

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A SPECIAL MEETING HELD DECEMBER 8, 2022**

---

**Agenda**

**WORK SESSION:**

- a. Discussion of proposed AVB/Hinman MU zoning district draft revisions
- 

A special meeting of the Oshtemo Charter Township Planning Commission was held Thursday, December 8, 2022, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT:                    Bruce VanderWeele, Chair  
   Kizzy Bradford (joined around 6:30PM)  
   Deb Everett  
   Micki Maxwell, Vice Chair  
   Anna Versalle  
   Chetan Vyas

MEMBERS ABSENT:                    Alistair Smith

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, representatives from AVB and Hinman, and other members of the public.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:04 p.m. and those in attendance joined in reciting the Pledge of Allegiance.

**Approval of Agenda**

The Chair asked if there were any changes to the agenda. Hearing none, he let the agenda stand as published.

**Public Comment on Non-Agenda Items**

Hearing no further comments, the Chairperson moved to the next agenda item.

**Approval of the Minutes of the Meeting of November 17, 2022**

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of November 17, 2022.

Hearing none, Chairperson VanderWeele asked for a motion.

Chetan Vyas **made a motion** to approve the Minutes of the Meeting of November 17, 2022, as presented. Micki Maxwell **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next item on the agenda.

### **WORK SESSION:**

#### **a. Discussion of proposed AVB/Hinman MU zoning district draft revisions**

Ms. Lubbert said a draft of a newly proposed MU zoning district was introduced to the Commission at their November 17<sup>th</sup> meeting. At that meeting representatives of AVB and Hinman requested they be able to submit a redline version of the draft with their proposed changes for consideration.

The Planning Committee agreed to hold a special meeting to consider the requested changes on December 8 if the proposed changes were provided to staff no later than 5 pm on November 29. The redline document was submitted to the Township at 1:16 pm on November 29.

Ms. Lubbert handed out a version of the redline document which included her and other Township Staff's comments; a copy is attached to these Minutes. Ms. Lubbert walked through AVB/Hinman's proposed language and her corresponding comments.

Ms. Lubbert recommended that the additional language proposed in Section 30.20 B not be included as the language is redundant to language in other sections. There was discussion about rezoning to the MU district with multiple owners and whether a development agreement would be appropriate in all cases. It was agreed that the intent was not to limit the entire development to one single owner and to allow for the sale of portions of the property in the future. Staff will review this section further to clarify.

Ms. Lubbert noted staff was ok with the addition of the word "potential" within item 3 as proposed on page 2 of the draft. The Planning Commission agreed. Ms. Lubbert outlined why she was against the proposed additional text at the end of this item. It was agreed this proposed language should be removed.

Item 4 on page 2 led to discussion about site circulation. Overall it was agreed that the proposed standards for private roads be removed entirely from the MU district draft. A separate ordinance, that will be applicable township wide, will be worked on by the Planning Commission in the future to address standards for allowable private roads. The Planning Commission noted that this would be a priority for them.

There was additional discussion on item ii at the top of page 4 regarding the use of cul-de-sacs. AVB encouraged the Planning Commission to provide flexibility. Ms. Lubbert agreed that a certain level of flexibility could be given, however, if allowed, specific conditions should be set on when a cul-de-sac would be appropriate. After further discussion the Planning Commission agreed to allow cul-de-sacs if conditions were outlined in the ordinance. Ms. Lubbert noted she would work with Public Works to outline those conditions.

At this time, Ms. Lubbert paused, to explain the intent of the MU district to the members of the public that were in attendance to help provide context for the discussions.

Various members of the public noted they were concerned with the existing traffic at the West Main and Drake Road Corner. They felt appropriate analysis and mitigation efforts will need to be considered before any new development happens.

Ms. Lubbert shared that the Township will be starting a large master plan update in 2023 which will include a township wide traffic analysis. Ms. Lubbert also advised members of the public to reach out to the Kalamazoo County Road Commission with certain road concerns. She also noted that item 5 on page 4 of the MU draft also seeks to address these concerns by requiring a Traffic Impact Study (TIS). Details of the TIS were discussed.

AVB noted that MDOT has already completed a study of W Main along the area by the Prairies golf course. Their plan counts on an access road within the Prairie's development. Additionally AVB will follow best complete street policy recommendations in their project, include trails, sidewalks, etc.

Ms. Lubbert added that the MU district requires sidewalks and other amenities be included. The Township's complete streets policies would also be applicable.

