



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

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION MEETING**

**OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET**

**THURSDAY, MAY 9, 2024
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: March 28, 2024
6. **Discussion: Text Amendments**
Discuss request for an amendment to allow warehouses and distribution centers in *the I-R, Industrial District, Restricted*, and other unrelated staff-suggested amendments of the Ordinance.
7. 2023 Planning Department Annual Report
8. Other Updates and Business
 - a. June 13, 2024 Comprehensive Plan Visioning Session.
9. Adjournment

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

**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>		
Cheri Bell	216-5220	cbell@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>		
Neil Sikora	760-6769	nsikora@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Michael Chapman	375-4260	mchapman@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>			
Vanessa Street	216-5233	vstreet@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Jodi Stefforia	216-5232	jstefforia@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 MARCH 28, 2024**

Agenda

PUBLIC HEARING: Special Use and Site Plan – Maple Hill Auto Group

Maple Hill Auto Group is requesting site plan and special exception use approval to redevelop 6565 West Main Street to serve as a Subaru automotive dealership.

PUBLIC HEARING: Tentative Preliminary Plan – Westridge Site Condominium

Green Development Ventures, LLC is requesting step one tentative preliminary plan approval for a 41-unit site condominium project located at 7110 West Main Street.

PUBLIC HEARING: Ordinance Amendment – Signs and Billboards

Consideration to adopt amendments to Section 55 – Signs and Billboards for recommendation to the Township Board.

PUBLIC HEARING: Ordinance Amendment – Setback Provisions

Consideration to adopt amendments to Section 50.60.C – Setback Provisions for Business and Industrial Districts for recommendation to the Township Board.

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, March 28, 2024, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Deb Everett, Vice Chair
Alistair Smith
Zak Ford, Township Board Liaison
Scot Jefferies
Jeremiah Smith

MEMBERS ABSENT: Philip Doorlag, Chair
Scott Makohn

Also present were Jodi Stefforia, Planning Director; Kyle Mucha, Senior Planner from McKenna; Leeanna Harris, Zoning Administrator and Temporary Recording Secretary; Colten Hutson, Zoning Administrator; James Porter, Township Attorney; and 22 interested persons.

Call to Order and Pledge of Allegiance

Vice Chair Everett called the meeting to order at approximately 6:00 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

The Vice Chair asked if anyone present wished to speak on non-agenda items.

Since no one responded, she moved to the next agenda item.

Approval of the Minutes of the Meeting of February 22, 2024

Vice Chair Everett asked for additions, deletions, or corrections to the Minutes of the Meeting of February 22, 2024.

Hearing none, Vice Chair Everett asked for a motion.

Mr. Ford **made a motion** to approve the Minutes of the Meeting of Meeting of February 22, 2024, as presented. Mr. Jefferies **seconded the motion**. The **motion was approved** unanimously.

Vice Chair Everett moved to the next agenda item, the Special Use and Site Plan for Maple Hill Auto Group and asked Staff for their report.

PUBLIC HEARING: Special Use and Site Plan – Maple Hill Auto Group

Mr. Kyle Mucha, from McKenna, thanked the Planning Commission, and introduced himself and explained that he had been contacted by the Township to complete the review of the Special Use and Site Plan for 6565 West Main Street. He also noted that the applicant was in attendance if the Planning Commission had any questions for him.

Mr. Mucha explained that the request from the Maple Hill Auto Group is to propose the 50,106 square foot building, which will encompass a showroom, service repair facility, and warehouse.

Mr. Mucha explained that the applicant also proposes to conduct site enhancements for vehicle sales displays and an area for storage of vehicles undergoing repair at 6565 West Main Street, Parcel Number 05-14-330-020.

He noted that vehicle sales lots within the C: Local Business District are classified as a Special Exception Use, and that the Planning Commission, after holding a public hearing, may approve Site Plans and Special Uses.

Mr. Mucha started the portion of his presentation where he discusses Site Plan Review comments. He noted that the property is presently zoned C: Local Business District and is 18.9 acres in size. He explained that, as previously noted, a new and used car sales, showroom, staging area, 28 bay service repair area, parking lot landscaping, and retail parts and warehouse, are all proposed.

He continued by discussing access and circulation, explaining that primary site access would be from West Main Street, with additional access, pending Seeco road development to the south. He mentioned that a driveway permit from MDOT is required with a supporting traffic impact study. Regarding sidewalks, the site presently has a 10-foot-wide pedestrian pathway along West Main Street. It will need to be verified that the pathway is fully within the public right-of-way, or if it is located on private property, an easement will be necessary.

Regarding parking, the requirements have been reviewed diligently. Parking spaces for repair bays, automotive repair shops/service stations, showrooms, and warehousing is required. He also noted that there is a shared access reduction on the site. Mr. Mucha explained that, under the parking requirements of the Zoning Ordinance, 129 spaces are required, while the applicant is proposing 134 spaces. The applicant is requesting that 25% of the spaces are reduced to a 9 foot width, as compared to a minimum of 10 feet, as well as proposing the depth to be reduced to a 18 foot length, as compared to a minimum of 20 feet. The authority to do so is available in the Zoning Ordinance. Reducing 32 spaces (or 25%) from a standard width and depth will still meet the intent of the ordinance. Spaces with alternative dimensions must be labeled as such on the final site plan.

Mr. Mucha continued by mentioning that loading and unloading facilities are proposed along the southwestern portion of the site.

Mr. Mucha mentioned that the setbacks for this zoning district are 170 feet in the front, and 20 feet in the side and rear. The minimum setback distance between the side and rear shall be 20 feet or the height of the building. Mr. Mucha explained that the applicant must identify the side and rear setbacks on the site plan to ensure that the required setbacks are met.

Mr. Mucha explained that landscaping comments were provided by Wightman, and that he would defer the Planning Commission should they have any questions on the landscaping elements.

Continuing on, Mr. Mucha stated that the applicant has provided lighting details and a photometric plan. Based on their submission, the photometric plan meets the intent of the Ordinance and can be recommended for approval.

Engineering comments, as they relate to stormwater, have been met. Mr. Mucha noted that additional permit review through MDOT will be required.

Regarding the Fire Department's comments, it was noted that the location of the Fire Department Connection needs to be adjusted since it needs to be remote from the building. He also noted that the closest accessible fire hydrant is located over 400 feet away; therefore, a new fire hydrant will be needed or relocated.

Next, Special Exception Use review criteria. The special land use requirements are under section 65 of the Zoning Ordinance. The first requirement is that the proposed use be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the district in which the use is located, and is consistent with the Access Management Plan as sites are developed and redeveloped. He noted that to be consistent with the Access Management Plan, the applicant needs to resize the stormwater basin to maintain a 150-foot area at the front of the site to provide future cross access to adjoining properties. Township Engineering staff also support this recommendation. Further, access to the off-street parking areas shall be provided, not exceeding 30 feet in width, and that such access drive shall be constructed similar to the parking areas and similarly maintained. Within the new car staging areas, dimensioned at 63 feet, 55 feet, and 35 feet, these areas must be formalized with landscape islands and a clearly defined access lane not exceeding 30 feet. Additionally, the access lane on the west side of the building is dimensioned at 50 feet but must be resized to 30 feet wide. Further land use requirements, such as the size and location of such outdoor sales business shall not impede pedestrian or vehicular travel by customers or patrons. The Township Access Management Plan includes the recommendation for a frontage road or service drive along West Main Street.

Mr. Mucha notes that a positive finding can be made on other criteria as well on the regulations of Section 65 and for the criteria for used cars, Section 49.170.

Staff recommends that the site plan and special use application be approved with the following conditions:

1. The pedestrian pathway is confirmed to be located fully within the public right-of-way along the northern portion of the subject property. If not fully located within the right-of-way, an easement agreement is executed with the Township.
2. Building height is listed on the plan and conforms with the side setbacks illustrated on the site plan.
3. The applicant receive a permit from MDOT and the final plan set is consistent with the plan approved by Oshtemo Township per any change MDOT may require,
4. Finalization of design for on-site stormwater management systems, maintenance agreements for stormwater management systems, and any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance. This

condition includes limiting parking access drives to 30-feet and providing space for a service drive on the north end of the site.

5. The Township approves the proposal for reduced parking space dimensions for up to 25% of required spaces, as illustrated on the site plan.
6. Comments from Fire Department are addressed.
7. All nonmotorized facilities shown on the approved site plan shall be installed prior to the issuance of a certificate of occupancy.
8. Other comments/requirements as stipulated by the Township or reviewing agencies, if any.

Vice Chair Everett asked staff if they had any comments for staff.

Mr. Ford asked about the drive aisles as they relate to the conditions of approval, and if those were indicated in red on the presentation Mr. Mucha gave.

Mr. Mucha confirmed this was the case.

Mr. Ford noted that in the Off-Street Parking ordinance, there are provisions for bicycle racks, and that he did not see these represented on the site plan.

Mr. Mucha said that he would have to go back to their review of the plan, as he did not know if they addressed this, but that they had worked diligently with the applicant for the parking requirements, and that if that were a requirement from the Planning Commission, then they could add that as a condition of approval.

Next, Vice Chair Everett asked the applicant if he would like to come forward and make a comment regarding his submission.

Mr. Jim Vandenberg introduced himself as the owner and general manager of Maple Hill Auto Group. He explained that this was a project that he is excited about. He noted that the property is 18.9 acres, and that Maple Hill Auto Group would be purchasing the front, approximately ten acres of the site. He noted that they have had a number of meetings with the Township planning since there are so many moving parts with the project, such as coordination with manufacturers, Oshtemo Township, and the Kalamazoo County Road Commission. He noted that the Township was wanting the Seeco Drive extension through the property to the east property line. He noted that he felt that they have come to a great compromise between the selling client and the buying client. He noted that Maple Hill Auto Group is already a tenant of Oshtemo Township and has been in business in the Township for 29 years. He mentioned that the buy and sell agreement for the property was predicated on the outcome of the meeting, and that at that point they would move to closing. He also mentioned that they would be keeping a lot of green space in the front, would be trying to put dog runs on site, outdoor play area for kids, a hiking trail that could potentially circulate the entire property, and part of the building would be offered up free of charge to charities and also for charity events after hours. He also mentioned that they have done a lot with the parking and the parking spaces, and the reduction of the parking spaces, as mentioned, is in the bullpen area, which is not a public area. It is where customer cars are parked. He also noted that many of his customers ride bicycles, but that the storage of the bicycles would be occurring inside of the building. He mentioned that they would be

keeping the original two-story building on site, but the remaining portion of the building would be demolished. He noted that they would be using the existing building for the corporate offices, offices upstairs, training areas, large lunchrooms, etc. He said that these offices would be in the front of the building facing the landscaping on site. He explained that the waiting room would be on the northwest side of the building, which would essentially be buffered from West Main due to the trees and shrubbery on site. He concluded by asking for any comments from the Planning Commission.

Vice Chair Everett asked the Planning Commission if they had any questions for the applicant.

Mr. Jeremiah Smith asked if Maple Hill Auto would still be in use at the existing site.

