

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD AUGUST 24, 2023**

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**Agenda**

**PUBLIC HEARING – CONDITIONAL REZONING – 8447 STADIUM DRIVE**

Midwest V, LLC requested to conditionally rezone 8447 Stadium Drive, from its current split zoning of R-2, Residence and C, Local Business District, to C, Local Business District, to facilitate the development of the vacant parcel for retail store operations.

**PUBLIC HEARING – PUD CONCEPT PLAN – THE HAMPTONS**

Marroll LLC requested approval of a Conceptual Plan for a Residential Planned Unit Development (PUD), located at parcel number 05-14-130-017 and a portion of 6660 W. Main Street.

**PUBLIC HEARING – ORDINANCE – WIRELESS TELECOMMUNICATION FACILITY PROVISIONS**

Consideration to repeal Article 49.80 – Communication Towers of the Township Ordinance and adopt proposed Article 59 - Wireless Telecommunications Facilities.

**WORK SESSION:**

- a. Discussion, Solar Energy Systems Ordinance
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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 24, 2023, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

**ALL MEMBERS**

**WERE PRESENT:**

Phil Doorlag, Chair  
Scot Jefferies  
Micki Maxwell, Vice Chair  
Alistair Smith  
Deb Everett  
Zak Ford, Township Board Liaison

Also present: Iris Lubbert, Planning Director, Jim Porter, Township Attorney, LeeAnna Harris, Zoning Administrator, Martha Coash, Recording Secretary, Kyle Mucha of McKenna, and 13 members of the public.

### **Call to Order and Pledge of Allegiance**

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

### **Approval of Agenda**

Hearing no requests for change, the Chair asked for a motion to approve the agenda.

Mr. Jefferies **made a motion** to approve the agenda as presented. Ms. Everett **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next agenda item.

### **Public Comment on Non-Agenda Items**

As there were no comments from the public on non-agenda items, Chairperson Doorlag moved to the next item.

### **Approval of the Minutes of the Meeting of August 10, 2023**

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of August 10, 2023.

Hearing none, he asked for a motion.

Mr. Jefferies **made a motion** to approve the Minutes of the Meeting of August 10, 2023 as presented. Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag moved to the next agenda item.

### **PUBLIC HEARING – CONDITIONAL REZONING – 8447 STADIUM DRIVE**

**Midwest V, LLC requested to conditionally rezone 8447 Stadium Drive, from its current split zoning of R-2, Residence and C, Local Business District, to C, Local Business District, to facilitate the development of the vacant parcel for retail store operations.**

Mr. Mucha of McKenna presented a review of the request for conditional rezoning from Split Zone R-2, Residential & C, Local Business District to C, Local Business District from Peter Oleszczuk, agent of Midwest V, LLC for parcel number 05-33-403-010 located at 8447 Stadium Drive, consisting of approximately 2.15 acres.

He indicated the applicant proposed the following conditions in conjunction with the rezoning:

1. A 6' board-on-board screening fence provided along the east property line of the development to help buffer the current residential use.
2. Bigger footprint store (12,480 overall square feet) than historically built to allow for expanded options for food and coolers. The property would be developed as a Market Dollar General.
3. Required parking counts would be met with a combination of 34 installed spaces and the remainder of spaces having dedicated banked parking areas to be earmarked for parking and installed as grass.
4. Setbacks were intended to be met based on the required sections of the zoning ordinance.

Mr. Mucha said the applicant indicated the proposed retail operations to be that of a Market Dollar General, a 20+ billion-dollar Fortune 119 Company with over 140,000 employees nationally, more in line with regional retail rather than a low-intensity commercial operation.

He noted other high-intensity commercial uses are currently permitted in the C, Local Business District and the subject site currently permits these higher-intensity commercial uses due to the C, Local Business zoned classification along the northern portion of the parcel.

Therefore, he said McKenna found the proposed conditional rezoning does not align with the intent of the Master Plan as it relates to the rural character preservation strategy, but acknowledged the existing zoning on the subject site would permit a higher-intensity commercial use even if the subject site was not rezoned.