Ms. Lubbert indicated that some of the language proposed for Item 5 on page 4 is good. She agreed that the MU draft language needs to be tweaked. However, she did recommend the removal of others, for example standards throughout this district need to be the same for any development independent of size. See attached notes.

Hinman argued that if the Township through the TIS were to require an additional connection and that connection is what causes service levels to suffer, it unfair that the developer then had to provide mitigation efforts.

Mr. Porter explained that the Township wouldn't be the entity subjectively requiring other connections, the TIS would outline if those connections are needed for the site to operate. Any connections would be solely for the purpose of ensuring the site can function. He added that the Township cannot require arbitrary offsite improvements. The Planning Commission agreed to remove this proposed language.

There was some discussion about the term “commercially acceptable’. Hinman explained that it is a technical term tied to service levels for roads and it should be considered when determining when mitigation is required. This item will be discussed further by staff with the Public Works Director.

Proposed changes to items 6 and 7 on page 5 were found acceptable with minor modifications.

There was discussion on item 8 on page 5. AVB requested that the Township issue a letter clarifying that the Maple Hill Overlay area would be considered under the high density category. Both Ms. Lubbert and Mr. Porter agreed to this request as they felt that that level of density was the intent for that sub area.

There was additional discussion about how density would be calculated in the MU district. In the end, the Planning Commission agreed to move forward with staff’s recommendation and remain consistent with how density is currently calculated in PUDs within the Township. For the proposed maximum densities, Ms. Lubbert noted that she would ok increasing the starting density for the high density category from 6 to 8 and the maximum density from 15 to 16. However, she noted that she would not recommend going higher until the results of the Township’s Housing study could be reviewed. After discussion the Planning Commission agreed to increase the densities for the high density areas to 8 and 16 respectively.

AVB/Hinman proposed that a high walk score should be considered as one of the density bonus categories. The Planning Commission agreed to adding a category for walk scores, but overall requested staff incorporate more structure and guidance for how density bonus points are awarded.

The buffering requirement was discussed next. The Planning Commission agreed to allow for public trails within the required buffer area with the additional considerations outlined in Ms. Lubbert’s notes. After discussion it was agreed that the 85 foot buffer may not be appropriate for all contexts and a tiered approach should be taken.

The Planning Commission agreed that certain stormwater basins may be appropriate to be included in the Open Space calculation if parameters are outlined on what would be appropriate.

For the covenants section it was agreed that more clarity could be provided. Staff will revisit the PUD ordinance for additional language.

Ms. Lubbert moved on to the Application review section. AVB/Hinman requested that a specific timeline be provided for the review process. Ms. Lubbert noted that timelines often depend on the applicant, quality of the submission, and other factors. She was uncomfortable providing a specific timetable in the ordinance and noted that all submissions would follow the established township development schedule. The

Planning Commission agreed that this approach made the most sense. However to clarify and provide additional review options it was agreed to separate the optional pre-application review into 1) staff level preapplication review and 2) Planning Commission concept plan review.

Development standards were then discussed on page 11. Building separation should be made more general and just need to follow fire and building code requirements. It was agreed that items v, vi, and vii were unnecessary and would be covered under the required design guidelines. Intent for why these requirements were originally proposed back in 2019 was unclear. Also after discussion the proposed xii text will not be included. The Planning Commission agreed that a review of the Township Parking Ordinance should be tackled in the future to further address some of the concerns behind item xii.

The proposed item E at the bottom of page 11 will not be included per Iris notes.

Process was then discussed on page 12. Overall it was agreed that variances aren't really applicable to this type of ordinance; deviations should be offered through the Planning Commission. It was agreed that the text needed to be amended accordingly.

Ms. Lubbert added, noting she forgot to bring this up earlier, that a definition defining what a mixed-use building is will be needed. Planning Commission agreed. AVB/Hinman offered to assist staff with the definition as it has changed drastically over the years based on best practices and market conditions.

Chairperson VanderWeele moved to the next agenda item.

### **PUBLIC COMMENT**

There were no public comments.

### **OTHER UPDATES AND BUSINESS**

Ms. Lubbert indicated that the Planning Commission has three public hearings scheduled for their regular meeting the following week. She noted that the MU district draft will be brought back to the Planning Commission for further work at their first January meeting.

