

OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009

July 23, 2024

Refer to page 3 for Virtual Meeting Information

REGULAR MEETING
5:30 P.M.
AGENDA

1. Call to Order
2. Remote Location Identification (for remote attendance when permitted by statute)
3. Pledge of Allegiance
4. Township Mission/Vision/Core Values
Core Value: Integrity – Decisions are made logically through the collection of evidence, facts, and public input.
5. Public Comment on Non-Regular Session Items
6. Public Officials Updates
7. Consent Agenda
 - a. Meeting Minutes [[Minutes of Budget Meeting July 9, 2024](#)]
 - b. Draft MOU: Collaboration with Oshtemo Friends of the Parks and KPL
8. July 2024 Employee Spotlight: Kerri Tyler, Clerk's Assistant
9. Board Update: Oshtemo Fire Department, Chief Greg McComb
10. First Reading of Zoning Ordinance Amendments, No. 672
11. Consideration: Employee Handbook Amendment
12. Consideration: Updated Board Appointment Policy
13. Consideration: Updated Sunshine Fund Committee Policy
14. Resolution to Enter into a Closed Session to Discuss the Written Opinion of Counsel and the following litigations: Solarek v. Klerk, Kellison Woods Condominium Association, & Oshtemo Charter Township, Case No. 2019-0338-CH and Solarek v. Doerr, Page, Cummins, Porter, Oshtemo Charter Township & PNC National Association, Case No. 2023-0379-CZ
15. Public Comment
16. Board Member Comments & Committee Updates
17. Other Updates & Business
18. Adjournment

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

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

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

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

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

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

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

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

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
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>			
Rod Rought	216-5222	rrought@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	375-4260	jstefforia@oshtemo.org	
<u>Public Works Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this Meeting ID: **818 2435 4562**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet, or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **818 2435 4562#**

Participant controls in the lower-left corner of the Zoom screen:



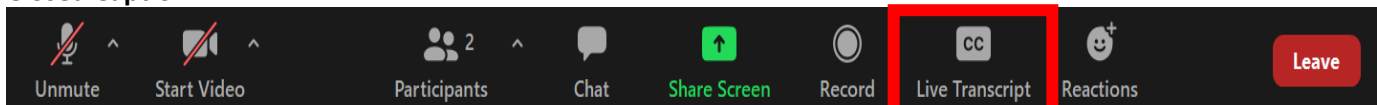
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

Closed Caption:



Turn on Closed Caption:

Using the icons at the bottom of the Zoom screen:

1. Click on the “Live Transcription” button.
2. Then select “Show Subtitle”.

Mission:

To advance the quality of life of all residents through a commitment to responsible growth, and value-driven municipal services that promote the relationships among economic vitality, environmental stewardship, and social equity.

Vision:

A sustainable and innovative community built through a legacy of planned, responsible growth and rural preservation.

Core Values:

PUBLIC SERVICE

- Fair treatment to all people.
- Each customer is welcomed and that their input is wanted.
 - Difficult questions are not marginalized.
- Allow residents to interact directly with the township staff and officials.
- Decisions are made based on the value to our Township and residents.

SUSTAINABILITY

- Meet the needs of the present without compromising future generations.
 - Consider the environment through practices that reduce impacts.
 - Value conscious decision making.
 - Committing to quality Fire and Police protection.

INNOVATION

- Providing the best value-conscious technology currently available.
- Leverage new technologies and ways of doing business to increase accessibility and improve services.

PROFESSIONALISM

- Hire staff with strong core competencies within their given profession.
- Commitment to continuous improvement to government operations.
- Dedicated to open communication to improve productivity and effectiveness.

INTEGRITY

- Decisions are made logically through the collection of evidence, facts, and public input.
 - When promises are made, we follow through.
 - We do not obfuscate – we say what we mean and do what we say.
 - Transparent governmental practices are of the highest priority.

FISCAL STEWARDSHIP

- Ensure that taxpayer investments are spent wisely, effectively and efficiently.

Memorandum



Date: 7/23/2024
To: Township Board
From: Vanessa Street, Parks Director
Subject: StoryWalk at Oshtemo Township Park

Objective

Motion to approve partnership with Kalamazoo Public Library and Oshtemo Friends of the Parks, and formally agree upon the terms of the MoU for the StoryWalk at Oshtemo Township Park.

Background

For several years, the Oshtemo Branch of KPL has been putting up Storywalk® displays on temporary fence post signs (yard signs) around the paved path in Oshtemo Township Park. Oshtemo Township has provided the space and kept the path maintained. Families and community members have enjoyed sharing stories together.

The StoryWalk® Project was created by Anne Ferguson of Montpelier, VT and developed in collaboration with the Kellogg-Hubbard Library. StoryWalk® is a registered service mark owned by Ms. Ferguson. A StoryWalk® provides shared literacy and movement opportunities for the community by displaying the pages of picture books across multiple sign panels. Children and adults can stroll the StoryWalk® path and view each page as they go. Based on [research from Let's Move in Libraries conducted](#) in Spring 2017, over [300 public libraries](#) in the U.S. and Canada have already offered outdoor StoryWalk® programs. A Storywalk® is an international movement to combine literacy, exercise, nature, and family bonding.

In partnership with KPL, Oshtemo Friends of the Parks, and Oshtemo Township, we would like to expand on the StoryWalk by installing fixed frames along the walking path at Oshtemo Township Park. This is a great opportunity to encourage literacy, outdoor activity, and family bonding . Since the township provides snow removal of the paved path, this program will run 12 months of the year providing winter outdoor activities, which is something the community has requested in recent years.

Information Provided

Please see this link for further information on the StoryWalk frames.

<https://vackersign.com/products/storywalk-frames/>



Core Values

Public Service, Innovation

MEMORANDUM OF UNDERSTANDING

Between Kalamazoo Public Library and Oshtemo Township Parks

This Memorandum of Understanding (MoU) is made on [Date], between Oshtemo Charter Township, represented by [Name and Title of Park Representative], located at 7275 West Main St. Kalamazoo MI 49009, hereinafter referred to as "Oshtemo Township", Kalamazoo Public Library represented by [Name and Title of Partner Representative], located at 315. S. Rose Street, Kalamazoo, MI, 49007 hereinafter referred to as "KPL", and Oshtemo Friends of the Parks, located at 7275 West Main St., Kalamazoo MI 49009, hereinafter referred to as "Oshtemo Friends".

Background:

The StoryWalk® Project was created by Anne Ferguson of Montpelier, VT and developed in collaboration with the Kellogg-Hubbard Library. StoryWalk® is a registered service mark owned by Ms. Ferguson. A StoryWalk® provides shared literacy and movement opportunities for the community by displaying the pages of picture books across multiple sign panels. Children and adults can stroll the StoryWalk® path and view each page as they go. Based on [research from Let's Move in Libraries conducted](#) in Spring 2017, over [300 public libraries](#) in the U.S. and Canada have already offered outdoor StoryWalk® programs. A Storywalk® is an international movement to combine literacy, exercise, nature, and family bonding.

For several years, the Oshtemo Branch of KPL has been putting up Storywalk® displays on temporary fence post signs around the paved path in Oshtemo Township Park. Oshtemo Township has graciously provided the space and kept the path maintained. Families and community members have enjoyed sharing stories together

Purpose:

The purpose of this MoU is to establish a collaborative framework between Oshtemo Township, KPL, and Oshtemo Friends to design, implement, and maintain a StoryWalk® in Oshtemo Township Park.

Terms of Agreement:

1. Roles and Responsibilities:

- **Oshtemo Township** agrees to:
 - Provide necessary permissions and access to designated areas within the park for installing StoryWalk® stations.
 - Assist in the development of the StoryWalk® layout and installation plan.
 - Maintain the physical infrastructure of the StoryWalk®, ensuring its safety and functionality.

- Either party may terminate this MoU with 90 days written notice to the other party.

4. Financial Considerations:

- The establishment costs of the StoryWalk® shall be borne by KPL including purchasing the StoryWalk® frames, posts, and backer panels.
- Oshtemo Friends agrees to provide funding and volunteers for installation.
- Oshtemo Township agrees to provide installation assistance and ongoing maintenance of the grounds around the StoryWalk®.
- All parties agree to provide in-kind support in the form of staff time, marketing, volunteer hours, and access to park facilities as outlined in this MoU.

5. Miscellaneous:

- This MoU constitutes the entire agreement between the parties and supersedes any prior understandings or agreements, whether written or oral.
- Amendments to this MoU must be made in writing and signed by both parties to be valid.

Signatures:

Signed for and on behalf of Oshtemo Township:

[Name and Title]

[Date]

Signed for and on behalf of Oshtemo Friends:

[Name and Title]

[Date]

Signed for and on behalf of KPL:

[Name and Title]

[Date]



Kerri Tyler

Clerk's Assistant

Hire Date:

05/08/23

About Kerri:

Kerri loves being a Mamaw (Grandma) to her 4 beautiful grandchildren, a new dog mom to her little Tula, & spending time with her family. She enjoys several, probably too many hobbies; rock hunting, mushroom growing & hunting, cooking, baking, gardening, traveling, and camping. She and her husband live in Allegan Forest, so they get plenty of time to enjoy most of their activities close to home!

Summary of Duties:

As the Clerk's Assistant, Kerri is the Township's first ever election specialist and records manager. She administers our entire absentee ballot program, including the military and overseas voters. She manages election inspector applications and is credentialed through the State of Michigan Bureau of Elections to train election inspectors. Kerri is also digitizing township records at lightning speed!

Celebrating Kerri:

Kerri's ability to ask the right questions and learn quickly makes her a valuable member of the Clerk's team. Additionally, in her 14 months with the Township, Kerri has been nominated 3 times to receive a peer recognition certificate! Nomination reasons include quickly adapting to her new role, going above and beyond to help with various projects, and her commitment to continuous improvement. Kerri has proven and continues to prove that she is an essential member of the Oshtemo Charter Township team. We are so excited to have her on board and are looking forward to the future of the Clerk's Assistant role with Kerri in place!