The use of the subject site for a retail establishment, such as retail sale of merchandise would be consistent with the C, Local Business zoning classification of the northern portion of the site. While the applicant proposed to rezone the residential portion of the site to C, Local Business, the future intended use of a retail establishment at 12,480 square feet is not consistent with the general land use patterns of the immediate area.

He indicated reasonable use under the current zoning ordinance is still achievable, even with the split zoning, but noted some development restrictions may be present due to the split zoning: for example, the entire property could not be used for retail.

Mr. Mucha also noted impact on the surrounding properties may be more significant with the proposed 12,480 square foot building than what is currently experienced by the convenience store located to the west and the winery located to the north.

Based on the information provided by the applicant, and the subsequent review conducted, Mr. Mucha said McKenna found the proposed conditional rezoning does not generally align with the Oshtemo Township Master Plan as it pertains to neighborhood

commercial uses. Therefore, and based on the following findings of fact, McKenna recommended a denial of the conditional rezoning request.

1. The property can be reasonably used under its current split zoning of C, Local Business and R-2, Residence. A smaller commercial operation could be permitted to operate on the northern portion of the parcel, subject to compliance with the Township's Zoning Ordinance.
2. The proposed use – 12,480 square foot store – is not supported by the Oshtemo Township Master Plan.
3. A change of the existing zoning boundaries would not be compatible with the existing land uses within the immediate area.
4. Adequate sites across the Township, which are zoned C, Local Business, are available, which would not require a conditional zoning.
5. There have been no apparent changes in conditions in the area that would support an increase in expanding the C, Local Business District.
6. The proposed rezoning would impact the natural characteristics of the area.
7. The proposed rezoning has not identified and immediate need for an increase in the C, Local Business District designation within this area of the Township.

Chairperson Doorlag thanked Mr. Mucha for his presentation and asked if Commissioners had questions. Hearing none, he asked if the applicant wished to speak.

A representative of AR Engineering spoke and addressed the concerns described by Mr. Mucha, saying that he could not find the Township building size requirement, that to the north the zoning is industrial while to the west and east it is commercial, that he does not know the specific location of other commercially zoned property that Mr. Mucha was referencing, that any development would impact natural characteristics, that they would meet buffer and screening requirements, that the E-Z Mart property next store is looking to expand to a building that is approximately 8,000 square feet.

Ms. Everett asked what the typical size is for a Dollar General store.

He indicated 10,600 square feet is typical; this store would be larger to include space for fresh produce and coolers.

Hearing no further questions from Commissioners, the Chair asked if there were any comments from members of the public.

Ms. Joan Hawxhurst, 8400 Stadium Drive, said she has lived on her 18 acre property directly across from the property being proposed for rezoning for 23 years. She thanked Commissioners for the work they do. She felt the proposed store did not sound like it would fit in with the character of the area and also noted traffic concerns. She felt there are great options for the property but this is not one of them.

Mr. John Bert, Stratford Hills on Hathaway Road said he moved to Oshtemo in 2008 and noted the already existing heavy traffic on Stadium Drive, particularly from the west. He chose to live at this location because of the rural nature of the Township. He did not move here to look at a big box store when there is a Hardings store two miles away. He supports the Master Plan and agreed with the McKenna findings to deny the request for rezoning.

Mr. Steve Bertman, 8400 Stadium Drive also appreciates the rural nature of the area and felt the proposed store would be incongruent as well as being in direct competition with the existing neighboring store. He wondered if market research might be done before an approval were given to this type of business.

Hearing no further comments, the Chairperson thanked the speakers, closed the public hearing and moved to Board Deliberations.

Mr. Ford agreed with the consultant's recommendation and believed the current zoning was intentional in order to constrain the size of commercial developments.

Attorney Porter agreed the site's current split zoning was intended to restrict the overall impact of commercial development on the community.

Mr. Ford added the proposed store would go against the rules for rural character.

Ms. Maxwell said in light of the shortage of residential housing in the Township it would not be proper to take away residential zoning for commercial development now.