### **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 9:23 p.m.

Minutes prepared: December 9, 2022  
Minutes approved: December 15, 2022

ARTICLE 30

30 – MU: MIXED USE DISTRICT

Contents:

- 30.10 STATEMENT OF PURPOSE
- 30.20 ESTABLISHING A MIXED USE DISTRICT
- 30.30 DEVELOPING WITHIN A MIXED USE DISTRICT

**30.10 STATEMENT OF PURPOSE**

The Mixed Use District is established for the purpose of implementing Oshtemo Township’s adopted Sub Area Plans and to allow for the planned redevelopment of existing commercial areas into mixed use. The Mixed Use District designation is designed to accommodate, through comprehensive planning, zoning, and project review, integrated residential, commercial, office, technology, and public uses on larger parcels of land. The mixed-use district strives to encourage innovative development that incorporates high-quality building design, compatibility with adjacent uses, preservation of unique environmental features, and the creation of open spaces and amenities that enhance the quality of life of residents.

**30.20 ESTABLISHING A MIXED-USE DISTRICT**

**A. LOCATION AND SIZE CRITERIA**

Mixed Use Districts may be established in areas of the Township with an adopted Sub Area Plan or within a C: Local Business District. A minimum contiguous site area of twenty (20) acres shall be required.

The proposal shall show all contiguous holdings of the owner or option purchaser and how its integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.

**B. DEVELOPMENT OWNERSHIP**

The proposed Mixed Use District shall be under common ownership or control through a development agreement while being constructed, such that there is a single entity having proprietary responsibility for the full completion of the project. Larger comprehensive development plans, in excess of 80 acres and part of a Sub Area Plan, may have multiple owners and developed in phases. Sufficient documentation of ownership or control, that indicates the proposed development will be completed in its entirety, shall be submitted with the application for approval.

Ref - MH Sub Area Plan, Pg 51 "vision, goals, and principles", 2nd Par.

take out- already have this built into MU. added clarification.

**C. APPLICATION REQUIREMENTS**

The owner or option purchaser of a tract of land shall seek approval of a Mixed Use District zoning designation with the simultaneous submittal of a comprehensive development plan. The comprehensive development plan shall include:

- (1) **Plan Area.** All contiguous holdings of the owner or option purchaser and how its integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.
- (2) **Letter of Intent.** A letter of intent that includes a full description as to how the proposed comprehensive development plan satisfies the eligibility requirements and design principles of this Section and, if applicable, evidence of how the proposed plan meets the criteria for qualifying for a density bonus.
- (3) **Development Schematic Plan.** A development schematic plan illustrating the proposed streets and the areas designated for residential, commercial, or mixed uses.

**OK** ~~Specific~~**Potential specific** uses proposed in each area shall be outlined; see Section 30.30 for a list of uses permitted in the district. The development schematic plan shall include the proposed acreage for each use category and the proposed residential densities for each identified residential and mixed use area. For larger comprehensive development plans in excess of 80 acres and part of a Sub Area Plan, specific uses and proposed residential densities shall be limited to the first (and current) phase of development and potential future uses and potential future residential densities shall be suggested for the remaining phases.

**No** - moves away from goal for a integrated development plan. all potential uses + intended densities needs to be included for all phases. If it changes in the future the MU plan can be amended

- (4) **Site Circulation.** A circulation and access management plan for the project, including proposed street names and phasing (if any for development purposes), proposed non-motorized connections, and connectivity to the surrounding transportation network.

i. **OK**~~Only interior~~**Interior** streets that do not serve as a connecting link between different land ownerships or different public roads may be designated private streets subject to Township approval. Both public and private streets shall be designed to **meet** the **quality** standards of the Road Commission of Kalamazoo County, as well as Article 51: Access Management Guidelines of the Township Zoning Ordinance. For larger comprehensive development plans with a correlating minimum 80 acre Sub Area Plan where a greater quantity of roads will be required:

**No** - we need to follow all RCKC standards

Yes but through a different mechanism... need a larger functional document/ordinance that reviews this Township wide. Township is moving away from private roads/drive standards that are specific to specific zoning districts - too many issues + single point to reference. Ideally broad standards of road types in the township overall.

