



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON
AT OSHTEMO TOWNSHIP HALL
7275 W MAIN STREET**

Masks Are Now Optional in Oshtemo Township Buildings

(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)

**THURSDAY, MARCH 24, 2022
6:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: February 24th, 2022
6. **Public Hearing – Conditional Rezoning, The Prairies**
AVB and The Hinman Co. are requesting to conditionally rezone their approximately 116-acre property located at 5303 W Main Street from R-2 and R-4, Residence Districts to the C, Local Business District.
7. Other Updates and Business
8. Adjournment

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

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

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

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

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

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

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

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

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

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5221	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

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

**OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A VIRTUAL MEETING HELD FEBRUARY 24, 2022

Agenda

ELECTION OF 2022 OFFICERS – CHAIR AND VICE CHAIR

PLANNING DEPARTMENT ANNUAL REPORT – 2021

STEERING COMMITTEE: OSHEMO HOUSING STUDY INITIAL DISCUSSION

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, February 24, 2022, commencing at approximately 6:05 p.m.

MEMBERS PRESENT: Bruce VanderWeele, Chair
 Deb Everett
 Anna Versalle
 Chetan Vyas

ABSENT: Kizzy Bradford
 Micki Maxwell, Vice Chair
 Alistair Smith

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, and Martha Coash, Recording Secretary. In addition, five guests were present.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:05 p.m. and invited those in attendance to join in reciting the Pledge of Allegiance.

Approval of Agenda

Ms. Lubbert noted the addition of appointment of Recording Secretary for 2022 to item number six. Chairperson VanderWeele let the agenda stand as published with the one addition as noted.

Public Comments on Non-Agenda Items

Mr. Thomas Allen, 4373 Kettle Moraine Drive, introduced himself, noted he was not a resident of Oshtemo Township and told Commissioners he was running for judge and felt he was the candidate best qualified for the position.

Chairperson VanderWeele thanked Mr. Allen for his comments and moved to the next agenda item.

Approval of the Minutes of the Meeting of December 16, 2021

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of December 16, 2021. Hearing none, he asked for a motion.

Mr. Vyas **made a motion** to approve the Minutes of the Meeting of December 16, 2021, as presented. Ms. VerSalle **seconded the motion**. The **motion was approved** unanimously.

Chairperson VanderWeele moved to the next agenda item.

COMMISSION ELECTIONS (CHAIR, VICE CHAIR, ZONING BOARD LIAISON) AND APPOINTMENT OF RECORDING SECRETARY

Chairperson VanderWeele indicated 2022 appointments were needed for Chairperson, Vice Chair, Liaison to the Zoning Board authority, and Recording Secretary.

The group voted unanimously to appoint Ms. Martha Coash to continue in the position of Recording Secretary for 2022.

Ms. Lubbert indicated that Ms. Maxwell had indicated she was willing to continue in the positions of Vice Chair and Liaison to the Zoning Board Authority for 2022.

Ms. Everett **made a motion** to elect Ms. Maxwell to the positions of Vice Chair and Liaison to the ZBA for 2022. Ms. VerSalle **seconded the motion**. The **motion was approved** unanimously.

Mr. VanderWeele indicated he was willing to continue as Chair for 2022.

Ms. VerSalle **made a motion** to elect Mr. VanderWeele to the position of Chair for 2022. Ms. Everett **seconded the motion**. The **motion was approved** unanimously.

Chairperson VanderWeele moved to the next item and asked Ms. Lubbert for her presentation.

PLANNING DEPARTMENT ANNUAL REPORT 2021

Ms. Lubbert explained that every year the Planning Department produces a report to satisfy the requirements of Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which states a Planning Commission must prepare an annual report documenting the administration of their municipality's Zoning Ordinance and outline possible future amendments to the Ordinance. She provided a

report that fulfills that obligation for 2021 and provides updates on the activities and projects planned for 2022.

She noted the Planning Department 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 to provide a more complete picture of Planning and Zoning activities within the Township. The report is intended to not only document past and ongoing activities but to also help the Township Board develop its own work plans and budgets for the coming year.

She provided a draft of the 2021 Planning Department Annual Report and asked Commissioners to review it and provide feedback.

Chairperson VanderWeele commented the report looked great and is nice to see.

Ms. Everett said she appreciated seeing all the information together in an easy to digest format.

Ms. Lubbert asked that if Commissioners had any further comments or suggested changes that they submit them by March 2.

STEERING COMMITTEE: OSHTEMO HOUSING STUDY INITIAL DISCUSSION

Ms. Lubbert told Commissioners that Representatives from the W. E. Upjohn Institute for Employment Research were present for an initial discussion about the Housing Study, to share some of the housing assessment data collected, and to have a discussion on the data and plan.

Mr. Lee Adams, Director of Community Development, said the Institute is working on a housing survey for Kalamazoo County which will help inform their work for Oshtemo Township. They see the situation as broader than one municipality, though specific data for the Township will be gathered for analysis.

He provided statistics for housing conditions for the U.S., Michigan, Kalamazoo County, and Oshtemo Township for comparison. He noted the age of houses in Oshtemo built before 1940 were lower than in the State and costs were higher. Rents are on a par with the county and the State and there is a significant percent of rentals in the Township. Owner and rental vacancy rates are both close, within ½%.

He noted that as far as home values by price categories go, the biggest chunk of houses in Oshtemo are between \$200,000 and \$300,000. Few are less than \$150,000.

Wages have not kept pace since 2011, but housing prices have risen, largely due to the fact that not enough homes are being built fast enough to meet market demand.