Memorandum



Date: July 23, 2024
To: Township Board
From: Jodi Stefforia, Planning Director
Subject: Zoning Ordinance Text Amendments – First Reading Ordinance 672

Objectives

MOTION: Conduct first reading and set for second reading and adoption Ordinance 672.

Background

A series of amendments to the Zoning Ordinance have been prepared and are before the Board for first reading. The impetus for this round of amendments is an application received from Clark Logic to allow warehouse and distribution centers in the I-R, Industrial District, Restricted zone. An informal request from a property owner to allow accessory buildings in the Village Core area of the VC, Village Commercial District was included at Staff-initiative as well as a couple of housekeeping items for clarification in the ordinance. Together, these amendments make up Ordinance 672.

Representatives of Clark Logic have requested that the uses allowed in the I-R, Industrial District, Restricted zoning district be amended to allow warehouses and distribution centers. A supporting narrative was prepared speaking to the need for such industrial space, it is attached. In studying this request, consulting with colleagues and Attorney Porter, it was determined that the term should be ‘distribution/fulfillment center’ rather than ‘warehouse and distribution center.’ Additionally, it was determined that definitions are needed to distinguish between a distribution/fulfillment center, warehouse, and truck terminal. Collaborating with Attorney Porter, definitions were drafted. More importantly, appropriate provisions are necessary to allow distribution/fulfillment centers while mitigating and/or minimizing negative effects on neighboring land uses and the street network. The ordinance provides 11 conditions to be met for a distribution/fulfillment center.

A change to allow accessory buildings in the Village Core area is also offered; see attached memo from Patricia Williams asking for such consideration. Finally, several minor amendments based upon Staff application of the ordinance are proposed for clarity and to remove conflicting language.

The Planning Commission held a public hearing on the proposed amendments on July 11. Minor changes to the definitions were made following the hearing and discussion. The Planning Commission recommends adoption of the zoning ordinance amendments reflected in Ordinance 672.

Information Provided

Recommendation
Ordinance 672
July 11, 2024 Planning Commission minutes
Redline version of ordinance changes
Narrative from Clark Logic application
Memorandum from Patricia Williams

Core Values

Public Service.
Sustainability.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON THURSDAY, JULY 11, 2024

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the adoption of Ordinance 672, an

SEE ATTACHMENT

A redline copy of the Planning Commission agenda item and draft meeting minutes from the July 11, 2024 Public Hearing are attached to this Recommendation.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Date: July 16, 2024

By: *Jodi Stefforia*
Township Planning Director

Final Action by Oshtemo Charter Township Board

_____ APPROVED _____

_____ DENIED _____

_____ REFERRED BACK TO PLANNING COMMISSION

DRAFT OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. 672

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, Article 2 – Section 2.20, Article 26 – Section 26.50, Article 27 – Section 27.40, Article 34 – Section 34.40, Article 49 – Section 49.300, Article 50 – Section 50.70, and Article 57 – Section 57.30. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE ARTICLE 2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS, SECTION 2.20: DEFINITIONS. ARTICLE 2, SECTION 2.20 IS HEREBY AMENDED TO ADD THE FOLLOWING:

- Distribution/Fulfillment Center– A processing and storage facility which optimizes transportation and uses an inventory management and material handling system such as just in time. Goods or products are stored on site temporarily. These facilities are not intended to involve long-term warehousing of materials nor activities associated with truck terminals.
- Truck Terminal – an area and building where trucks load and unload cargo and freight where cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. These facilities are trans-shipment facilities including storage and parking of trucks awaiting cargo as well as facilities for servicing trucks.
- Warehouse – A structure used for the storage of goods or products for a temporary or indeterminate period of time but on average beyond a three-month period. These facilities do not include activities associated with truck terminals nor distribution/fulfillment centers as defined by this Ordinance.

SECTION II. AMENDMENT OF ZONING ORDINANCE ARTICLE 26: I-R INDUSTRIAL DISTRICT – RESTRICTED, SECTION 26.50: SPECIAL USES. ARTICLE 26, SECTION 26.50 IS HEREBY AMENDED TO ADD THE FOLLOWING:

26.50 (H) Distribution/Fulfillment Center

SECTION III. AMENDMENT OF ZONING ORDINANCE ARTICLE 27: I-1: INDUSTRIAL DISTRICT, MANUFACTURING/SERVICING, SECTION 27.40: SPECIAL USES. ARTICLE 27, SECTION 27.40 IS HEREBY AMENDED TO ADD THE FOLLOWING:

27.40 (M) Distribution/Fulfillment Center

SECTION IV. AMENDMENT OF ZONING ORDINANCE ARTICLE 34: VILLAGE FORM-BASED CODE OVERLAY ZONE, SECTION 34.40 DEVELOPMENT STANDARDS. ARTICLE 34, SECTION 34.40, IS HEREBY AMENDED TO INCLUDE THE FOLLOWING:

- A. Accessory buildings shall be permitted in the Village Overlay District as set forth in Section 57.100 of this Ordinance unless otherwise stated herein.
- B. Reserved.
- C. Reserved.
- D. Accessory buildings in the Village Core and Village Fringe shall be permitted in the rear yard only. Accessory buildings in the Corridor East sub-district shall be permitted in the side or rear yards.
- E. Where permitted, accessory buildings shall adhere to all location and placement standards for a primary building on that property.
- F. The accessory building shall be of a similar design, character, materials, and appearance as the primary structure and shall not exceed the ground floor area of the primary structure.

SECTION V. AMENDMENT OF ZONING ORDINANCE ARTICLE 49: REQUIREMENTS FOR SPECIAL USES. ARTICLE 49 IS HEREBY AMENDED TO ADD SECTION 49.300 TO INCLUDE THE FOLLOWING:

49.300 Distribution/Fulfillment Center.

- 1. Truck route. A distribution/fulfillment center shall have direct access to a truck route as identified in the Township's Truck Route Ordinance.
- 2. Sensitive uses. Any building side of a distribution/fulfillment center shall be placed a minimum of 350 feet from any residential district, residential use, or public right-of-way; all other sides shall conform to the minimum requirements of the zoning district.
- 3. Loading and staging. Truck docks, overhead doors and trailer staging areas accessory to a distribution/fulfillment center shall be oriented away from any residential district, residential use, or public right-of-way when feasible. Where this is not practical, docking, loading and staging activities shall be setback a minimum of 450 feet.

4. Screening. Before construction of any building commences, a berm ranging from five to eight feet in height with a natural (non-uniform) design and a slope not greater than 1:3 shall be established near any lot perimeter abutting a residential zoning district and along any public right of way. The berm shall be landscaped with coniferous and deciduous trees to provide a dense, four-season screen. The berm shall be subject to Planning Director review and approval. Where the finished floor of the distribution/fulfillment center is greater than 2 feet higher than the berm's base grade then additional screening shall be required using a green wall, tiered and landscaped building edges, or other methods. The provisions of Section 53 shall apply to the balance of the site.
5. A minimum eight-foot high undulating berm shall be located near any lot perimeter abutting a residential zoning district and landscaped with coniferous and deciduous trees to provide a dense, four-season screen; berm height may be reduced to five feet when abutting any other property line or public street right of way. If the site development is phased, the berm shall be established with the first phase. Where the finished floor of the distribution/fulfillment center is greater than 2 feet higher than the berm's base grade then additional screening shall be required using a green wall, tiered and landscaped building edges, or other methods. The provisions of Section 53 shall apply to the balance of the site.
6. Parking and drives. Off-street parking and loading areas, access drives, and paved surfaces accessory to such a use shall be located not less than 150 feet from any residential use or district, or public right-of-way.
7. Idling. On and off-site idling of facility-related vehicles is prohibited.
8. Height. Building height may not exceed 60 feet unless otherwise approved by the Planning Commission through the Special Land Use process.
9. Hours. Outdoor activity including loading/unloading activities are not permitted during the hours of 11:00 p.m. and 7:00 a.m.
10. Outdoor storage. Outdoor storage is prohibited.
11. Elevations. Proposed building elevations shall reduce the visual impact of the building's massing and scale on any side facing a residential district, residential use, or public right-of-way using mitigation measures such as variable color or texture, varying rooflines, vegetation, and/or vertical and horizontal variations in the façade.

12. The Reviewing Body may require additional limitations or protective measures to avoid serious adverse effects of the use on occupants of nearby properties, other uses on the site, and the motoring public including a Traffic Impact Study.

SECTION VI. AMENDMENT OF ZONING ORDINANCE ARTICLE 50: SCHEDULE OF REGULATIONS, SECTION 50.70 SUPPLEMENTAL SETBACK PROVISION FOR PROPERTY ABUTTING A HIGHER RESIDENTIAL ZONING CLASSIFICATION. ARTICLE 50, SECTION 50.70, IS HEREBY AMENDED TO INCLUDE THE FOLLOWING:

D. 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 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).

SECTION VII. AMENDMENT OF ZONING ORDINANCE ARTICLE 57: MISCELLANEOUS PROTECTION REQUIREMENTS, SECTION 57.30 MOBILE HOMES AND RECREATIONAL VEHICLE STANDARDS. ARTICLE 57, SECTION 57.30, IS HEREBY AMENDED TO INCLUDE THE FOLLOWING:

A. Temporary residence; permit

A permit may be secured from the Township Zoning Official to use a recreational vehicle or mobile home not qualifying as a dwelling hereunder or a garage within a residential zone as a temporary residence for a period of not to exceed one year provided that the ability and intent to erect a permanent dwelling upon the premises is shown and provided that the recreational vehicle, mobile home, or garage is located upon premises having water and sewage facilities approved by the Kalamazoo County Health Department, subject to the following conditions and limitations:

1. The applicant must first submit plans for and receive a building permit for a permanent dwelling.
2. The applicant must commence construction of the permanent dwelling within 90 days after issuance of said building permit.
3. If, at the expiration of the one-year period, the permanent dwelling is not in a condition for permanent occupancy, the Zoning Board of Appeals, upon application and upon the showing of hardship and for good cause, may extend the temporary permit for an additional six-month period.
4. Any application for such a permit shall be accompanied by a fee as may be determined by resolution of the Township Board.