Mr. Vandenberg said that this development would allow one of the “brands” to move to this site from his existing site on West Main, leaving the remaining “brands” at the existing site.

Ms. Everett thanked the applicant and opened the Public Hearing on this agenda item.

Mr. Hutson came to the podium to read a public comment from Marcel Burgler that had been received via email to the Planning Staff.

Hearing no other public comments, Vice Chair Everett closed the Public Hearing and moved to Board Discussion.

Mr. Alistair Smith mentioned that the bullpen and the parking spaces that are a reduced width and length concern him especially if the public had to use the spaces and that once spaces are reduced, accidents such as door dings could occur, and that he did not want to see that happen.

Attorney Porter noted that this parking area is not open to the public and that this is just where cars will be parked before their owners come to pick them up.

Mr. Alistair Smith asked if this would allow public parking spaces to be reduced in the future.

Attorney Porter noted that the way he was reading the recommendation was that this reduced width and length would be restricted to where the company personnel would be parking the cars and not the public.

Ms. Everett asked if there were any other comments or questions. Hearing none, Vice Chair Everett asked for a motion.

Mr. Ford **made a motion** approve Maple Hill Auto Group’s site plan and special exception use approval to redevelop 6565 West Main Street with the conditions presented. Mr. Jefferies **seconded the motion**. **The motion was approved unanimously.**

Vice Chair Everett moved onto the next item, the Public Hearing for the Tentative Preliminary Plan for Westridge Site Condominiums, and asked staff for a report.

PUBLIC HEARING: Tentative Preliminary Plan – Westridge Site Condominium

Mr. Hutson explained that the applicant is requesting step one tentative preliminary plan approval for a 41-unit site condominium project located at 7110 W Main Street. He noted that the site is currently serving as a residential use and that the applicant is seeking to demolish the existing structures in order to develop the 41 new single-family homes. He said that the subject project site falls within the R-2: Residence District zoning designation, that the site was approximately 20-acres in size, and is located on the north side of W Main Street between N 7th Street and N 8th Street.

He discussed the Subdivision, Site Condominium, and Land Division Ordinance of Article 290. He said that site condominium projects developing under Article 290 require review and approval by the Planning Commission and the Township Board and that the Planning Commission, in this instance, is the recommending body that will need to determine whether to forward a recommendation of approval or denial to the Township Board of this request.

He mentioned that Article 290 includes requirements on arrangement, size, and shapes of building sites, design of streets and pedestrian pathways, stormwater, provisions related to natural features, external factors such as non-motorized and road connections, along with other general site elements.

As he previously noted, the subject site is zoned R-2: Residence District, which allows single-family site condominium developments as an allowable use. He noted that the property abuts single-family homes to the north, west, and south as well as commercial development to the east. He explained that the parent parcel consists of 20 acres and is situated just east of N 7th Street and directly adjacent to N 8th Street. The project site also possesses roughly 720 feet of frontage along W Main and is 1,250 feet deep.

The building sites are proposed to range from 10,600 square feet to 15,683 square feet in area, providing an average site size of 13,193 square feet over the 41-Units, with each site proposed to possess 100 feet of road frontage or greater. He explained that the minimum setbacks for each building site within the development include 30 feet for the front, 10 feet for the sides, and 15 feet for the rear and that all minimum frontage, area, and setback requirements have been met.

The developer is proposing a street network that is planned to be private consisting of a total of three streets, which will be 28 feet wide curb to curb on a 66-foot-wide private right-of-way. He said that no building site within the development will have exclusive access to W Main Street, and that block lengths shown on the site plan are acceptable and satisfy code requirements. He mentioned that Ridgetop Circle and Vertex Circle are proposed to terminate at the development's north end in cul-de-sacs and are proposed to be temporary turnarounds, which are designed as such as they are meant to facilitate future interconnection, should the 10-acre property adjacent to the north ever be subdivided or condominiumized.

Mr. Hutson mentioned that the applicant has submitted a Traffic Impact Analysis to the Michigan Department of Transportation (MDOT) as a part of the permitting process for a new driveway from W Main Street and that the results did conclude that a new access point in the southwest corner of the parent parcel as proposed would be allowed.

A system of 5-foot-wide concrete sidewalks are proposed on each side of the road throughout the site condominium project, as well as associated ADA ramps and concrete curbing are also proposed at each intersection. The Township's Non-Motorized Transportation Plan also identifies a 10-foot-wide shared use path adjacent to the subject site on the north side of W Main Street, which is currently proposed on the site plan. The subject shared use path will be required to go through MDOT's permitting process since this stretch of W Main Street falls within MDOT's jurisdiction.

Mr. Hutson said that public water and sewer are proposed. Construction of municipal water and sewer along the north side of W Main Street between N 7th Street and N 8th Street is currently underway and the site condominium development is proposing to tie into such public infrastructure in the southwest corner of the site and extend it throughout the development. All existing easements have been illustrated and that easements for water, sewer, gas, electric, stormwater, tree preservation, right-of-way, and temporary turnarounds will be necessary. He also said that all easements will be required to be recorded with the Kalamazoo County Register of Deeds Office.

Mr. Hutson said that two stormwater basins are proposed on the south end of the development with easements to gain access to the overall development's stormwater basins. Such access easements are needed for maintenance purposes in the event either basin needs repair, while yard drains to collect stormwater are also proposed in the rear yard for a number of the units in order to accommodate such stormwater needs.

In terms of lighting the developer is proposing street lighting throughout the condominium project. Locations of pole mounted lights are shown on the site plan. A photometric plan satisfying Ordinance requirements will be required to be provided at time of Step 2 Approval.

As a part of the requirements outlined in Article 290, the applicant has provided a natural features preservation plan identifying trees that will be preserved versus trees that will be removed, with protection of preserved trees in areas where key infrastructure or improvements such as roadways, driveways, and dwelling units are planned to be implemented. Of the 1,635 trees that are 8" or greater in diameter on-site, 457 of which will remain intact meaning that 28% of trees 8" or greater in diameter will be preserved, exceeding minimum code requirements. Tree protection barrier fencing will be also be installed for all trees that will remain intact and more than 15% of the project site is set aside as designated open space and that a landscaping plan has been

provided to the Township as a part of this submission and meets Township Ordinance requirements.

Mr. Hutson explained that both the Fire Department and Engineering have reviewed the proposal and are satisfied with the overall design for step one Approval.

The Planning Department staff recommend that the Planning Commission forward a recommendation of step one tentative preliminary plan approval to the Township Board for a 41-unit site condominium development located at 7110 W Main Street with the conditions provided in the staff report.

Mr. Hutson thanked the Commission for their time, noting that he would be happy to answer any questions that the Commission has, and also noted that the applicant was present at the meeting to answer any questions that they have as well.

Mr. Ford asked for clarification about the future extension of 8th Street, and whether it will be a public road or will be a part of this development. He also asked if the neighboring property owner, as well as this property owner, would provide the easement that would hold half of the future road.

Mr. Hutson confirmed that this would be the case, and that essentially 33 feet on the side of the parent parcel would be directly adjacent to 8th Street, and, in efforts to consolidate driveways with the neighboring property to the east.

Mr. Ford asked if the road is constructed in the future if the proposed access driveway would be affected.

Mr. Hutson explained that if the 8th Street extension ever came to fruition that they would be required to close the street access in the southwest corner of the site that the applicants are currently in the process of acquiring from MDOT and causing the current access point to be a hammerhead turnaround for the Fire Department.

Mr. Ford asked if the applicant was amendable to the proposed.

Mr. Hutson answered affirmatively.

Ms. Everett asked if the current site plan could accommodate if 8th Street were to extend north through the property.

Attorney Porter explained that it would have to be a joint effort with the Township and the developer.

Mr. Ford asked if it would also involve the property owner to the east of the applicant's property.

Attorney Porter noted that the Public Works Director has been in conversations with both this developer and the property owner to the east of the property, and that there is a likelihood that the Township may be able to square up 8th Street and then have direct access this way.

Mr. Ford asked if then the centerline of 8th Street would essentially be the currently property line.

Mr. Hutson and Attorney Porter confirmed such.

Ms. Everett asked then if the homes that are proposed on the easternmost part of the development would be accommodated if the road was extended through this part of the proposed development.

Mr. Hutson asked for clarification of the location of where the Chair was discussing.

Attorney Porter explained that the road would require the developer to give a portion of the property and as the road extended north, it would curve inward toward the property to the east. He also noted that he does not expect the extension of the road would be taking the backyard of the proposed homes.

Mr. Hutson then explained where a potential location of the 8th Street extension could go.

Mr. Alistair Smith asked for clarification of where the road would be located in relation to the development.

Mr. Hutson and Attorney Porter provided clarification of the potential location for the 8th Street extension.

Mr. Jefferies followed up by asking for clarification on the location of the potential road extension and whether there would be access to West Main still after the extension is constructed.

Attorney Porter explained where it would be extended out to but noted that that is all future development in cooperation with the Township.

Ms. Everett thanked Mr. Hutson for his presentation and asked if the applicant would like to comment.

Mr. John Lovely, who works with Green Development Ventures LLC and Allen Edwin Homes, the applicant, introduced himself to the Planning Commission. He noted his excitement for the project and explained that they have been working with the Township since the summer of 2023, but recently made the submittal. He notes that he

feels that it is a really great project, and if they receive Step 1 approval, that they would be able to turnaround and submit the Step 2 plans pretty quickly.

Mr. Lovely did want to provide clarification about the extension of 8th Street and how their proposal would provide a 33' easement along the eastern property line and then a 66' easement from an Avenue from within the development. Then, the access to West Main would be closed to be a hammerhead.

Mr. Lovely noted that he would be happy to answer any questions of the Commission.

Mr. Ford asked why the applicant would not move the driveway to the site to the east now, rather than later.

Mr. Lovely noted that the timing would not work correctly, and the grading is difficult and is actually above the 18% that is allowed under the current site condominium ordinance for a street. He explained that there were also trees in the area that they would like to save. He also noted that MDOT approved the present location of the road.

Attorney Porter noted that he spoke with the Public Works Director, and that the case may have been that MDOT would be more concerned about the location being just offset from 8th Street, making it difficult to square up with 8th Street.

Mr. Ford noted that there is presently open space in the area where the road would connect from the internal Avenue to 8th Street and whether it would put them under open space requirements.

Attorney Porter said that, in light of the public safety, the Township would take that into consideration as part of the process and provide flexibility.

Ms. Everett asked if there were any other questions for the Board.

Mr. Jefferies asked if the Board had to formalize some of the future possibilities.

Attorney Porter noted that the current recommendation is to approve the plan as designed as it is currently proposed. He said that if things come forward, as with any site plan, when there are amendments to it, those amendments will come back to the Planning Commission. He noted that he did not think there was any need to formalize it as it may or may not develop.

Mr. Lovely noted that they are currently working on drafting the Master Deed and that they would note that the potential connection in the Master Deed as they already have their attorneys working on the easement.

Attorney Porter noted that, once the Master Deed comes through, all of it is reviewed by counsel.

