

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD MARCH 23, 2023

Agenda

**PUBLIC HEARING - SPECIAL USE AND SITE PLAN – SUNSET POINTE
CONDOMINIUMS**

Sunset Point Condominiums LLC requested special use and site plan approval of a residential site condominium comprised of 33 duplex buildings (66 units), club house, community pool and associated parking lot on Parcel 05-26-260-021. The property is located at the intersection of Meridian Avenue and Sunset Road.

PUBLIC HEARING - CONDITIONAL REZONING – HAMPTONS

Marroll LLC, requested to conditionally rezone parcel number 05-14-130-017 and a portion of 6660 West Main Street, parcel number 05-14-185-022, from its current zoning classification of R-2, Residence, to R-4, Residence. The proposed conditional rezoning was to facilitate the development of the site with townhomes, as part of a Residential PUD and a 55-year-old senior living facility.

**PUBLIC HEARING – SPECIAL USE AND SITE PLAN – CONSUMERS ENERGY
REGULATOR STATION**

Consumers Energy requested site plan and special use approval to construct one 3,240 square foot unmanned building and one 120 square foot accessory building to serve as a regulator station.

**PUBLIC HEARING – SPECIAL USE – NATIONAL HEALTH AND NUTRITION
EXAMINATION SURVEY TEMPORARY OUTDOOR EVENT**

Westat Inc., requested Special Exception Use approval to locate CDC Mobile Exam Center medical trailers in the Delta Marriot Kalamazoo parking lot, located at 2747 S. 11th Street, from April 8 to June 10, 2023.

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, March 23, 2023, commencing at approximately 6:03 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

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

Also present were Iris Lubbert, Planning Director, James Porter, Attorney, Colten Hutson, Zoning Administrator, Martha Coash, Recording Secretary and 16 guests.

Call to Order and Pledge of Allegiance

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

Approval of Agenda

The Chair determined there were no changes to the agenda and let it stand as published.

Public Comment on Non-Agenda Items

Mr. Curt Aardema of AVB said he had attended the Planning Commission sessions regarding the Oshtemo housing study and offered to take Commissioners through some of the projects AVB has built at some point if it was felt that would be helpful.

The Chair thanked him for his offer and moved to the next agenda item.

Approval of the Minutes of the Meeting of March 9, 2023

Chairperson Versalle asked if there were additions, deletions, or corrections to the Minutes of the Meeting of March 9, 2023.

Hearing none, the Chair asked for a motion to approve the Minutes as presented.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of March 9, 2023 as presented. Mr. Doorlag **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next item on the agenda.

PUBLIC HEARING - SPECIAL USE AND SITE PLAN – SUNSET POINTE CONDOMINIUMS

SUNSET POINTE CONDOMINIUMS LLC REQUESTED SPECIAL USE AND SITE PLAN APPROVAL OF A RESIDENTIAL SITE CONDOMINIUM COMPRISED OF 33 DUPLEX BUILDINGS (66 UNITS), CLUB HOUSE, COMMUNITY POOL AND ASSOCIATED PARKING LOT ON PARCEL 05-26-260-021. THE PROPERTY IS LOCATED AT THE INTERSECTION OF MERIDIAN AVENUE AND SUNSET ROAD.

Site Description: On behalf of the Charter Township of Oshtemo Planning Department, Mr. Kyle Mucha, Senior Planner for McKenna, reviewed the site condominium application for a Special Exception Use regarding the proposed 33 duplex buildings (66 unit), club house, community pool and associated parking lot within the residential development located at the intersection of Meridian Avenue & Sunset Road. He offered comments and findings based on McKenna’s review of the application dated April 15, 2022, and the site plan resubmission on February 24, 2023.

He indicated the site is approximately 17.48-acres and has frontage along the north side of Meridian Avenue. The site is predominately wooded with no apparent existing facilities or structures established. The applicant proposes to construct 24 duplex buildings (48 units total) in the first phase, and an additional 9 duplex buildings (18 units total) in the second phase once a secondary road has been constructed. The total unit count is proposed to be 33 duplex buildings (66 units) once the property is fully built out. A club house, pool and associated parking lot are also proposed within the residential development in the first phase.

Review Criteria: Mr. Mucha explained an application for a condominium project must be made in accordance with the procedures for a Special Use set forth in Article 65 and the requirements and presented the following review of 65.30:

A. Master Plan/Zoning Ordinance. *The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.* The Oshtemo Township Zoning Ordinance reviews proposed condominium developments in regard to the following categories:

- a. The proposed development will need to meet the intent of the R-2 Residence District, which permits a greater density of residential development than is provided in rural districts of the Township. We find that the intent of the R-2 District is met with this proposal.
- b. The R-2 District permits a residential density of 4 units per acre. 3.77 units per acre are proposed. For reference, the proposed condominium density of the project site averages 0.26 acres per unit, which is slightly less than other residential properties in the adjacent neighborhoods: Wildmere Street, Fairgrove Street, Strathmore Street have parcel sizes of 0.303 acres per dwelling unit.
- c. An interior transportation network must also be provided. The applicant proposes to construct an interior street network of private roadways. We find that this provision is satisfied.
- d. Non-motorized transportation is a development standard that shall be provided for. The applicant has indicated that sidewalks will be installed throughout the project area, which will also connect to internal trail systems that permit non-motorized pedestrian access to the clubhouse/pool. We find this provision has been satisfied.
- e. Open space must also be provided at a rate of 10% of the total condominium project area. The applicant has proposed an open space area of 20%, which exceeds the minimum required and satisfies this provision.
- f. Public utilities, such as sewer and water, must be provided for. The applicant has provided engineering drawings for proposed public water and sewer systems. We find that this provision has been satisfied.

