



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 Optional in Oshtemo Township Buildings

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

**THURSDAY, FEBRUARY 9, 2023
6:00 P.M.**

AGENDA

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: January 26th, 2023
6. **Public Hearing – Code Amendment – Sections 64.90 and 65.60**
Consideration of amendments to the Township Zoning Ordinance, for recommendation to the Township Board, to allow extension requests for site plans and special uses, limited to one additional year, to be handled administratively.
7. **Public Hearing – Code Amendment – Section 50.10**
Consideration of amendments to the Township Zoning Ordinance, for recommendation to the Township Board, to provide clarification on how frontage is measured, whether lots or building sites need to be situated on a public road or street, and when a deviation for an unbuildable parcel is warranted.
8. Work Session:
 - a. Steering Committee: Goals for the Oshtemo Housing Study continued
9. Other Updates and Business
10. 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 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. 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	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri 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>			
Greg McComb	375-0487		gmccomb@oshtemo.org
<u>Ordinance Enforcement:</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 Director:</u>			
Anna Horner	216-5228		ahorner@oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A MEETING HELD JANUARY 26, 2023

Agenda

STEERING COMMITTEE: OSHTEMO HOUSING STUDY

WORK SESSION:

a. Direction for Density Bonuses

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, January 26, 2023, commencing at approximately 6:05 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS
WERE PRESENT:

Anna Versalle, Chair
Phil Doorlag
Deb Everett
Zak Ford, Township Board Liaison
Scot Jefferies
Micki Maxwell, Vice Chair
Alistair Smith, Zoning Board of Appeals Liaison

Also present were Iris Lubbert, Planning Director, Martha Coash, Recording Secretary, Emily Petz, W.E. Upjohn Institute, and five guests.

Call to Order and Pledge of Allegiance

Chairperson Versalle 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

She asked if there were any changes to the agenda. Hearing none, she let the agenda stand as published.

Public Comment on Non-Agenda Items

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

Approval of the Minutes of the Meeting of January 12, 2023

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of January 12, 2023.

Hearing none, she asked for a motion.

Mr. Ford **made a motion** to approve the Minutes of the Meeting of January 12, 2023 as presented. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next item on the agenda.

STEERING COMMITTEE: OSHTMO HOUSING STUDY

Emily Petz, of the W.E. Upjohn Institute for Employment Research, showcased some of the information gathered to date including highlights from the recent Kalamazoo County Housing survey and the open Township housing survey to be closed in March. She introduced four draft goals for consideration that, when finalized, will assist in developing objectives and identifying appropriate tools and strategies.

The group held extended discussion regarding the proposed goals, asked for clarification as needed, modified some of the wording of the proposed goals and requested specific additional data for future discussion.

The Planning Commission will continue to work on the goals at their next regularly scheduled meeting and Ms. Lubbert will forward the final goals to Ms. Petz when completed. To assist the Commission in that continued discussion, Ms. Lubbert will provide the Commissioners the power point presentation from today's meeting.

Ms. Petz indicated that she will plan to attend the Commission's second meeting in February for next steps.

The Chair moved to the next agenda item.

WORK SESSION:

a. Direction for Density Bonuses

Ms. Lubbert noted as part of previous discussions of the draft MU zoning district, the Planning Commission wished to have more objective standards for granting density bonuses. She provided examples of ordinances from other communities that provide density bonuses for review and discussion in order to provide feedback to assist staff in adjusting the draft density bonus language of the draft MU district.

There was discussion of the definition of density bonuses, how they are handled by other communities, what such a program actually would provide and how it could work for both the Township and developers. The examples provided from other

communities included bonuses based on either a points or a percentage system. Ms. Lubbert indicated the percentage system provides more flexibility; a points based system would provide more objective structure but would still include some flexibility. She proposed the point based system for Oshtemo Township.

After extended Commissioner discussion and participation by interested audience members, it was agreed to proceed with a density bonus point system with definitions to provide the tool to determine how density bonuses would be granted. The density bonuses will be linked to Township aspirational goals outlined in Master Plan documents and would encourage mixed use.

Ms. Lubbert will work on a draft of the density bonus language based on the discussion and return it to the group for further discussion at the second February or first March meeting.

Chairperson Versalle moved to the next item on the agenda.

PUBLIC COMMENT

There were no public comments.

OTHER UPDATES AND BUSINESS

There were no updates or other business to consider.

ADJOURNMENT

With there being no further business to consider, Chairperson Versalle adjourned the meeting at approximately 8:47 p.m.