Vice Chair Everett thanked Mr. Lovely and opened the Public Hearing on the item. She also provided clarification that anyone who wishes to speak should provide their name, address, and that they have four minutes to make the comments. She also noted that it is just a comment period, and that they will not have the opportunity to have back and forth on the item.

Mr. Bob Clays addressed the Commission regarding remaining commercial sites.

Mr. Simon Ashbrook addressed the Commission as there have been no other viable uses for the property in the years that he has owned it.

Mr. Andy Grooten expressed concerns about lighting on the site.

Mr. Paul DeHaan addressed the Commission as he wanted to be included in future conversations about 8th Street extension.

Attorney Porter explained the potential extension of 8th Street is not a part of the site plan up for approval, and that potential extension should not delay the approval of the site plan.

Mr. Brad Wilson stated that he agreed with the comments about the traffic.

Mr. Andy Grooten addressed the Commission asking about sanitary sewer.

Ms. Sandy Edwards, from Callender Commercial, noted that she was representing the seller, and that this has been a very long process.

With no other members of the public wishing to comment, Vice Chair Everett closed the Public Hearing and moved to board discussion.

Mr. Ford noted that he had some additional questions for the applicant which will hopefully address some of the questions presented by the public. He asked if the applicant could speak to the concerns about the lighting plan.

Mr. Lovely said that they do show a number of lights on the site plan but the details are not finalized until they get to Phase 2. He explains that it is typically a Consumer's Energy light and they will all be compliant with Township Ordinances. He said they if they do a photometric study, and there's too much light, they will need to reduce it, likewise with too little light, it will need to be increased. Mr. Lovely also noted that the proposed open space is relatively wooded, and that he hopes that by leaving it the way it is, it will help as a buffer.

Mr. Ford explained that someone had a question about a dashed line on the site plan in the open space and said it was proposed as a natural walking trail.

Mr. Ford then asked about the traffic study, asking what the engineers said, and whose role is it to determine whether a light would need to be installed.

Mr. Lovely said that they had a professional traffic engineer complete a traffic impact analysis and that they determined that the proposed location was acceptable based on all the existing traffic flows and anticipated traffic flows and that a light was not necessary here. He said that that was a positive recommendation with the traffic impact analysis and then also MDOT is supportive of that location and their analysis.

Attorney Porter explained that putting a traffic light in would be under the jurisdiction of the Michigan Department of Transportation and that the Township has no authority and cannot require a light to be put in.

Mr. Ford also noted that, although he does not know which way the sewer will be flowing, that they recommend anyone wondering to call the Township and speak to the engineer if they wish to receive more information.

Mr. Jeremiah Smith asked if the homes would be rented or sold.

Mr. Lovely said that the goal is to sell them all, but if for some reason it sits on the market for too long, they may rent it out. He says that their goal is to always sell every single home. He mentions that from a zoning perspective, ownership is not regulated, just the use. He doesn't ultimately know if they will all sell, but that is the goal.

Attorney Porter confirmed that this is not something the Township regulates (ownership/renting).

Mr. Ford noted that they are meeting all the requirements and it looks acceptable to him.

Attorney Porter noted that the PC would make a recommendation on the site plan, and then it would go to the Township Board, and then Step Two involves more detailed drawings.

Ms. Jodi Stefforia confirmed that Step 2 approval goes directly to the Township Board.

Mr. Jefferies noted that there is no health, safety, or public good that would be affected by approving this, so approval seemed to be the step that they should take.

Mr. Jefferies **made a motion** to recommend Step One approval of Westridge Site Condominiums, located at 7110 West Main Street, with the following conditions:

1. A driveway permit from the Michigan Department of Transportation (MDOT) authorizing the newly proposed curb cut will be required to be obtained at time of submitting formal application for step two approval.
2. Engineering details including, but not limited to access, stormwater management, and water main shall be addressed to the satisfaction of the Township Engineer at time of submitting formal application for step two approval.

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

Vice Chair Everett moved to the next item on the agenda, the Public Hearing for an Ordinance Amendment for Signs and Billboards.

PUBLIC HEARING: Ordinance Amendment – Signs and Billboards

Attorney Porter noted that the updates to the Signs and Billboards Ordinance were due to a SCOTUS case that said some sign ordinances were violating First Amendment rights, and equal protection rights, and therefore, the sign ordinance needed to be rewritten. Attorney Porter continued by noting that he had asked the Planning Director at the time to review the ordinance, but since things were so busy, that it could never quite get done. Attorney Porter noted that, specifically, the ordinances provisions regarding directional signs were not content neutral. Attorney Porter noted that the majority of the reworking of the ordinance was done by Iris Lubbert, the previous Planning Director.

Attorney Porter noted that he can try to answer any questions or concerns that the Commission may have regarding the Ordinance, but that his recommendation is that, if there are things to rework, it may be easier to complete after the bulk of the ordinance is adopted, and then come back to amend.

Mr. Alistair Smith asked if the Commission had seen this ordinance before.

Attorney Porter confirmed that the Commission had seen the ordinance before, but that they had to publish the public notice and open it up for a public hearing. At this time, it is properly published for a public hearing for consideration and recommendation to the Township Board.

Vice Chair Everett opened the Public Hearing. Seeing no members of the public, Vice Chair Everett closed the Public Hearing.

Mr. Ford **made a motion** to adopt the amendments to Section 55: Signs and Billboards and forward a recommendation of approval to the Township Board. Mr. Jefferies **seconded the motion. The motion was approved** unanimously.

Vice Chair Everett moved to the next item on the agenda, an Ordinance Amendment to the Setback Provisions.

PUBLIC HEARING: Ordinance Amendment – Setback Provisions

Attorney Porter noted that this Section has been reworked numerous times, and that his main concern was when a property owner has property abutting a major thoroughfare like West Main, and the Township requests a secondary road to be constructed through their property, consistent with the Master Plan and overall design for future roads, that it would cause extensive setbacks from two roads and could potentially be confiscatory. Attorney Porter noted that this amendment to hopefully reduce the setbacks and some of the requirements from the secondary road so that the Township wasn't accused of an improper taking or overstepping what they could as a public agency.

Mr. Hutson noted that at the February 22, 2024, Planning Commission meeting that Ms. Everett and Mr. Doorlag noted that the ordinance amendment currently reads that 50% of the landscaping can be reduced for the entire property, when the intent is green belt landscaping requirements along the secondary road can be reduced by 50%.

Attorney Porter noted the Public Hearing could be opened and then the motion would be to recommend that the text change to the Township Board with the recommended changes from Mr. Hutson.

Vice Chair Everett opened the Public Hearing, and after seeing none, closed the Public Hearing.

Mr. Ford **made a motion** to adopt the amendments to Section 50.60.C, setback provisions for Business and Industrial Districts, with the edits suggested by Mr. Hutson and to forward a recommendation of approval to the Township Board. Mr. Jefferies **seconded the motion. The motion was approved unanimously.**

Vice Chair Everett moved to other updates and business.

OTHER UPDATES AND BUSINESS

Mr. Hutson noted that the Township has (re)welcomed Jodi Stefforia as the Township Planning Director.

Ms. Stefforia said that she felt very welcome and that she had a couple members of the audience approach her during the meeting. She said that she was the Planner at the Township for 14 years up until 2012. She said a few months ago Ms. Cheri Bell approached her about coming back to the Township, and Ms. Stefforia said she is very glad to be back, especially since there is a great community and an engaged Planning Commission, and that she loves serving in that capacity.

Members of the Planning Commission welcomed her back.

ADJOURNMENT

With no further business to consider, Vice Chair Everett adjourned the meeting at approximately 7:25 p.m.

Minutes prepared:
April 4, 2024

Minutes approved:

DRAFT



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

MEMO

To: Planning Commission
From: Jodi Stefforia, Planning Director
Date: May 9, 2024
RE: Text amendments – draft one

Attached to this memo is a first draft of both a requested amendment to the ordinance from an applicant and a couple suggested amendments from staff based upon application of and/or enforcement of the ordinance.

An applicant has requested that the I-R, Industrial District, Restricted district be amended to allow warehouses and distribution centers. A supporting narrative was prepared by the applicant speaking to the need for such industrial space. It is included in the meeting packet. The original language of the I-R, Industrial District, Restricted was written in the 1980s when industrial land use demands were different and large corporate campuses were expected. Any land that does develop or redevelop in the I-R district is subject to the standards outlined for Industrial-Office Development in Section 49.130 – which includes sidewalks, low impact development, compatible building designs, loading area placement, etc. – regardless of the use. The I-R district is mostly along South 9th Street with a small grouping of parcels along Stadium Drive, west of South 6th Street; I-1, Industrial District can also be found in these areas and does not include the same development standards.

The other proposed amendments address a contradiction in Section 50.70, and address off street parking concerns we hear from residents in Section 52.

We look forward to discussion at the May 9 meeting.

Attachment: Draft One – proposed amendments May 2024

Draft One _ proposed amendments to the Zoning Ordinance (May 2024)

New text is in red. Text to be eliminate has ~~strike through~~ emphasis.

- 1. Add Section 52.30.O Adding warehouses and distribution centers as permitted uses in the I-R, Industrial District, Restricted.** The language would be added as an amendment to Section 26.30, if adopted by the Township Board following recommendation of the Planning Commission after public hearing. See separation application for background and supporting documentation for this amendment.

52.30.O Warehouses and distribution centers.

- 2. Update supplemental setback provisions.** Section 50.70.D contradicts 50.70.E. Keeping and updating 50.70.E. and deleting 50.70.D. eliminates the contradiction and retains a requirement for an increased setback or landscape buffer when there is a one or two-family home on an abutting property in an equivalent or lower zoning district. Reference to a Type F greenspace reflects language that was eliminated when the landscaping provisions were updated.

50.70 Supplemental Setback Provision for Property Abutting a Higher Residential Zoning Classification.

- A. Supplemental setback provision for property abutting property containing an Historical Overlay Zone.

Except where other provisions of the Oshtemo Charter Township Zoning Ordinance require a larger setback for a building or structure, the minimum setback distance between any building or structure and the leading boundary of the Historical Overlay Zone, shall be as follows:

1. Twenty feet where the subject site is developing as a single or two-family dwelling.
2. Fifty feet where the subject site is in an "AG", "RR", "R-1" or "R-2" zoning classification. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "AG", "RR", "R-1" or "R-2" zoning classification as measured from the adjacent grade.
3. One hundred feet where the subject site is in an "R-3", "R-4", "R-C", "C-R", "C", "BRP", "I-R", "I-1", "I-2", or "I-3" zoning [classification]. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "R-3", "R-4", "R-C", "C-R", "C", "BRP", "I-R", "I-1", "I-2" or "I-3" zoning classification as measured from the adjacent grade.