- g. The Master Deed and Bylaws are required to provide language that “common elements are to be properly and adequately maintained”. The applicant continues to work with Township staff to finalize the draft Master Deed/Bylaws, which will address this requirement.
- h. Setback provisions, landscaping, lighting, and parking standards are also provisions with the Township Zoning Ordinance that must be addressed. During our review of the proposed site plan, we found that the applicant has met the provisions for these sections.

Mr. Mucha said, based on the desired development pattern and Future Land Use classifications for this subject site, the proposed 66-unit (33 duplex buildings) aligns with the intent of the Master Plan. The site plans include trail systems (woodchip based), preservation of open space as deeded within the draft Master Deed and the potential to interconnect the proposed development with future residential developments to the north.

B. Site Plan Review:

He indicated a separate memorandum was prepared regarding the submitted site plan for consideration by Township staff. The site plan analysis of the criteria of section 64.80 reviews the application for compliance with development standards, setback provisions, landscaping, lighting, parking, utility infrastructure and emergency access.

C. Impacts:

Mr. Mucha provided the following analysis of the impacts of the proposed project:

1. *The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.* Properties located to the west, north, and east are predominately residential in nature, and consist of mostly single-family homes. Properties to the south are commercial in nature. Established neighborhoods to the east have a development density of 0.3 acres per residential dwelling unit. The proposed development will consist of a density of 0.26 acres per dwelling unit, which we find aligns with existing development patterns in the area. Further, the development will consist of an interior road network and public water & sewer, which are characteristics of the eastern adjacent neighborhood. The proposed development will consist of attached single-family condominium units in the form of a duplex, which is harmonious with the established neighborhood to the east consisting of single-family dwellings.
2. *Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.* The submitted proposal indicates a tree preservation buffer (35') along the periphery of the development site. Furthermore, the proposed orientation of dwelling units

increases the separation distance from adjacent residential property lines and proposed residential units. Additionally, the building orientation is projected to face internally (towards the interior of the subject property). The building orientation will aid in shielding adjacent property owners from the private street network and vehicular traffic this development will generate. Each condominium site will also have on-premises parking spaces for residents. We find that potentially adverse effects arising from the proposed development have been mitigated by the aforementioned site design details.

3. *The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.* The applicant indicates that the estimated average daily trips (AADT) is at eight (8) per unit. Based on 66 units, the average daily trips generated from this development is estimated to be 528. Because the project proposes 66 dwelling units once fully built out, secondary access will be required. Phase 1 of the project will include the construction of 48 dwelling units, with an estimated daily trip generation of 384. Once Phase 2 is constructed, as previously referenced, secondary access is required, which will help reduce congestion and allow for better traffic flow thus minimizing potential disturbances to the surrounding area.

Furthermore, the construction of 66 residential condominium units is likely to increase the ambient noise of the area due to the proposed residential land use. Currently, the predominately wooded parcel acts as a natural buffer between businesses and non-residential uses along Stadium Drive (located to the south) and existing residential uses in the surrounding vicinity. In order to aid in noise reduction, the applicant has increased the tree buffer along the perimeter to 35 feet. For reference, the R-2 District has a minimum rear yard setback requirement of 15 feet: the applicant has extended this rear yard setback by an additional 20 feet, which will also aid in noise reduction and preservation of naturalized areas. We find that the applicant generally complies with this provision.

- D. Environment.** *The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.*

The applicant proposes significant alterations to the existing parcel in terms of site grading and clearing. However, we note that the applicant seeks to retain a buffer strip of natural vegetation around the periphery of the subject parcel. This buffer strip of natural features will further protect adjacent residential uses from the more densely proposed residential development.

- E. Public facilities.** *Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.* The proposed residential condominium development will have public water and sanitary sewer mains extended into the subject site. The applicant proposes to connect to the existing public water main at the intersection of Meridian Avenue & Sunset Road. A proposed sanitary sewer main will provide service to the new development by use of an easement to connect into the existing sewer along Stadium Drive. Upon evaluation, adequate public and/or private infrastructure and services already exist or would be provided to the site.

F. Specific Use requirements. *The Special Use development requirements of Article 49.* Upon review of Article 49, we do not find that any additional provisions are subject to this proposal. Therefore, we find this this requirement is not applicable.

Recommendations:

Mr. Mucha reported the applicant was proposing the construction of 66 condominium units (33 duplex buildings) on 17.48 acres of land. McKenna recommended approval of the Special Use, finding that the proposed project aligns with the intent of the Master Plan and Zoning Ordinance, for the following reasons:

1. The 2017 Master Plan Update, Future Land Use, classifies the subject parcel as split between low-density residential and local commercial. Additionally, the Master Plan indicates the low-density residential (LDR) designation as the majority of neighborhoods in the Township and that many LDRs were developed years ago. The Master Plan further states *“new development has occurred around these neighborhoods that is not consistent with single-family development. When this occurs, it is essential that adequate buffers and protection are provided to ensure the neighborhood is insulated from the effects of the adjacent uses” (page 64, left column)*. Based on the applicant providing a 35-foot-wide natural vegetation buffer between the proposed development and existing residential uses to the east, we find that adequate buffers and protection have been provided.
2. Details pertaining to adverse impacts, such as loss of natural features and vehicle trip generation, have been considered by the applicant. The increase of a 35-foot-wide natural buffer, from a previous 20 feet, further assists in the mitigation of adverse impacts on adjacent residential uses.
3. The site development plan meets the requirements of the Oshtemo Township Zoning Ordinance as it pertains to Article 42 – Residential Condominium Development Standards.
4. Phase II, consisting of 9 duplex buildings (18 units total), will not be implemented until a secondary access point is created.