He said 58% of renters in Oshtemo pay at least 25% of their income for housing. 29% of homeowners pay more than 25% of their income for housing; 71% pay less than 25%.

Very few people, about 7%, both live and work in the Township. The biggest number come to work in the Township from Kalamazoo, then Portage. The significance of that is questionable because so many people work from home now and there is incomplete data for long term.

In response to a question from Attorney Porter, he said the figures are based on net income for the rental figure, or available spendable income.

Responding to questions from Commissioners, he said they have not done an analysis of the turnover of rental units, but turnovers tend to raise rent significantly. The rental figures cited include student housing, and the survey is updated every year. They do not have real time occupancy data. The general sense is that one bedroom apartments cost between \$700 – 800 and two bedrooms between \$800 – 1000. A few years ago one bedroom cost was between \$500 - 550.

He said a large portion of rental properties and homes do not meet the needs of seniors. They do not want to do yard work and want smaller units. There are not a lot of condos in the Township, so seniors are not leaving the houses they are in, partially resulting in the market being seized up. He was not sure how much the national trend of companies buying up rentals is occurring in the Township but that can be looked at.

He said part of the study will look at affordable housing stock and how the shortage can be remedied, noting that with every 100 units of high end housing built, 20-30 units of low end affordable housing opens up.

Emily Petz, Community Development Coordinator, said they hope to have a survey ready on housing next week to begin to mail to county residents and will partner with local units of government to get it distributed as widely as possible. Outreach will include online surveys, postcards, advertising, Facebook, posters, any avenue that is available.

She posed three questions to understand what Commissioners felt were priorities for the Oshtemo Housing Study:

1. She asked what Commissioners think of the data described so far.

Ms. VerSalle said she felt the trending is generally what she expected.

Chairperson VanderWeele was concerned student housing may affect the rental side and would like to see that broken out. He wondered if older residents in retirement homes affect the data.

Ms. Petz said they can be targeted through survey.

2. Ms. Petz asked if they could create the most ideal housing ecosystem, what it would look like.

Ms. VerSalle said she'd like to see more variety in single unit and larger units, and more condos.

The Chair was interested in a walkable community in or near the village center.

Ms. Everett was interested in adding tiny houses.

Mr. Vyas mentioned subsidized housing expansion.

Ms. Petz said there would be a separate survey for the homeless population but that it is often hard to reach them

Attorney Porter said a large homeless population was identified in Oshtemo last year and suggested a way to contact them might be through the Ordinance Enforcement Officers.

Chairperson VanderWeele said infrastructure would require water and sewer for any area that doesn't already have access.

Mr. Adams said they hear from developers that they want water, sewers and roads already in place before committing to a building project.

Ms. Lubbert said she was interested in aging in place, exploring affordable housing options through density bonuses, and a healthy mix of housing types.

Attorney Porter asked if they would be looking at changes to zoning. New zoning language to increase density where sewer and water is available would need to be in place for mini lots/houses in order to bring the price point down.

Ms. Lubbert indicated the overall Township plans would need to be looked to determine long term implications.

3. Ms. Petz asked for ideas of strategies, besides zoning, to move to an ideal state?

Mr. Adams noted water and sewer additions would be difficult and asked about public relations.

Ms. VerSalle felt the non-motorized plan is key.

Ms. Everett noted community surveys have been in favor of retaining the rural character of the Township. She felt the area east of 131 was where development should be concentrated.

Chairperson VanderWeele felt it would be difficult trying to add utilities to developed areas; maybe that means going to undeveloped areas.

Ms. Lubbert felt there might be ways to permit higher density areas, but still retain rural characteristics.

Ms. VerSalle said public transportation could expand to rural parts of the Township to make areas more accessible and affordable.

The Chair asked what the timeline is for completion of the County plan.

Mr. Adams said the target is May of this year.

Chairperson VanderWeele thanked Mr. Adams and Ms. Petz for their presentation and discussion and moved to the next agenda item.

OTHER UPDATES AND BUSINESS

Ms. Lubbert noted it is still the goal and staff is looking into the possibility of how to provide a hybrid meeting format to allow members of the public to attend virtually.

She also said the Zoning Board of Appeals has two openings and asked that if Commissioners had suggestions or know of interested applicants that they contact the Township Supervisor.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 7:06 p.m.

Minutes prepared:
February 25, 2022

Minutes approved:
_____, 2022

March 18, 2022



Meeting Date: March 24, 2022

To: Oshtemo Planning Commission

From: Iris Lubbert, Planning Director

Applicant: AVB and The Hinman Co.

Owner: Trade Center G & H LLC

Property: 5303 W Main Street, Parcel Number 05-13-405-032

Zoning: R-2: Residence District and R-4: Residence District

Request: Conditional Rezoning to C: Local Business District

Section(s): Article 7 — R-2: Residence District
Article 9 — R-4: Residence District
Article 18 — C: Local Business District
Article 66 — Conditional Rezoning

OVERVIEW

AVB and The Hinman Co. are requesting to conditionally rezone their approximately 116-acre property located at 5303 W Main Street from R-2 and R-4, Residence Districts to the C, Local Business District. The property under consideration is outlined in yellow on the map to the right. Currently comprised of an existing golf course, these 116 acres are part of the Township’s Maple Hill Drive South Sub-Area Plan which was adopted in 2017.