Mr. Jefferies expressed his concern regarding traffic in the area.

Ms. Maxwell said people have a right to rely on zoning that is in place and that it is to the detriment of the Planning Commission if they do not stand up for that.

Ms. Maxwell **made a motion** to recommend to the Township Board that the request for the conditional rezoning of 8447 Stadium Drive, parcel 05-33-403-010, be denied on the following findings of fact:

1. The property can be reasonably used under its current split zoning of C, Local Business and R-2, Residence. A smaller commercial operation could be permitted to operate on the northern portion of the parcel, subject to compliance with the Township's Zoning Ordinance.
2. The proposed use – 12,480 square foot store – is not supported by the Oshtemo Township Master Plan.
3. A change of the existing zoning boundaries would not be compatible with the existing land uses within the immediate area.
4. Adequate sites across the Township, which are zoned C, Local Business, are available, which would not require a conditional zoning.
5. There have been no apparent changes in conditions in the area that would support an increase in expanding the C, Local Business District.
6. The proposed rezoning would impact the natural characteristics of the area.

7. The proposed rezoning has not identified and immediate need for an increase in the C, Local Business District designation within this area of the Township.

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

Chairperson Doorlag moved to the next agenda item and asked Mr. Mucha for his report.

**PUBLIC HEARING – PUD CONCEPT PLAN – THE HAMPTONS**

**Marroll LLC requested approval of a Conceptual Plan for a Residential Planned Unit Development (PUD), located at parcel number 05-14-130-017 and a portion of 6660 W. Main Street.**

Mr. Mucha provided background and review of the PUD Conceptual Plan submitted by Thomas Carroll, Manager of Marroll, for North 9<sup>th</sup> Street parcel 05-14-130-017 and W. Main Street parcel 05-14-185-022.

He indicated the site is approximately 10.08 acres with frontage along North 9<sup>th</sup> Street and that the applicant proposed to acquire an additional 10 acres of land via a land division from 6660 West Main Street. The combination would increase the project site to 20 acres, the minimum area required to develop as a Planned Unit Development, and will be required for final site plan approval. The current request is for a conceptual plan submitted by the applicant that provided a higher level of detail than required for phase 1 and phase 2 of the development. He noted some items, such as landscaping, will be reviewed in greater detail during the site plan analysis, which will take place after conceptual plan approval if granted.

The applicant proposed to construct 15 four-plex buildings (60 units total) and a future senior housing complex in 3 phases. Phase 1 would include 48 units; phase 2 will include an additional 12 units; phase 3 includes a senior housing complex. A clubhouse, pool and associated parking lot were proposed within phase 1.

Mr. Mucha indicated staff has been working with the applicant for a year on development of the proposal. He reviewed the PUD zoning requirements and indicated standards have been met; he noted those not yet described, including a phasing plan, would need to be included in a subsequent full site plan request if the conceptual plan were approved by the Planning Commission.

The items that would need to be addressed prior to full site plan approval:

**Planning & Zoning**

1. Site triangles shall be shown for the off-street parking areas: this will ensure adequate site distance is achieved and vehicle-vehicle conflict potential is reduced.
2. Parking spaces need to be a minimum of 10 feet wide by 20 feet deep.
3. No parking will be permitted on-street due to the proposed street width; signs shall be placed along the street to note this.

4. The landscape easement that runs east-west along the property shall be amended and/or replaced with a new easement to incorporate the overall improved stormwater basin design.
5. Land combination is submitted for review and approval by the Township, combining the subject site with the northern portion of 6660 West Main Street, as shown on the submitted conceptual plans.

#### Oshtemo Township Fire Department

1. The proposed monument sign is blocking the turning access into the plat. A 30/50 turning radius shall be required. The driveway entrance shall meet the 30/50 turning radius. Site plan page 1 identified as Truck Turn Exhibit, shows two different scales. Neither will allow for a 30/50 turning radius with a monument sign in the middle for ingress or egress.
2. Building sizes are needed to confirm fire flow requirements for fire hydrant placement.