Minutes prepared:
January 28, 2023

Minutes approved:
_____, 2023

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January 31, 2023

Mtg Date: February 9, 2023
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Public Hearing: Amendments to Sections 64.90 and 65.60

Objective:

Consideration of amendments to Sections 64.90 Conformity to Approved Site Plan and 65.60 Duration of Approval for recommendation to the Township Board.

Background:

Per the Township Zoning Ordinance, Site Plans and Special Uses are valid for a period of one year after the date of their approval; the applicant may request an extension from the original approving body prior to the expiration of the one-year validity period. Over the past year multiple projects have come before the Planning Commission requesting an extension of their approval. After reviewing a number of these requests, the Planning Commission felt that extension requests could be handled administratively and requested that the Ordinance be amended accordingly. The attached proposed changes to Sections 64.90 and 65.60 would allow extension requests, limited to one additional year, to be handled administratively.

Attachments: Proposed amendments to Sections 64.90 and 65.60

64.90 CONFORMITY TO APPROVED SITE PLAN

- A. Approval of the Site Plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the Site Plan approval shall become void and new approval obtained before any construction or earth change is commenced upon the site. A one-year extension Extensions may be granted by the Planning Director or their designee ~~the approving body~~ if requested prior to the expiration of the one-year validity period.
- B. Property which is the subject of Site Plan approval must be developed in strict compliance with the approved Site Plan and any approved amendments thereto or modifications thereof pursuant to Section 64.100. If any site is not developed in compliance with said Site Plan, the approval shall be revoked. Notice of such revocation shall be made by written notice by the Township to the developer at the last known address. Upon revocation of Site Plan approval, no further construction activities may be commenced upon the site other than for the purpose of correcting any violations.
- C. The Township may, upon proper application by the developer and in accordance with the procedure established in this ordinance, approve a modification to the Site Plan to coincide with the developer's construction, provided such construction satisfies the criteria placed upon the previously granted Site Plan approval and the Zoning Ordinance.
- D. At least one complete set of record construction drawings signed by a licensed architect, engineer, landscape architect, or contractor shall be submitted to the Township or its designee at the time of application for a Certificate of Occupancy or, in the case of residential developments before a Building Permit may be issued.

These drawings shall indicate any changes approved by the Township to the original Site Plan. Additionally, the correct location, size, etc. of any preexisting utilities or facilities shall be specified.

65.60 DURATION OF APPROVAL

- A. Period of approval. Any property which is the subject of a Special Use which has not been used for a period of one year for the purposes for which such Special Use was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification in which the property is located and the permit for such Special Use shall thereupon terminate unless extended by the Planning Commission upon application for such extension filed with said Planning Commission.
- B. Extensions. ~~The Planning Director or their designee~~ ~~Said Planning Commission~~ shall have the authority to grant a one year ~~an~~ extension of such Special Use where the applicant therefor satisfies ~~the Planning Commission of~~ any of the following existing circumstances:
1. The delay in commencement or completion of the project subject to the Special Use approval was beyond the control of the applicant and the applicant has in good faith attempted to meet the foregoing time schedule.
 2. The project is in the process of being developed for the Special Use purpose and has reasonably progressed towards completion.
 3. The complexity or size of the project requires additional time for either commencement or completion of construction, which commencement and completion appear feasible and probable if permitted. Under this circumstance, the Planning Commission shall have the authority to grant an initial longer period for commencement and/or completion at the time of approving the original Special Use.
 4. Beyond the one year extension that can be granted administratively, ~~S~~ successive extensions ~~of time~~ may be granted by the Planning Commission for such periods of time as said Planning Commission determines to be reasonable and proper under the foregoing criteria.
 5. Where a Special Use is terminated by lapse of time, any new application for a Special Use shall be heard and determined anew based upon circumstances then existing.

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January 31, 2023

Mtg Date: February 9, 2023
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Public Hearing: Amendments to Section 50.10

Objective:

Consideration of amendments to Section 50.10 Schedule of Regulations for recommendation to the Township Board.

Background:

Through various public inquiries, staff has become aware of a number of regulations outlined in Section 50.10 of the Ordinance which require clarification. To ensure consistency of how the ordinance is enforced, through discussions with staff and research of past projects, the proposed changes remove subjectivity. Amendments focus on clarifying how frontage is measured, whether lots or building sites need to be situated on a public road or street, and when a deviation for an unbuildable parcel is warranted.