SUBJECT PROPERTY

Currently located in the R-2 and R-4, Residence Districts, the property has approximately 66 feet of frontage on W Main Street and access to Maple Hill Drive and Green Meadow Drive. To the north and northeast are commercial properties. Neighboring to the west is a property owned by Consumers Energy and an industrial zoned property owned by MDOT which houses their



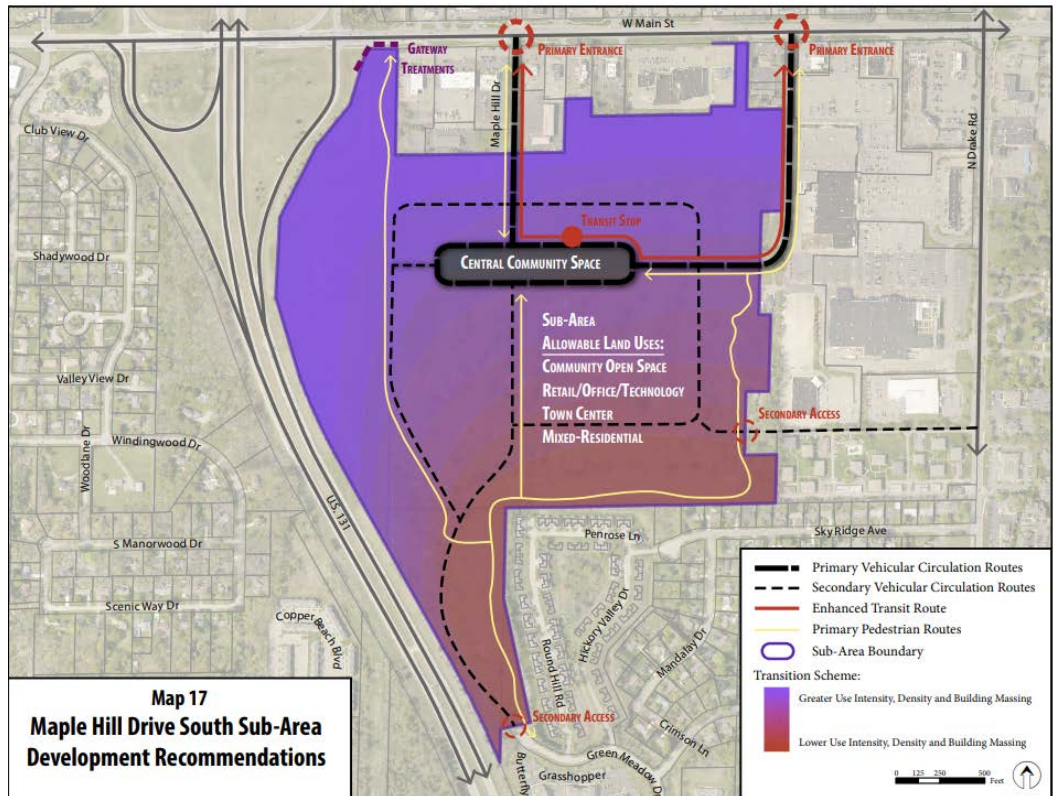
maintenance facility. To the south and southeast are residential developments and subdivisions, including: Redstone Farms Condominium, Burgundy Manor, and Skyridge.

FUTURE LAND USE MAP: MAPLE HILL DRIVE SOUTH SUB-AREA

The Future Land Use Plan defines the vision for land development in Oshtemo Township based on sound planning principles and community input. It builds on historic development patterns, factoring in the objective to preserve unique environmental features and to protect the rural character of the community. At the same time, the Future Land Use Plan provides direction for anticipated development within the Township in appropriate places for growth.

The Oshtemo 2011 Master Plan and Township’s adopted Future Land Use Plan specifically calls out the Maple Hill Drive South area as a sub-area and recommends that a detailed sub-area plan be developed. As noted in the 2011 Master Plan, the Maple Hill Drive South area is currently comprised of an existing golf course and smaller adjacent properties; it has strong potential to accommodate new development due to its location near W Main Street and US-131. Although the existing golf course is a “man-made” green space area, it exists as the only significant green space within this heavily developed portion of the Township. Given the strong potential for redevelopment of the site, it was deemed critical to undertake a sub-area study, where a preferred development character can be identified, consistent with community goals and market demand. As a result, in 2017 the Township adopted the Maple Hill Drive South Sub-Area Plan which outlines development recommendations for the sub-area, related to land use, density, circulation and connections. The adopted sub-area plan can be found on the Township’s website: <https://www.oshtemo.org/wp-content/uploads/2018/04/Maple-Hill-South-Sub-Area-Plan.pdf>.

The Maple Hill Drive South Sub-Area Plan is a component of the Township’s Master Plan. The Master Plan is a vision for the future of transportation, land use, the economy, environment, and cultural stewardship of our Township. This Plan is revisited at least every five years by the Planning Commission and is the result of countless hours and efforts of residents, business owners, Township Officials and staff, and consultants over the years. An image from the Maple Hill Drive South Sub Area Plan outlining development recommendations is provided to the right.