SITE PLAN REVIEW

Mr. Mucha reported that McKenna reviewed the revised site plan dated February 24, 2023 for a proposed 33 duplex building (66 unit), club house, community pool and associated parking lot within the residential development located at the intersection of Meridian Avenue & Sunset Road. After walking the Commissioners through the findings and comments he made the following recommendation:

Based on the submitted site plans, dated February 24, 2023, we find that the proposed Sunset Pointe Condominium Development can be recommended for approval to the Oshtemo Township Planning Commission, subject to the following conditions:

- a. Landscaping modification (per Section 53.160) is granted to permit the applicant to install two (2) canopy trees per 100 feet of road frontage, where a minimum of one (1) canopy and two (2) understory trees are required.
- b. The Master Deed is amended to include the language outlined in the Township Attorney report, noted in the previous section. In addition, “no on-street parking” language is added to the Master Deed.
- c. A final approval letter is submitted from the Road Commission for the primary entrance into the site.
- d. The intersection at Sunset & Daybreak Ave shall meet the requirements for hammerhead turn-around for fire department access. An additional 25 feet to the north are required. The applicant may accomplish this temporarily with a gravel surface that would support the imposed loads of the fire apparatus. An amended plan showing this turn-around shall be submitted to the Township for administrative approval.
- e. Administrative coordination with Oshtemo Township regarding the sanitary sewer design.
- f. Final watermain design and permitting must be reviewed and approved by all appropriate agencies including but not limited to the City of Kalamazoo – Water Resources Division, Department of Environment, Great Lakes and Energy (EGLE), Oshtemo Township Public Works and Oshtemo Township Fire Department. The final design and approvals will supersede phasing proposed by the Developer and a part of the Planning Commission approval.
- g. Further specifications regarding phase 2 will need to be submitted for review when a secondary road access is constructed for the property.
- h. Building renderings and elevations shall be submitted to the Township for review & approval prior to building permit issuance.

Chairperson VerSalle thanked Mr. Mucha for his presentation and asked whether Commissioners had questions for him.

In answer to a question from Ms. Maxwell, Mr. Mucha indicated the 35 foot buffer would be maintained through Phase II of the project as well.

Mr. Ford asked for clarification regarding the number of parking spaces that would be provided per unit.

Mr. Mucha said each unit would have two space in a garage and an additional two spaces in front of the unit.

Ms. Everett asked about the walking path.

Mr. Mucha said walking paths are located in open spaces toward the east and the south of the development.

Ms. Everett asked if the easement would be acceptable to be made a public road, noting a private road has to meet Road Commission standards in order to be turned over to them for use as a public road.

Ms. Lubbert said there have been a number of discussions on this topic. When the second phase of the development occurs part of the road will become public. The developer has gone beyond the standard for private roads to meet public road standards. The easement as shown is to provide sewer and water to Stadium Drive. In the future a road will go on top of that. Details for the road connection will be worked through at that time.

Mr. Doorlag noted the private roads, if standards are met, can be transferred to the Road Commission.

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

Mr. Dan Lewis, Civil Engineer for the project, noted the open space buffer is more than two times what is required. A five foot wood chip path is the only land disturbed in the open space. He said the developer agrees with all of the conditions set forth for approval in the recommendation.

Ms. Everett asked about the sewer starting further south on Sunset.

Mr. Lewis indicated the only long sewer line needed is for unit No. 1 on the southwest corner of the site. That unit will not be built until a new sewer is built for easy hook-up. Sewers for the rest of the units run from Stadium. Public water connects in two spots. Sidewalks are included along both sides of all roadways.

The Chair asked if the pathways are open to the public.

Mr. Lewis said they are set up to be private, but that would be determined by a condominium association.

Chairperson Versalle asked how on street parking would be monitored.

Mr. Lewis said signs would be installed and parking would be addressed in the master deed. Four spaces per unit should help with compliance. In addition, there will be eight spaces at the clubhouse that can be used if needed.

Hearing no further questions, the Chair opened a public hearing.

Dr. Lisa Augustyniak, 2615 S. 9th Street felt she had been heard when she spoke at the last meeting and asked if the area had been evaluated for endangered/protected species of wildlife and plants, especially those specific to Kalamazoo County according to the MSU inventory.

As there were no further public comments, Chairperson Versalle closed the public hearing and moved to Board Deliberations.

Ms. Maxwell asked if the property owners are required to do the survey Dr. Augustyniak mentioned.

Attorney Porter indicated he was not aware of a requirement unless protected species or plant life have been identified in the general area already. We do not have any information that has occurred.

Ms. Maxwell **made a motion** to approve the special use request and site plan as presented to include the eight conditions listed below as recommended, as well as the requested deviation in landscaping from the required one canopy tree and two understory trees to two canopy trees per 100 linear feet.