Attachments: Proposed amendments to Section 50.10

50.10 SCHEDULE OF AREA, FRONTAGE, AND/OR WIDTH REQUIREMENTS

- A. No building permit shall be issued therefore, and no buildings constructed, placed, or moved upon any Pparcel, Lot, or Building site less than the area and frontage requirements as specified in this Section; nor where the same would be located upon a Pparcel, Lot, or Building site of land with an area of ten acres or less having a depth of greater than four times the width of said parcel, lot or building site.

All Parcel~~s~~ must have the contiguous frontage specified in this Section on a dedicated public road or street with the width of said required frontage maintained until at least the required building setback line.

All Lots~~2~~ or Building sites must be situated on a public road or street, unless otherwise permitted within the ordinance, with the width at building setback line as specified in this Section.

Building sites within nonresidential site condominiums must be situated on a public road or street or a private street easement with the width at building setback as specified in this Section.

Parcel~~s~~, Lots~~2~~ or Building sites which meet the requirements of the Nonconforming Uses, Structures and Land section of this Zoning Ordinance may be issued a building permit provided all other requirements of this Ordinance are met.

Schedule of Area, Frontage, and/or Width Requirements		
Minimum Area Required per Dwelling Unit	R-1, R-2, R-3, R-4, and R-C	R-5
Parcels (unplatted)	50,000 sq. ft.	Refer to Section 49.150.D
Lots (platted)/Building Sites		
No Water or Sewer	22,000 sq. ft.	
Water or Sewer	15,000 sq. ft.	
Water and Sewer	10,560 sq. ft.	
Minimum Frontage or Width Required	R-1, R-2, R-3, R-4, and R-C	R-5
Parcels Frontage (unplatted)	200 feet	Refer to Section 49.150.C
Lots (platted)/Building Sites (Width at building setback)	100 feet	

Minimum Area Required	C, C-R, or BRP	I-R	I-1	I-2	I-3
Parcels	50,000 sq. ft.	Refer to Section 23.60.A.2	50,000 sq. ft.	50,000 sq. ft.	50,000 sq. ft.
Lots/Building Sites					
No Water or Sewer			30,000 sq. ft.		
Water or Sewer			18,000 sq. ft.		

Water and Sewer	13,200 sq. ft.				
Minimum Frontage or Width Required	C, C-R, or BRP	I-R	I-1	I-2	I-3
Parcels (frontage)	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.
Lots/Building Sites (Width at setback)					
No Water or Sewer	120 ft.				
Water or Sewer	120 ft.				
Water and Sewer	120 ft.				
AG and RR Dimensional Requirements					
District	Type	Dimensional Requirements			
AG	Parcel, L lot, lot or B building site area:	40 acre* parcel/tract size			
	Frontage:	200 feet			
RR	Parcels, Llots, or Bbuilding sites				
	Area requirements:	1.5 acres			
	Minimum frontage:	200 feet			
	Lot, Bbuilding sites within an Open Space Community				
	Area requirements:	Density of 1.0 dwelling units per acre			
	Minimum frontage:	120 feet			
*Minimum of three (3) acres and 200 feet of public street frontage required per dwelling unit.					

- B. Any attempt to circumvent the intent and purpose of the foregoing provisions by multiple conveyances, contracts, leases, or agreements or any combination of the foregoing shall be considered a violation and shall prohibit the issuance of a building permit or the construction or location of buildings upon the land in question and shall subject the violator to the fines and penalties provided in the Township Zoning Ordinance.
- C. For any Parcel deemed unbuildable by the foregoing and not subject to Section 50.10.E, the Planning Commission is hereby given the right to grant a deviation for the existing subject Parcel to become buildable from the foregoing where the subject Parcel meets all of the following criteria and where, in the opinion of said Planning Commission, the spirit of the foregoing provisions are still observed, public safety, health, and welfare secured, and substantial justice thereby accomplished:
- (1) The existing subject Parcel under consideration was established prior to March 31, 1997 and is not considered lawfully nonconforming pursuant to Section 50.10.E;
 - (2) The existing subject Parcel under consideration satisfies the minimum dimensional area requirements of a platted Lot within the R-1, R-2, R-3, R-4, and R-C districts as set forth in Section 50.10.A;

~~1.3.~~ ~~(3)~~ ~~The~~ dimensions of neighboring lawfully nonconforming properties located within 300 feet would support said deviation.

