

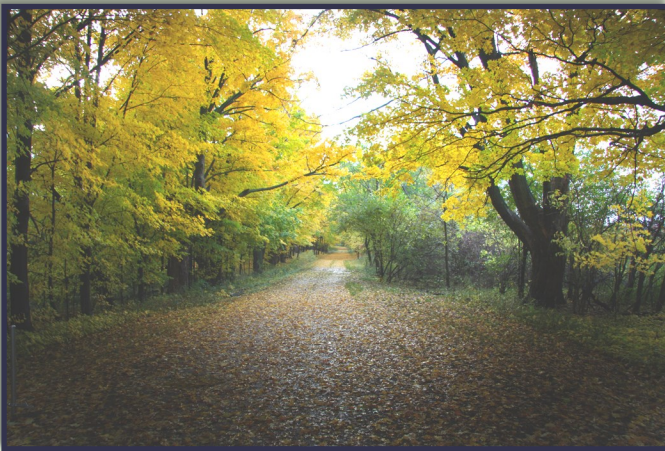
OSHTEMO

**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.

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# PLANNING COMMISSION

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## 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 Commission’s 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.

<b>Board Members</b>	<b>Attendance</b>
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 <sup>th</sup> 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 June 10, 2023.	3/23