1. Landscaping modification (per Section 53.160) is granted to permit the applicant to install two (2) canopy trees per 100 feet of road frontage, where a minimum of one (1) canopy and two (2) understory trees are required.
2. The Master Deed is amended to include the language outlined in the Township Attorney report, noted in the previous section. In addition, “no on-street parking” language is added to the Master Deed.
3. A final approval letter is submitted from the Road Commission for the primary entrance into the site.
4. The intersection at Sunset & Daybreak Ave shall meet the requirements for hammerhead turn-around for fire department access. An additional 25 feet to the north are required. The applicant may accomplish this temporarily with a gravel surface that would support the imposed loads of the fire apparatus. An amended plan showing this turn-around shall be submitted to the Township for administrative approval.
5. Administrative coordination with Oshtemo Township regarding the sanitary sewer design.
6. Final watermain design and permitting must be reviewed and approved by all appropriate agencies including but not limited to the City of Kalamazoo – Water Resources Division, Department of Environment, Great Lakes and Energy (EGLE), Oshtemo Township Public Works and Oshtemo Township Fire Department. The final design and approvals will supersede phasing proposed by the Developer and a part of the Planning Commission approval.
7. Further specifications regarding phase 2 will need to be submitted for review when a secondary road access is constructed for the property.
8. Building renderings and elevations shall be submitted to the Township for review and approval prior to building permit insurance.

Mr. Ford **seconded the motion**. The **motion was approved** unanimously.

Chairperson Versalle moved to the next item on the agenda and asked Mr. Mucha for his presentation.

PUBLIC HEARING - CONDITIONAL REZONING – HAMPTONS

Marroll LLC, requested to conditionally rezone parcel number 05-14-130-017 and a portion of 6660 West Main Street, parcel number 05-14-185-022, from its current zoning classification of R-2, Residence, to R-4, Residence. The proposed conditional rezoning was to facilitate the development of the site with townhomes, as part of a Residential PUD and a 55-year-old senior living facility.

Attorney Porter provided a brief overview of the definition of conditional rezoning, noting that in Michigan a developer can request conditional rezoning with specific limitations. What will be developed in the future will be in accordance with the conditions the developer proposes.

He noted the developer is working with Meijer and the Township regarding how stormwater will be handled. The current basin owned by Meijer may be expanded. However, the Commission will consider only the rezoning request at this meeting.

Mr. Mucha said Marroll LLC, was requesting to conditionally rezone parcel number 05-14-130-017 and a portion of 6660 W Main Street, parcel number 05-14-185-022, from its current zoning of R-2, Residence, to R-4, Residence, in order to facilitate the development of townhomes as part of a Residential PUD and a 55-year-old senior living facility. The total rezoning area is approximately 20 acres in size and is located on the east side of 9th Street, north of West Main.

While the Oshtemo Township Zoning Ordinance does not specifically outline requirements for rezonings, he provided the following comments for consideration by the Planning Commission as it reviewed the applicant's request to conditionally rezone the subject property from R-2 to R-4, which would permit a higher intensity of use on the subject site. The applicant submitted the following conditions in conjunction with the rezoning request:

- A. North half of the property will only be developed as a residential PUD (Planned Unit Development) with townhomes.
- B. The maximum unit count per townhome building will be four (4).
- C. The south half of the property will remain as a stormwater basin as is today, with a proposed 55 year old senior living facility to be located in the southwest corner [of the subject property].

Mr. Mucha described the existing conditions, noting the site is an estimated 20 acres located along the eastern portion of 9th Street, north of West Main. The area proposed for rezoning is comprised of a 10-acre vacant/unimproved parcel that consists of natural vegetation and the northernmost 10 acres of the Meijer property consisting of vacant space and a stormwater detention basin. The subject parcel is part of the 9th Street Sub-Area Plan. The current land use, future land use, and existing zoning classifications of the site and surrounding parcels were summarized

in the table and figures below:

Table 1: Zoning and Existing/Planned Use of Site and Area:

	Existing Land Use	Future Land Use	Existing Zoning
<u>Site</u>	Vacant/Stormwater detention basin	Medium Density Residential	R-2
<u>North</u>	Religious Institution	Low Density Residential	R-2
<u>West</u>	Agricultural Production	Low Density Residential	R-2
<u>South</u>	Commercial	General Commercial	C
<u>East</u>	Residential	Low Density Residential	R-2

1. **Master Plan.** The Future Land Use designation of this area along 9th Street, as described in the 9th Street Sub-Area Plan, is classified for medium density residential. The subject site is bordered to the east by low-density residential, to the north by low density residential, and to the west by agricultural production land.

Based on the proposed use of the subject site as a medium density residential Planned Unit Development, which appears to align with the intent of the 9th Street Sub-Area Plan, we find that the proposal is consistent with the intent of the Oshtemo Township Master Plan and sub-area plan.

2. **Zoning.** The existing zoning district is R-2 and the proposed zoning district is R-4.

Typical permitted uses in the R-2 district include but are not limited to one-family dwellings, essential services, foster family homes, libraries, religious institutions, and accessory buildings and uses customarily incidental to the foregoing. Article 7 of the Oshtemo Township Zoning Ordinance further details permitted and special land uses for the R-2 Residential District.

