomplish at least four (4) of the below amenities or design options. If the development is proposed in phases, the Planning Commission may, at its discretion, approve density bonuses for one or more phases, commensurate with the amenities or design options proposed for each phase.
  - a. Construction and dedication of land for a public park, plaza, or open space use, if acceptable to the Township.
  - b. Development of significant recreational or site amenities such as golf courses, baseball diamonds, tennis courts, basketball courts and community buildings.

- c. In addition to sidewalks required along public streets, the development of pedestrian, bicycle, or other recreational trails for public use that are separated from vehicular traffic, within the development and connecting to adjacent development.
- d. Provision of open space in an amount which is at least 50 percent greater than the minimum open space percentage required by Section XX.40.A.
- e. Significant use of sustainable building design features such as, optimized energy performance, on-site renewable energy, passive solar heating, use of reused/recycled/renewable materials, indoor air quality mechanisms, green roofs, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.
- f. Significant use of sustainable site design features such as stormwater filtration landscaping, low impact stormwater management, permeable surfaces, bioretention facilities, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED).
- g. Provision of other exceptional public benefits within the development, determined by the Planning Commission as sufficient to qualify as one of the four required amenities or design options justifying a density bonus.

**C. Road Design.**

- 1. The development shall be serviced by an interior street system. If some or all of the interior street system is private, it shall be built in conformance with the standards and requirements of Section 49.160 of the Township Zoning Ordinance. Exceptions to the standards and requirements of Section 49.160 may be permitted by the Planning Commission, where deemed necessary to achieve the intent and eligibility criteria of this Article.

**D. Open Space.**

- 1. Designated open space shall be set aside as common land and either retained in an essentially undeveloped or unimproved state or improved as a "public gathering places" to serve the following purposes:
  - a. Conservation of land and its resources
  - b. Ecological protection
  - d. Protect historic and/or scenic features
  - e. Shaping and guiding the development
  - f. Enhancement of values and safety



- g. Provide opportunities for social interaction
      - h. Provide parkland and active recreational opportunities on a neighborhood scale.
  - 2. Designated open space shall be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.
  - 3. Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
    - a. Recorded deed restrictions
    - b. Covenants that run perpetually with the land
    - c. A conservation easement
    - d. Land trusts.
    - e. Such conveyance shall assure that the open space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:
      - 1) Indicate the proposed allowable use(s) of the designated open space;
      - 2) Require that the designated open space be maintained by parties who have an ownership interest in the open space;
      - 3) Provide standards for scheduled maintenance of the open space;
      - 4) Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the open space ownership.

**E. Buffer from Adjacent Residential Uses.**

- 1. Where the height and bulk of any proposed residential construction is not equivalent and more intensive than existing adjacent residential development, a greenspace buffer/vegetative screen shall be provided which is acceptable to the Planning Commission in terms of width, height and composition of plant materials.

**F. Access.**

*Item to be discussed. Refer to the "Vehicular Circulation and Connections" narrative from the Maple Hill Drive South Sub-Area Plan.*

**XX.50 AUTHORITY TO WAIVER DEVELOPMENT REQUIREMENTS.**

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

**XX.60 APPLICATION AND APPROVAL PROCEDURES**

- A. Optional pre-application review(s). Informal pre-application review(s) is encouraged and may be scheduled with the Planning Department and/or Planning Commission, at which the project concept may be reviewed by the applicant, Township staff, and Township consultants.
  
- B. General Development Plan.
  - 1. An application proposing the development of land within the MHS-Overlay District shall first be made through the submittal of a general development plan (GDP). An application for review and approval of a GDP may be made by the owners of record or by any persons acting on behalf of the owners of record of the subject parcel. The applicant shall have a substantial interest in the subject property prior to filing; such filing shall be in the name of and signed by all owners. The applicant shall provide evidence of full ownership all land in the proposed project area, such as legal title or execution of a binding sales agreement, prior to approval of the GDP by the Township.
  
