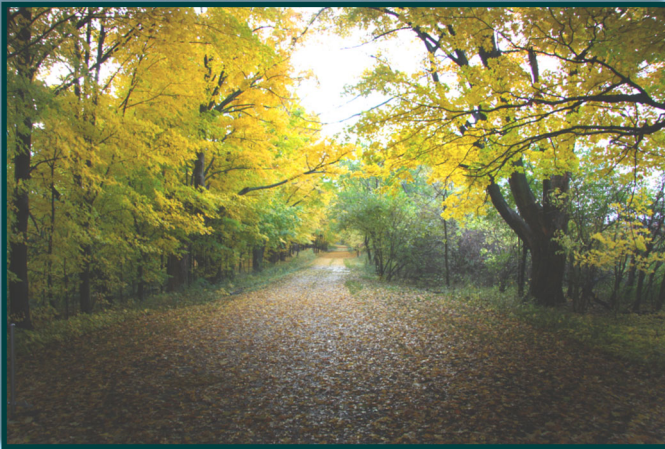


OSHTEMO
PLANNING DEPARTMENT
ANNUAL REPORT
2022
TOWNSHIP



LEGISLATIVE REQUIREMENTS

Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) requires the Planning Commission to prepare an annual report for the Township Board documenting the administration of the Zoning Ordinance. It is also a requirement to outline possible future amendments to the Ordinance. This report fulfills this obligation for 2022 and provides updates on the activities and projects planned for 2023.

The Planning Department has expanded the scope of the report to further document the activities of the Zoning Board of Appeals and the administrative activities of the Planning Department staff. By doing so, the document provides a more complete picture of the Planning and Zoning activities in the Township. This report is submitted to the Township Board for review and consideration as it develops its own work plans and budgets for the coming years.

PLANNING COMMISSION

2022 ORDINANCE AMENDMENTS

Variance duration— Staff was made aware that the Township Ordinance did not state when and if an approved variance expires. After coordination with the Township Attorney, an amendment to Article 69 was proposed to the Planning Commission which would provide parameters for when a variance would expire. As Article 69 was being updated, additional amendments providing clarification on the Zoning Board of Appeal’s duties and operational procedures were also proposed. After discussion, the Planning Commission unanimously approved forwarding the proposed text to a Public Hearing on December 15, 2022 where a motion to recommend approval to the Township Board was unanimously accepted. The Township Board adopted the amendment at their January 24, 2023 regular meeting.

Family child care homes and group childcare homes — The State Legislature amended, through Public Act 106 of 2022, certain childcare laws to allow for increased capacity within family childcare homes and group childcare homes. To be in compliance with this Act, the Township Attorney recommended amending applicable definitions within the ordinance and allowing for Qualified Residential Treatment Programs (QRTP), as defined by Chapter 722 of Michigan Compiled Laws Governing Child Welfare Organization, as a permitted use within all of the Township’s residential districts. As the definition section was being updated, a number of other definitions were added to provide context to other sections of the ordinance and a number of existing definitions amended for clarity. After discussion the Planning Commission unanimously approved forwarding the proposed text to a Public Hearing on December 15, 2022 where a motion to recommend approval to the Township Board was unanimously accepted. The Township Board adopted the amendments at their January 24, 2023 regular meeting.

ORDINANCE PROJECTS CONTINUING INTO 2023

5G—5G refers to a new type of communication tower linked to driverless cars. Federal regulations have required that mu-

nicipalities allow for these special towers. The zoning ordinance needs to be updated if the Township wants to have any control over where and how these towers 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 a 5G ordinance. Planning and Legal staff continue to work closely with McKenna in this effort. A survey to inform the work was created and posted in May 2022—394 responses were collected. Work on this ordinance amendment is anticipated to be completed in the Spring of 2023.

VC and Village Form Based Code update—The Oshtemo Downtown Development Authority (DDA), with the blessing of staff and the Planning Commission, entered into an agreement with Wade Trim to prepare a draft ordinance amendment to implement the recommendations outlined in the 2019 Village Theme Development Plan Update. Wade Trim along with a steering committee from the DDA, including the Planning Director, met regularly to generate draft amendments. The amendments were introduced to the Planning Commission at their regular July 28th meeting. The project has since been put on hold by the Planning Commission in order to focus efforts on creating a new MU, Mixed Use District.

Signage Ordinance update —Updating the regulations within Article 55, Signs and Billboards, to be fully compliant with Federal and State regulations and protections has been on the ordinance update “to - do list” for several years. The Legal Department, with collaboration from the Planning Director, have drafted amendments to Article 55 that address this need. As this Article was being updated, staff found it prudent to review it in its entirety; additional amendments that provide clarification have been suggested. The proposed amendments were introduced to the Planning Commission at their regular August 25th meeting. The project has since been put on hold by the Planning Commission in order to focus efforts on creating a new zoning MU, Mixed Use District.