Typical permitted uses in the R-4 Residential District include, but are not limited to permitted uses in the R-2 District, child care centers and adult care centers, funeral homes, accessory buildings, family day care home, adult foster care facilities, nursing facilities. Further, per Section 9.30 – permitted uses with conditions – the R-4 District allows three or four-family dwellings and multiple family dwellings. Article 9 of the Oshtemo Township Zoning Ordinance further details permitted uses and special uses within the R-4 Residential District.

Due to the subject parcel being adjacent to other properties zoned R-2 and C, Commercial, McKenna found the proposal would permit a residential transition zone of medium density housing, which would buffer the adjacent low-density residential properties from commercial enterprises located along West Main.

3. **Consistency with General Land Use Patterns.** The subject site is currently undeveloped (vacant) and is located to the immediate north of a commercial development, and west of a low-density residential neighborhood. Further, with the requested conditional rezoning being consistent with the 2017 Future Land Use Plan's 9th Street Sub-Area Plan, the proposed rezoning would provide a buffer from the commercial development located immediately to the south and the low-density residential uses to the north and east.
4. **Utilities & Infrastructure.** The Oshtemo Township online interactive map indicates existing water and sewer mains located adjacent to the subject property. It is anticipated that the future development of the subject property, conditioned on the rezoning approval, would be adequately serviced by existing utilities and infrastructure based near the 9th Street and West Main intersection.

Further review of the utilities and infrastructure needs will be conducted once a formal site plan submission has been received by the Township.

5. **Reasonable Use Under Current Zoning Classification.** The property in review is currently zoned R-2, which would not permit the proposed use of four-unit family dwellings as outlined by the applicant in their application. The applicant was seeking conditional rezoning to permit the development of this vacant/undeveloped area for residential townhomes, which would include a maximum of four (4) units per building.
6. **Effects on Surrounding Properties.** Based on the applicant's description of the proposed use for the property in question, he said negative impacts on the surrounding area are not foreseen. The development of the vacant parcel would create a buffer between the commercial use, located at 6600 West Main and the religious institution and residential dwellings to the north. Further consideration will be given to the impacts on the surrounding uses and properties during the formal site plan review process. The applicant submitted a concept plan showing what the development is envisioned to look like and how it would be developed. If the proposed conditional rezoning is approved a full review of a Residential PUD would be required.
7. **Conditional Rezoning (Section 66).** The Township Zoning Ordinance provides general guidance for conditional rezonings, per Article 66. After review with the guidance in Section 66 McKenna found the applicant meets the provisions as outlined in this section.

Recommendation:

Based on the information provided by the applicant, and the subsequent review conducted within this memorandum, McKenna found the Planning Commission could make a positive finding of support to the Oshtemo Township Board for the conditional

rezoning of the subject property (parcel ID 05-14-130-017 and a portion of 6660 W Main St, parcel ID 05-14-185-022) from R-2, Residential to R-4, Residential, based on the following findings of fact:

1. The Oshtemo Township 2017 Master Plan's Future Land Use Plan and 9th Street Sub-Area Plan designates the subject property as medium density residential, which aligns with the applicant's proposal to construct four (4) unit townhomes on the site.
2. The subject property would provide a development buffer between the commercial use at 6600 West Main and low-density residential parcels to the north and northeast.
3. No adverse impact on existing utilities nor infrastructure are anticipated by the rezoning request.
4. The rezoning of the subject site to R-4 would provide a reasonable use of the property.
5. The rezoning request is conditioned on the following:
 - a. The northern portion of the subject site, an approximate 10 acres, will only be developed as a residential PUD with townhomes.
 - b. The maximum unit count per townhome building will be four (4).
 - c. The south half of the property will remain as a stormwater basin as currently is, with a proposed 55-year-old senior living facility to be located in the southwest corner.

Mr. Mucha noted a full site plan and special land use review and approval will be required of the property developer if the conditional rezoning request is approved.

Chairperson VerSalle asked if there were any questions from Commissioners.

Ms. Everett asked if the four-unit buildings would be more than one story.

Ms. Lubbert indicated that is not known at this time.

Attorney Porter noted the Commission cannot attach conditions to the request.

Ms. Lubbert explained the project is located within the optional 9th Street overlay zone which has design criteria if the developer wishes to utilize it. In addition, if the rezoning is approved, the Planning Commission will review further details about a proposal, including height, during the site plan review process which has checks and balances for building. The developer will be legally bound to the conditions of the rezoning if approved. If the site is sold later, the new owner would also be bound by the conditions. If the project does not commence within one year, the conditional zoning expires.

Mr. Ford said he is generally in favor of the increased density, but wanted to be sure the water runoff can be handled and wondered who will be responsible.

Attorney Porter said the property developer is responsible and noted the Township Engineer establishes the requirements and determines whether they are met.

Ms. Everett asked what the reason was for establishing a residential PUD?

Ms. Lubbert explained an assisted living facility is considered a non-residential

use and the PUD makes the property most flexible for the project's development.

Mr. Ford commented that if they change what they want to construct they would have to return to the Commission to request a rezoning.

Hearing nothing further, Chairperson VerSalle asked if the applicant wished to speak.

Mr. Justin Longstreth, Engineer, noted this is the first step in what they hope will be a successful multi-step project. They plan to provide 12 buildings with 48 units during the first phase. The rest will be built when secondary connections are made. The senior living phase will be down the road. They hope to work out a solution to the basin issue with Meijer. If the conditional rezoning is approved, he said they would likely be back within a month or two with a site plan application.