  - 2. Information required. The general development plan shall consist of a plan of the entire area carried out in sufficient detail as to show topography, land uses proposed, the densities and scale of development, the system of pedestrian and vehicular circulation, including off-street parking areas, and the relationship to adjacent properties and uses. Further, the GDP shall contain all the following information:
    - a. A property survey of the exact acreage proposed to be developed, prepared by a registered land surveyor or civil engineer (Scale: 1" = 50');
  
    - b. The intent of nonresidential development, type and gross and net square feet for each area of the site;
  
    - c. The number and type of residential units and residential density for each area of the site;
  
    - d. Location, size, and uses of common open space and recreation areas;
  
    - e. General landscape concept showing woodlands, wetlands and vegetation to be preserved or added, topography, and similar features;
  
    - f. Delineation of areas to be subdivided, if applicable;

- g. General description of proposed water, sanitary sewer, and storm drainage system;
- h. A unified plan for wayfinding and signage within the development;
- i. A plan delineating the location and area of the proposed phases of the development;
- j. A written statement containing the following supporting documentation:
  - 1) A full description as to how the proposed development satisfies the eligibility requirements and design principles of Section XX.10.C;
  - 2) If applicable, evidence of how the proposed development meets the criteria for qualifying for a density bonus outlined in Section XX.40.B;
  - 3) A description of the expected schedule of development including progressive time schedule for each phase of the development;
  - 4) General description of the organization to be established, to own and maintain common open space;
  - 5) General description of covenants, grants, easements, or other restrictions to be imposed upon land or buildings, including easements for public utilities, bylaws, and articles of incorporation for any homeowners' association or cooperative association;
  - 6) Description of applicant's intentions regarding selling or leasing of all or portions of land in the development and of dwelling units;
  - 7) Description of all proposed nonresidential uses, including types of stores and offices;
  - 8) The number and type of residential units and calculations of the resultant population;
  - 9) Average initial sales prices of dwelling units for sale and/or average initial rents of rental dwelling units;
  - 10) A draft Development Agreement which establishes the formal rights and obligations of the property owner and Oshtemo Township regarding the future development of the site. The Development Agreement shall, at a minimum, specify: the parties to the agreement; the obligations of the property owner; a term or duration within which the action and obligations of the agreement must be fulfilled by the property owner; vested rights; procedures for determining compliance with the conditions included in the agreement; default remedies; provisions

