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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**Regular Meeting
Thursday, May 9, 2019
6:00 p.m.
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: April 25, 2019
6. **PUBLIC HEARING: Senior Living Facility – Request Table to May 23, 2019**
Consideration of an application from Byce & Associates for special use and site plan approval for a new assisted living facility within the Sky King I Planned Unit Development located at the northeast corner of Lexy Lane and North 9th Street. Parcel No. 3905-14-385-070.
7. Old Business
 - a. Maple Hill Overlay Zone
8. Any Other Business
 - a. Update on Lighting Ordinance
9. Planning Commissioner Comments
10. Adjournment

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

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

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

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

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

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

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

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

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

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

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Julie Johnston	216-5223	jjohnston@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A WORK SESSION HELD APRIL 25, 2019

Agenda

DRAFT LIGHTING ORDINANCE REVIEW

DRAFT MAPLE HILL SOUTH OVERLAY ZONE REVIEW

A work session of the Oshtemo Charter Township Planning Commission was held Thursday, April 25, 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
 Keshia Dickason
 Dusty Farmer, Secretary
 Micki Maxwell
 Mary Smith, Vice Chair

Also present were, Ben Clark, Zoning Administrator, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Four other persons were in attendance.

Call to Order and Pledge of Allegiance

Secretary Farmer called the meeting to order at approximately 6:00 p.m. and invited those present to join in reciting the "Pledge of Allegiance."

Agenda

Secretary Farmer determined no changes to the agenda were needed and asked for a motion.

Mr. Commissaris made a motion to approve the agenda as presented. Mr. Chambers supported the motion. The motion was approved unanimously.

Public Comment on Non-Agenda Items

Secretary Farmer asked if anyone in the audience cared to address the Board on a non-agenda item. Hearing none, she moved to the next item.

Approval of the Minutes of April 11, 2019

Secretary Farmer asked if there were any additions, deletions or corrections to the Minutes of April 11, 2019. Hearing none, she asked for a motion.

Ms. Dickason made a motion to approve the Minutes of April 11, 2019 as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

Chairperson VanderWeele arrived at this point in the meeting. He moved to the next agenda item and asked Mr. Clark to lead the group through the draft lighting ordinance review.

DRAFT LIGHTING ORDINANCE REVIEW

Mr. Clark noted the provided draft document was the most up-to-date draft. He said he would try to resolve final clarifications regarding lighting ratios.

He noted staff added some new language to the draft Ordinance related to shared parking lots. A concern was brought to staff's 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.

Mr. Clark explained the 4:1 lighting ratio represents the maximum output to minimum levels of light within the lit area of a site. The maximum light should be what is measured straight down from a light pole, and tapers off to no more than 0.1 foot-candles at the property line adjacent to residential zoning and 0.5 adjacent to all other zoning and uses, and eventually to zero.

There was discussion of 54.60/General Provisions, no. 6, with the suggestion made that it be titled "Lighting Uniformity" rather than "Lighting Ratio."

After discussion it was felt it would be preferable to not have a fixed formula, wording similar to "illuminated areas will be relatively even throughout the lot" instead was suggested. The goal is to provide public safety and lighting not to bother neighbors. The group felt a lighting expert still should be consulted and agreed it would be acceptable to hire one if necessary.

It was requested that the communities whose lighting ordinances were used in developing the draft be contacted to ask how the community is dealing with the Ordinance, and if they have had problems enforcing requirements.

Residents Robert and Ruthann Volkmer had questions regarding how legal non-conforming properties with lighting that is an annoyance to neighbors is brought to the forefront to be addressed.

Attorney Porter said usually action is taken on a complaint basis if there is a violation of lighting codes

Ms. Maxwell made a motion to table this item until a lighting expert can be consulted. Mr. Chambers supported the motion. The motion was approved unanimously.

Chairperson VanderWeele asked Mr. Clark to review the next agenda item.