SECTION VIII. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon

publication after adoption in accordance with State law.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF A MEETING HELD JULY 11, 2024**

Agenda

Public Hearing: Zoning Ordinance Text Amendments

Presentation by GIS Specialist: Charter Township of Oshtemo Online Map

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, July 11, 2024, commencing at 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

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

MEMBERS ABSENT: Philip Doorlag, Chair
 Scot Jefferies

Also present were Jodi Stefforia, Planning Director; James Porter, Township Attorney; Colten Hutson, Zoning Administrator; Jennifer Wood, Recording Secretary; and approximately 9 interested persons.

Call to Order and Pledge of Allegiance

Vice Chair Everett called the meeting to order at 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

Vice Chair Everett asked if anyone present wished to speak on non-agenda items. Hearing none, she moved to the next agenda item.

Approval of the Minutes of the Meeting of June 27, 2024

Vice Chair Everett asked for additions, deletions, or corrections to the Minutes of the Meeting June 27, 2024. There were none.

Mr. Ford **made a motion** to approve the Minutes of the Meeting of June 27, 2024, as presented. Mr. Makohn **seconded the motion**. The **motion was approved** unanimously.

Public Hearing: Zoning Ordinance Text Amendments

Ms. Stefforia presented her memo dated July 11, 2024, which is incorporated herein for Zoning Ordinance Text Amendments. Ms. Stefforia provided a one-page update to all those in attendance with additional changes regarding the definitions of warehouses, and distribution/fulfillment centers. The amendments address both a requested amendment to the ordinance from an applicant and several minor amendments from staff based upon application of the ordinance. A change to allow accessory buildings in the Village Core area is also offered. A letter of support from a local business owner in the Village Core is included in the meeting packet. Changes proposed with draft one regarding the parking of trailers has been set aside at this time for further study.

The Commission members discussed the definitions that were presented and asked for clarification on the differences of the three definitions. Ms. Stefforia advised that the language provided was based on case law and developed in conjunction with Township Attorney Mr. James Porter. Ms. Stefforia assured the Commission that the language that is suggested for distribution/fulfillment centers is to protect the adjacent residents.

Mr. Ford questioned the language in the Distribution/Fulfillment Center definition and raised concerns about limiting it to using just-in-time inventory management and material handling as there may be other systems that could be utilized.

Ms. Stefforia recommended that the language be changed to reflect this suggestion. The new verbiage recommendation is - uses an inventory management and material handling system such as a just-in-time.

Vice Chair Everett opened the public hearing for comments on the proposed amendments to section 26.50.H, 27.40.M, 2.20, and 49.300.

Mr. Jordan Schau, Attorney representing Clark Logic, stated his support to the amendments. He stated he worked with staff on some of the language changes and feels that the changes to the language help better reflect the realities of the marketplace and commerce today.

Mr. Jamie Clark, President of Clark Logic, shared he has been working with Oshtemo for the past year and thanked Ms. Stefforia for her time and attention. He provided an update that they are close to making their decision as to whether they move forward or not with their project. Clark Logic's tenants have a variety of needs, and they cannot tell exactly what those needs will be until the tenant is defined to know the type of business that will be housed in their space. Clark Logic is a Kalamazoo based business that has been in business for almost 55 years.

Vice Chair Everett closed the public hearing on the above sections.

Vice Chair Everett opened the public hearing for comments on the proposed amendments to section 57.30 B.

Hearing none, Vice Chair Everett closed the public hearing on the above section.

Vice Chair Everett opened the public hearing for comments on the proposed amendments to section 34.40.B.4.

Ms. Patricia Williams, Owner of Health Psychology, P.C. spoke to the Commission in favor of the text amendment changes for the Village Core. Ms. Williams is long time resident and business owner in the Township. She thanked everyone who read the letter provided in the packet. The change that is being requested is a small change and would help her with selling the property. Ms. Williams thanked the Commission for their consideration.

Vice Chair Everett closed the public hearing.

Vice Chair Everett opened the public hearing for comments on the proposed amendments to section 50.70.D and 50.70.E.

Hearing none, Vice Chair Everett closed the public hearing on the above section.

Ms. Stefforia reiterated the agreed upon changes to the Distribution/Fulfillment Center definition. "Distribution/Fulfillment Center – A processing and storage facility which optimizes transportation and uses an inventory management and material handling system such as a just-in-time. Goods or products are stored on site temporarily. These facilities are not intended to involve long-term warehousing of materials nor activities associated with truck terminals."

Mr. Ford **made a motion** to recommend to the Township Board that the zoning text amendments as presented to include the changes presented in hard copy along with the changes verbally discussed and agreed to that Ms. Stefforia, the Planning Director, recited be adopted. Mr. Makohn **seconded the motion**. The **motion was approved** unanimously.

Presentation by GIS Specialist: Charter Township of Oshtemo Online Map

GIS Specialist Mr. Scott Fitzgerald highlighted the GIS work that has been done so far this year. There are many new tools for both staff and residents to use within the interactive map available on the Oshtemo website.

Vice Chair Everett inquired about sewer and water showing on the map. Mr. Fitzgerald informed the Commission that they are unable to show the water lines on a public map but advised that staff does have access to that information.

Vice Chair Everett inquired about internet/cable providers showing on the map. Mr. Porter advised that he does have maps that show this information. Mr. Fitzgerald stated that he was willing to try to add that information.

The Commission thanked Mr. Fitzgerald for his presentation.

Ms. Stefforia informed the Commission that on August 8th from 6:00 – 8:00 p.m. there will be a second community gathering. This will be held in lieu of the Planning Commission meeting scheduled for that day. This will be open to the public. A 'breakfast for dinner' event with the Fire Department is planned.

Ms. Stefforia advised that there are no agenda items for the July 25th Planning Commission meeting and recommended that the meeting be canceled.

Mr. Ford **made a motion** to cancel the Planning Commission scheduled for July 25th. Mr. Makohn **seconded the motion**. The **motion was approved** unanimously.

Vice Chair Everett reminded everyone that this Sunday, Music in the Park will be held at the Flesher Field Park Gazebo starting at 6:00 p.m.

Adjournment

There being no further business, the meeting was adjourned at 6:55 p.m.

Minutes Prepared: July 16, 2024

Minutes Approved:

DRAFT

Final Draft_ Post Public Hearing: proposed amendments to the Zoning Ordinance (July 2024)

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

- 1. Add Section 26.50.H and 27.40.M** Adding distribution/fulfillment center as a special use with conditions in the I-R, Industrial District, Restricted and the I-1, Industrial District, Manufacturing/Service district. The language would be added as an amendment to Section 26.50 and 27.40 if adopted by the Township Board following recommendation of the Planning Commission after public hearing. This text amendment was initiated by an applicant. See separate application for background and supporting documentation for this amendment.

26.50.H Distribution/fulfillment centers.

27.40.M Distribution/fulfillment centers.

- 2. Add definitions to Section 2.20**

Distribution/Fulfillment Center— A processing and storage facility which optimizes transportation and uses an inventory management and material handling system such as just in time. Goods or products are stored on site temporarily. These facilities are not intended to involve long-term warehousing of materials nor activities associated with truck terminals.

Truck Terminal – an area and building where trucks load and unload cargo and freight where cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. These facilities are trans-shipment facilities including storage and parking of trucks awaiting cargo as well as facilities for servicing trucks.

Warehouse – A structure used for the storage of goods or products for a temporary or an indeterminate period of time but on average beyond a three-month period. These facilities do not include activities associated with truck terminals nor distribution/fulfillment centers as defined by this Ordinance.

- 3. Add Section 49.300 with the conditions for distribution/fulfillment centers.**

49.300 Distribution/Fulfillment Center.

1. Truck route. A distribution/fulfillment center shall have direct access to a truck route as identified in the Township's Truck Route Ordinance.
2. Sensitive uses. Any building side of a distribution/fulfillment center shall be placed a minimum of 350 feet from any residential district, residential use, or public right-of-way; all other sides shall conform to the minimum requirements of the zoning district.
3. Loading and staging. Truck docks, overhead doors and trailer staging areas accessory to a distribution/fulfillment center shall be oriented away from any residential district, residential use, or public right-of-way when feasible. Where this is not practical, docking, loading and staging activities shall be setback a minimum of 450 feet.

4. Screening. Before construction of any building commences, a berm ranging from five to eight feet in height with a natural (non-uniform) design and a slope not greater than 1:3 shall be established near any lot perimeter abutting a residential zoning district and along any public right of way. The berm shall be landscaped with coniferous and deciduous trees to provide a dense, four-season screen. The berm shall be subject to Planning Director review and approval. Where the finished floor of the distribution/fulfillment center is greater than 2 feet higher than the berm's base grade then additional screening shall be required using a green wall, tiered and landscaped building edges, or other methods. The provisions of Section 53 shall apply to the balance of the site.
5. Parking and drives. Off-street parking and loading areas, access drives, and paved surfaces accessory to such a use shall be located not less than 150 feet from any residential use or district, or public right-of-way.
6. Idling. On and off-site idling of facility-related vehicles is prohibited.
7. Height. Building height may not exceed 60 feet unless otherwise approved by the Planning Commission through the Special Land Use process.
8. Hours. Outdoor activity including loading/unloading activities are not permitted during the hours of 11:00 p.m. and 7:00 a.m.
9. Outdoor storage. Outdoor storage is prohibited.
10. Elevations. Proposed building elevations shall reduce the visual impact of the building's massing and scale on any side facing a residential district, residential use, or public right-of-way using mitigation measures such as variable color or texture, varying rooflines, vegetation, and/or vertical and horizontal variations in the façade.
11. The Reviewing Body may require additional limitations or protective measures to avoid serious adverse effects of the use on occupants of nearby properties, other uses on the site, and the motoring public including a Traffic Impact Study.