#### Oshtemo Township Engineer

1. A RCKC driveway permit will be required for the entrance with a trip generation study to determine if turn lanes are required.
2. ADA parking spaces must be constructed to ADA standards with concrete.
3. A concrete ADA ramp is required at the driveway entrance on 9<sup>th</sup> Street.
4. 20-foot public trail easement must connect to the existing trail to the north.
5. Provide detailed calculations for basin sizing based on Kalamazoo County Drain Commissioner requirements.

#### Recommendations from McKenna

The conceptual Plan for “The Hamptons” planned unit development project has been reviewed for compliance with the Oshtemo Township Ordinance and other regulatory requirements. A positive recommendation from the Oshtemo Planning Commission to the Township Board can be given for conceptual plan approval for the project entitled “The Hamptons” subject to the following:

1. Conceptual plan approval is not a site plan approval. The conditional approval provides general guidelines and “big picture” details.
2. Until such a time as the private road moratorium has either been lifted or expired, site plan submission cannot take place.
3. Phase 2 & Phase 3 shall not commence until a secondary access has been installed on the subject site.
4. A detailed phasing plan will be required upon site plan submission.

Chairperson Doorlag thanked Mr. Mucha for his report and recommendations and asked if Commissioners had questions.

Mr. Ford confirmed with Ms. Lubbert that the plan will include interior sidewalks and a shared use path.

Mr. Ford was concerned about what would happen with phase 2 if the Township is unable to provide a public road.

Attorney Porter confirmed if there is no public road phase 2 cannot be done. The conditions of approval make that clear: the developer cannot go forward with phase 2 without road access.

Mr. Longstreth spoke on behalf of the applicant, indicating phase 1 includes a total of 48 units; phase 2 includes 12 units. The proposed senior living facility is phase 3; it will be a 55+ community.

He indicated the road moratorium caught them off guard. They had planned to break ground this fall, but there will be a delay until the road issue is settled. He indicated private streets would provide flexibility for on street parking as well as traffic calming measures.

Ms. Lubbert said the consultant for private roads was hired recently, that there is a 6-month moratorium on private roads, and that the consultant should finish their work before the end of the year.

She also said the plans for the overflow retention pond agreement are going well between Meijer and the developer.

Ms. Lubbert also indicated one written communication was received from Menards regarding pre-existing conditions with regard to noise from their store and lumberyard. A copy of the letter is attached to these minutes.

It was the consensus of the Commissioners that they liked the plan as submitted.

Mr. Ford **made a motion** to approve “The Hamptons” PUD Conceptual Plan for a Residential Planned Unit Development located at 6660 West Main Street, parcel number 05-14-130-017 on the following conditions of approval:

1. Conceptual plan approval is not a site plan approval. The conditional approval provides general guidelines and “big picture” details.
2. Until such a time as the private road moratorium has either been lifted or expired, site plan submission cannot take place.
3. Phase 2 & Phase 3 shall not commence until a secondary access has been installed on the subject site.
4. A detailed phasing plan will be required upon site plan submission.

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

The Chair moved to the next agenda item.



**PUBLIC HEARING – ORDINANCE – WIRELESS TELECOMMUNICATION FACILITY PROVISIONS**

**Consideration to repeal Article 49.80 – Communication Towers of the Township Ordinance and adopt proposed Article 59 - Wireless Telecommunications Facilities.**

Ms. Lubbert noted that 5G, a fifth-generation technology standard for broadband cellular networks and often linked to driverless cars, and other small cell wireless facilities are becoming more and more popular throughout the United States. She said federal regulations have required that municipalities allow for these types of facilities. Currently the Township’s ordinance does not provide any guidance for small cell wireless facilities. The general ordinance and zoning ordinance need to be updated if the Township wants to have control over where and how these facilities are placed.