DRAFT MAPLE HILL SOUTH OVERLAY ZONE REVIEW

Mr. Clark said the document provided was the first draft of the new Maple Hill South Overlay Zone for the Planning Commission's consideration and systematic review for possible additions or changes. This new Ordinance is in response to the Maple Hill South Sub-Area Plan, 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.

He noted and shared a communication received from AVB/Hinman outlining their thoughts and ideas regarding Maple Hill South Overlay Zone development.

The group reviewed the draft through XX.10, Intent and Applicability, providing suggestions for changes to be passed on and considered by Ms. Johnston.

Ms. Smith noted the current traffic density problems and expressed her concern about the likely increases in congestion that will come as a result of increased development in the Township, particularly at West Main Street and Drake Road.

The group agreed this is of concern and that more involvement from MDOT is needed in planning future development/traffic considerations.

Curt Aardema, AVB, said AVB is appreciative to be part of the process to develop the overly zone and would be happy to provide feedback or provide opinions if requested. He said AVB would like to utilize the overlay zone but have to consider any development from a cost standpoint. They want to go above and beyond the norm, but any project development has to make sense from a cost standpoint.

OLD BUSINESS

There was no old business to consider.

ANY OTHER BUSINESS

There was no other business to consider.

PLANNING COMMISSIONER COMMENTS

Ms. Smith shared statistics from the online Kalamazoo County Master Plan, regarding Oshtemo Township’s rentals, which have the highest renter occupied number of units, and 8.5 percent vacancy rate. She said the site is easy to read and recommended taking a look.

ADJOURNMENT

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 7:55 p.m.

Minutes prepared:
April 27, 2019

Minutes approved:
_____, 2019



May 1, 2019

Mtg Date: May 9, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: Agenda Changes

Typically, the Planning Commission reviews development applications the first meeting of the month and works on other planning projects the second meeting. If a development application is a Special Use, it must be publicly noticed per the Zoning Enabling Act. Unfortunately, the two applications the Township received, which were intended to be placed on the May 9th agenda, were not publicly noticed in the timeframe mandated by the Act. This required staff to move their applications to the next available Planning Commission meeting, which will be May 23rd.

With this change, the May 23rd meeting has now become the development review meeting this month. If the Build Senior Living application is also tabled to this date, we will have three applications on the agenda, which is not conducive to continuing our review of the Maple Hill South Overlay Zone. In an effort to maintain momentum on this project, staff has placed the Ordinance on the May 9th agenda. Essentially, making the first meeting of May the work meeting and the second meeting of the month the development review meeting.

We will go back to meeting business as usual in June.

Thank you.



May 1, 2019

Mtg Date: May 9, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: Build Senior Living – Special Use within the Sky King I PUD

The Planning Commission may remember that this project was tabled at the April 11, 2019 meeting to allow the applicant to complete the required engineered site plan. There were issues related to storm water runoff which needed to be addressed. The Special Use and Site Plan was tabled to May 9th, providing a date certain to any public interested in attending the meeting.

The applicant is still in the process of resolving these issues, but expect to have everything ready for Planning Commission review by the May 23rd meeting. Staff would recommend tabling the application to this meeting date.

Thank you.



May 1, 2019

Mtg Date: May 9, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: DRAFT Maple Hill South Overlay Zone

The attached document is the second DRAFT of the new Maple Hill South Overlay Zone. Some minor updates were added to the draft from the April 25th review meeting. For the Planning Commission's consideration, **red** is new language and ~~strikethrough~~ is language to be removed.

The intent at the May 9th meeting is to continue the systematic review of this draft Ordinance for possible additions or changes.

Thank you.

Oshtemo Township

Maple Hill South Mixed-Use Overlay District

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

MAY 9, 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 **walkable**, designed for cars, bicycles, and pedestrians, **and comply with the Township's Complete Streets policy.**
 3. **Circulation.** Site access and on-site circulation shall be provided through an interconnected network of streets, sidewalks and other routes. ~~A grid-like~~ **An integrated** network of streets shall be established to enable an efficient dispersion of traffic. Accommodations for transit facilities should be provided.
 4. **Pedestrian-Oriented.** 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.