4. Amend 57.30 B regarding use of mobile home or recreational vehicle as a temporary residence

57.30 Mobile Homes and Recreational Vehicle Standards

A. Use for dwelling purposes

Except for mobile homes located in an "R-5" Residence District classification, no recreational vehicles or other structure failing to qualify as a "dwelling" under the terms of this Ordinance shall be used for dwelling purposes within the Township limits; provided, however, that recreational vehicles or mobile homes not qualifying as a "dwelling" hereunder may be used for temporary dwellings for a total period of not more than 14 days in any one year when located upon premises having water and sewage facilities approved by the Kalamazoo County Health Department. **[Note: this subsection is shared for context; no amendments proposed].**

B. Temporary residence; permit

A permit may be secured from the Township Zoning Official to use a recreational vehicle or mobile home not qualifying as a dwelling hereunder or a garage within a residential zone as a temporary residence for a period of not to exceed one year provided that the ability and intent to erect a

permanent dwelling upon the premises is shown and provided that the **recreational vehicle**, mobile home or garage is located upon premises having water and sewage facilities approved by the Kalamazoo County Health Department, subject to the following conditions and limitations:

1. The applicant must first submit plans for and receive a building permit for a permanent dwelling.
2. The applicant must commence construction of the permanent dwelling within 90 days after issuance of said building permit.
3. If, at the expiration of the one-year period, the permanent dwelling is not in a condition for permanent occupancy, the Zoning Board of Appeals, upon application and upon the showing of hardship and for good cause, may extend the temporary permit for an additional six-month period.
4. Any application for such a permit shall be accompanied by a fee as may be determined by resolution of the Township Board.

5. Amend 34.40.B.4 to allow accessory buildings in Village Core and related minor amendment.

- a. Accessory buildings shall be permitted in the Village Overlay District as set forth in Section 57.100 of this Ordinance unless otherwise stated herein.
- ~~b. All buildings shall be approved through the Site Plan and Special Use process. **Reserved.**~~
- ~~c. Accessory buildings shall not be permitted in the Village Core. **Reserved.**~~
- d. Accessory buildings in the **Village Core** and Village Fringe shall be permitted in the rear yard only. Accessory buildings in the Corridor East sub-district shall be permitted in the side or rear yards.
- e. Where permitted, accessory buildings shall adhere to all location and placement standards for a primary building on that property.
- f. The accessory building shall be of a similar design, character, materials, and appearance as the primary structure and shall not exceed the **ground floor area** size of the primary structure.

6. 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.

- ~~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).

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.”

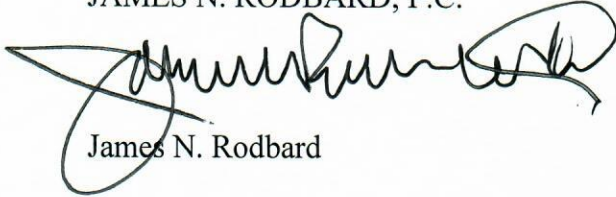
It is on this basis, Clark asks the Township to consider its Application and to amend and enlarge §26.30 to add this necessary change consistent with the changed “regional economic landscape.” The

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.

James N. Rodbard

JNR/

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

EXHIBIT A

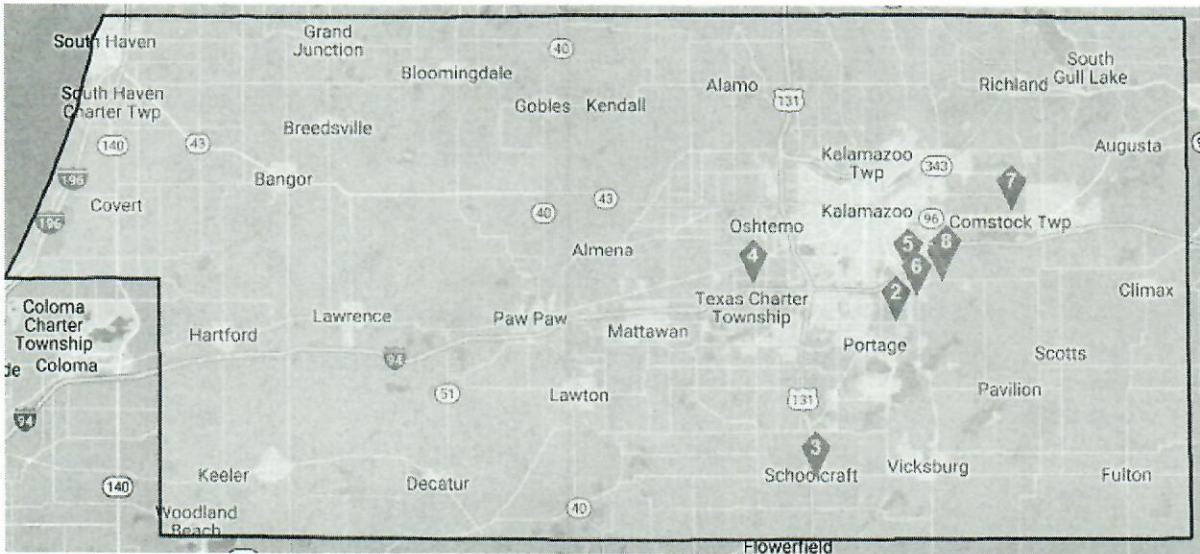


LOCAL INDUSTRIAL CONSTRUCTION

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

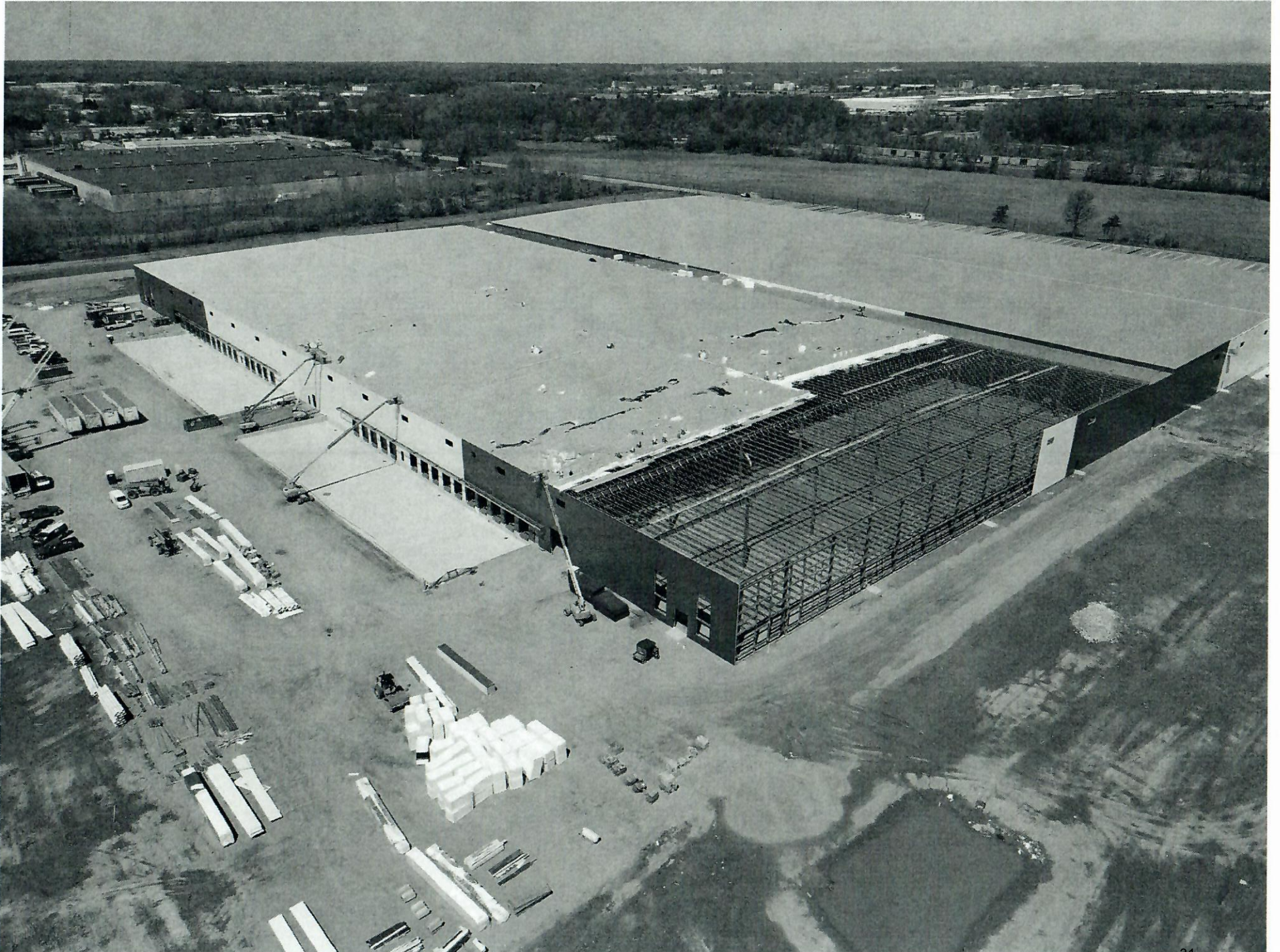
Properties	Square Feet	Percent of Inventory	Released
8	1,862,467	5.2%	98.5%