- B. Except where other provisions of the Oshtemo Charter Township Zoning Ordinance require a larger setback for a building or structure, the minimum setback distance between any building or structure and any rear or side property line abutting property located in a higher residential zoning classification than the subject site shall be as follows:

1. Fifty feet where the subject site is in a "R-3", "R-4" or "R-5" zoning classification and abuts property in an "AG", "RR", "R-1", "R-2", or "R-C" zoning classification. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "R-3", "R-4", or "R-5" zoning classification as measured from the adjacent grade.
 2. Eighty-five feet where the subject site is in a "C" or "C-R" zoning classification and abuts property in an "AG", "RR", "R-1", "R-2", "R-3", "R-4", "R-5", or "R-C" zoning classification. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "C" or "C-R" zoning classification as measured from the adjacent grade.
 3. One hundred feet where the subject site is in an "BRP", "I-R", "I-1", "I-2", or "I-3" zoning classification and abuts property in an "AG", "RR", "R-1", "R-2", "R-3", "R-4", "R-5" or "R-C" zoning classification. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "BRP", "I-R", "I-1", "I-2" or "I-3" zoning classification as measured from the adjacent grade.
- C. No off-street parking or storage or outdoor commercial ground activities shall occur within the front, side and rear setback areas hereinbefore set forth unless the same are located a minimum of 15 feet from the interior boundaries of the site.
- ~~D. The foregoing setback requirements shall not apply if a single-family dwelling is located on the site in the lower abutting zoning classification.~~ **Reserved.**
- E. The minimum setback distance between any building or structure and any rear or side property line abutting property with a single- or two-family residence located in an equivalent or lower zoning classification than the subject site shall be 50 feet or a ~~type F greenspace~~ **landscape buffer pursuant to Section 53.40** shall be installed along the property line between the improved area of the subject property and the abutting residence (see [Article 53](#)).
- 3. Amend and Add to Off-Street Parking of Motor Vehicles provisions.** Section 52.130 disallows off-street parking in the front setback area unless on a driveway; amendments are proposed. Section 52.135 is suggested to address side and rear yard parking and storage.

52.130 Off-Street Parking, Storage or Sales (**Front Yard**).

Off-street parking or storage of vehicles, motor homes, recreational vehicles, boats, snowmobiles, camping trailers, or other similar equipment shall be prohibited in the ~~required~~ setback areas between buildings and the abutting public or private street right-of-way or easement on all residential lot, parcel or building sites, in an "AG", "RR", "R-1", "R-2", "R-3", "R-4", or "R-C" zoning district classifications where residences or buildings are located within 200 feet of one another. This prohibition shall be subject to the following exception:

- A. Such parking shall be permitted within private driveways not exceeding ~~22~~ **30** feet in width located within such setback areas provided such driveways **have an improved gravel or paved surface,**

are for the principal purpose of access to a garage or entryway to a dwelling or other permitted use and are not for the principal purpose of off-street parking or storage.

- B. Not more than two vehicles, boats, snowmobiles, camping trailers or similar equipment, in any combination, and owned by the property's occupant may be placed for sale on a lot, parcel or building site. Said items may be placed for a period of no longer than 90 days in a calendar year per item. All said vehicles, boats, snow mobiles, camping trailers or similar equipment shall not be displayed in any portion of the public right-of-way or private street easement.

52.135 Off-Street Parking, Storage or Sales (Side and Rear Yard).

Off-street parking or storage of vehicles, motor homes, recreational vehicles, boats, snowmobiles, camping trailers, or other similar equipment shall be prohibited in required side and rear yard setback areas on all residential lot, parcel or building sites in an "AG", "RR", "R-1", "R-2", "R-3", "R-4", or "R-C" zoning district classifications where residences or buildings are located within 200 feet of one another. Where such side and rear yard parking is allowed, it shall be on a paved or gravel surface.

James N. Rodbard, P.C.

Attorney at Law
3705 Glengarry Avenue
Kalamazoo, MI 49004
Tele: (269) 342-6000
Cell: (269) 217-2228

jnrket@gmail.com

JAMES N. RODBARD

May 1, 2024

Jodi Stefforia, Planning Director
Colten Hutson, Zoning Administrator
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, MI 49009

RE:

Dear Ms. Stefforia and Mr. Hutson:

As you know, I represent Clark Logic, LLC (“Clark”) in connection with a pending Planning & Zoning Application (the “Application”) requesting that Oshtemo Township (the “Township”) and the Township Board amend its Zoning Ordinance to add a permitted use to its provisions for the Industrial-Restricted (“I-R”) zone. This letter serves as an introduction to the Applicant, Clark, and to 6110 Technology, LLC (“6110”), one of affiliates and the owner of a parcel in the area which would also be subject to the proposed ordinance amendment, and their objectives which they believe will support this proposed ordinance amendment.

On or around January 26, 2023, Teresa Porter sold Unit 7 of the Oshtemo Office Park Condominium to 6110. The unit is approximately 8.8 acres of vacant land. One of 6110's members is a Clark related company. On or around May 22, 2023, Clark entered into an agreement with Lewis C. Buell, who has joined in the Application as the “Owner,” to purchase approximately 40 acres of vacant land located directly north of Unit 7. That proposed purchase is subject to Clark’s ability to use that parcel and Unit 7 for the purposes set forth in the Application before you. A Clark entity also owns approximately 13.7 acres due west of the 40 acres at 4001 South 9th Street.

Clark is a long time owner of logistics and warehousing businesses across Southwest Michigan and Northern Indiana. It has also been involved with the development of significant warehouse and distribution centers in the area in recent years. This Application seeks to amend and expand the

definition of permitted uses in Article 26 of the Zoning Ordinance, §26.30 to add as a new Subsection O, “Warehouses and Distribution Centers” as permitted uses.

Attached to this letter as Exhibit A is a survey of Local Industrial Construction and sales of the properties between December 2022 and September of 2023. Of the eight units listed, Clark has been involved with the development of items 1, 3 and 4. In addition, Clark has developed a 240,000 square foot property on East Milham in Portage, and 272,000 square feet of warehouse space on Watkins Road in Battler Creek for previously identified tenants (with Phase 2 of the development in process). As mentioned at the time Clark met with the Planning Department, it has more than 4 million square feet of warehouse and distribution space under its management. Clark’s developed properties are aesthetically pleasing and are of first class construction. Its tenants are Fortune 500 companies, including several well know Kalamazoo area business. Attached as Exhibit B are photos of recent projects in process or completed in Kalamazoo and Calhoun Counties.

Also attached to this letter as Exhibit C is an assessment of the demand for warehousing and distribution facilities in the Kalamazoo region as of the first quarter of this year. The vacancy rate for such facilities is 2.3% and falling, and the demand is high. This is in contrast with other regions nationally where the overall industrial inventory has increased by 2% and sits at an approximate 5% vacancy rate. In fact, at the time Clark met with the Planning Department, it was contacted by a major Kalamazoo area manufacturer seeking approximately 250,000 square feet of warehouse space which, on information and belief, remains unfulfilled.

As you may know, Southwest Michigan First has weighed in on this Application, and enthusiastically supports the proposed amendment as well. See Exhibit D, attached. It clearly outlines the benefit the Township and its residents could experience by unlocking “the potential of strategic sites that are poised for *positive future development.*” (Emphasis added.)

Numerous studies have discussed the so-called “Amazon Effect.” Simply put it is the “disruptive effect of e-commerce on the global retail industry and its supply chain.” Of course, this effect is not limited to Amazon warehouse and distribution centers, but to the very nature of the distribution of goods from brick and mortar retailers to e-commerce. Southwest Michigan First noted that “[i]n our regional economic landscape, the necessity for warehousing and distribution facilities has become increasingly pronounced.” Clark and 6110 are asking the Township to help unlock this potential for their properties.

The properties at issue are zoned “I-R.” See Article 26 of the Zoning Ordinance. This zoning area lists permitted uses in §26.30. Clark proposes to amend §26.30 to add a new Subsection “O” which will permit “warehouses and distribution centers.” Because these are deemed permitted uses under the “I-R” classification, appropriate additional requirements are present in the classification to insure that the development enhances the area and furthers the objectives of “I-R.”

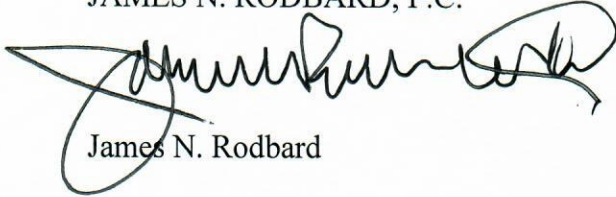
It is on this basis, Clark asks the Township to consider its Application and to amend and enlarge §26.30 to add this necessary change consistent with the changed “regional economic landscape.” The

Page 3
May 1, 2024

undersigned, Clark, 6110 and the Owner are available to answer any questions or provide any further information the Planning Department and the Township may require for its evaluation of this Application.

Very truly yours,

JAMES N. RODBARD, P.C.

A handwritten signature in black ink, appearing to read 'James N. Rodbard', written over a horizontal line. The signature is stylized and cursive.

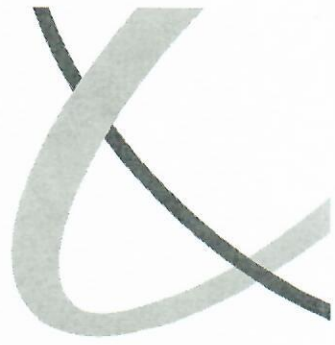
James N. Rodbard

JNR/

cc: Clark Logic, LLC
6110 Technology, LLC
David Keyte
Derek Weissner

This page left intentionally blank for printing purposes.

EXHIBIT A

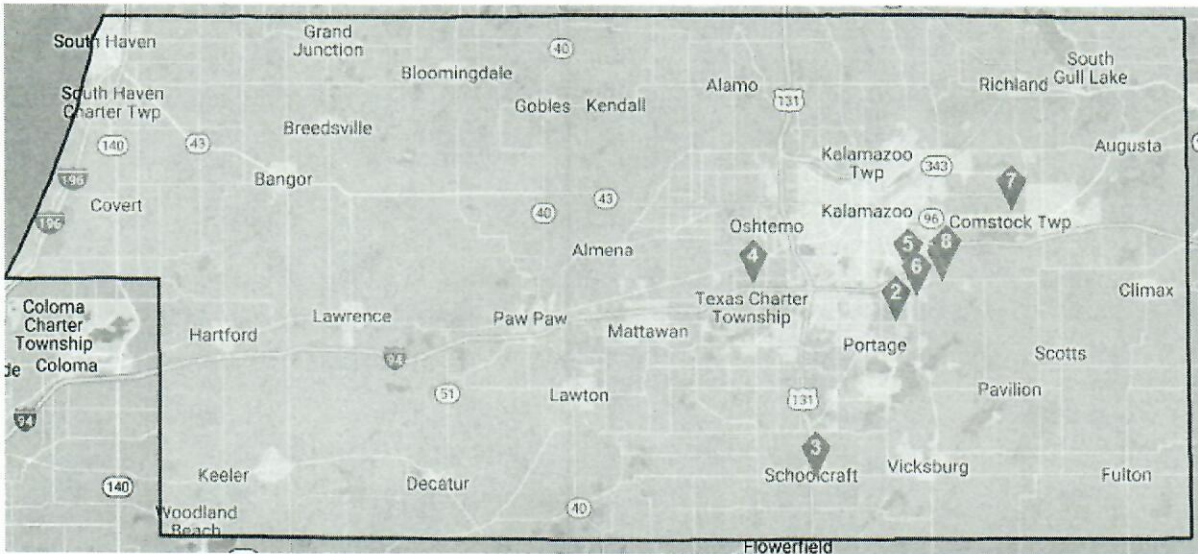


LOCAL INDUSTRIAL CONSTRUCTION

In response to the high demand, developers have risen to the challenge and are currently building 8 new buildings in our local market. Of those, nearly all are leased prior to the completion of building.