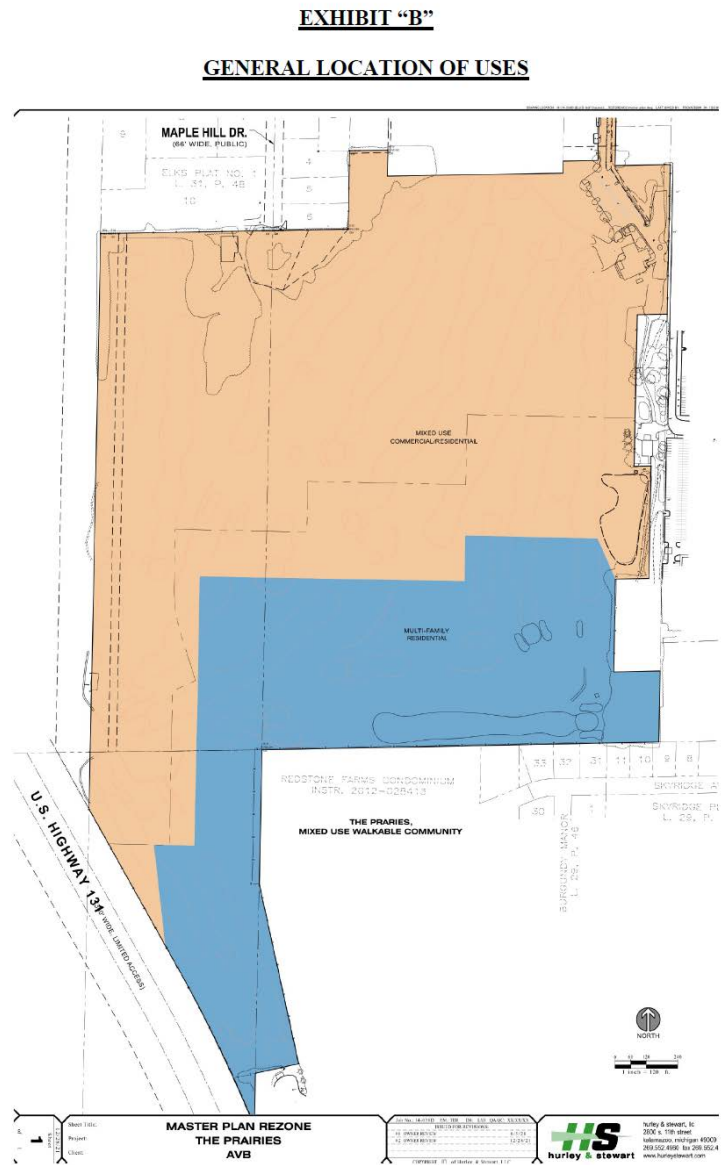
The long-term vision for the Maple Hill Drive South Sub-Area is to develop as an attractive and economically vibrant mixed-use district, consisting of a planned mixture of commercial, office and technology, residential, and public use, which features high quality and uniform building and site design standards, and which complements and is compatible with adjacent uses. Furthermore, the sub-area should provide residents and visitors with a unique opportunity to meet their needs for housing, employment, services, entertainment, and recreation.

CONDITIONAL REZONING CONSIDERATIONS

The applicant is requesting a conditional rezoning. This means that AVB and The Hinman Co. have offered conditions as part of the request for the rezoning. These conditions are summarized below. The Conditional Rezoning Statement of Conditions submitted by the applicant is attached to this staff report.

1. Request to rezone the majority of the property, area highlighted in orange in the image on the right, to C-1 to be developed as a “Commercial Area”. No conditions are tied to this portion of the property; there will be no time limit tied to its development.
2. Request to conditionally rezone the southeastern portion of the property, area highlighted in blue in the image to the right, to be developed as a Commercial PUD for a “Multi-Family Residential Area”. If a Commercial PUD plan for this area is not approved by the Township no later than two years from the date of the rezoning approval, the area will revert to its current R-2 and R-4 Residential zoning designations.

Article 66 of the Township Zoning Ordinance outlines the process for a conditional rezoning to be considered, which is consistent with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations along with staff’s analysis, incorporating the applicants’ proposed conditions, are outlined in the following pages.



1. Master Plan Designation

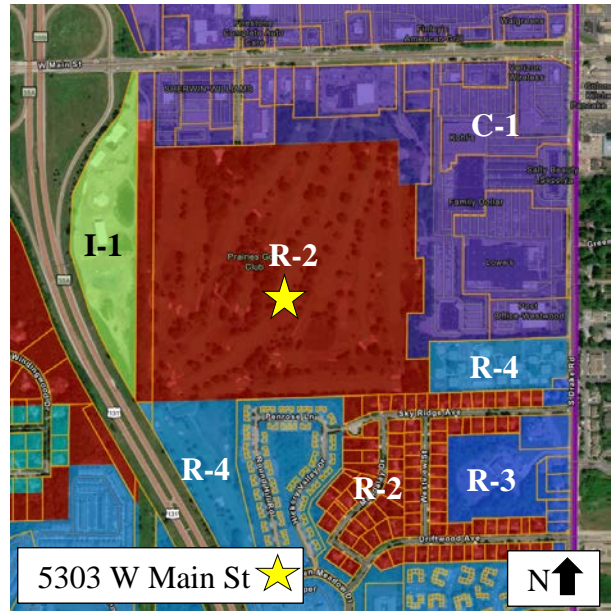
As described in the 'Future Land Use Map: Maple Hill Drive South Sub Area' section of this report, the property is designated to be developed as a planned mixed-use district. An analysis of the proposed conditional rezoning request against the sub area plan is provided below.

- a) The conditions outlined in the conditional rezoning request do not mention or reference the Maple Hill Sub Area Plan.
- b) The conditional rezoning would allow the site to be designed and developed incrementally in a manner that would go against the adopted vision for this area.
- c) By rezoning a majority of the property to C-1 without any stipulations, all of the following are objectives of the Maple Hill Sub Area Plan that would not be met or guaranteed (this is not an all-inclusive list).
 - Any type of developmental transitional scheme.
 - A comprehensive, safe, efficient, and balanced multi-modal transportation network.
 - A true mixed-use development; C-1 zoning does not permit residential development (including mixed use), unless developed as a PUD. The "Commercial Area" may or may not develop in whole or in parts as one or more Commercial PUDs.
 - A distinct identity, including design guidelines, to promote a sense of place for the new community.
 - The integration of community and open space uses, including the "Town Center" identified in the plan.
 - The integration of public spaces, such as parks.
- d) The proposal is to develop the identified "Multi-Family Residential Area" as a Commercial PUD. The proposal notes that an approval of a Commercial PUD for this area would be needed within two years or the specific area would revert to R-2 and R-4 Residence Districts. The "Commercial Area" specifically notes that there would be no time restriction. This implies that the "Multi-Family Residential Area" will not be considered in the development of the northern "Commercial Area". A cohesive development for this site would not occur.