MU, Mixed Use District— The Planning Commission is working

to create a new zoning district which can be used to implement the Maple Hill Sub Area Plan and other subarea plans adopted by the Township. The creation of this district was identified by the Planning Commission as their top priority in early fall of 2022. After multiple discussions, including the review of a draft overlay ordinance from 2019, a first draft of the newly proposed zoning district was introduced to the Commission at their November 17th regular meeting. Work on this ordinance continues.

2022 MASTER PLANNING EFFORTS

Housing Action Plan —Thriving, inclusive communities have a diverse and affordable supply of housing. For Oshtemo to address the needs of its growing population and housing affordability challenges, the Township entered into an agreement with the W.E. Upjohn Institute for Employment Research on September 28, 2021 to develop a master plan update which will translate community housing needs into recommended programs, policies, and ordinance updates. The project was kicked off with the Planning Commission on February 24, 2022. Since then W.E. Upjohn has continued their research, a number of stakeholder meetings have been held, two open houses coordinated, and an online survey launched. Work on the housing action plan continues. The project is planned to be completed in July of 2023.

UPCOMING ORDINANCE AND MASTER PLAN AMENDMENTS

One of the purposes of the Annual Report is to look ahead to 2023 and anticipate those items that the Planning Commission desires to address or work on over the next 12 months and beyond in the area of planning and zoning.

Upcoming Ordinance Amendments—Ordinance amendment topics also on the Planning Commissions project list include: standards for private roads Township wide; Permitted Uses, Permitted Uses with Conditions, and Special Uses; sidewalk, lighting, dry sewer in developments; marijuana; nonhazardous materials; and the continued implementation of the Go!Green Oshtemo Plan.

Upcoming Master Plan Updates— The Planning Commission will continue to work on the Housing Action Plan described above. In addition, it is planned that in 2023 a consultant will be hired to conduct a comprehensive master plan review and update. This project would include a long range transportation plan, a economic development strategic plan, the evaluation of existing master plan documents, and the incorporation of desired planning concepts such as habitat corridors and age friendly communities. This will be a multi-year project.

SUBDIVISION/SITE CONDOMINIUMS

No new subdivision or site condominium requests were submitted to the Township in 2022. No requests were received in 2021.

REZONINGS

The Planning Commission received three rezoning requests in 2022; three more requests than in 2021. Summaries of the rezoning requests are provided below.

Rezoning Reviews in 2022:		3
Request / Address	PC Recommendation	Public Hearing
R-2 and R-4 to C/ 5303 W Main Street	Denial	4/28
I-1 to I-2/ 3265 and 3393 S 6th Street	Denial	6/23
I-1 to RR/7441 S KL Ave	Approval	6/23

SPECIAL EXCEPTION USES

A total of nine Special Exception Use applications were submitted and reviewed by the Planning Commission in 2022, which is eight less than were evaluated in 2021. All but one were approved, each with a specific set of conditions, which the applicant was required to meet as part of the development of the project. A table summarizing all Special Exception Use reviews in 2022 can be found on page 5 of this report.

Three extension requests were submitted for Special Exception Use applications approved in 2021; all were approved by the Planning Commission. The extension requests were for 7-Eleven (previously known as Speedway), Hampton Plaza, and the Run Mobile Home Park Extension. No extension requests were received in 2021.

Two of the Special Exception Uses were for new residential developments. 1) Tournesol, a new Open Space Community entailing 49 new single family units on 60.5-acres at 7214 W N Avenue; 2) Sunset Condominiums, entailing 24 duplex buildings (48 units), club house, community pool and associated parking lot within the residential development located at the intersection of Meridian Avenue and Sunset Road. Note that Sunset Condominiums only went in front of the Planning Commission for initial feedback. It is anticipated that formal consideration of this project will take place in early 2023.

The Planning Commission permits staff to administratively review temporary outdoor events once they have been approved through the public hearing process or if they last only one day. While no events were approved by the Planning Commission in 2022, a total of six events were approved administratively. A summary of the six administratively approved events can be found on page 10 of this report.