	Property Name / Address	Bldg. SF	Start Date	Complete
1	Pavilion Township Site	1,035,000	Dec 2022	June 2024
2	Pfizer	420,000	May 2021	Dec 2024
3	555 Eliza, Schoolcraft	126,000	April 2023	June 2024
4	5383 International, Kalamazoo	120,000	June 2023	June 2024
5	Zoetis	60,000	Jan 2022	June 2024
6	5870 Sprinkle, Portage	50,000	Sept 2023	May 2024
7	8931 E K Ave, Galesburg	41,467	May 2023	May 2024
8	26 th Street, Kalamazoo	10,000	June 2023	June 2024

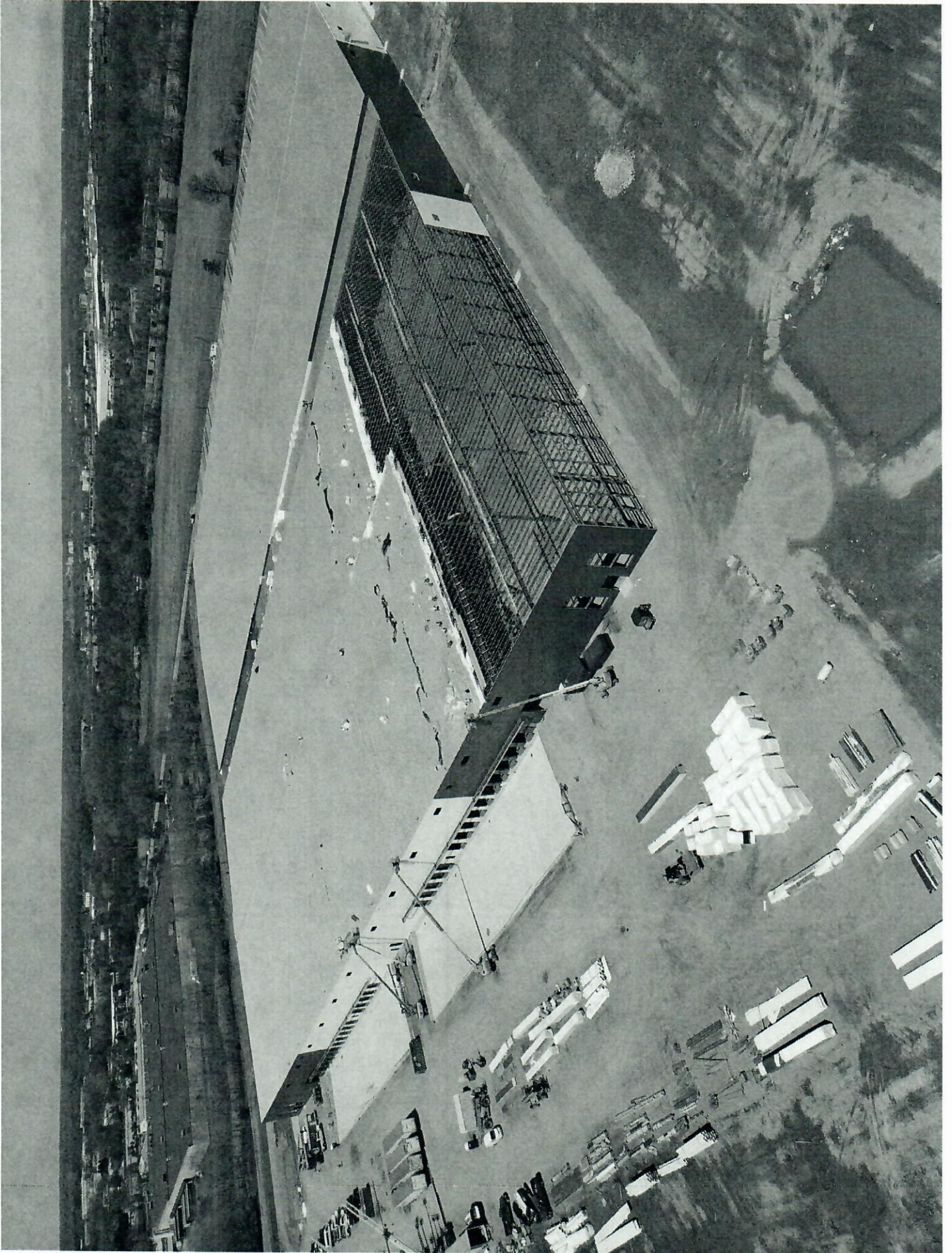
Properties	Square Feet	Percent of Inventory	Released
8	1,862,467	5.2%	98.5%



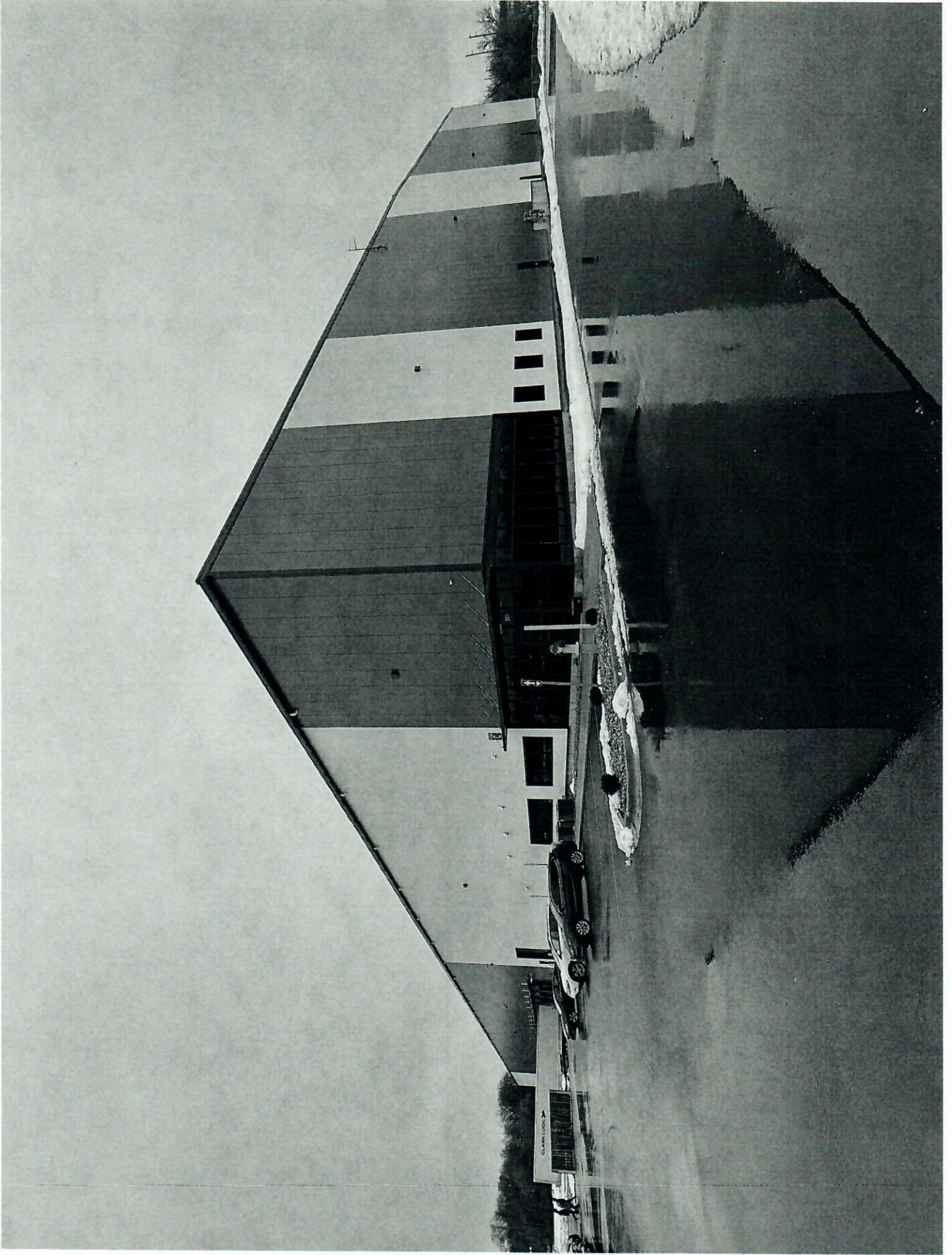
* Data sourced from CoStar and interpreted by Callander Commercial