The proposed conditional rezoning goes against the goals of the Maple Hill Drive South Sub Area Plan. In summary, the sub area plan was adopted to promote a coordinated and thoughtful planning approach to the development of these approximate 143 acres. As outlined in the sub area plan: "Without standards or controls, this area would likely develop at an elevated intensity due to the high traffic levels on W Main Street and the amount and success of surrounding commercial development. Uncontrolled development would likely be detrimental to the Township, especially to those residents who live south of this area. Therefore, clearly stating a vision for future land use and establishing goals and standards for improvement in this area is critical to the success of the Township's overall plan for growth and development" (page 52). The proposed conditional rezoning ignores a majority of the recommended standards and controls outlined in the adopted sub area plan. Approving this conditional rezoning request would in essence nullify the Township's master plan for the area. Consideration not met.

2. Consistency of the Zoning Classification in the General Area

5303 W Main Street is located in the middle of a wide assortment of uses, see excerpt of the Township’s Zoning Map to the right. If approved, this rezoning would double the existing commercial property south of W Main Street in this area of the Township. For reference existing commercial property southwest of the W Main Street and S Drake Road intersection, the purple area shown in the image to the right, is approximately 80 acres. Rezoning a property of this scale to a higher intensity requires careful consideration and planning. One of the reasons that the sub area plan was adopted was to help control the types and intensities of development within the property so that when it develops it works in unison with neighboring uses and protects the quality of life for residents to the south. The sub area plan calls for higher density to the north and lower density (including buffers) to the south. The proposal would allow the majority of this site to be developed with no coordination and no real control of intensity, this large increase in commercial could be detrimental to both the residential and commercial neighboring properties. This conditional rezoning request is not consistent with the Zoning Classification in the General Area or the Township’s Master Plan. Consideration not met.



3. Consistency and Compatibility with General Land Use Patterns in the Area

When a property is rezoned, that property is permitted to have any of the uses outlined in that zoning district as long as it follows appropriate review procedures. In this case, there is a distinctive commercial pattern to the north and northeast; in addition, there is industrial to the west. Having additional commercial along these areas would follow the general land use pattern. Particularly given its high visibility from US-131 and W Main Street, the sub-area is highly suitable to accommodate mixed-use or standalone buildings that would include retail, restaurant, entertainment, office, and technological use. However, buffering and/or a transition scheme is needed for the residential areas to the south. That is why the adopted sub area plan called for a mix of uses, commercial and residential, with a transition scheme. The applicants’ proposed ‘Multi-Family Residential Area’ does provide some buffer and transition which designed as a PUD would give the Township additional control over the development of this specific area and the sub area plan can be referenced for guidance. It should be noted that a commercial PUD allows a density of up to eight units per acre. For compatibility, the least intensive and lowest density land uses should be located along the southern edge of the sub-area (adjacent to established residential areas). If the ‘Multi-Family Residential Area’ does not progress and reverts to R-2 and R-4 Residence District zoning, it would continue to act as a buffer between existing residential and the commercial to the north. Consideration met.

4. Utilities and Infrastructure

A rezoning to a higher density district is equated with higher intensities in both utility and infrastructure use. Water and sewer could be extended into the site in question. However, traffic

generation and access to and from the site is a concern. Both W Main Street and N Drake Road are primary roadways that face congestion on a regular basis. Both the Master Plan and the sub area plan note that traffic should be carefully considered, and multiple access points needed to ensure the success of this site. A traffic study/analysis which takes into account the entire site and proposed uses/density is needed to ensure that the transportation network can support this development and that this development can succeed in partnership with the surrounding area. This proposal does not include this requirement or implies piecemeal development which defeats the purpose of addressing traffic circulation and traffic safety resulting from new development. Consideration not met.

5. Reasonable Use under Current Zoning Classification

The property is currently zoned R-2 with the southern portion zoned R-4; the property is operating as a golf course. In addition to the uses permitted in these districts, both zoning districts allow for a Residential Planned Unit Development as a Special Use. A PUD allows for multi-family dwellings (no specified max number of units per building) with a total maximum density of eight units per acre. The Residential PUD type allows for 20% of the PUD area to be developed as low intensity neighborhood commercial. There is reasonable use under current zoning classification. More details on this ordinance section can be found in Section 41.60 of our code. Consideration not met.

6. Effects on Surrounding Property

As outlined in the other considerations above, the proposed conditional rezoning ignores a majority of the recommended standards and controls outlined in the adopted sub area plan. Approving this conditional rezoning request would in essence nullify the Township’s Master Plan for the area which was designed to ensure the compatibility and functionality of this site with the surrounding area. Approving this request would in the long term negatively impact Oshtemo as the Planning efforts and vision of the community would be undermined. Consideration not met.

RECOMMENDATION

Legal Counsel and the Planning Department recommend that the Planning Commission deny the request to conditionally rezone 5303 W Main Street to the C-1, Local Business District.