Chairperson Versalle thanked Mr. Longstreth for his comments, determined no one from the public wished to speak, and moved to Board Deliberations.

As it was the consensus that the request made a lot of sense, the Chair asked for a motion and a roll call vote.

Mr. Ford **made a motion** to recommend the conditional zoning request as presented to the Township Board for approval with the following conditions as recommended by the applicant:

- a. The northern portion of the subject site, an approximate 10 acres, will only be developed as a residential PUD with townhomes.
- b. The maximum unit count per townhome building will be four (4).
- c. The south half of the property will remain as a stormwater basin as currently is, with a proposed 55-year-old senior living facility to be located in the southwest corner.

Chairperson Versalle **seconded the motion**. The **motion was approved 7-0 by Roll Call Vote**.

Chairperson Versalle moved to the next agenda item and asked Mr. Hutson for his presentation.

PUBLIC HEARING – SPECIAL USE AND SITE PLAN – CONSUMERS ENERGY REGULATOR STATION

CONSUMERS ENERGY REQUESTED SITE PLAN AND SPECIAL USE APPROVAL TO CONSTRUCT ONE 3,240 SQUARE FOOT UNMANNED BUILDING AND ONE 120 SQUARE FOOT ACCESSORY BUILDING TO SERVE AS A REGULATOR STATION AND ALSO A SPECIAL USE APPROVAL TO INSTALL A SECURITY FENCE THAT INCLUDES 12 INCHES OF BARBED WIRE FOR A TOTAL HEIGHT OF EIGHT FEET. (UNADDRESSED PARCEL NOS. 05-25-355-010 AND 05-26-490-031.

Mr. Hutson reported Consumers Energy was requesting site plan and special use approval to construct one 3,240 SF unmanned building and one 120 SF accessory building to serve as a regulator station. The applicant is also requesting special use

approval to install a security fence at said site that includes 12 inches of barbed wire for a total height of 8 feet. Currently serving as a natural gas regulator station for Consumers Energy, the applicant is seeking to upgrade the property through a complete reconstruction of the site in order to improve the distribution of natural gas to surrounding neighborhoods in a more efficient manner as well as incorporating a new remote telemetry system. The approximate 4-acre site is located on two unaddressed parcels on the north side of Parkview Avenue between Atlantic Avenue and S 11th Street.

The subject project site falls within the R-4: Residence District zoning designation. Buildings and regulator stations for essential services are considered a special exception use within the R-4: Residence District. Any proposed special exception use is subject to review and approval from the Oshtemo Township Planning Commission.

Mr. Hutson noted there are three sets of criteria that need to be considered: the general special use review criteria outlined in Section 65.30, the general site plan review criteria outlined in Section 64, and the requirements for fences outlined in Section 57.60.A.5. Overall, most of the requirements of Section 65.30, Section 64, and Section 57.60.A.5 have been met.

Section 64: Site Plan Review

Mr. Hutson said all general zoning requirements have been met.

Access and Circulation:

The number of access points to the site will not change. The subject property currently possesses two access points adjacent to Parkview Avenue, one on the west end of the site and the other on the east end of the site. Part of the request is to upgrade both driveway aprons to Hot Mixed Asphalt (HMA) from the existing gravel material. Both drives into the site are secured by a swing and bar gate, in which the Oshtemo Fire Department will be able to access through a Knox box. The primary drive aisles are proposed to be made of 6" MDOT 21AA Crushed Limestone. All other drive areas will consist of 6" MDOT 6AA Crushed Limestone.

Most of the drive aisle widths are proposed to be 20 Ft wide, which is the minimum width required under Section 52.50 of the Zoning Ordinance. However, several drive aisle widths are also proposed to be 14 Ft wide, which is 6 Ft less than the required 20 Ft minimum. The applicant was requesting a deviation from the minimum width requirements for drive aisles. The applicant has provided rationale as to why they believe the subject deviation should be granted. Highlights from the provided rationale include:

1. "The main circulation route provides two points of access and wide turning radii that will allow emergency vehicle access as well as a suitable circulation path for maintenance vehicles and delivery trucks."

2. "In the event an emergency vehicle needs to traverse the 14' secondary aisles, the adjacent limestone material will still support the vehicles if they leave the designated drive."
3. "Increasing the width of the secondary aisles extends the drive width closer to the building, the remote telemetry units and valve operators in these areas. The intent is to keep vehicles in the center of the aisle away from such site amenities."
4. "As an essential services site, this site will receive very minimal traffic. The site is routinely visited by staff approximately once a week to verify the site is operating properly. The new remote telemetry equipment allows remote monitoring further reducing trips to the site."

Mr. Hutson noted Per Section 52.50.C of the Zoning Ordinance, the reviewing body may grant, upon request, reduced widths for circulation aisles. The reviewing body will consider the following before deciding if drive aisles may be reduced:

1. Overall site circulation
2. Access to public rights-of-way
3. Public safety
4. Volume of traffic
5. Visibility
6. Location of nonmotorized traffic
7. Grade and slope of the drive
8. Other site considerations which may impact general circulation.

In addition to considering the above, the Oshtemo Fire Department provided a letter supporting the deviation for a reduced drive aisle width. Oshtemo's Fire Marshal reviewed the proposed layout and had no concerns in terms of access and circulation. With the Oshtemo Fire Department's support, and since the proposed use will not be open to the public and will experience minimal traffic, **staff recommended the Planning Commission grant the requested deviation to permit the applicant with 14 Ft drive aisle widths, where illustrated on the proposed site plan.**

Parking requirements: Mr. Hutson noted these are not applicable.