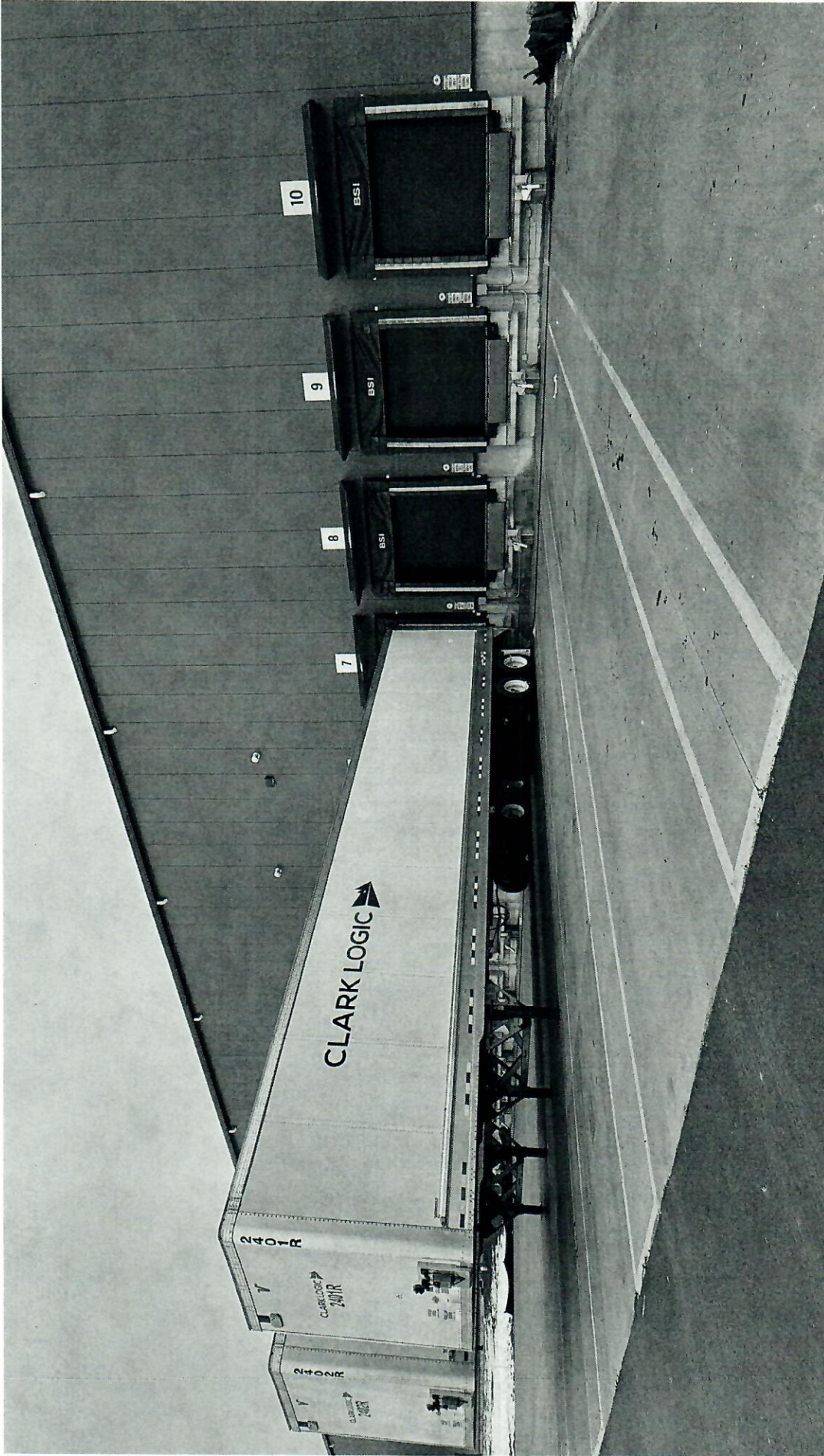
EXHIBIT B

5720 East N Avenue
Kalamazoo, Michigan

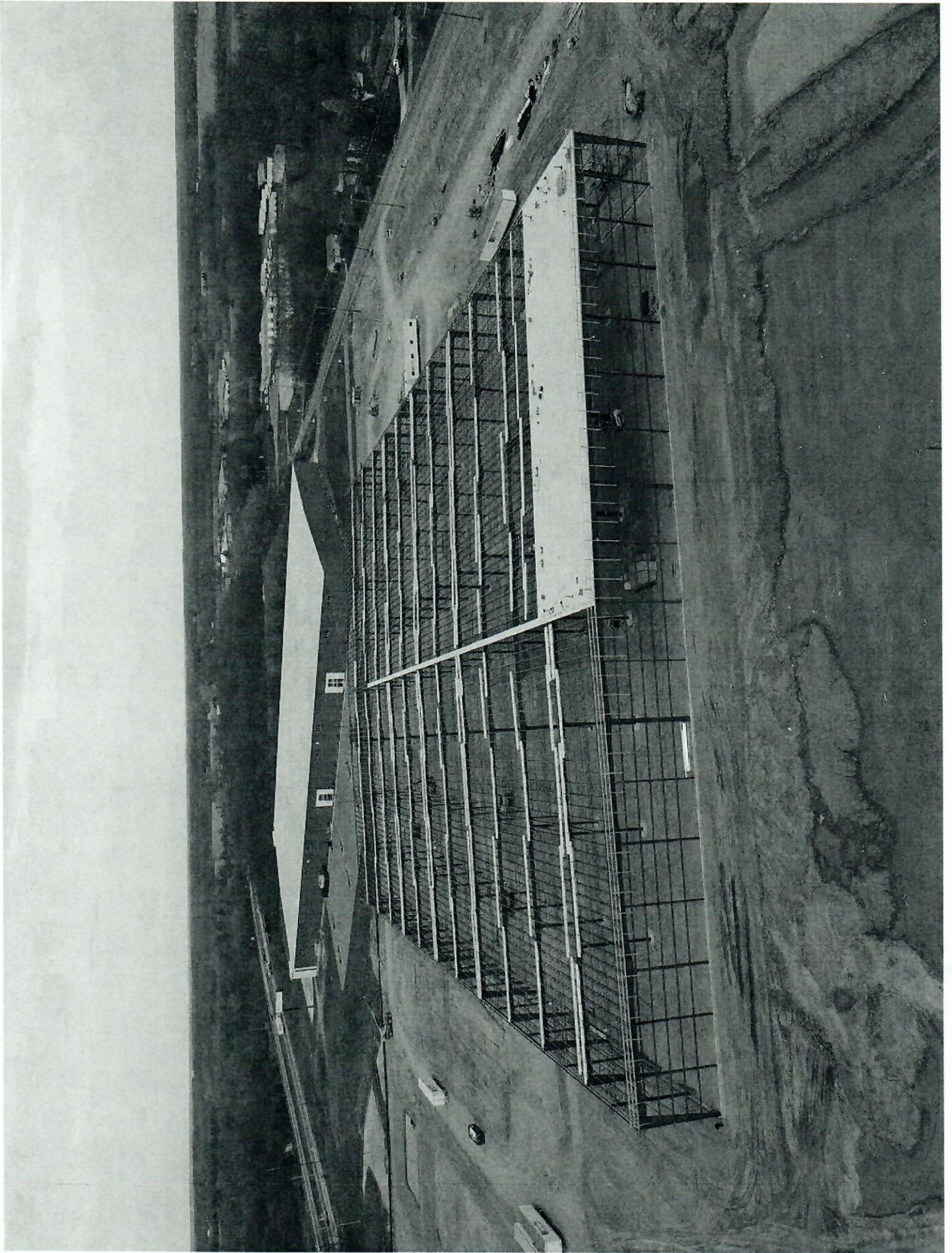


801 East Milham Avenue
Portage, Michigan



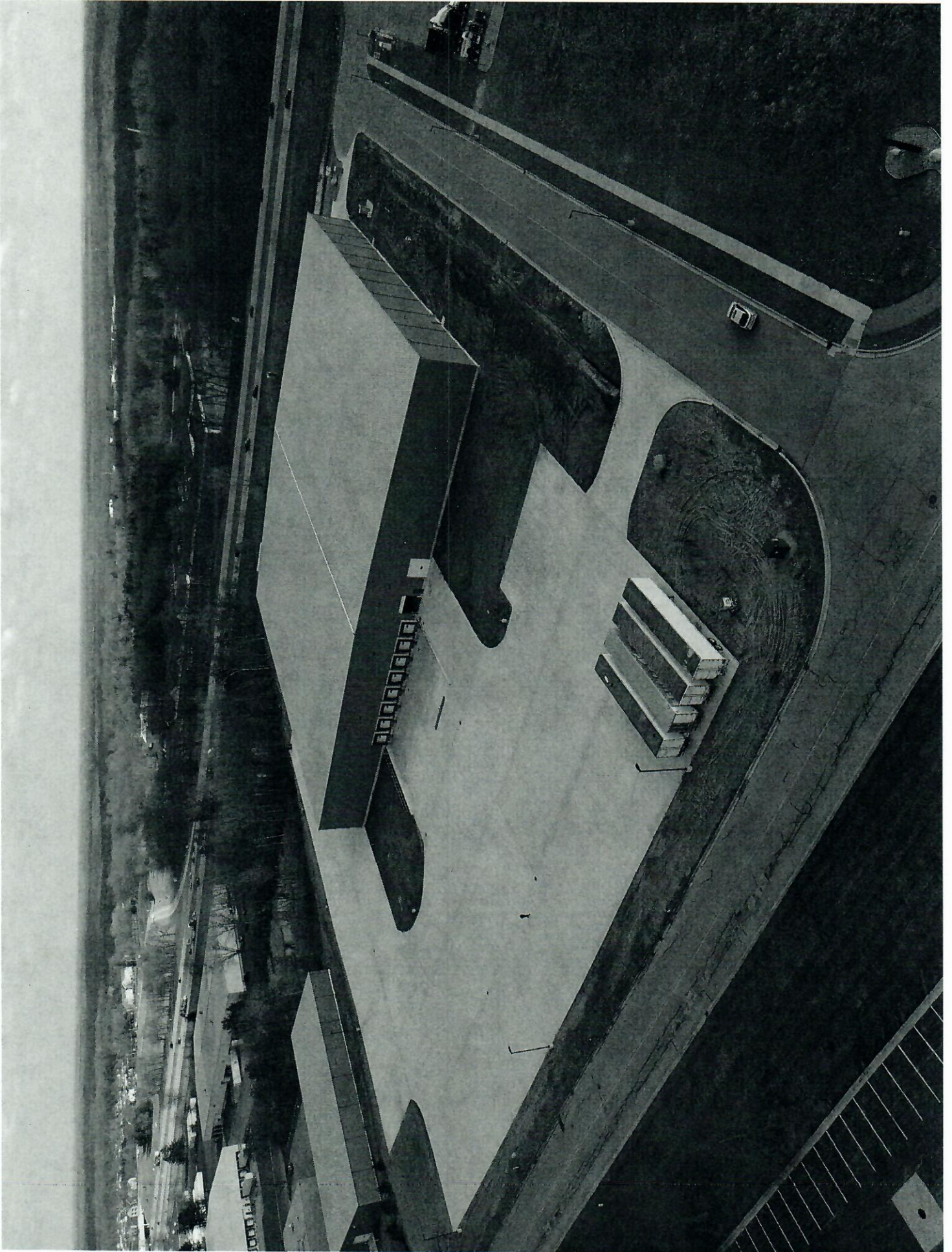


211 Watkins Road
Battle Creek, Michigan

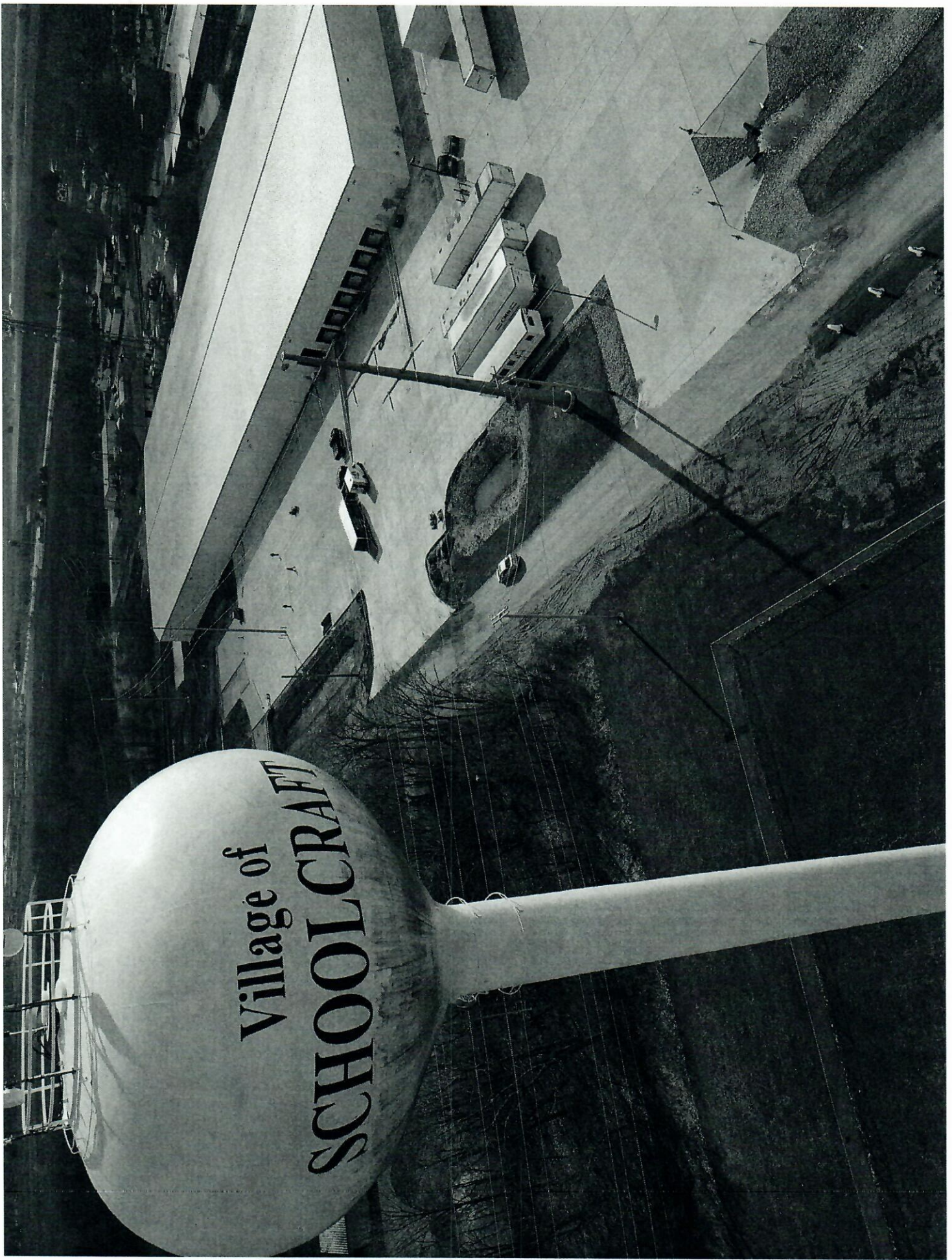




5383 International Drive
Kalamazoo, Michigan



200 East Lee Street
Schoolcraft, Michigan



This page intentionally left blank for printing purposes.

EXHIBIT C



SIGNIFICANT DEMAND FOR WAREHOUSING AND DISTRIBUTION IN THE KALAMAZOO REGION

Our community is particularly suited for Warehousing and Distribution Centers as it is intersected by I-94, a natural shipping corridor. This gives us a distinct advantage over many other communities.

This is supported by data. We are seeing much lower vacancy rates locally versus the national average. The vacancy rate in the Kalamazoo area industrial market is currently 2.3% and has decreased 0.3% (less available inventory) over the past 12 months. Meanwhile, the national average increased by 2.0% and hovers around 5%.

Within our industrial market, Warehousing and Distribution currently has the least amount of available inventory with a Vacancy Rate of 1.8%.

2024 Q1	Rentable Industrial Building Area	Vacancy Rate	Under Construction
Warehousing & Distribution	16,345,718	1.8%	1,332,467
Specialized Industrial	19,719,396	2.4%	530,000
Flex Industrial	1,827,887	12.1%	0
Market	37,893,001	2.3%	1,862,467

* Data sourced from CoStar and interpreted by Callander Commercial

EXHIBIT D

April 15, 2024

Oshtemo Charter Township Board
7275 W Main Street
Kalamazoo Michigan, 49009

Dear Oshtemo Charter Township Board,

On behalf of Southwest Michigan First I am writing to express our support for the proposed zoning amendment to section 49.130 in Oshtemo Charter Township's zoning ordinance to allow for warehousing/distribution in an industrial-office development. Warehousing/Distribution has returned as a high demand industry across our region. This amendment would help unlock the potential of strategic sites that are poised for positive future development.

In our regional economic landscape, the necessity for warehousing and distribution facilities has become increasingly pronounced. This amendment offers a strategic response to this demand, positioning the Township to harness economic opportunities effectively. Warehousing and distribution facilities are welcomed by communities for their substantial contributions to local tax bases and employment rates. Moreover, the construction phase will provide immediate economic stimulus, with long-term benefits accruing through sustained employment opportunities and enhanced economic diversification.

Oshtemo Charter Township is situated at the crossroads of several major transportation routes, and with its proximity to Detroit and Chicago, and Grand Rapids to the north, it experiences a growing need for modern logistics facilities. Embracing this zoning amendment would strategically position the Township to meet this demand, attracting investment and catalyzing economic vitality.

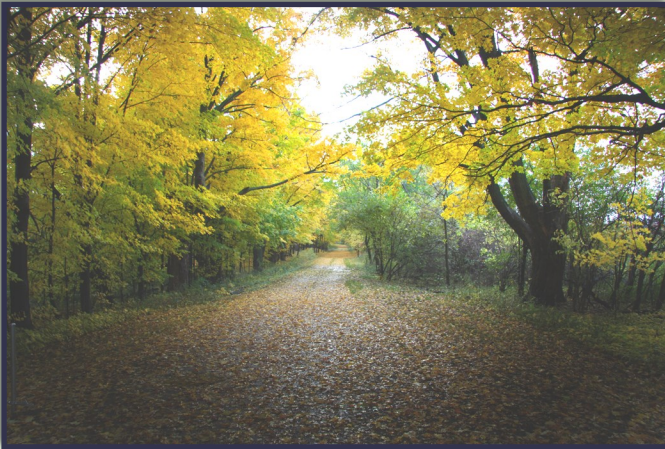
Sincerely,



Jill Bland, Executive Vice President
Southwest Michigan First

Cc: Jodi Stefforia, Planning Director
Dusty Farmer, Clerk
Melissa Rugg, Deputy Clerk
James Porter, Attorney
Kristine Biddle, Assessor
Leeanna Harris, Planning Secretary

OSHTEMO
PLANNING DEPARTMENT
ANNUAL REPORT
2023
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 2023 and provides updates on the activities and projects planned for 2024.

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

2023 ORDINANCE AMENDMENTS

Ordinance No. 647 – (*Zoning Board of Appeals*) Text Amendment to Article 69, complete rewrite. This amendment of all residential zones within the Township to allow for Qualified Residential Treatment Programs (QRTP) as defined by Chapter 722 of Michigan Compiled Laws Governing Child Welfare Organization as a permitted use.

Ordinance No. 648 – Text Amendment to Article 50, Section 50.10 A & C, Article 64, Section 64.90A, & Article 65, Section 65.60. Ordinance Amendments to Article 64 and 65 were necessary because the Township Ordinance prescribed a one-year approval for Site Plans and Special Uses, with an option to request an extension from the original approving body prior to the expiration of the one-year validity period, allowing administrative approval of the extensions. The Ordinance Amendment to Article 50 provided clarification on how frontage is measured, whether lots or building sites need to be situated on a public street or road, and when a deviation for an unbuildable parcel is warranted.