Attachments: Application, Conditional Rezoning Statement of Conditions, Article 18 — C: Local Business District



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS THE PRAIRIES - A MIXED-USE AND
WALKABLE COMMUNITY

PLANNING & ZONING APPLICATION

Applicant Name: CURT AARDEMA
Company AVB/THE HINMAN CO.
Address 4200 W. CENTRE AVE.
PORTAGE, MI 49024
E-mail caardema@avbinc.com
Telephone 269-329-3656 Fax _____
Interest in Property OWNER

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name _____
Address _____ Fee Amount _____
Email _____ Escrow Amount _____
Phone & Fax _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input checked="" type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

PLEASE SEE ATTACHED LETTER
REZONE TO "C"-LOCAL BUSINESS DISTRICT,
WITH CONDITION

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

ATTACHED

PARCEL NUMBER: 3905- 13-405-032

ADDRESS OF PROPERTY: 5303 W. MAIN ST.

PRESENT USE OF THE PROPERTY: ELKS LODGE

PRESENT ZONING R-2/R-4 **SIZE OF PROPERTY** 116 ACRES


**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.



Owner's Signature (* If different from Applicant)

1/3/22

Date

Applicant's Signature

Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

CONDITIONAL REZONING

STATEMENT OF CONDITIONS

THIS CONDITIONAL REZONING STATEMENT OF CONDITIONS, is effective as of _____, 2022 (the “Agreement”) and is made by and between TRADE CENTRE H, LLC, a Michigan limited liability company whose address is 750 Trade Centre Way, Portage, Michigan 49002, TRADE CENTRE G, LLC, a Michigan limited liability company whose address is 4200 West Centre Avenue, Portage, Michigan 49024, (collectively “Developer”) and CHARTER TOWNSHIP OF OSHTEMO, a Michigan charter township, whose address is 7275 West Main Street, Kalamazoo, Michigan 49009 (“Township”).

Background

Developer is the owner of the real property that is legally described in attached Exhibit “A” (the “Property”).

Developer desires to develop the Property as a transformative, vibrant, mixed use commercial and residential development (the “Project”). The Project is envisioned to be interconnected, walkable and environmental friendly. It will incorporate walking trails, recreational areas and other amenities. The Project is currently planned to be developed in two basic parts – the Commercial Area and the Multi-Family Residential Area (as defined below).

In connection with establishing the Project, Developer has applied for an amendment to the Oshtemo Township Zoning Ordinance (the “Ordinance”) that would reclassify the Property from the R-2: Residence District and the R-4: Residence District to the C: Local Business District.

In connection with its application to rezone and reclassify the Property, Developer has voluntarily offered this Conditional Rezoning Agreement in accordance with Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended and pursuant to Article 66 of the Ordinance.

Conditions

NOW, THEREFORE, in consideration of the promises and covenants set forth in this Agreement, the Township and Developer agree that if the Property is rezoned to the C: Local Business District zoning classification, the following conditions will apply to the Property:

1. Rezoning. The entire Property is hereby zoned C: Local Business District.

2. Commercial Area. The northerly portion of the Property, as shown on attached Exhibit "B", is hereafter referred to as the "Commercial Area". The Commercial Area may be developed with any of the uses that are permitted in the C: Local Business District (including uses permitted by conditional use approval, by Commercial Planned Unit Development approval and/or by variance). Such uses may include, but shall not be required to include, uses that would be permitted in a Commercial Planned Unit Development in accordance with Section 41.70 of the Ordinance (subject to compliance with such requirements). There shall be no time restriction with respect to development of the Commercial Area and the rezoning of such area shall not be subject to reversion to the pre-existing zoning classification(s) based on this Agreement.

3. Multi-Family Residential Area. The southerly portion of the Property as shown on attached Exhibit "B" is hereafter referred to as the "Multi-Family Residential Area". The Multi-Family Residential Area shall be developed as a Commercial Planned Unit Development in accordance with Section 41.70 of the Ordinance. The Developer shall obtain approval of the Commercial Planned Unit Development for the Multi-Family Residential Area no later than two years from the date of this Agreement. In the event that the Commercial Planned Unit Development approval of the Multi-Family Residential Area is not received prior to the expiration of such two year period, then the C: Local Business Zoning classification with respect to the Multi-Family Residential Area shall terminate and the entire Multi-Family Residential Area shall revert to the zoning classification(s) that were in effect immediately prior to the execution of this Agreement. The reversion of the zoning classification of the Multi-Family Residential Area shall have no impact on the zoning classification of the Commercial Area.

4. Miscellaneous. This Agreement shall be governed by the following additional provisions:
 - A. A copy of this Agreement shall be recorded with the Kalamazoo County Register of Deeds.

 - B. This Agreement shall be binding upon the Township and Developer, shall run with the Property and is binding on any successor owners of the Property.

 - C. This is the entire agreement between the parties with respect to its subject matter. It supersedes and replaces all other agreements, whether express or implied, written or verbal. There are no other agreements. This Agreement may only be amended in writing, signed by all parties, and must be recorded with the Kalamazoo County Register of Deeds in order to become effective.

D. Each party had the advice of legal counsel and was able to participate in its creation, so it shall be construed as mutually drafted. The Background is accurate and is deemed part of this Agreement. This Agreement may be signed in counterparts and when combined with all of the signatures shall constitute only one agreement. This Agreement is to be interpreted in accordance with Michigan law. The interpretation of this Agreement shall not be affected by any course of dealing between the parties.

Signatures on following page

IN WITNESS WHEREOF, Developer and the Township have entered this Agreement as of the date set forth above.