SITE PLAN REVIEW

In general, the Planning Commission does not review site plans unless they are attached to a Special Exception Use. In 2022, one site plan was submitted to the Planning Commission that did not require special use review, the same number as in 2021. The one site plan was reviewed by the Planning Commission because of code enforcement issues and its relevance to a conditional rezoning request. The one site plan review by the Planning Commission was from Handley's Tree Service requesting onsite amendments to 3265 S 6th Street which would bring the site into compliance with the Township Ordinance. Although the rezoning partially connected to this request was denied, the features of the site plan not linked to the rezoning were approved by the Planning Commission.

Total Site Plan Reviews in 2022:		1
Project Name / Address	PC Decision	Date
Handley Tree Service/ 3265 S 6th Street	Approved	6/23

MEETINGS / ATTENDANCE

The Planning Commission had a total of 24 meetings scheduled in 2022; 22 regular meetings and two joint meetings. Of the 22 planned regular meetings, 17 meetings were held and five canceled due to lack of agenda items. One (1) special meeting was held. The Planning Commission's regular meetings were held on the second and fourth Thursdays of each month. November and December had only one meeting each due to the holidays. As shown in the table below, the Planning Commission is engaged and has a good participation record.

Commission Members	Attendance
Bruce VanderWeele	17/18
Anna Versalle	13/18
Micki Maxwell	17/18
Chetan Vyas	13/18
Alistair Smith	15/18
Kizzy Bradford, TB Liaison	11/18
Deb Everett	18/18

SPECIAL EXCEPTION USES continued

Total Special Exception Use Reviews in 2022:				9
Project Title / Address	Applicant	Use/Project Summary	PC Decision	Date
Tournesol Step I/ 7214 W N Avenue	Hintor Properties, LLC	Concept Plan for a 49-unit Open Space Community, site condominium project	Approval	4/28
Kids Empire/ 5130 W Main Street	Alton M. Klein, Kids Empire	To establish an indoor recreational facility within an existing 10,804 sqft tenant space in a multi-tenant commercial center	Approval	4/28
Sunset Condominiums Concept/Meridian Avenue (Parcel #05-26-460-021)	Scott Carlson, Sunset Point Condominiums, LLC	Concept Plan for a residential condominium comprised of 24 duplex buildings (48 units), club house, community pool and associated parking lot	N/A. Gave Feedback	9/22
The Village Childcare Center / 5320 Holiday Terrace	Crystal Curtis, The Village Childcare Center	To establish a child care center within three existing suites of a multi-tenant commercial center	Approval	9/22
Heritage Christian Reformed Church Preschool/ 2857 S 11th Street	David Bonselaar, Heritage Christian Reformed Church	To establish a preschool within two existing rooms in the south wing of the existing Church	Approved	9/22
Chocolate Thunder/ 656 Maple Hill Drive	Connor Tierney, Chocolate Thunder	To establish a craft food and beverage production facility within an existing multi-tenant commercial center	Approval	10/13
Speakeasy Golf/ 6120 Stadium Drive	John R Crookston II SiteCreate/ Speakeasy Golf	To establish an indoor golf facility within an existing multi-tenant commercial center	Approval	11/17
Tournesol Step 2/ 7214 W N Avenue	Hintor Properties, LLC	A 49 unit, 60.5-acre Open Space Community, site condominium development	Approval	11/17
Center Point Church - KABAS/ 2345 N 10th Street	Larry Harper, Center-point Church	A private school for the Kalamazoo Academy for Behavioral and Academic Success (KABAS) within the upper level of the northern most portion of the existing Church	Approval	12/15

ZONING BOARD OF APPEALS

In total, five applications were reviewed by the Zoning Board of Appeals in 2022. This is a decrease from 2021 by six applications.

SITE PLAN REVIEWS

Four site plans were reviewed by the Zoning Board of Appeals in 2022, which is one more than were considered in 2021. Of these reviews, two were for new construction and two were for additions to existing buildings. A summary of the 2022 Zoning Board of Appeals site plan reviews can be found below.

Total Site Plan Reviews for 2022:				4
Project Name/Location	Applicant	Project Summary	Decision	Date
H&K Excavating/ 7504 Stadium Drive	Kip Martin, H&K Excavating	Expand the building at 7504 Stadium Drive by 5,450 sqft and place a 5,000 sqft accessory building onsite	Approval	7/26
Flavorsum/ 3680 Stadium Park Way	Dan Hinkle, HCD Properties, LLC	Construct a 30,084 sqft building addition, a 749 sqft building addition, and a 1,023 sqft building addition onto the existing building located at 3680 Stadium Park Way	Approval	8/23
Faraday Defense/ Unit 3 of WMU BTR 2.0 Park	Nate Barton, Fishbeck	Construct a 60,785 sqft two-story office and manufacturing/distribution facility within the Western Michigan University Business Technology Research Park 2	Approval	11/15
Taplin/ 5070 W Michigan	Adam Harvey, Glas Associates	The demolition of three existing buildings onsite to construct a new 32,875 sqft maintenance and storage building	Approved	12/13

DIMENSIONAL VARIANCES

The Zoning Board of Appeals reviewed one dimensional variance request in 2022, seven less than in 2021. A variance is a license to use property in a way not permitted under the ordinance. If the Township received a large number of variance applications each year on a specific ordinance requirement, it could mean there is something wrong with that ordinance, necessitating a review that may warrant an ordinance revision.