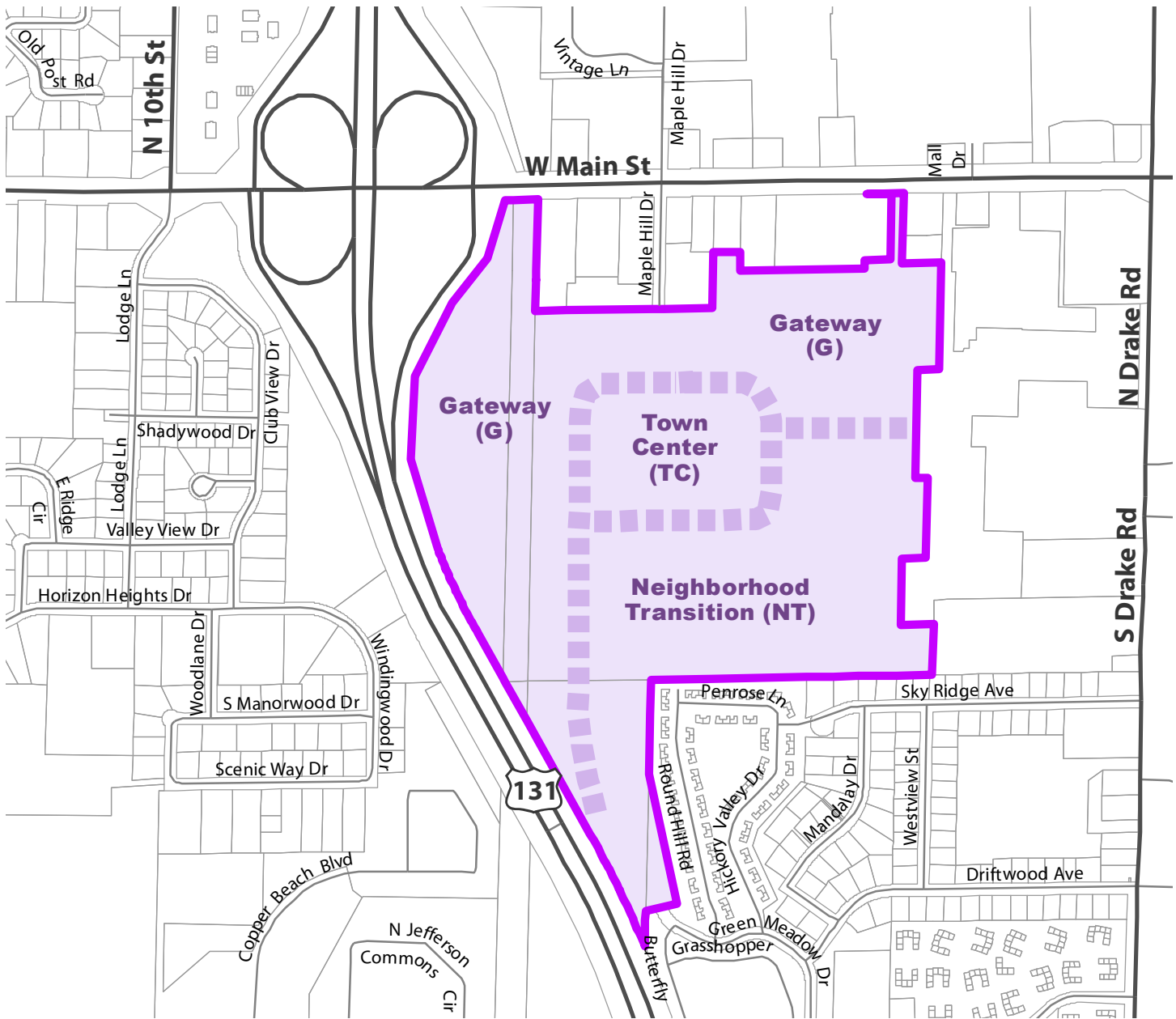
guiding the transfer of rights and obligations to subsequent property owners; and enforcement procedures;

- C. Public Hearing. The Planning Commission shall, upon receipt of a general development plan in proper form, schedule and hold a hearing upon the request and shall notify the applicant and all owners of all contiguous parcels of such hearing.
- D. Standards for Review of the GDP. The general development plan and supporting information shall be reviewed by the Planning Commission. The Planning Commission shall base its determination as to whether the plan meets the following standards:
  - 1. The general development plan shall generally conform to the Intent of this Article as outlined in Section XX.10.A.
  - 2. The general development plan shall generally conform to the Eligibility Criteria and Design Principles of Section XX.10.C.
  - 3. The general development plan shall generally conform to the review criteria for special land uses as outlined in Section 65.30.
- E. Decision of the Planning Commission. The Planning Commission shall deny, approve, or approve with conditions the general development plan and supporting documentation. The Planning Commission shall record its conclusions, its decisions, the basis for its decision, and any recommended conditions to be imposed in conjunction with an affirmative decision.
- F. Effect of Approval of the General Development Plan. Approval of the GDP shall indicate the Planning Commission's acceptance of uses, building location, layout of streets, dwelling unit count and type, floor areas, densities, and all other elements of the plan. The approval shall authorize the applicant to then submit, within ninety (90) days, a final draft Development Agreement for review and approval by the Township, with assistance from the Township Attorney.
- G. Development Agreement. For any project involving a financial obligation on the part of Oshtemo Township, approval of the GDP by the Township Board shall be required. The Development Agreement shall attest that the approved GDP and any conditions attached to the approvals, shall be binding on the property owner and upon their heirs, successors, and assigns. Upon approval by the Township, the executed Development Agreement shall be recorded with the Kalamazoo County Register of Deeds Office by the property owner within thirty (30) days of its signing. The property owner shall immediately thereafter provide a certified copy of the recorded Development Agreement with the Township Clerk for record keeping purposes.
- H. Site Plan. Execution of the Development Agreement shall authorize the applicant to file applications for site plan approval for all or phases of the development consistent with the approved GDP phasing schedule and Development Agreement. All site plans shall conform to the approved GDP and shall include the information required by Section 64.60.C. The Planning Department shall have the authority to deny, approve, or approve with conditions all site plans submitted for review under this section. The Planning Department shall record its conclusions,