TRADE CENTRE H, LLC
a Michigan limited liability company

By: _____
Roger E. Hinman
Its: Manager

STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

Before me, a Notary Public in and for said County and State, personally appeared Roger E. Hinman of Trade Centre H, LLC, who acknowledged the execution of the foregoing Conditional Rezoning Agreement.

_____, Notary Public
_____ County, Michigan
My Commission Expires: _____

TRADE CENTRE G, LLC
a Michigan limited liability company

By: _____
Joseph L. Gesmundo
Its: Manager

STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

Before me, a Notary Public in and for said County and State, personally appeared Joseph L. Gesmundo of Trade Centre G, LLC, who acknowledged the execution of the foregoing Conditional Rezoning Agreement.

_____, Notary Public
_____ County, Michigan
My Commission Expires: _____

CHARTER TOWNSHIP OF OSHTEMO
a Michigan charter township

By: _____

Its: Supervisor

By: _____

Its: Clerk

STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

Before me, a Notary Public in and for said County and State, personally appeared _____ and _____, the Supervisor and Clerk of Oshtemo Charter Township respectively, who acknowledged the execution of the foregoing Conditional Rezoning Agreement.

), Notary Public
 County, Michigan
My Commission Expires: _____

Drafted by and when recorded return to:

J. Patrick Lennon, Esq.
Honigman, LLP
650 Trade Centre Way
Suite 200
Portage, Michigan 49002

EXHIBIT "A"