Easements: A 15 Ft wide easement to accommodate the required non-motorized facility is shown. All existing easements have also been illustrated on the proposed site plan.

Shared Use Path: The Township's Non-motorized Transportation Plan does identify a shared use path adjacent to the subject site on the north side of Parkview Avenue. A 10 Ft wide HMA path on the north side of Parkview Avenue is currently proposed on the site plan and will be required to be installed prior to releasing a certificate of occupancy. The 10 Ft wide HMA path is proposed to be located within a 15 Ft wide easement to avoid conflicts with utilities. Said easement will be dedicated to

Oshtemo Township and recorded at the Kalamazoo County Register of Deeds Office as a **condition of approval**.

Lot Dimensions: The overall project site is about 4 acres in size and has approximately 230 Ft of road frontage adjacent to Parkview Avenue. The project site consists of two unplatted parcels, Parcel number 05-26-490-031 possesses 1.4 acres and 100 Ft of road frontage. Parcel number 05-25-355-010 possesses 2.6 acres and 132 Ft of road frontage. The two parcels in question each exceed the minimum property area requirement (50,000 SF min.) for unplatted parcels located within the R-4: Residence District; however, both parcels fail to meet the minimum frontage requirement (200 Ft min.) for unplatted parcels located within the R-4: Residence District per Section 50.10.A. With that being said, Section 50.10.F of the Zoning Ordinance states that "Frontage, width, and area requirements in Section 50.10.A shall not apply to any parcel, lot or building site with buildings or regulator stations for essential services". Since the regulator station occupies both parcels and operates as an essential service, the minimum frontage, width, and area requirements are therefore waived. With both parcels operating as one site, and with both parcels sharing same ownership, **staff recommended the two parcels be combined as a condition of approval**.

Setbacks: All minimum setback requirements have been met.

Fencing: Addressed under Section 57.60

Lighting: A photometric plan was provided; however, many of the lighting requirements from Section 54 of the Zoning Ordinance were not met. With the subject site being unmanned, and consequently, site lighting will not be regularly on, staff was confident a revised lighting plan can be reviewed and approved administratively and recommended the Planning Commission include such as a condition of approval.

Signs: No changes to current on-site signage proposed. This portion is not applicable.

Landscaping: All applicable landscaping requirements outlined in Section 53 of the Zoning Ordinance have been met.

Engineering: Prein & Newhof and the Oshtemo Public Works Department have reviewed the proposal and have noted that all engineering concerns have been addressed and are satisfied with the proposed site plan.

Fire Department: The Fire Marshal has reviewed the site plan and is overall happy with the proposal. The Fire Marshal expressed that the on-site circulation for fire apparatus has overwhelmingly been improved with the proposal.

Mr. Hutson reviewed **Section 65.30: Special Use Review Criteria** and found the request was consistent with all requirements.

Section 57.60.A.5: Fences

Mr. Hutson indicate the applicant was proposing an 8 Ft tall, barbed wire chain link fence along the north, south, and east property lines. The subject property is located within the R-4: Residence District. Installing security fences with barbed wire not located within industrial-zoned districts requires special exception use approval from the Planning Commission. The applicant requested this type of fence for security reasons, stating “Barbed wire is necessary to provide TSA recommended security measures and is required by Consumers Energy security protocols. The proposed fence detail includes three strands of barbed wire above the seven-foot chain link fabric. The barbed wire will slant inward toward the property”. The applicant also states that “The intent is to prevent entry by unauthorized personnel. While the facility is secure, there is potential for malicious tampering with valves / equipment that could result in gas service disruptions to the surrounding neighborhoods as well as personally injury”. It is standard for essential services of this nature to have security fences in place with barbed wire. The applicant is replacing the existing fencing with new. Staff found this request reasonable. The Planning Commission was requested to grant special use approval to allow the proposed 8 Ft tall, barbed wire security fence at this site as proposed.

RECOMMENDATION:

DRIVE AISLE WIDTH DEVIATION:

Mr. Hutson said the Planning Commission would need to review this request from the applicant and grant or deny the deviation from Section 52.50.C. If approved, the drive aisles illustrated as being 14 Ft wide on the proposed site plan shall remain.

If the deviation is denied by the Planning Commission the site plan will need to be amended and resubmitted for review and approval as it will impact the site layout. If the deviation is approved by the Planning Commission, staff recommended the Planning Commission approve the proposed special use and site plan for the natural gas regulator station for Consumers Energy with the following conditions.

- 1) The Planning Commission grant special use approval to allow an 8 Ft tall, barbed wire security fence on-site as proposed.
- 2) A land combination application be submitted to the Township for review and approval prior to building permit issuance.
- 3) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner’s Office will be required prior to building permit issuance.
- 4) A permit by the Road Commission of Kalamazoo County authorizing work within the public right-of-way will be required prior to building permit issuance.
- 5) A revised lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.

- 6) Finalization for the design of the non-motorized facility or any other engineering details shall be subject to the administrative review and approval of the Township Engineer.
- 7) Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
- 8) All non-motorized facilities on the approved site plan shall be installed prior to issuing a certificate of occupancy.