With the Planning Commission’s and Township Board’s approval, a contract was entered into with McKenna Associates on November 5, 2021 to develop ordinance that addresses 5G. Planning and Legal staff worked closely with McKenna in this effort. A survey to inform the work was created and posted in May 2022. 394 responses were collected. Based on the information collected and State regulations, Article 59 - Wireless Telecommunication Facilities and Section 238.000 – Small Cell Wireless Communication Facilities Deployment Ordinance were drafted. Article 59 provides controls for all forms of wireless telecommunication facilities that would be placed on private property, including but not limited to: Micro Wireless Facilities, Small Cell Wireless Facilities, and Communication Towers (Wireless Facility Support Structures). Section 238.000 provides controls for all forms of small cell wireless telecommunication facilities that would be placed within Public and Private rights-of-ways.

Ms. Lubbert noted the Planning Commission has purview over the Zoning Ordinance and not the General Ordinance. Section 238.000 has been provided only for context and would be moved to the Township Board for consideration alongside Article 59 with the goal of requiring any new development to co-locate whenever possible in order to minimize impact.

Ms. Lubbert walked the group through proposed Article 59, answered questions and responded to suggestions for changes.

Chairperson Doorlag opened the public hearing, determined no members of the public had comments and closed the hearing.

Mr. Ford **made a motion** to repeal Article 49.80 – Communication Towers and approve Article 59 – Wireless Telecommunication Facilities, as presented with one amendment from the group related to the “Geographically Exempt Facility”, for recommendation to the Township Board. Mr. Jefferies **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag moved the meeting to a work session at 7:36 p.m. to consider the next agenda item.

**WORK SESSION:**

**a. Discussion, Solar Energy Systems Ordinance**

Attorney Porter provided a draft of the Solar Energy Systems Ordinance that was introduced at the August 10<sup>th</sup> meeting for further discussion.

He led the group through the proposed ordinance answering questions and making changes as per Commissioner discussion.

The consensus of Commissioners was that staff should make the changes to the document as discussed, and bring the updated proposed ordinance for public hearing at the September 19, 2023 Planning Commission meeting.

Chairperson Doorlag moved to the next agenda item.

**OTHER UPDATES AND BUSINESS**

Ms. Lubbert announced she would be leaving the Township for personal reasons and that her last day would be December 22, 2023. The Planning Director position will be posted soon.

Commissioners were sorry to hear she would be leaving and noted all the accomplishments during her tenure.

Mr. Ford indicated he recently learned that the “Continuum of Care” rental assistance program turned away all Oshtemo residents seeking rental assistance because the Township is not a partner. If the Township contributes to the organization its residents could be considered in the future.

Attorney Porter will do some research to see if or how that could be done.

**ADJOURNMENT**

With there being no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 8:36 p.m.

Minutes prepared:  
August 25, 2023

Minutes approved:  
September 14, 2023



August 7, 2023

**Sent Via US Mail**

Oshtemo Charter Township Planning Commission  
7275 W. Main Street,  
Kalamazoo, MI 49009-9334  
[E] oshtemo@oshtemo.org

**RE: Written Comments for Marroll LLC, Planned Unit Development for Parcel 05-14-130-017 and a portion of 6660 W Main Street**

Dear Members of the Oshtemo Charter Township Planning Commission,

Menard, Inc. is in receipt of a public notice regarding the proposed Planned Unit Development request by Marroll LLC for parcel number 05-14-130-017 and a portion of 6660 W Main Street.

Menards currently operates a retail store and lumberyard adjacent to the proposed development. Where Menards shares in the desire for growth, prosperity, and the continued development of Oshtemo Charter Township, the operation of the Menards property, like similar large retail establishments, generates certain levels of noise, traffic, and light. Menards respectfully requests that the proposal before the commission be considered with these pre-existing conditions in mind. Menards further requests that any approval be conditioned on the acknowledgement by all parties of the foreseeable issues that may result by being in close proximity to an existing retail store and lumber yard.

Please include this letter as part of the official public hearing transcripts of the upcoming Oshtemo Charter Township Planning Commission meeting. Thank you for your time and consideration.

Respectfully,

**Menard, Inc.**

A handwritten signature in blue ink, appearing to read "P. Schaffer", with a long horizontal line extending to the right.

**Patrick P. Schaffer**  
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