The one variance request received by the Zoning Board of Appeals was for an enhanced fence height from 4' to 6' within the front yard setback at 6125 Valley View Drive. The Zoning Board of Appeals denied the request.

MEETINGS / ATTENDANCE

Zoning Board of Appeals meetings are generally scheduled on the fourth Tuesday of each month. In 2022, of the twelve regularly scheduled meetings, seven were held and five canceled due to lack of agenda items. In addition, the Zoning Board of Appeals was invited to two Joint Board meetings. As shown on the table on the right, the Zoning Board of Appeals is highly engaged and has a strong participation record. It should be noted that Harry Jachym's first meeting as a Zoning Board of Appeals member was July 26th. The Board had one vacancy throughout 2022. This vacancy will be filled by Rick Everett starting in 2023.

Board Members	Attendance
Micki Maxwell, PC Liaison	6/7
Anita Smith	5/7
Louis Williams	5/7
Fred Gould	7/7
Dusty Famer, TB Liaison	7/7
Harry Jachym	4/4
Vacant	N/A

PLANNING DEPARTMENT REVIEWS

The Planning Department processes all of the development applications that are submitted to the Township, including rezoning requests, variances, site plans, building permits, sign permits, and sidewalk permits. In 2022, a total of 379 applications were reviewed by Planning Department staff. For reference, 495 applications were reviewed in 2021, 393 applications were reviewed in 2020, 448 were reviewed in 2019, and 351 applications were reviewed in 2018. Please note that these numbers do not include the applications for addresses and requests for zoning verification letters as they were not included in this report until 2021.

The Zoning Ordinance grants the authority to the Planning Department to administratively review and approve site plans in certain instances. These include minor amendments to a previously approved site plan, accessory buildings that meet certain criteria, certain temporary outdoor events, and communication tower co-locations or upgrades. A total of 29 administrative development reviews were completed in 2022, which is seven more than in 2021. A brief summary of the 2022 staff level reviews are on the following pages. Please note that five applications were either withdrawn by the applicant or staff is awaiting resubmittal (these projects are not included in the administrative development review total).

In addition to the site plan applications noted above, the Planning Department also completed reviews for land divisions, sign permits, building permits, zoning verification letters, and addressing. These reviews account for a significant portion of the Zoning Administrator's daily activities.

BUILDING PERMITS

Planning Department staff reviews building permit applications that are subject to zoning compliance as determined by the Southwest Michigan Building Authority to ensure that all requirements of the zoning ordinance are met. Staff also checks for any conditions of approval that may have been placed on the property by the Planning Commission or Zoning Board of Appeals during the plan review and approval process. In 2022, the Township issued 504 building permits, which is a 35 percent decrease from the 674 reviewed in 2021 and a 4 percent increase from the 487 reviewed in 2020. Of the total number of building permits issued in 2022, 237 or 47 percent required zoning review by the Township Zoning Administrator. This is a decrease from the 352 building permits that required zoning review in 2021 and a decrease from the 292 building permits that required zoning review in 2020.

SIGN PERMITS

A total of 38 sign permits were issued in 2022, which is four more than 2021. New signs were over half of the sign permits issued in 2022, at 20 permits. The remaining 18 permits were

for temporary signs or panel replacement signs. The majority of the total sign permits were issued to addresses on West Main Street, with the remaining sign permits primarily on Stadium Drive and the Drake Road and 9th Street corridors.

LAND DIVISIONS

In 2022, the Zoning Administrator worked with the Assessing Department to review 22 land division, re-description, or combination applications; 15 applications were approved in 2021. The task of the Zoning Administrator is to ensure that the requested change to property boundaries meets all of the area requirements established in the Township's Zoning Ordinance.

SIDEWALK PERMITS

In 2015, the Township initiated a sidewalk permitting process to help ensure new sidewalk development meets regulatory standards. These requirements incorporate the Americans with Disabilities Act standards for accessible design. The permit requires both a pre- and post-concrete pour inspection, which is managed by the Public Works Department. In 2022, a total of 35 sidewalk permits were issued. This is a 41 percent decrease from 2021 when 43 permits were issued. This is a 35 percent increase from 2020 when 27 permits were issued. The number of sidewalk permits issued is indicative of the residential construction occurring in the Township.