Ordinance No. 653 – (*Commercial Wind Energy Conversion System & Commercial Solar Energy Array Zoning Moratorium*) Text Amendments to Sections: 2, 4.40, 5.40, 8.4, 9.4, 10.4, 11.40, 18.40, 19.50, 20.40, 21.40, 26.50, 27.40 & 28.40. This Amendment imposed a Moratorium on all Consumer Wind Energy Conversion Systems and Commercial Solar Arrays until the time that necessary ordinance provisions are revised or developed, to ensure the public health, safety, and welfare associated with the Development of Commercial Wind Energy Conversion Systems and/or Commercial Solar Arrays.

Ordinance No. 654 – (*Airport Zoning*) Amendment adding Article 58 to the Township Zoning Ordinance. This Ordinance Amendment was to protect the flight patterns and landing area of Newman’s Field, a public use airport.

Ordinance No. 656– (*Wireless Telecommunication Facilities 5g*) Repeals Article 49.80 and replaces it with Article 59 of the Township Zoning Ordinance. This Ordinance Amendment related to Federal regulations which required that municipalities allow for 5G facilities. Since the Township did not have any guidance, it was pertinent to update the Ordinance to allow

the Township to have control over where and how the facilities are placed.

Ordinance No. 659- Text Amendment to Section 2.20, 42.30, & 50.30. This Ordinance Amendment was drafted while creating the Airport Ordinance, when Staff became aware that the Township Ordinance did not set height limitations for a majority of single- and two-family dwellings. To ensure the intent of the airport ordinance can be fully executed, height standards were needed.

Ordinance No. 660- (*Solar Energy Systems*) Amendment adding Article 60 to the Township Zoning Ordinance. This Ordinance Amendment was prepared to address the lack of a comprehensive general ordinance or zoning ordinance provisions regarding the development of commercial Solar Energy Systems within the Township.

Ordinance No. 651 - (*Private Road & Private Streets Zoning Moratorium*) Text Amendment to Article 34, Section 34.70, Article 35, Section 35.50, Article 41, Section 41.80, Article 42, Section 42.30, Article 43, Section 43.50, Article 44, Section 44.50, Article 48, Section 48.100, & Article 49, Section 49.200. This Amendment imposed a Moratorium on all Private Roads/ Streets, until such time as the Zoning Ordinance can be revised to incorporate the necessary revisions to address connectivity and access management to ensure, public health, safety, and welfare, associated with the development of Private Roads/ Streets.

Ordinance No. 662- (*Amended Private Road & Private Streets Zoning Moratorium*) Text Amendment to Article 34, Section 34.70, Article 35, Section 35.50, Article 41, Section 41.80, Article 42, Section 42.30, Article 43, Section 43.50, Article 44, Section 44.50, Article 48, Section 48.100, & Article 49, Section 49.200. This Amendment accomplished the same as Ordinance No. 651.

ORDINANCE PROJECTS CONTINUING INTO 2024

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, 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, 2023, meeting into their regular September 8th, 2023, meeting. Planning Commissioners felt that work on this Ordinance could be put on pause due to the work on the Master Planning efforts.

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.

Private Streets Ordinance — The Planning Commission extended the Moratorium on Private Road and Private Streets two times this year (as previously mentioned in the 2023 Ordinance Amendments section). Efforts to complete the Township’s Transportation and Mobility Ordinance to create a connected transportation system that serves all travel modes and aligns with the Township’s planning goals, prioritizes safety to eliminate traffic-related injuries and fatalities, promoting public health and well-being, ensures that all of our residents have access to affordable and reliable transportation options for their daily needs, designs transportation systems that fit the unique characteristics of our community, while respecting its identity, and encourages walking, biking, and other active transportation methods, support economic growth, and promote public health. Work on this ordinance continues.

2023 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 was completed

and formally adopted in 2023. Also in 2023, the preliminary stages began for creating the new Master Plan, described below.