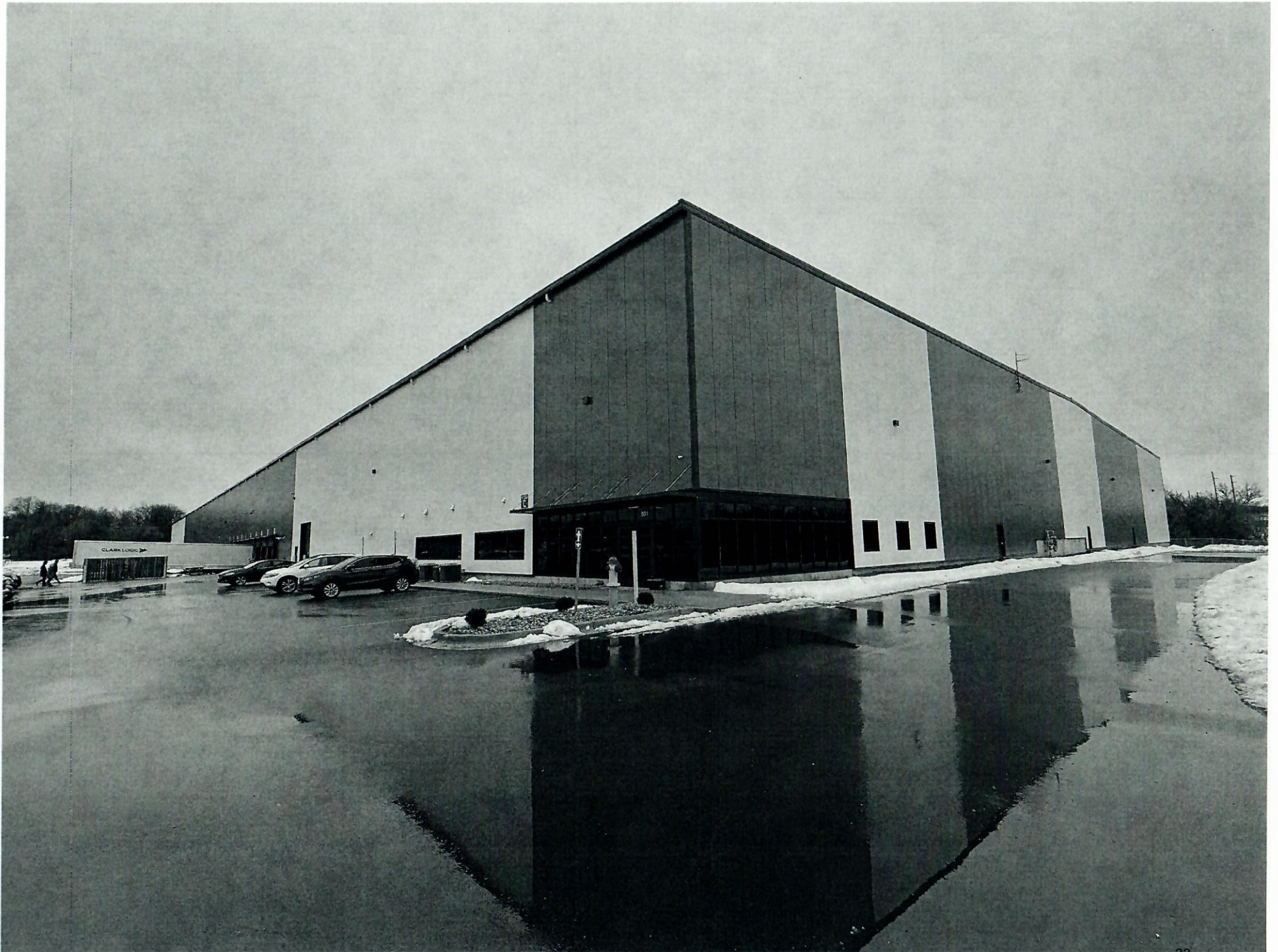
* Data sourced from CoStar and interpreted by Callander Commercial

EXHIBIT B

5720 East N Avenue
Kalamazoo, Michigan

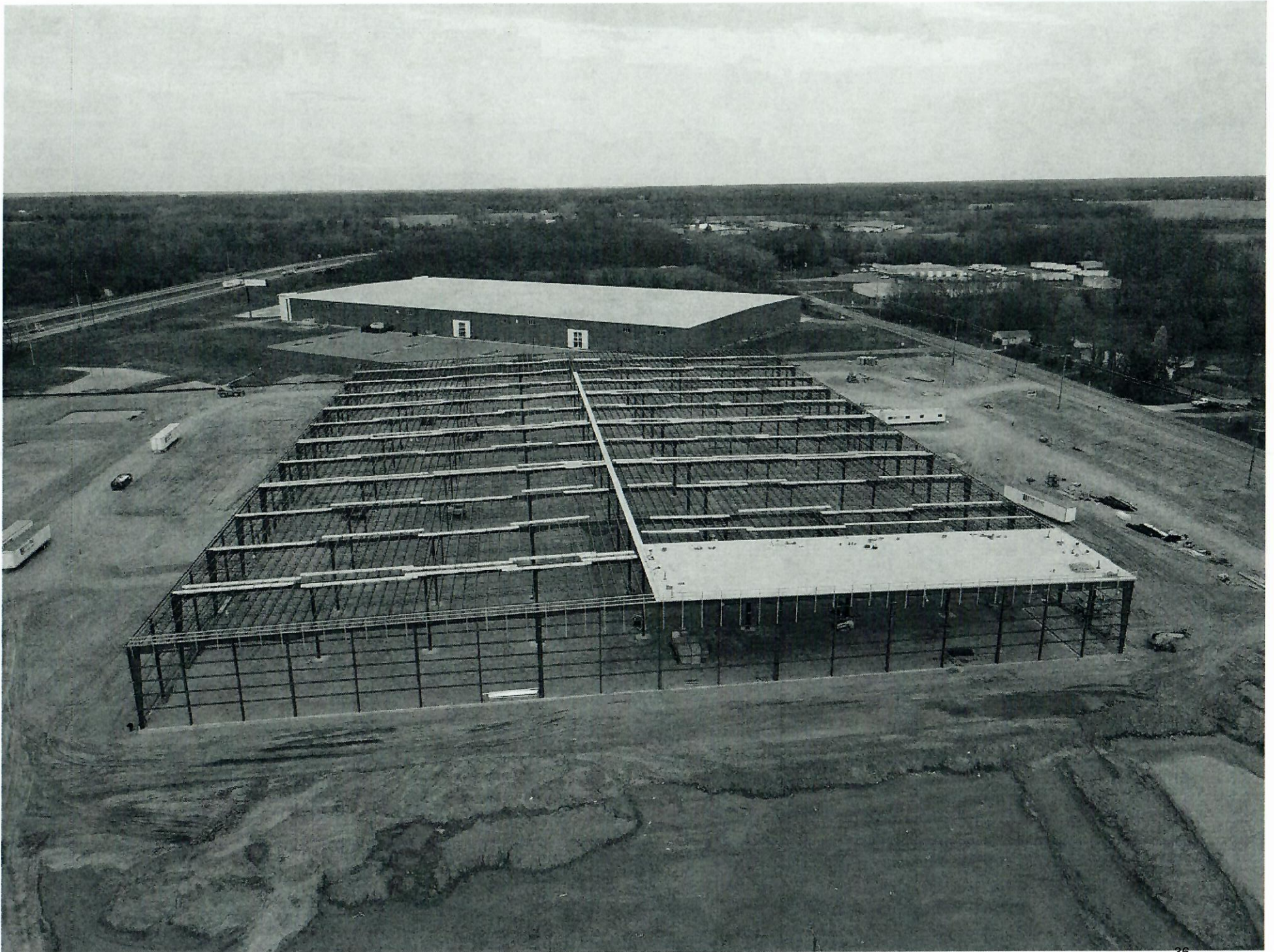


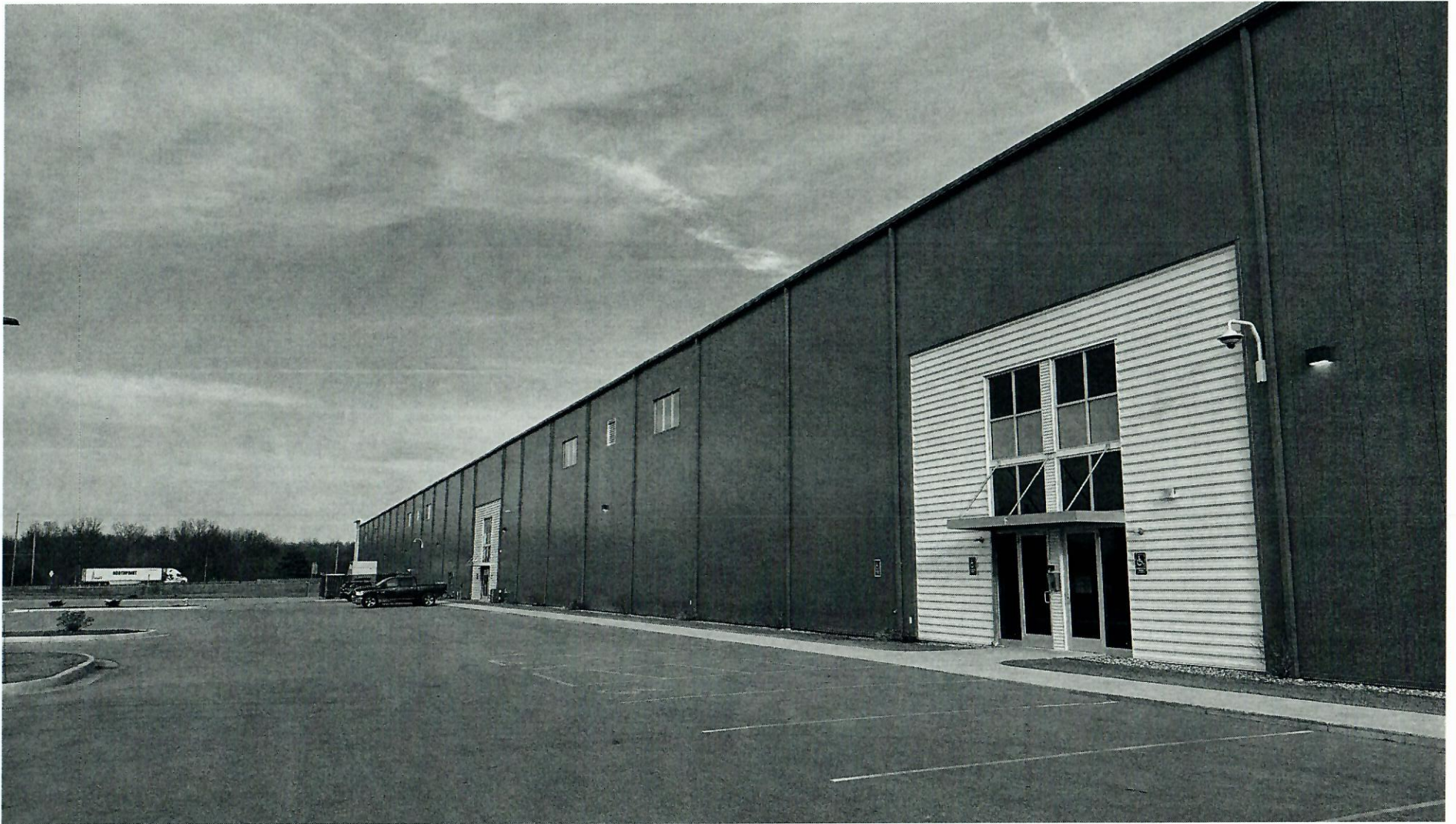
801 East Milham Avenue
Portage, Michigan