ADDRESSING

In March of 2021 the Township adopted a new Street Name and Addressing Workflow in which the assignment of all street addresses became the responsibility of the Planning Department. The goal for the new workflow is to create a uniform address and street data procedure for more consistent assignment and for improved emergency response within the Oshtemo Township limits. In 2022, 15 addresses were assigned. In 2021, 28 addresses were assigned (which included 20 addresses for a condominium project).

ZONING VERIFICATION LETTERS

A Zoning Verification Letter is a document provided to an individual by the Township that verifies the current zoning of a particular piece of property, the types of uses that are allowed in that zoning district, approval records, and other requested zoning information or documents. In 2022, 17 Zoning Verification letters were issued. For reference, 12 were issued in 2021 and 11 in 2020.

ADMINISTRATIVE REVIEWS

Total Amendments Administratively Reviewed in 2022:			14
Address	Applicant	Use/Project Summary	Approval Date
9200 W KL Avenue	City of Kalamazoo	Municipal Water site/ allow for radio communications	4/26
5299 W Main Street	Kalleward Group	PNC Bank/ ADA modifications and parking lot improvements	6/8
5160 W Main Street	DFG – Maple Hill, LLC	Aspen Dental/ site modifications and parking lot improvements	7/18
1030 S 8 th Street	The Thirsty Hound, LLC	The Thirsty Hound/ expanded patio and shade covering	7/20
5080 West Main Street	Villanova Construction Co, Inc.	Comerica Bank/site modifications and parking lot improvements	7/21
5200 Croyden Ave	Bodman Law	The Wyatt/ entry modifications	8/3
8560 Stadium Drive	Kevin and Sam Henderson	SF home/ clear cutting permit	8/31
3680 Stadium Park Way	HCD Properties, LLC	Flavorsum/ small building addition	9/22
5316 West Main Street	Arwa Salieh	Massage Therapy/ tenant alterations	11/14
717 N Drake Road	ShopOne Centers	B2 outlets/ tenant alterations and site modifications	11/15
7265 W Main Street	Miller-Davis Company	Kalamazoo Public Library/ parking lot modifications and ADA upgrades	12/02
2890 S 9 th Street	Architectural Concepts	Village Square Apartments / parking lot modifications and ADA upgrades	12/19
5700 Vintage Lane	First Housing Corp.	Evergreen North Apartments/ accessory building proposed in fire lane	N/A : denied
1842 S 11 th Street	Group Five Management	Peppertree Apartments/ installing a Portable Storage Container as a permanent accessory building onsite	N/A : denied

ADMINISTRATIVE REVIEWS CONT.

Total Administrative Communication Tower Upgrade Reviews in 2022:		9
Address	Applicant	Approval Date
4048 S 9 th Street	Haley Law Firm	1/27
5088 W Michigan Ave	T-Mobile by SBA Network Services, LLC	3/24
6831 Stadium Drive	General Dynamics	4/5
6831 Stadium Drive	Ericsson, Inc	6/28
5656 Beach Avenue	Fullerton Engineering	9/16
624 N 4 th Street	SBA Network Services for T-Mobile	9/23
5656 Beach Avenue	LCC Telecom Services	10/4
5088 W Michigan Avenue	AT&T Mobility	10/12
5656 Beech Street	AT&T Mobility	11/21

TEMPORARY OUTDOOR EVENTS

Total Administratively Reviewed Temporary Outdoor Events in 2022:			6
Address	Applicant	Event	Approval Date
8456 Stadium Drive	Lawton Ridge Winery	Food trucks permitted onsite from April 13 through October 26, 2022, on Wednesday evenings	2/23
5030 West Main Street	Oshtemo Township Rotary Club	Oshtemo Rotary Family Festival from May 26 rd to May 30 th , 2022	5/18
5034 West KL	The Good Stuff Fireworks	Temporary outdoor sales of fireworks from the site's parking lot from June 10 – July 7, 2022	6/9
6660 West Main	TNT Fireworks	Temporary outdoor sales of fireworks from the site's parking lot from June 27 th to July 5 th , 2022	6/22
6800 W Main Street	Country Fresh Farms	Meat sale event, taking place from the site's parking lot from Wednesday, August 17, 2022, through August 20, 2022	8/11
5030 West Main Street	Wahmhoff Farms, LLC	Temporary outdoor Christmas tree sales event from the site's parking lot from November 21, 2022 through December 20, 2022	10/7