its decisions, the basis for its decision, and any recommended conditions to be imposed in conjunction with an affirmative decision.

- I. Amendments. A property owner may request an amendment to an approved GDP.
  1. Minor modifications to an approved GDP may be administratively approved by the Planning Department. Modifications to be considered minor shall include, among other similar modifications, the following:
    - a. A change in residential floor area;
    - b. A change in nonresidential floor area of ten percent or less;
    - c. Minor variations in layout which do not constitute major changes; and/or
    - d. A change in lot coverage of the entire GDP of five percent or less.
  2. Major modifications to an approved GDP shall follow the procedures and conditions required for the original submittal and review in full. Modifications to be considered major changes shall include one or more of the following:
    - a. Change in concept of the development;
    - b. Change in use or character of the development;
    - c. Change in type of dwelling units as identified on the general development plan;
    - d. Change in the number of dwelling units;
    - e. Change in nonresidential floor area of over ten percent;
    - f. Change in lot coverage of the entire GDP of more than five percent;
    - g. Rearrangement of lots, blocks, and building tracts;
    - h. Change in the character or function of any street;
    - i. Reduction in land area set aside for common open space or the relocation of such area; or,
    - j. Increase in building height.
  3. The Planning Department shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the property owner to show the reasons for any requested change owing to changed physical or economic factors, or consumer demand.

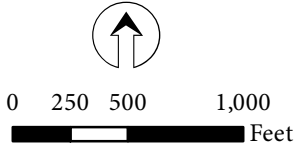
- J. Expiration, Extension and Revocation. The Development Agreement approved by the Township shall designate the timeframes and terms for the expiration, extension and revocation of plan approvals under this Article.