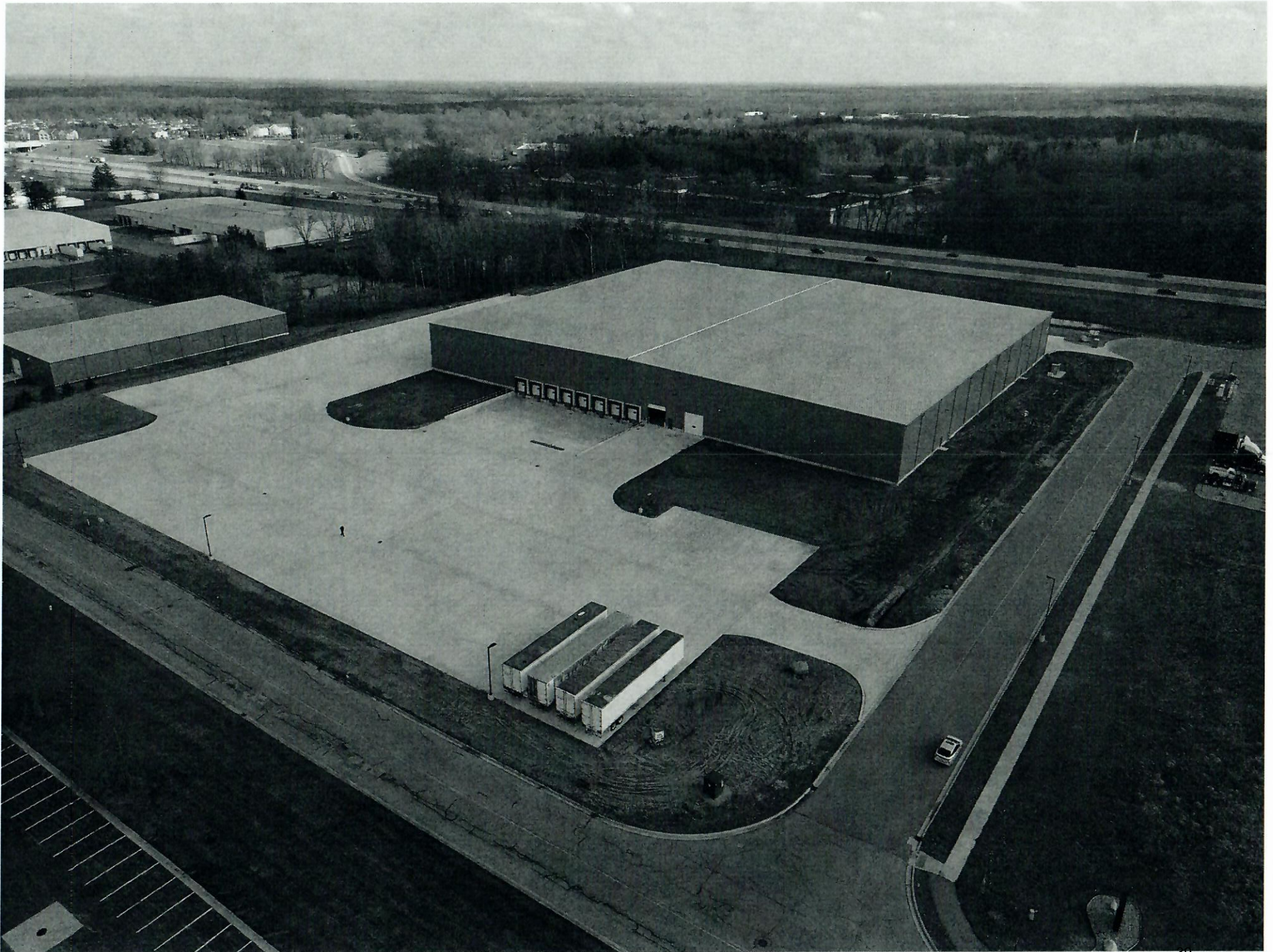


211 Watkins Road
Battle Creek, Michigan





5383 International Drive
Kalamazoo, Michigan



200 East Lee Street
Schoolcraft, Michigan

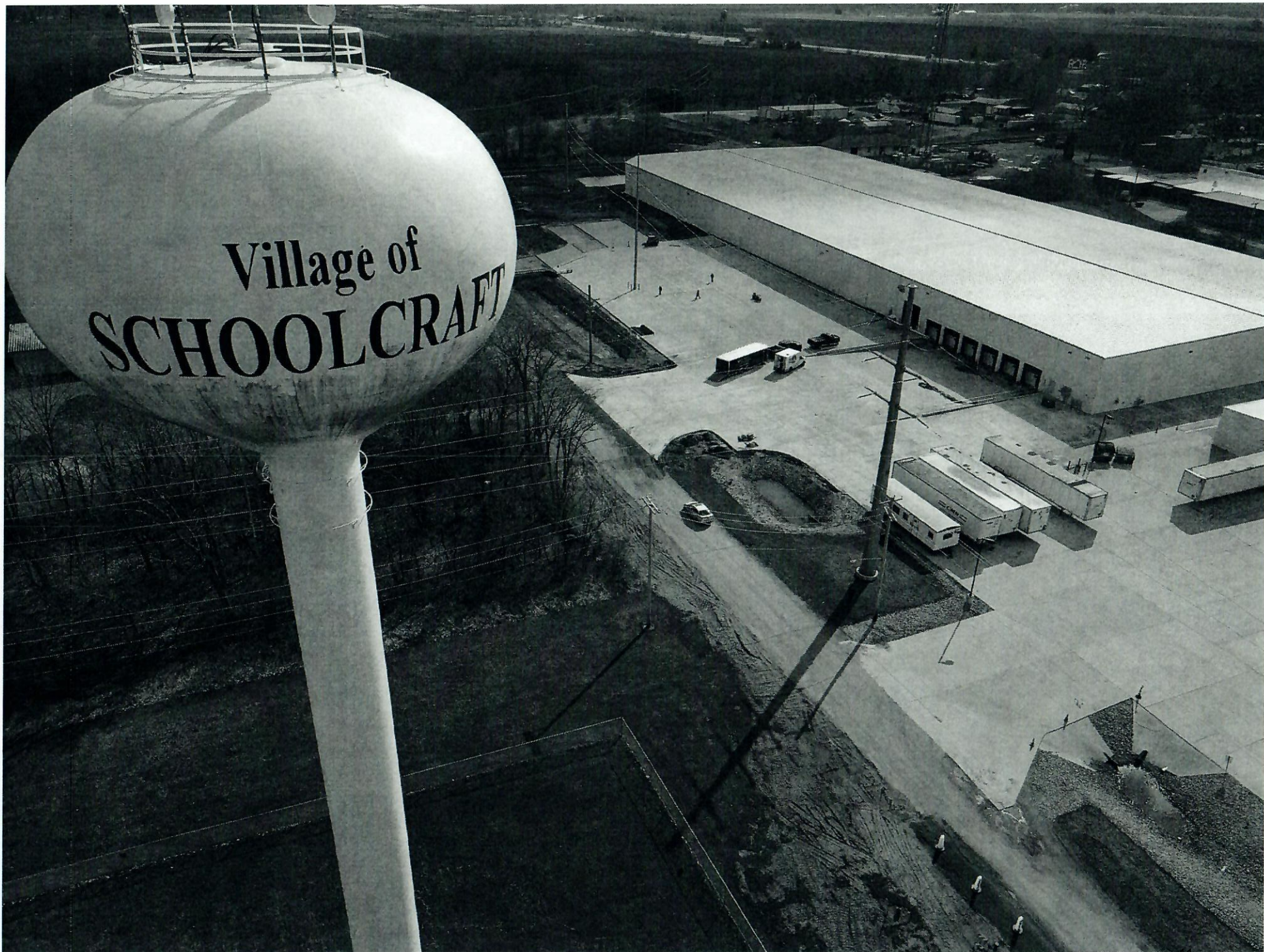


EXHIBIT C



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

Date: December 13, 2022
From: Patricia Williams/Namaste' LLC Owner of 3335 S. 9th Street 49009
RE: VC Overlay language and amendments
Property: VC Commercial Mixed/Use

Dear Oshtemo Planning Commission,

My name is Patricia Williams, and I am a business owner within the Village Core Overlay. In 2000 my late husband and I made an investment in the property and housed Health Psychology, P.C. a Private Practice Counseling Service at this address. In addition, there is a residential apartment with a separate entrance above the office space. I also owned my home residence in Oshtemo from 1993 to about 2000 on Mansfield St. So, for about 28 years I have variously attended, participated in, and witnessed the inception and resulting consequences in the immediate area of the "Village Core (VC) Vision".

It has come to my attention that you are reviewing the Overlay language and considering various amendments. I ask that as you review the text, you also consider making the changes to Article 34 (Village Form-Based Code Overlay Zone) as outlined below...

34.40 Development Standards

4b. Accessory Buildings

Please reconsider and allow accessory buildings be permitted on properties in the Village Core District.

34.50 Building Type Standards H. Additional Building Types New Construction or 34.9 Administration Non-Conforming Building

Please consider use of the properties in the Village Core to allow for more flexible use of open land and preexisting buildings to include residential dwellings such as Alternative Urban Dwellings (AUD'S), Stoop Housing.