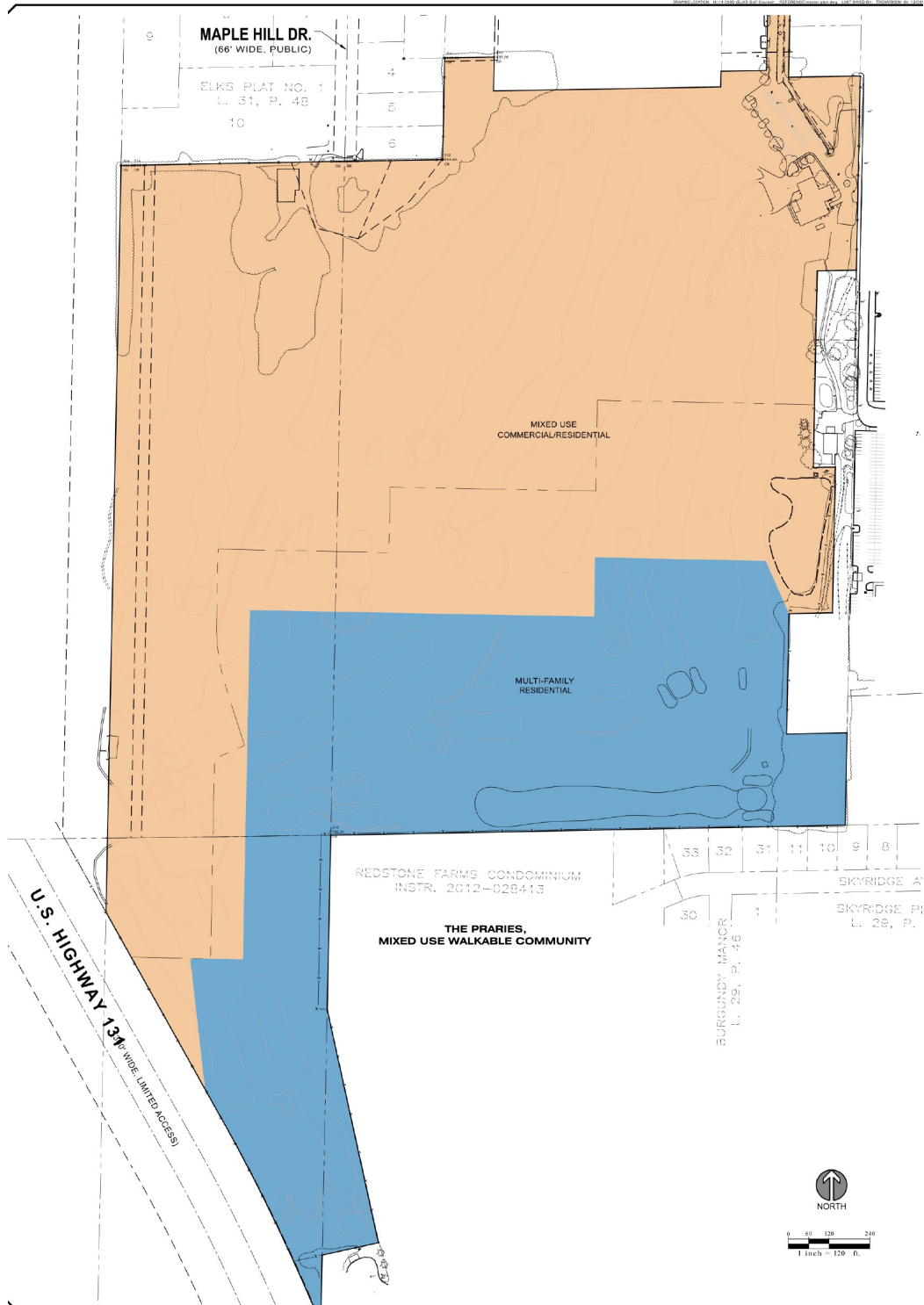
THE PROPERTY

5303 W. Main St.
Kalamazoo, MI 49009

SEC 13 & 24-2-12 W1/2 SE1/4 & E1/2 E1/2 SW1/4 SEC 13 SUBJ TO CONS PWR CO EASMT OVER W 69 FT ALSO W 12 R E1/2 SE1/4 SEC 13 EXC N 75 FT FOR HWY ALSO EXC N 225FT OF E 211 FT ALSO EXC ELKS PLAT #1 ALSO EXC COM E1/4 POST TH S ALG E LI 2255.61 FT TH S 87DEG-44'-14" W 1118.19 FT FOR POBTH S 00DEG- 02'-14" W 130 FT TH S 87DEG-44'-14" W 178 FT TH N 00DEG-02'-14" E 355 FT TH N 87DEG-44'-14" E 128 FT TH N 00DEG-02'-14" E 430 FT TH S 87DEG-44'-14" W 65 FT TH N 00DEG-02'-14" E 580 FT TH N 87DEG-44'-14" E 115 FT TH S 00DEG-02'-14" W 1235 FT TO BEG ALSO EXC COM AT E1/4 COR TH 87DEG-51'-44" W 1116.77 FT ALG E&W1/4 LI TO E LI OF THE W 198 FT OF E1/2 SE1/4 TH S 00DEG-02'-14" W 300.5 FT ALG E LI TO POB TH CONT S 00DEG-02'-14" W 150FT TH S 87DEG-51'-44" W 211 FT PAR E&W1/4 LI TH N 00DEG-02'-14" E 150 FT TH N 87DEG-51'- 44" E 211 FT TO BEG ALSO EXC BEG NE COR LOT 1 ELKS PLAT #1 N TH 88DEG-06'-14" E ALG SLY ROW LI M-43 668.8 FT TH S 00DEG-16'-44" W 2 FT TH N 88DEG-06'-14" E 133.95 FT TH S 00DEG-16'-44" W 351.85 FT TH S 88DEG-06'-14 W 133.95 FT TH S 00DEG-16'-44" W 46.15 FT TH S 88DEG-06'-14 W 668.8 FT TH N 00DEG-16'-44" E 400 FT TO BEG ALSO BEG N1/4 POST SEC 24 TH W ALG N LI 660.32 FT TH S 01DEG-46' W TO ELY LI US HWY 131 TH SELY ALG SD ELY LI TO ITS INTERSEC WITH N&S1/4 LI TH N TO BEG ALSO BEG IN N&S1/4 LI SEC 24 513.27 FT S OF N1/4 POST TH S 00DEG-04' E ALG SD 1/4 LI 725 FT TH N 76DEG-25' E 169.45 FT TH N 13DEG-35' W 704.92 FT TO BEG * SPLIT/COMBINED ON 09/05/2019 FROM 05-13-405-031, 05-24-135-010, 05-24-205-009;

EXHIBIT "B"

GENERAL LOCATION OF USES



Sheet Title: MASTER PLAN REZONE THE PRAIRIES AVB	Project: Client:	2012-14-0100 PM HW DR LAD OAK SVASYS ISSUED FOR REVISIONS 01/17/12 12/24/12	hurley & stewart, llc 2800 s. 11th street kalamazoo, michigan 49009 269.552.4990 fax 269.552.4 www.hurleyandstewart.com
	1		
	COPYRIGHT © of Hurley & Stewart, LLC		

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ZONING ORDINANCE ARTICLE 18

18 – C: LOCAL BUSINESS DISTRICT

Contents:

18.10 STATEMENT OF PURPOSE

18.20 PERMITTED USES

18.30 PERMITTED USES WITH CONDITIONS

18.40 SPECIAL USES

(Amended by ord. no. 628; adopted September 22nd, 2020; effective October 1st, 2020. Amended by ord. no. 632; adopted February 10th, 2021, effective February 16th, 2021.)

18.10 STATEMENT OF PURPOSE

This district is designed to permit retail sales and commercial service uses.

18.20 PERMITTED USES

- A. 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.
- B. Banks, credit unions, savings and loan offices and similar financial institutions.
- C. Offices.
- D. Laundromats and dry-cleaning establishments, excluding those establishments providing cleaning services for other laundromat and dry-cleaning establishments.
- E. Hotels, motels.
- F. Restaurants.
- G. Hospitals and medical clinics.
- H. Essential services.
- I. Indoor theatres.
- J. Passenger bus terminals, excluding facilities for the overnight storage of buses.
- K. Accessory buildings and uses customarily incidental to the foregoing.
- L. Pet shops.
- M. Houses of worship.
- N. Planned shopping center developments.
- O. Commercial Center.
- P. Proprietary schools and colleges.

18.30 PERMITTED USES WITH CONDITIONS

- A. Veterinary clinics.
- B. Temporary outdoor events (not lasting more than one day).

18.40 SPECIAL USES

- A. Assembly and Convention Halls.
- B. Child Care Centers and Adult Care Centers.
- C. Funeral homes.
- D. Private clubs.
- E. Parks of ten acres or less in size, subject to the conditions and limitations set forth at Section 49.100 of this Ordinance.
- F. Nursing, convalescent, handicapped, or senior citizens' homes.
- G. Drive-in service window or drive-through services for businesses.
- H. Retail lumber yards.
- I. New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales or activities connected with retail sales.
- J. Crematories.
- K. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- L. Filling stations, carwashes, public garages or service stations, excluding auto body and auto paint shops.
- M. Drive-in theatres.
- N. Buildings and regulator stations for essential services.
- O. Temporary outdoor events (lasting more than one day).
- P. Brewpub.
- Q. Microbrewery.
- R. Wine Tasting Room.
- S. Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- T. Communication towers.
- U. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- V. Private streets.
- W. Wind energy conversion systems.