- 1. The Township shall promote innovative and creative efforts to enhance a safer pedestrian experience and lower traffic speeds, including on-street parking, reduced road widths and rights of way, on-street non-motorized facilities, etc.
- 2. Private Road Guidelines

a. Private roads may consist of the following classifications and designed to the following standards:

i. Alleyway

- 1. Purpose = To provide access to the rear or side of properties
- 2. Right-of-way = 20 feet
- 3. Street Width = 20 feet
- 4. Number of Travel Lanes = 2

ii. Local Residential Street

- 1. Purpose = To serve the local residential access needs within the development
- 2. Right-of-way = 56 feet (may be reduced to 42 feet if on-street parking is prohibited)

See Overlay Draft Pages 8 & 9, Section 5.

3. Street Width (curb to curb) = ~~32~~ 28 feet
4. On-Street Parking = Parallel (7 feet)
5. Number of Travel Lanes = 2
6. Block Length = 600 feet maximum
7. Alleys = Optional
8. Landscape Strip = 6 feet
9. Sidewalk = 5 feet + one foot beyond sidewalk
10. Bike Lane = None

iii. Local Mixed-Use Street

1. Purpose = To serve the areas of low-volume mixed-use access needs within the development
2. Right-of-way = 62 feet (may be reduced to 46 feet if on-street parking is prohibited)
3. Street Width (curb to curb) = 36 feet
4. On-Street Parking = Parallel (8 feet)
5. Number of Travel Lanes = 2
6. Block Length = 600 feet maximum
7. Alleys = Optional
8. Landscape Strip = 6 feet
9. Sidewalk = 6 feet + one foot beyond sidewalk
10. Bike Lane = None

iv. Collector Street

1. Purpose = To serve as a distributor road within the development and to move traffic from local streets to arterial roads.
2. Right-of-way = 76 feet Parallel Parking, 98 feet Diagonal Parking (right of way may be reduced to 60 feet if on-street parking is prohibited)
3. Street Width (curb to curb) = 46 feet Parallel Parking, 68 feet Diagonal Parking
4. On-Street Parking = Parallel or Diagonal (8 feet or 19 feet)
5. Number of Travel Lanes = 2
6. Block Length = 1000 feet maximum
7. Alleys = Optional
8. Landscape Strip = 8 feet
9. Sidewalk = 6 feet + one foot beyond sidewalk
10. Bike Lane = 5 feet

v. Parkway

1. Purpose = For swifter and unimpeded travel through the development, carrying higher volumes of traffic.
2. Right-of-way = 128 feet

- 3. Street Width (curb to curb) = 29 feet one way – total pavement width 58 feet
- 4. Median Type = Raised
- 5. Median Width = 16 feet
- 6. On-Street Parking = No
- 7. Number of Travel Lanes = 4
- 8. Block Length = n/a
- 9. Alleys = Optional
- 10. Landscape Strip = 8 feet
- 11. Sidewalk = 6 feet + one foot beyond sidewalk
- 12. Bike Lane = 6 feet

ii. ii. Streets shall be interconnected with each other and with streets on abutting properties in a grid or modified grid pattern, unless otherwise approved by the Planning Commission.

iii. iii. A nonmotorized facility is required along all street frontages in accordance with the Township's Complete Street Policy, unless otherwise approved by the Planning Commission.

**(5) Traffic Impact Study (TIS).** A complete analysis of traffic generated by the entire development and the impact said development would have on the surrounding transportation system. The transportation system includes but is not limited to truck routes, emergency routes, State and County roads, non-motorized network(s), public transit, etc. Prior to commencement of the TIS, the Public Works Director or Township designated Traffic Engineer shall approve the limits of the study area, level of study, and inputs for forecasted trips and volumes which may include other approved and pending developments. The traffic analysis models shall anticipate the highest proposed use for each designated area within the development site plan. At a minimum, the TIS shall meet requirements of the Road Commission of Kalamazoo County's and Michigan Department of Transportation in the handbook titled Evaluating Traffic Impact Studies. Formal approval from other agencies shall be provided to the Township prior to formal Planning Commission Review. Any decline in level of service shall be completely mitigated by proposed solutions within the site design.