My property has been for sale. There is not a lack of interest. There is however, a lack of opportunity under the current restrictions of the 'VC Plan'.

Twice, in the Spring of 2022, the sale of my property was thwarted because these provisions are not allowed within the VC Overlay Plan. Neither are they allowed within the proposed amendments.

The ability to have an accessory space for a property owner and/or tenants is reasonable and desirable. The inability is unnecessarily burdensome. Property owners need a space for building and land maintenance/repair and storage just like anyone else (residential or commercial) who enjoys having an accessory building. Property values, communities and tenants benefit by this asset.

The configuration of my building does not allow for an attached addition of such because of 2 main entrances (lower-level entrance and exterior stairwell to upper residential dwelling) at either side at the back of the building. What was possible when I purchased the property is now prohibited.

When one considers other possible uses of the property as listed in VC ideas, an accessory building is a reasonable request. For example, an artist studio may require a separate space to house a kiln, it is normal to have a space for property equipment (other people have garages for...?), a day care needs a storage space for outdoor things, a boutique restaurant may need storage for seasonal outdoor furniture. I think these details are important considerations that need inclusion in Planning and decisions of the VC area.

A prospective residential renter (new in town and a KVCC instructor) was also thwarted when he learned his prospect of creating objects in a accessory building would not be possible.

I am now past my full retirement age. The rest of my life awaits me in another State. Legally I own the property yet under current circumstances it certainly appears that I do not have control over it.

A 2021 Porch Survey found that in the Pacific region of the U.S., homes with an **ADU** see an average 35% increase in resale value over properties without an ADU. A residential component of a downtown fosters a sense of community and supplies a steady stream of traffic and potential customers to businesses. I understand you are not allowing duplexes along arterial roadways within the village core yet want density and a 5-minute walk-ability to the development as currently planned.

My requests support the best interests of the community at large because:

They are Taxable, provide density, meet the needs and interests of current community members and the stated needs and visions of those who have wanted to invest in the area. Without meeting these criteria, the area and relations between community and municipality will remain in a stalemate.

I believe in and support the value of visionary images and building sound, sustainable communities of the future. I applaud many things the Oshtemo Township Board has accomplished, and I appreciate your dedication and caring in the positions you hold.

I also believe there comes a time when visions and existing realities meet the disparities of successful fruition. I believe this situation and time has been over extended and is now causing harm in the community of the south (of Stadium Dr.) 9th Street DDA Village core area. Put to paper in 2006 but planned for many years before that, this ship I think, has sailed. I cannot imagine any other project to realize such little materialization that it should remain a viable plan. Overly restrictive planning and zoning in the VC has resulted in insufficient economic growth and development since its formal inception in 2006; 16 years.

An aerial visual is provided as an attachment (provided by the Township in 2010) as a comparison of then and now, proving insufficient progress or development.

The proposed amendments would not alter the essential character of the neighborhood. When I purchased the property, this portion of the land was open to development . I fear the current restrictions will prohibit any use of that land which is approximately 80'wide by 75' deep. This brings into question the rights of property ownership and may allude to imminent domain without taking possession.

If my property continues to be so restricted by the 'vision plan', how would you propose that portion of my land be used? What is possible? I am open to a purchase offer of my parcel from the Township.

The above facts are realities of the Market. Though the Oshtemo Board wields tremendous power and authority, changing Market demands and needs may not be among them. So, the question remains of the viability of visions vs. realities, time, and challenges and what is in the best interest for society, safety, viable growth and development and economic justice.

I ask the Planning Commission and the entire Board and Board of Directors to take a wholehearted look at and exactly what has and has not transpired and ask "how much longer" will viable development and growth be denied when restricted by an outdated vision that has not materialized beyond minds and plans on paper in 20 years? Realizing that plans can have a 40+ year life, what would need to happen in the next 20? If only the same amount of progress were to happen that would surely be negligent.

I look forward to growth, change and results! I also look forward to my retirement and out of State relocation!!

Thank You Kindly,
Patricia Williams

Memorandum



Date: 23 July 2024
To: Township Board
From: HR Board Work Group (*HR Director Sara Feister, Clerk Dusty Farmer, Supervisor Cheri Bell, Treasurer Clare Buszka*)
Subject: Proposed Policy: Compensation of Non-Clerk’s Office Employees Working for Elections

Objective

PROPOSED MOTION: “Motion to approve the proposed handbook policy regarding compensation of non-clerk’s office employees working for elections.”

Background

The HR Board Work Group has been discussing a policy regarding non-Clerk’s office employees who work for elections. We reviewed the policies of other local municipalities for comparison. In an effort to incentivize employees to support and engage in the democratic process by working elections, we drafted up this policy for Board review and as an addition to the *Employee Handbook*.

Information Provided

Section 4.8: Compensation of Non-Clerk’s Office Employees Working for Elections

Core Values

Public Service, Sustainability, Innovation, Professionalism, Integrity

SECTION 4- COMPENSATION



4.8- COMPENSATION OF NON-CLERK'S OFFICE EMPLOYEES WORKING FOR ELECTIONS

Purpose: This policy aims to establish guidelines for the compensation and time recording of employees whose job description does not include election work when they voluntarily sign up to work elections for the township, and to provide an incentive for those employees to support and engage in the democratic process by working elections.

Scope: This policy applies to any regular employee of Oshtemo Charter Township whose job description does not include election work. Examples of employees not covered by this policy would include the Clerk, Assistant Clerk, Clerk's Assistant, etc. This policy does not apply to election workers whose primary source of employment is not Oshtemo Charter Township.

Effective: 07/23/24

DEFINITIONS

Capitalized terms not defined below have the same meaning as given in the *Employee Handbook*.

POLICY

- A. **Prior Approval.** Employees who wish to support the democratic process by working elections may apply to do so with the Clerk, provided that the employee has received approval from their immediate supervisor in advance. Department heads require prior approval from the Township Supervisor.
- B. **Compensation.**
1. Employees working elections will be awarded Paid Time Off (PTO) equal to the number of hours the employee is regularly scheduled to work for the date of any given election. The PTO awarded must be used on the day of the election and is not transferable to another day. The intent of this section is to provide that an employee does not lose any regular compensation due to working an election.
 - a. For example, a full-time employee who is generally scheduled to work eight hours on the election day would be awarded eight hours. However, a part-time employee who is not generally scheduled to work on the election day would not be awarded any PTO.
 2. Employees who attend election training as required by the Clerk will not be required to take PTO or "clock out" for the time spent participating in the training. For the purposes of timesheet records, employees may consider these trainings as part of their normal work. However, if a required training takes place on a day or time when the employee is not regularly scheduled to work, then the

employee is entitled to additional hours or compensation outside of their regular schedule. The intent of this section is to provide that an employee does not lose any regular compensation for attending a training during their regular working hours.

- a. For example, a full-time employee who is generally scheduled to work eight hours on the day that a three-hour training takes place would list eight regular hours on their timesheet. However, a part-time employee who is not generally scheduled to work on the day that a three-hour training takes place would fill out the election timesheet with Clerk's office.
3. All employees who work elections are entitled to receive separate compensation for their time from the Clerk's office in the same manner as any other election worker, at the normal rate(s) established by the Clerk.

OSHTEMO CHARTER TOWNSHIP
BOARD APPOINTMENT POLICY

Adopted: _____

General Purpose:

The Oshtemo Charter Township Board must appoint individuals to its advisory or statutory boards and commissions. This policy aims to create a consistent and uniform approach for filling vacancies, determining terms, and managing rotation requirements for these boards and commissions.

Policy Summary:

The Township Supervisor will propose and endorse members for all advisory or statutory boards and commissions established by the Township. These nominations are subject to approval by the Township Board according to the rotation schedule outlined in this policy.

Policy Appointment:

All members of the Township's statutory or advisory boards and commissions are appointed based on the nomination and recommendation from the Township Supervisor, with consent from the Township Board, except for members mandated by state statute.

Statutory or Advisory Boards and Commissions:

The following is a list of statutory or advisory boards and commissions together with their respective terms of office:

- Planning Commission - MCL 125.3815
- Zoning Board of Appeals - MCL 125.3601
- Construction Board of Appeals - MCL 125.1514
- HARC Committee – Board Policy
- Downtown Development Authority – MCL 125.2655
- Board of Review – MCL 211.28
- Friends of the Park – Revised Bylaws 3/12/2024
- SODA Board – MCL 125.2655
- Parks Committee – Board Policy

Term:

Members serving on a statutory or advisory board and commission may serve two terms, after which such members will not be eligible for reappointment to the same board for a two-year period, unless approved by at least five members of the Township Board.

Compensation:

Compensation for the members of all statutory or advisory boards and commissions shall be established by the Township Board in accordance with state law.

Resignation:

Any member of a statutory or advisory board and commission of the Township who wishes to resign shall do so in writing and deliver his or her resignation to the Township Supervisor.

Removal:

Any member of a statutory or advisory board and commission of the Township may be removed for cause in accordance with state law.

DECEMBER 19, 1978 - REGULAR MEETING OF THE OSHTEMO TOWNSHIP BOARD was held at the Township Hall. Meeting was called to order at 7:35 with INVOCATION by Supervisor. All Board Members were present except Ted Snow. Also present were Jack Bauckham, Township Attorney, Bob Snell, Township Engineer and 5 others.

Minutes of last meeting had been mailed and motion was made by Norman Anderson, seconded by Lois Brown that these minutes be approved. All Board Members present voted "aye". Passed.

Disbursements in amount of \$11,913.71 from General Fund and \$3,645.78 from Fire Fund and Income of \$30,760.43 to General Fund and -0- to Fire Fund were presented. Motion was made by Norman Anderson, seconded by Howard Bushouse that income be acknowledged and bills paid. All Board Members present voted "aye". Passed.

Bill was presented for approval in amount of \$690.00 to Peters Construction in connection with water extention at north end of Maple Hill Drive from Beech St. Motion was made by Norman Anderson, seconded by Jean VanderLyke this payment be made from Federal Revenue Sharing funds. All Board Members present voted "aye". Passed.

Seven months report of receipts and disbursements versus budget were presented to Board for their review.