Chairperson Versalle thanked Mr. Hutson for his presentation and asked if there were any questions or comments from Commissioners.

Mr. Jefferies said Consumers have been a good neighbor and are making provisions to be a good neighbor in the future.

The Chair asked if the applicant wished to speak.

Mr. Doug Scott, Professional Service Co. thanked Mr. Hutson for his assistance with this project and indicated it has been the long term plan to upgrade facilities and it is time to improve the service in this location. Everything will be remotely monitored. Systems will close for safety if the pressure drops. As far as the land combination request, Consumers does own both parcels, however they are handled differently with one being for electric and one for gas, and asked that the land combination condition (#3) be removed from the list of conditions for approval as they are only improving the driveway that is shared by both parcels and a combination will prove challenging to them.

The Chair thanked Mr. Scott for his comments, determined there were no members of the public present who wished to speak and moved to Board Deliberations.

Mr. Jefferies said he understood the need for barbed wire, but hoped in the future essential services would blend in with the neighborhood.

Ms. Everett **made a motion** to 1) grant site plan approval to construct one 3,240 square foot unmanned building and one 120 square foot accessory building to serve as a regulator station, 2) grant special use approval to install a security fence that includes 12 inches of barbed wire for a total height of eight feet, 3) grant the road width deviation as requested, and 4) remove the condition to combine the two parcels, contingent on the remaining six conditions listed below as recommended by staff:

- 1) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
- 2) A permit by the Road Commission of Kalamazoo County authorizing work within the public right-of-way will be required prior to building permit issuance.

- 3) A revised lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 4) Finalization for the design of the non-motorized facility or any other engineering details shall be subject to the administrative review and approval of the Township Engineer.
- 5) Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
- 6) All non-motorized facilities on the approved site plan shall be installed prior to issuing a certificate of occupancy.

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

The Chair moved to the next agenda item and asked Ms. Lubbert for her presentation.

PUBLIC HEARING – SPECIAL USE – NATIONAL HEALTH AND NUTRITION EXAMINATION SURVEY TEMPORARY OUTDOOR EVENT

Westat Inc., requested Special Exception Use approval to locate CDC Mobile Exam Center medical trailers in the Delta Marriot Kalamazoo parking lot, located at 2747 S. 11th Street, from April 8 to June 10, 2023.

Ms. Lubbert said Westat Inc, was requesting Special Exception Use approval to locate CDC Mobile Exam Center (MEC) medical trailers in the Delta Marriot Kalamazoo parking lot, located at 2747 S 11th Street, from April 8th to June 10, 2023.

She indicated the Delta Hotel by Marriott is a commercial development located just west of US-131 off of Holiday Terrace, south east of the Stadium Drive and 11th Street intersection. The site is zoned C: Local Business District. The temporary setup for the MEC medical trailers is proposed to be in the drive aisle and parking area directly adjacent to the northeast corner of the conference building onsite. The MEC trailers will be used to conduct a congressionally mandated national health and nutrition examination survey (NHANES) for Kalamazoo County from April 8th to June 10th, 2023. In summary, data for the NHANES will be collected through health interviews followed by standardized medical examinations conducted in the proposed MEC trailers.

The subject property is zoned C: Local Business District. Uses permitted in the C: Local Business District are outlined in Section 18 of the Township's Zoning Ordinance. Temporary outdoor events which last more than one day are identified as a Special Exception Use within said code section. When reviewing a Special Exception Use, there are two sets of criteria that need to be considered: 1) the general Special

Use review criteria outlined in Section 65.30, and 2) the specific requirements for the use in question outlined under Section 49.260.

She noted the proposal is consistent with both the Master Plan and Zoning Ordinance. Staff has reviewed the proposed layout and have no concerns.

Likewise, staff had no concerns about the impact, determined the environment is not applicable, public utilities are adequate, and all Special Use development requirements met.

RECOMMENDATION:

Planning Department staff recommended approval of the proposed Special Use for the temporary outdoor event lasting more than one day with the following conditions.

1. The CDC Mobile Exam Center (MEC) medical trailers will be set up in the Delta Marriot Kalamazoo parking lot, located at 2747 S 11th Street, as shown on the submitted site plan.
2. Necessary permits, such as plumbing and electrical, from Southwest Michigan Building Authority are required.
3. The event will occur from April 8th to June 10, 2023.
4. Building official and Fire Marshall to walk through the site once set up.

As Chairperson Versalle determined there were no comments from Commissioners, no one from the public wished to comment, and no deliberations were forthcoming, she asked for a motion.

Mr. Ford **made a motion** to approve the special use request with the four conditions as recommended by staff:

1. The CDC Mobile Exam Center (MEC) medical trailers will be set up in the Delta Marriot Kalamazoo parking lot, located at 2747 S 11th Street, as shown on the submitted site plan.
2. Necessary permits, such as plumbing and electrical, from Southwest Michigan Building Authority are required.
3. The event will occur from April 8th to June 10, 2023.
4. Building official and Fire Marshall to walk through the site once set up.

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

PUBLIC COMMENT

There were no public comments.

OTHER UPDATES AND BUSINESS

Ms. Lubbert informed the group there would be interviews for Township Supervisor candidates at the Township Board special meeting on April 4.

ADJOURNMENT

With there being no further business to consider, Chairperson Versalle adjourned the meeting at approximately 7:35 p.m.

Minutes prepared:
March 25, 2023

Minutes approved:
April 13, 2023