For larger comprehensive development plans in excess of 80 acres and linked to a Sub Area Plan:

- I. The TIS above shall also establish a baseline traffic volume calculating the traffic volume that would occur under the existing zoning district and/or the future land use plan, regardless of/prior to a rezoning to Mixed Use. Developer/applicant shall not be responsible for traffic mitigation below the baseline traffic volume.
- II. Mitigation efforts, if any, shall be broken into phases tied directly to the comprehensive development plan
- III. Mitigation shall not be required if the decline in service is caused by the Township requiring connection to an adjacent property or neighborhood and such connection is the sole cause of the decline in level of service
- IV. A decline in level of service to a level of service that is commercially acceptable will not require mitigation

No. Any connections would be required by the access management standards which are for safe function. ultimately the additional access and mitigation is a direct impact from the site. ITE sets these standards not the township.

like idea of adding language about a baseline regardless of size  
OK regardless of size, needs to be tied to phasing plan  
+ mitigation efforts need to be established upfront  
Take out. what does this mean? All roads serve residents in the end

(final design, implementation, and cost allocation may be differed)

ok - with added language. this needs to be coordinated

V. Some or all mitigation requirements may be waived by the Planning Commission if adequate traffic improvements are implemented as part of a larger plan by MDOT, the Road Commission, or the Township Preliminarily designs, as part of the TIS, and fiscal contributions shall be required.

VI. In the event mitigation efforts are required, the Township will reasonably work with the developer/applicant in good faith to seek solutions and approvals necessary

(5)

OK but needs to be tweaked. take out "reasonably". add at end "Does not imply any financial commitment on the Township's part."

(6) **Design Standards.** Design standards that create a district identity. This shall include specific development standards that will be applicable to development within the district including, but not limited to, minimum lot area and frontage, architectural character, building materials, building height, lighting, site features, and entry monumentation. Street lighting shall be full cut-off design and mounted to be parallel to the ground. Design standards proposed by the applicant owner shall incorporate and may go beyond the development requirements in Section 30.30.D.

OK - clarifies intent

(7) **Stormwater.** Areas for common stormwater detention, those with the intention of serving a larger area or multiple facilities, shall be identified on the development schematic plan and turned over to the Kalamazoo County Drain Commission Office (unless otherwise agreed to by all parties involved) when constructed. Feasibility of site conditions should be considered.

OK

(8) **Residential Density and Density Bonus.**

No. There are larger areas in other sub areas that are not intended for high density. FYI - I consider the Sub area plan for maple hill south to fall under the high density category overall - just will need to show density distribution to match sub area plan

**Overall Density:** The overall density within the development schematic plan's residential areas shall match the intended character of the correlating Sub Area Plan; each residential density category is defined within Table 30.20.1 below. A comprehensive development plan that is being proposed (a) without a correlating Sub Area Plan and is within a C: Local Business District designation, or (b) with a correlating minimum 80 acre Sub Area Plan shall be considered under the high density residential category. Areas designated purely for commercial development may not be included in the overall gross density calculation. For comprehensive development plans with a correlating minimum 80 acre Sub Area Plan, overall gross density calculation shall be the gross acreage of the proposed development, including commercial development minus public/private rights-of-way and stormwater detention areas, however, stormwater detention areas may be included in the gross density calculation if they are designed as functional open spaces, are accessible to pedestrians, and do not require safety fencing.

ok with the stormwater... but will need to be explored more - include in open space section if keeping. will need to be intentional See Overlay Draft Page 5 Section XX.40 A.

current language allows ROW and detention basins to be included (mirrored off of current PUD ord)+ Mixed use - should we clarify? - will need map/sample

ii. **Density Bonus.** The Planning Commission may determine a density bonus, up to the maximum gross density defined within Table 30.20.1, upon finding that the proposed development provides additional public benefits to the overall community as outlined below. For the purpose of calculating the density bonus one (1) point shall equate to one (1) additional unit an acre.

should be consistent for all development s. original language mirrors Township current PUD requirement s to not include commercial areas.

- a) Dedication of land(s) for a public park and/or community buildings, if acceptable to the Township (2 - 4 points as determined by Planning Commission based on impact to overall community).
- b) Dedication of land(s) for the purpose of private parks that incorporate usable amenities. Acceptable amenities include playground equipment, picnic areas with grills and tables, tennis courts, baseball diamonds, etc. (1 - 2 points as determined by Planning Commission ~~based on impact to overall community~~).

Understand. Maybe clarify impact on the private community?

- c) The project incorporates, either through the development schematic plan or within the design and/or development standards, a guaranteed range of housing opportunities through various housing types: for example, lofts, townhomes, apartments, mixed use, cottages, single-family homes, OK etc. (1 - 4 points as determined by the Planning Commission based on the variety of housing types).
- d) The project incorporates, within the design or development standards, significant use of sustainable building design and/or site design features such as, stormwater filtration landscaping, low impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, use of reused/ recycled/ renewable materials, indoor air quality mechanisms, green roofs, a Walk Score of 70 or above, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards. (2-4 points as determined by the Planning Commission based on the level of efficiency and impact to overall community).
- e) Provision of usable common open space in an amount which is at least 50 percent greater than the minimum common open space percentage required by Section. (1 point)
- f) Provision of other exceptional public benefits within the development (1-~~2~~4 points as determined by Planning Commission based on impact to overall community).