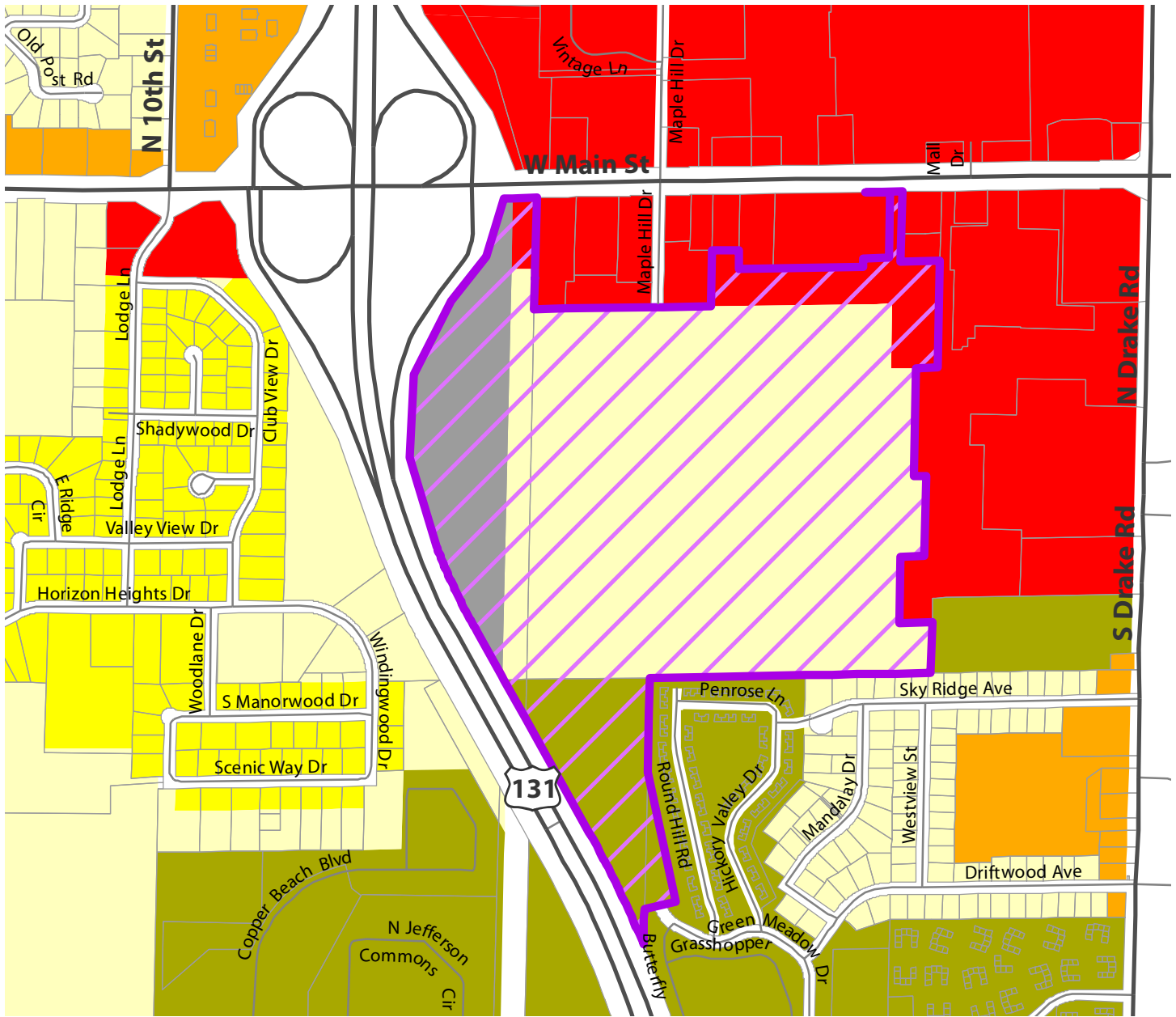


# Maple Hill South Mixed-Use Overlay District: Context Zones **DRAFT - 3/20/19**

-  Major Roads
-  Local Roads
-  Property Lines

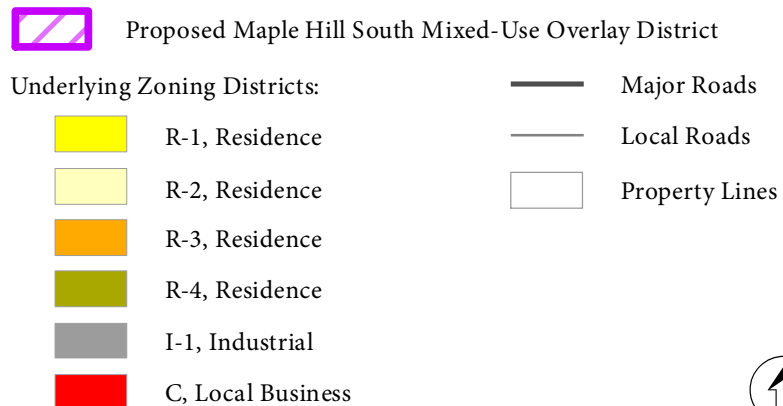
Data Sources:  
 Oshtemo Township Zoning Map  
 Michigan Geographic Framework, v14.





# Proposed Maple Hill South Mixed-Use Overlay District

DRAFT - 3/20/19



Data Sources:  
 Oshtemo Township Zoning Map  
 Michigan Geographic Framework, v14.