Additionally, the Planning Commission is hereby given the right and authority, in furthering the public health, safety, and general welfare, to require any or all of the following as a condition in granting a deviation: conveyance or dedication to the public of a 66-foot wide right-of-way for ingress or egress to and from interior land having otherwise insufficient or inadequate public access for normal, proper and logical development; shared and/or cross access with an adjacent property(s); and, restricted or prohibited curb-cuts when the Access Management Guidelines cannot be satisfied and reasonable access is otherwise available to the subject parcel.

~~D.~~ D. The purpose of the within provisions is to secure the more orderly development of property in unplatted areas through the encouragement and regulation of open spaces between buildings and lessening of congestion, the encouragement of more efficient and conservative land use, the facilitating of transportation, sewage disposal, water supply and other public requirements and by providing for future access to interior land which might not otherwise be adaptable to proper and advantageous development.

~~D.E.~~ D.E. Section 50.10.A shall not apply to any ~~P~~parcel, ~~L~~lot, or ~~B~~building site, the boundaries of which have heretofore been established by any instrument recorded previous to October 4, 1965, in the office of the Register of Deeds for Kalamazoo County, Michigan or previously established by operation of law, provided that notwithstanding such exception, not more than one dwelling shall be allowed at any time on less than 200 feet of frontage on any unplatted ~~P~~parcel unless otherwise permitted under this Ordinance.

~~E.F.~~ E.F. Frontage, width, and area requirements in Section 50.10.A shall not apply to any ~~P~~parcel, ~~L~~lot, or ~~B~~building site with buildings or regulator stations for essential services.

~~F.G.~~ F.G. The Planning Director or designee is hereby given the right to grant relief to ~~P~~parcels of land having a depth greater than four times the width of said parcel provided (1) the boundaries of the subject parcel have heretofore been established by an instrument recorded previous to March 31, 1997 and (2) the ~~P~~parcel satisfies the minimum area and frontage requirements stated for parcels in Section 50.10.

Additionally, the Planning Director or designee is hereby further given the right and authority, in furthering the public health, safety, and general welfare, to require the conveyance or dedication to the public of a 66-foot wide right-of-way for ingress or egress to and from interior land having otherwise insufficient or inadequate public access for normal, proper and logical development as a condition to the granting of any relief as herein provided. The decision of the Planning Director may be appealed to the Zoning Board of Appeals.



January 31, 2023

Mtg Date: February 9, 2023

To: Planning Commission

From: Iris Lubbert, AICP, Planning Director

Subject: Steering Committee: Goals for the Oshtemo Housing Study continued

At the Planning Commissions regular January 26th meeting a representative from the W.E. Upjohn Institute for Employment Research showcased some of the information gathered to date with some of the highlights from the open and past housing survey. Based on the information collected, draft goals for the plan were shared with the Planning Commission for discussion. Per that discussion, the Planning Commission will continue to work on the goals for the project at their regular February 9th meeting. Recognized goals of the plan will assist in identifying appropriate tools and strategies.

Attachments: Updated draft goals based off of 1/26 discussion

Example Goals and Objectives (For discussion purposes only)

Example GOAL 1: A Township where housing production and preservation result in a supply of ownership and rental options that are safe, healthy, and affordable to people of all income levels, races, ages.

Objective Examples:

- Produce supply of rental and ownership housing to meet current or projected needs.
 - Example Strategy: Update zoning to allow Accessory Dwelling units.
- Preserve quality rental and ownership housing and plan for changing needs over time for households of all incomes.
- Reduce regulatory or procedural barriers to production and preservation of housing.

Example GOAL 2: A Township where housing helps to create safe, livable, and sustainable neighborhoods.

Objective Examples:

- Promote health and safety in neighborhoods by increasing mixed-income housing close to transportation opportunities.
- Promote energy efficient buildings.
- Promote livable neighborhood with a mix of housing types, quality design, and a scale and character that respects unique residential neighborhoods.

Example GOAL 3: A Township that prioritizes park and preserve space.

Objective Examples:

- Promote cluster developments that maximize open and connecting park or preserve space.
- Connect and expand existing parks.
- Limit urban services in designated zones.

Example GOAL 4: A Township that collaborates to create housing opportunities without discrimination.

Objective Examples:

- Promote outreach and education to community stakeholders. E.g. residents housing insecure populations, healthcare providers, social service agencies, and housing providers and funders, and criminal justice agencies.
- Provide an adequate supply of short-term and permanent housing and services throughout Oshtemo that are appropriate and meet the specific needs of those who are housing insecure in the Township.
- Promote fair housing practices and accessibility to housing for all residents.