No. This section is too subjective... not comfortable giving it that much weight

No - not same category type. this can be an example of what can be considered under "other". generally this will be hit anyway because of our other nonmotorized requirements

Table 30.20.1 – Gross Residential Density		
Residential Character/Density Category	Initial Gross Density	Maximum Gross Density with Density Bonus
Agricultural	1 unit an acre	N/A
Low	4 units an acre	N/A
Medium/Transitional	4 units and acre	8 units an acre
High	<del>6</del> <u>8</u> units an acre	<del>15</del> <u>16</u> units an acre

Maybe - leaning toward no. 6 units an acre was recommended in the Maple Hill Overlay MP doc. See page 56. used as guide. FYI 8 is max for a current PUDs. enough bonus options to get higher easily

See Overlay Draft 10.24.19 and PC Meeting Minutes Ok for 16

- (9) **Public Sanitary Sewer and Water shall be required.** If area is not ready to be served, at a minimum dry mains for future connection shall be installed. A description of existing public infrastructure availability, current demands, downstream capacity, projected flows and increased demand feasibility needed to serve the project, and a plan for providing needed infrastructure, including community facilities.
- (10) **Phasing.** A developmental procedures agreement that will describe the timing and phasing, if applicable, of the project and outline other development details as necessary.
- (11) **Buffer from Adjacent Residentially Zoned Districts.** A minimum buffer area consisting of open landscaped green space measuring eighty-five (85) feet in width shall be established at

the perimeter of the development site adjacent to existing residentially zoned districts. No structures or parking areas shall be permitted within said buffer area. Buffer can include a 50' non-motorized trail system. Maybe, will need to be public - would need a setback and should be listed iv.

Karen?  
material?  
ADA, crushed rock

- I. An alternative buffering tool may be proposed to the Planning Commission to consider; the applicant shall demonstrate that the requested alternative is just as, if not more, effective than the required buffering.
- II. Ok This 85' buffering requirement shall be waived if traditional single-family detached and/or attached residential uses compatible in height and bulk with the abutting uses are established along the perimeter adjacent to the existing residential district.
- III. This buffering requirement of 85' shall be waived if abutting residential uses are developed in compliance with the residential zoning that existed prior to the change to this MU zoning district.

No - the point of the rezoning is to bring the site into compliance with the correlating sub area plans vision - all call for buffer/ gradual shift in intensity. previous zoning shouldn't matter

(12) **Open Space.** 15% of the of the development schematic plan shall be designated as open space subject to the following standards: maybe - need to add previous language from earlier

- I. Storm water management facilities (except as otherwise provided for herein) and any required buffering shall not be included in the designated open space, unless the buffering exceeds the minimum requirement, or the buffer includes a non-trail system. No. the intent of having open space within development area + privacy for ex residents
- II. A minimum of 50% of the total open space must be designated as useable common open space to stimulate social interaction and recreational activity:
  - a) The common useable opens space shall be easily accessible to residents, including visual and pedestrian linkages and proximity to such open spaces.
  - b) Private parks shall be subject to the conditions and limitations set forth in Section 49.100 of this Ordinance. A density bonus may be applicable; see Section 30.20.C.8 for details.
  - c) If a designated usable common open space area is eligible to become a public park to be transferred to Oshtemo Township to design and maintain, subject to the review and approval of the Parks Director, a density bonus would be applicable; see Section 30.20.C.8 for details.

"required buffering" already addresses but can clarify

- III. Open space not designated as usable common open space shall be retained in an essentially undeveloped or unimproved state, except for necessary site grading. Ok
- IV. All designated open space areas shall initially 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.
- V. All designated open space areas shall be set aside through an irrevocable conveyance approved by the Planning Commission as part of final site plan approval, such as recorded deed restrictions, covenants that run perpetually with the land, a conservation easement, or land trusts. Ok - maybe tweak?

"Changes or transfers in ownership or control of the Open space, sections thereof, shall be subject to review and approval of the Township. Open spaces shall always be under the control of a designated(?) entity."

See Overlay Draft Page 10 E.3.