PROPOSED LOT SIZES

Supervisor presented Board and those present with a proposed change for future developments from what is now in effect on single family and duplexes in three categories.

- 1 = With sewer and water available at time of construction.
- 2 = with water only at time of construction
- 3 = With no sewer or water

(Both in platted and unplatted areas, varying.)

This was also detailed on blackboard with drawings.

Considerable time was spent discussing this matter, following which motion was made by Norman Anderson, seconded by Howard Bushouse this be referred to Zoning Board for their comments, suggestions or other input with response as rapidly as possible, on recommendations, by the Board. All Board Members present voted "aye". Passed.

APPOINTMENTS - FIRE BOARD, ZONING BOARD AND ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS - 3 Year Term

Burnell Long - 3 years (from Zoning Board)

Marvin Darling - 3 years

Kenneth Nedervelt - 2 years (from Township Board)

Margaret Minott - 2 years

Ed Russell - 3 years

ZONING BOARD - 4 year term

Burnell Long - 4 years

Howard Henderson - 4 years

Emil Platske - 4 years

Fred Johnson - 4 years

Clayton Maus - 2 years

David Bamberger - 2 years

Forrest Close - 2 years

FIRE BOARD - 6 year term

Thomas Kronke - 6 years

Bill Gibson - 4 years

Robert Brown - 4 years

Robert Pattison - 2 years

Roger Freestone - 2 years.

A member of an appointed Board of the Township shall be eligible to serve one term and may be considered for not more than one additional term. After the second term an individual will not be eligible for reappointment to the same Board for a two year period. This can be waived by Township Board by not less than 5 votes.

This will not apply to individuals Specifically covered by State Statute.

Letter was forwarded to all Board Members outlining this appointment schedule. No comments were received from Fire Board or Zoning Board of Appeals - one comment from Zoning Board about 4 people going off Board at same time, but according to statute, this has to be followed.

Motion was made by Howard Bushouse, seconded by Lois Brown that Resolution be adopted appointing Board Members as outlined above, effective December 1, 1978. All Board Members present voted "aye". Passed.

SERVICE CONTRACT - RECORDER

Motion was made by Howard Bushouse, seconded by Phil Hassing that service contract in amount of \$168.00 be approved. All Board Members present voted "aye". Passed.

1992 BOARD APPOINTMENT RECOMMENDATIONS

Clerk Branch reported for the Board Appointment Committee, stating that, in order to get the EDC appoints on the calendar years, like our other Boards, they recommended that Glenn Lewis be reappointed to a second term, expiring 1-1-98. Also recommended for reappointment was, Dick VanDam and William Nieuwenhuis to the Building/Fire Code Board of Appeals and Stanley Rakowski and George Vuicich to the Zoning Board of Appeals.

There was concern voiced by Glenn Lewis and Mike Ahrens about reappointing after the 2nd term. They felt other people should be given an opportunity to serve. It was explained that on the Building/Fire Code Board, the people must come from specific trades or professions and it is hard to find people to take those positions.

There was discussion about the current policy that allows the Township Board to reappoint after the 2nd term, as long as there are at least 5 votes in favor. The Committee suggested the policy be reviewed, then reaffirmed or changed. After discussion, which included; the policy would allow for a turn over on the Boards, thus giving new people a chance to serve, the policy would still give the Township Board the flexibility to reappoint, if needed (like on the Building Board, etc.), a motion was made by Brown, seconded by Hassing to reaffirm the policy that was adopted in December 1978 with one small wording change. The policy would read:

A member of an appointed Board of the Township shall be eligible to serve one term and may be considered for an additional term. After the second term, an individual will not be eligible for reappointment to the same Board for a two year period.

This policy can be waived by the Township Board by not less than 5 votes.

Motion carried.

Motion made by Hassing to accept the Committee's recommendations for reappointment. There was no support and Glenn Lewis requested separate motions for each Board. Mr. Hassing withdrew his motion.

Motion then made by Hassing, seconded by Bushouse to reappoint Glenn Lewis to a new 6 year term on the EDC. Carried.

Motion made by Hassing, seconded by Bushouse to reappoint Dick VanDam to a 3rd term and William Nieuwenhuis to a 2nd term on the Building/Fire Code Board of Appeals. Carried.

Motion made by Fiala, seconded by Hassing to reappoint George Vuicich and Stanley Rakowski to a 3rd term on the Zoning Board of Appeals.

In response to comments by Mr. Lewis and Mr. Ahrens, Mrs. Brown stated she felt that we were giving all Boards notice of the policy for the future, it is the fair thing to do.

The Board members seems comfortable with the recommendation for this year and the motion carried 6 - 0.

MTA CONVENTION

The MTA Educational Convention will be held January 21-24, 1992 in Detroit. The total cost per person would be \$484.34. Motion made by Fiala, seconded by Hassing to approve the expense for all Board members wishing to attend. Carried.

DEBT SERVICE BUDGETS

Clerk Branch explained it was necessary to adopt the 1991 Budget for the Debt Service Fund 90-5&6 Sewer & Water (4th ST/Stadium Dr).

Also, budgets were presented for 1992 for 68-1 sewer, 79-1 water, 79-2&3 water and 90-5&6 sewer & water.

Motion made by Hassing, seconded by Bushouse to adopt the 1991 budget for 90-5&6 as prepared. Roll call vote showed all Board Members present voting "aye".

Motion made by Bushouse, seconded by Hassing to adopt the 1992 budgets for all the debt service funds, as prepared. Roll call showed all Board Membes voting "aye".

OSHTEMO CHARTER TOWNSHIP
SUNSHINE FUND COMMITTEE POLICY

Adopted: _____

General Purpose:

The purpose of forming the Sunshine Fund Committee and establishing the Sunshine Fund is to allow employees to make voluntary contributions for employee potlucks, memorials, celebrations of life, and/or contributions toward the needs of the employees during extraordinary life events.

Policy Summary:

The Sunshine Fund Committee will collect, hold, and use sunshine funds for the purposes set forth above.

Sunshine Fund Committee:

The Sunshine Fund Committee is to be overseen by four employees selected by their peers with assistance from the HR Director.

The Sunshine Fund Committee shall collect, hold, and manage a fund of voluntary contributions from employees.

The Sunshine Fund Committee will provide a quarterly report to all those participating in the Sunshine Fund.

Contributions:

Employees wishing to make contributions to the Sunshine Fund will fill out an agreement form and submit the same to the Township's payroll clerk.

Employees may stop contributions to Sunshine Fund at any time by providing written notice to the Township's payroll clerk.

The Township Fire Department employees may establish and operate their own Sunshine Fund in accordance with this policy.

OSHTEMO CHARTER TOWNSHIP
SUNSHINE FUND COMMITTEE POLICY

MOTION TO APPROVE BOARD-APPROVED POLICY:

Motion was made by _____ and seconded by _____, to adopt the foregoing Policy by Board Resolution.

Upon roll call vote the following voted "Aye":

The following voted "Nay":

The following were Absent:

The following Abstained:

The Supervisor declared the motion carried and the Policy Resolution duly adopted.

Dusty Farmer, Clerk
Oshtemo Charter Township

CERTIFICATE

STATE OF MICHIGAN)
) ss.
COUNTY OF KALAMAZOO)

I, Dusty Farmer, the duly appointed and acting Clerk of the Township of Oshtemo, certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Oshtemo Charter Township Board held on _____, 20__, which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this ____ day of _____, 20__.

Dusty Farmer, Clerk
Oshtemo Charter Township

Oshtemo Township
SUNSHINE FUND POLICY

Oshtemo Township will manage a fund to hold voluntary contributions from employees that will be used to contribute to the memorials of family members who have passed away or any other expenditure as determined by the employee Office Sunshine Fund Committee. The Committee will also determine maximum collection amount, minimum contributions, types of expenditures, and procedures for reporting to contributing staff or officials.

This policy allows employees to utilize the Township software for ease of payroll deductions, payments to vendors, and tracking receipts and disbursements.

Fire Department employees will have a separate Sunshine Fire Fund.

To begin making contributions to the fund, employees will fill out an agreement form and submit to the payroll Clerk.

To stop contributions to the fund, employees will provide written notice to the payroll Clerk.

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

**RESOLUTION REGARDING
CLOSED SESSION OF JULY 23, 2024**

WHEREAS, it is necessary for the Township Board to meet and consult with its Attorney for purposes of discussing the Written Opinion of Counsel and the pending litigations: Solarek v. Klerk, Kellison Woods Condominium Association, & Oshtemo Charter Township, Case No. 2019-0338-CH and Solarek v. Doerr, Page, Cummins, Porter, Oshtemo Charter Township & PNC National Association, Case No. 2023-0379-CZ and to do so in an open meeting would have a detrimental effect upon the Township's position and could disclose matters protected by attorney-client privilege; and

WHEREAS, Section 8 of the Open Meetings Act, 1976 PA 267, as amended, permits a public body to meet in closed session to consult with its Attorney regarding material exempt from discussion and disclosure as set forth above.

NOW, THEREFORE, BE IT RESOLVED that, in accordance with the Open Meetings Act, the Oshtemo Charter Township Board hereby determines to meet in closed session this 23rd day of July 2024, to consult with its Attorney regarding the discussion of the Written Opinion of Counsel and the pending litigations: Solarek v. Klerk, Kellison Woods Condominium Association, & Oshtemo Charter Township, Case No. 2019-0338-CH and Solarek v. Doerr, Page, Cummins, Porter, Oshtemo Charter Township & PNC National Association, Case No. 2023-0379-CZ and to consider material exempt from discussion or disclosure by state law.

A motion was made by _____, seconded by _____, to adopt the foregoing Resolution.

Upon a roll call vote, the following voted "Aye":

The following voted "Nay":

The following was absent:

The Supervisor declared that the Resolution has been adopted by at least 2/3 of the members of the Board.

DUSTY FARMER, Clerk
Oshtemo Charter Township

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a regular meeting of the Oshtemo Charter Township Board, held on July 23, 2024, at which meeting __ members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

DUSTY FARMER, Township Clerk