UPCOMING ORDINANCE AND MASTER PLAN AMENDMENTS

One of the purposes of the Annual Report is to look ahead to 2024 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: the Transportation and Mobility Ordinance; signage ordinance; the Mixed-Use Ordinance; 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 — The Housing Plan described above was formally adopted by the Township Board in December 2023. In partnership with Progressive AE, the Township kicked off the comprehensive master plan process. This project would include a long range transportation plan, an 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.

MEETINGS / ATTENDANCE

Participation records are shown below. The Planning Commission had a total of 22 regular meetings, two joint meetings, and two special meetings. Of the 22 planned regular meetings, 18 meetings were held and four were cancelled due to lack of agenda items. November and December had only one meeting each due to the holidays. Commissioner Anna Versalle’s term ended after the July 27th meeting, while Scott Makohn joined the Planning Commission starting at the September 14th regular meeting.

Commission Members	Attendance
Zak Ford	16/18
Micki Maxwell	16/18
Alistair Smith	17/18
Phil Doorlag	17/18
Anna Versalle	11/12
Scot Jefferies	18/18
Deb Everett	16/18
Scott Makohn	4/4

PLANNING COMMISSION CONT.

SPECIAL EXCEPTION USES continued

A total of six Special Exception Use applications were submitted and reviewed by the Planning Commission in 2023. All but one were approved (due to a ZBA decision pulling the item from the agenda), 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 2023 can be found below.

One of the Special Exception Uses was for a new residential development: Sunset Pointe Condominiums, located on Meridian Avenue, which is a 33 building duplex development (66 units), with club house, community pool and associated parking lot, which was approved. This item went before the Planning Commission in 2022 for initial feedback.

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. One event was approved by the Planning Commission in 2023, a total of ten events were approved administratively. A summary of the ten administratively approved events can be found on page 9 of this report.

Three extension requests were submitted for Special Exception Use applications; with the extensions being approved administratively. The extension requests were for Sunset Pointe Condominiums, Faraday, and Tournesol.

Total Special Exception Use Reviews in 2023:				6
Project Title / Address	Applicant	Use/Project Summary	PC Decision	Date
Sunset Pointe Condominiums / Meridian Avenue (Parcel #05-26-460-021)	Scott Carlson, Sunset Pointe Condominiums, LLC	A 33 building duplex development (66 units), with club house, community pool and associated parking lot	Approval	3/23
Consumers Energy / Parkview Avenue (Parcel #05-25-355-010 AND #05-26-490-031)	Joseph Lawson, Consumers Energy	To establish a natural gas regulator station with a 3,240 sqft unmanned building and one 120 sqft accessory building, with security fence with barbed wire	Approval	3/23
National Health and Nutrition Examination Survey Temporary Outdoor Event / 2747 S 11th Street	Westat Inc.	To allow a temporary outdoor event to locate CDC Mobile Exam Center medical trailers in the Delta Marriot Kalamazoo parking lot from April 8, 2023, through June 10, 2023.	Approval	3/23
Friendship Animal Hospital / 2999 S 11th Street	Walt Hansen, Hansen Building and Design Corp.	To establish a 5,614 square foot veterinary and small animal clinic with corresponding site elements	Pulled from agenda due to ZBA decision	11/16
Long John Silver's / 5481 W Main Street	Greg Minshall, Matrix Consulting Engineers	To redevelop the site with one 2,288 sqft building to continue to serve as a fast food restaurant with drive through	Approved	12/14
West Port Village PUD / 5401 W H Avenue	Jeff Scheffers, Visser Construction	To amend Unit 1 within the West Port Village Planned Unit Development (PUD) to establish an assembly and convention hall use in addition to the existing office space.	Approved	5/25

PLANNING COMMISSION CONT.

REZONINGS

The Planning Commission received five rezoning requests in 2023. Three of the requests were for conditional rezonings. Summaries of the rezoning requests are provided below.

Rezoning Reviews in 2023:		5	
Request / Address	PC Recommendation	Public Hearing	TB Decision
R-3 to I-1 / 1580 S 8th Street	Approval	7/27	Adopted
R-2 and C to C / 8447 Stadium Drive *	Denial	8/24	Denied
R-2 and C to C / 8469 Stadium Drive *	Approval	10/26	Adopted
AG to RR / 9177 W G Avenue	Approval	12/14	Adopted
R-2 to R-4 / 6660 W Main Street *	Approval	3/23	Adopted

* Indicates Conditional Rezoning

ZONING BOARD OF APPEALS

SITE PLAN REVIEW

One site plan review went before the Zoning Board of Appeals, which was for a new construction/an addition to an existing site. Adam Harvey of Glas Associates, on behalf of Taplin, requested site plan review in order to construct a 40,375 square foot maintenance and storage facility, located at 5070 W Michigan Avenue. This item was approved by the Zoning Board of Appeals on March 21, 2023.

TEXT INTERPRETATION

The Zoning Board of Appeals reviewed one text interpretation request in 2023. A text interpretation is where the Zoning Board of Appeals is authorized to interpret the text of the Zoning Ordinance. The one text interpretation that the Zoning Board of Appeals reviewed in 2023 involved an interpretation of Section 41.60.B of the Zoning Ordinance to determine if assembly and convention halls are an appropriate neighborhood commercial use within a residential PUD. The motion was approved to interpret Section 41.60.B to allow Assembly and Convention Halls (meeting rooms) as an acceptable neighborhood commercial use within a Residential PUD as they can be a low intensity commercial use serving the neighborhood as well as the needs of the residents within the development.

VARIANCES

The Zoning Board of Appeals reviewed one dimensional variance request in 2023. 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 out-of-step with that ordinance, necessitating a review that may warrant an ordinance revision.

The one dimensional variance request received by the Zoning Board of Appeals was to construct a new commercial building 25 feet from both of the side yards while 50.70.E of the Township Ordinance requires 50-foot side yard setbacks. The project was at 2999 S 11th Street. The Zoning Board of Appeals denied the request.

The Zoning Board of Appeals also reviewed two non-dimensional variances. These were for Sign Impressions, on behalf of HCD Properties LLC, requesting two sign variances pertaining to new on-site signage for an industrial property located at 3680 Stadium Park Way. Both variances were requesting relief from Section 55.90 of the zoning ordinance which governs the use, area, type height, and number of signs allowed for industrial land uses. Both requests were approved by a unanimous motion.

MEETINGS / ATTENDANCE

Zoning Board of Appeals meetings are generally scheduled on the fourth Tuesday of each month. In 2023, of the twelve regularly scheduled meetings, four were held and eight 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.

Board Members	Attendance
Alistair Smith	3/4
Anita Smith, Chair	4/4
Louis Williams	4/4
Fred Gould	4/4
Dusty Famer, TB Liaison	4/4
Harry Jachym	4/4
Rick Everett	4/4

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. The Planning Department reviewed nearly 600 applications.

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 19 administrative development reviews were completed in 2023. A brief summary of the 2023 staff level reviews are on the following pages. Please note that two 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 address assignment. 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, now the Oshtemo Building Department, 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 2023, the Township issued 469 building permits. Of the total number of building permits issued in 2023, 311 required zoning approval by the Township Zoning Administrator.

SIGN PERMITS

A total of 38 sign permits were issued in 2023. New signs were over half of the sign permits issued in 2023, at 29 permits. The remaining 9 permits were for temporary signs or special event 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, COMBINATIONS, REDESCRIPTIONS

In 2023, the Zoning Administrators worked with the Assessing Department to review 12 land division, re-description, or combination applications. The task of the Zoning Administrator is

to ensure that the requested change to property boundaries meets the 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 2023, a total of 18 sidewalk 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 2023, 15 address requests were approved. Of the 15, two were for multi-tenant commercial centers. Two were for two residential developments. The residential developments included addresses for a 31-unit manufactured housing community along with addresses for a 66-unit condominium development.

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 2023, 11 Zoning Verification letters were issued.

ADMINISTRATIVE SITE PLAN REVIEWS

Total Amendments Administratively Reviewed in 2023:		6
Address	Applicant	Use/Project Summary
1300 S 8th Street	Naylor Landscaping	New building on site with corresponding site modifications
501 N 9th Street	Carlson Consulting Engineers, Inc.	Parking lot repaving and improvements for Walmart (2)
5034 W KL Avenue	Willard Mott	Directional signage added to site
6740 Andover Drive	Anna Bullock / Jennifer Flannery	Pinehurst Townhomes site modifications
6312 Quail Run Drive	Jason Miner	Heritage Christian Academy site additions

ADMINISTRATIVE COMMUNICATION TOWER REVIEWS

Total Administrative Communication Tower Upgrade Reviews in 2023:		2
Address	Applicant	Approval Date
4048 S 9 th Street	SMJ Consulting Services	4/5
5656 Beech Street	Mastec Network Solutions, LLC	7/28

TEMPORARY OUTDOOR EVENTS

Total Administratively Reviewed Temporary Outdoor Events in 2023:			10
Address	Applicant	Event	Approval Date
717 N Drake Road	B2 Outlet Stores	Temporary outdoor event in the site's parking lot with food trucks on March 28, 2023.	3/24
2345 N 10th Street	Centerpoint Church	Temporary outdoor event for Trunk or Treating held on October 21, 2023.	10/19
6800 W Main Street	Country Fresh Farms	Meat sale event, taking place from the site's parking lot from July 19, 2023, through July 22, 2023.	6/12
8178 W Main Street	D&R Sports Center	Temporary outdoor Boat and Sports show with a food vendor from April 14, 2023, through April 16, 2023.	3/20
5034 W KL Avenue	The Good Stuff Fireworks	Temporary outdoor sale of fireworks from the site's parking lot from June 22, 2023, through July 8, 2023.	6/22
8456 Stadium Drive	Lawton Ridge Winery	Temporary outdoor event in the site's parking lot with food trucks on Wednesdays from April 12, 2023, through October 25, 2023.	4/3
8126 W Main Street	Kazoopy's Pizza & Grinders	Temporary outdoor car show in the site's parking lot on May 21, 2023.	5/19
5030 W Main Street	Oshtemo Township Rotary Club	Temporary outdoor event for the Oshtemo Rotary Family Festival in the site's rear parking lot on May 25, 2023, through May 29, 2023.	5/16
6660 W Main Street	TNT Fireworks	Temporary outdoor sale of fireworks from the site's parking lot from June 27, 2023, through July 5, 2023.	6/12
2747 S 11th Street	Westat Inc.	Temporary outdoor event to locate CDC Mobile Exam Center medical trailers in the Delta Marrior Kalamazoo parking lot from April 8, 2023, through	3/23

[This page left intentionally blank]



OSHTEMO COMPREHENSIVE PLAN

YOU'RE INVITED!

Please save the date and join us for a **Community Visioning Session!** We will engage in discussions about the Township, connect with fellow community members and leaders, and create a vision for the future of Oshtemo. We hope to see you there!

Thursday, June 13, 6:00 pm - 8:00 pm
Oshtemo Township Hall
7275 W Main St, Kalamazoo, MI 49009