#### D. APPLICATION REVIEW

Said review shall evaluate whether the proposed comprehensive development plan conforms to the standards and recommendations of the correlating Sub Area Plan, Master Plan, rezoning Add "the requirements in section C above",

principles, recognized principles of civic design, land use planning, landscape architecture, and building architectural design.

- 1) **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. Planning Department shall schedule such review within 4 weeks of application submittal. No - will need more time to review and write evaluation. should have discussion with staff before proceeding to PC - agree should clarify language. Shall follow development schedule.
- 2) **Planning Commission Review.** The Planning Commission, after public hearing and consideration, may recommend approval, approval with recommended changes, or denial of the rezoning and comprehensive development plan. The Township may consider, but shall not be limited to, future land use recommendations in the Master Land Use Plan; goals and objectives of the Sub Area Plan; the availability and capacity of utilities; potential positive and Ok. negative impact on neighboring land uses and; potential impact on the natural environment; and other concerns and benefits related to the general welfare, safety, and health of area residents. ok.
- 3) **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed rezoning or comprehensive development plan advisable, then the Township Board shall, in accordance with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405), refer such amendments to the Planning Commission for a report thereof within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the rezoning with or without amendments. The Township may consider, but shall not be limited to, future land use recommendations in the Master Land Use Plan; goals and objectives in the Sub Area Plan; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents.

#### E. AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT PLAN

All changes, modifications, revisions, and amendments made to the comprehensive development plan shall be resubmitted and considered in the same manner as originally required in D. above.

To optimize design, additional interior roads may be added to serve the development areas identified within the development schematic plan during the development of that area without an amendment to the comprehensive development plan.

Not needed and provides potential confusion. If keeping include C.

### 30.30 DEVELOPING WITHIN THE MIXED USE DISTRICT

#### A. CONDITIONS FOR DEVELOPMENT

Unless specifically outlined in a phasing plan approved with the comprehensive development plan, all public infrastructure including, shared detention basin areas, streets, street lighting, useable common open spaces, and non-motorized facilities, shall be installed prior to any development. All private streets shall be located in a 66-foot right-of-way (unless specified

No. "All private streets shall be built following zoning standards." See earlier comments

otherwise in 30.20 C. (4) above) with an easement granted to the Township for public utilities and nonmotorized facilities. The Township shall have no obligation or liability for the private street or maintenance thereof by virtue of the easement.

## **B. PERMITTED USES**

- 1) One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.
- 2) Any business primarily for the retail sale of merchandise or services in which any manufacturing, assembling or fabricating is merely incidental to and an unsubstantial part of said business.
- 3) Banks, credit unions, savings and loan offices and similar financial institutions.
- 4) Administrative, business, or professional offices.
- 5) Laundromats and dry-cleaning establishments, excluding those establishments providing cleaning services for other laundromat and dry-cleaning establishments.
- 6) Hotels, motels.
- 7) Restaurants.
- 8) Hospitals and medical clinics.
- 9) Essential services.
- 10) Indoor theatres.
- 11) Passenger bus terminals, excluding facilities for the overnight storage of buses.
- 12) Accessory buildings and uses customarily incidental to the foregoing.
- 13) Pet shops.
- 14) Houses of worship.
- 15) Commercial Center.
- 16) Proprietary schools and colleges.
- 17) Child Care Centers and Adult Care Centers.
- 18) Funeral homes.
- 19) Private clubs.
- 20) Nursing, convalescent, handicapped, or senior citizens' homes.
- 21) Drive-in service window or drive-through services for businesses.
- 22) Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- 23) Buildings and regulator stations for essential services.
- 24) Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, and other recreational areas.
- 25) Brewpub.
- 26) Microbrewery.
- 27) Wine Tasting Room.
- 28) Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- 29) Scientific or medical laboratories, engineering, testing or design facilities, or other theoretical or applied research facilities. Typical uses include electronics research laboratories,

environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.

30) Printing, lithographic, blueprinting, and similar uses.

31) Mixed use buildings, which entail a mixture of first-floor commercial, retail, office and/or minimal residential uses, with upper floor office and/or residential uses.

#### **C. PERMITTED USES WITH CONDITIONS**

Subject to administrative review applying the same standards as set forth in Article 49.

- a) Home Occupations
- b) Larger Facilities for Child and Adult Foster Care
- c) Group Day Care Home
- d) Bed and Breakfast Inns
- e) Golf Courses, Parks, and Outdoor Recreational Areas
- f) Assembly and Convention Halls.
- g) Veterinary, Small Animal Clinics

#### **D. DEVELOPMENT REQUIREMENTS**

All development within the Mixed Use District shall adhere to the approved Mixed Use District's comprehensive development plan, including the adopted design standards, and the following standards:

##### **1) Residential**

Residential designated areas within the comprehensive development plan shall be subject to an administrative review by the Planning Department applying the standards of the Subdivision/Site Condominium Ordinance or the Residential Condominium Standards which shall be modified by the general development standards outlined below.

##### **2) Commercial**

Commercial designated areas within the comprehensive development plan shall be subject to an administrative review by the Planning Department and shall meet the requirements outlined in Article 64 Site Plan Review, which shall be modified by the general development standards outlined below.

##### **3) Mixed-Use Development**

Shall follow both the Residential and Commercial requirements set forth above.

##### **4) General Development Standards**

- i. There shall be no minimum lot area or frontage requirements unless outlined in the Mixed Use District's comprehensive development plan.
- ii. Setbacks
  - a. Front Yard: 15 feet
  - b. Side Yard: 10 feet
  - c. Rear Yard: 20 feet

d. The Planning Commission may approve reduced setbacks in a manner that is consistent with the approved comprehensive development plan, encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment. Applicant must officially request the reduction and provide reasoning for the request.

or remove all together?  
original intent?

iii. A minimum separation of 20 feet shall be maintained between principal structures established. The Planning Commission may approve reduced separation between structures in a manner consistent with the approved comprehensive development plan when requested by applicant together with reasoning for the request.

Ok. but will need fire dept sign off + building

or remove all together?  
original intent?

iv. Residential unit sizes shall be determined by Section 50.20 of the Ordinance.

No. but depends on intent? research examples

v. A minimum ground floor to floor height of 12 feet shall be required for all commercial and mixed use development unless the ground floor in a mixed use building is used for residential or residential ancillary uses.

No. To vague - what ordinance section? see req design standards for flex. will clarify

want to allow flexibility of uses on the 1st floor. keep as is = my gut. open to consider

vi. Maximum building height shall ~~be two (2) stories~~ meet the Township's zoning ordinance unless otherwise specifically <sup>provided by</sup> permitted by a Sub Area Plan and/or the adopted comprehensive development plan.

look at Mixed use building definition. discuss Residential on first floor

vii. All roadways shall be designed and constructed as Streets to Kalamazoo County Road Commission standards, unless otherwise approved by the Planning Commission or pursuant to section 30.20 C.(4) above.

depends on above

viii. Pedestrian-Oriented. Sites and streets shall be designed such that vehicles are not the dominant feature.

Not ok with this language. but we can mention our complete street policy

ix. Sidewalks shall connect the road frontage sidewalks to all front building entrances, parking areas, central open spaces, and any other destination that generates pedestrian traffic.

x. No outdoor storage shall be permitted in this district.

xi. Residential accessory structures shall conform to the requirements as specified in Section 57.00 Accessory Buildings Serving A Primary Residence.

xii. For larger comprehensive development plans with a correlating minimum 80 acre Sub Area Plan where a greater overall quantity of parking will be available, to avoid excessive unused parking, the Planning Commission shall have ability to reduce or land bank the required parking counts if adequate parking is demonstrated for each phase.

unnecessary - see article 64. also all plans regardless of size should be treated the same

**E. AUTHORITY TO WAIVER**

No. we already have flexibility worked into the proposed ordinance. makes this too subjective.

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 on the standards and requirements outlined in this Article 30. 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 30, compatible with adjacent uses of land, the natural environment, and capacities of public services and facilities affected by the land uses.

See Overlay Draft Page 11 Sec XX.50

## E.F. PROCESS

The Planning Department shall have the authority to administratively 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. The Planning Director shall have the discretion to forward any Site Plan submitted for administrative approval to the Planning Commission for final determination. If administrative approval is denied, the applicant may appeal the decision to the ~~Zoning Board of Appeals~~. Planning Commission. If administrative approval is denied because a zoning variance is required, the applicant may appeal the decision to the Zoning Board of Appeals.

keep original language - review by ZBA does not nec = variance

would like to add a requirement that the developer create a "design committee" - all deviations should get their review before coming to the Planning Commission/staff/ make sure that the developers intended design standards are being followed. would be easier to grant with this design groups ok.

DRAFT