

OSHTEMO
PLANNING DEPARTMENT
ANNUAL REPORT
2019
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 2019 and provides updates on the activities and projects planned for 2020.

The Planning Department has expanded the scope of the report to further document the activities of the Zoning Board of Appeals and the administrative activities of the Planning Department staff. By doing so, the document provides a more complete picture of the Planning and Zoning activities in the Township. This report is submitted to the Township Board for review and consideration as it develops its own work plans and budgets for the coming years.

PLANNING COMMISSION

2019 ORDINANCE AMENDMENTS

Agribusiness/Agritourism - During the public meetings of the 2017 Master Plan Update, residents in the rural areas indicated a desire to preserve property, but needed a revenue source to assist with this preservation. In addition, those that produced an agricultural product wanted other economic opportunities that would help to support their farming operations. In response to these requests, the Rural Character Preservation Strategy chapter of the Master Plan includes a strategy to update the Zoning Ordinance to allow for these types of businesses. In April of 2018 the Planning Commission started to work on a Agribusiness/Agritourism Ordinance to implement this strategy. After multiple reviews, the Planning Commission held a public hearing for the drafted amendment on March 28, 2019 where a motion to recommend approval to the Township Board was unanimously accepted. After discussion and additional modifications, the Township Board adopted the Agribusiness/Agritourism Ordinance amendment in May 2019.



Examples of Agritourism

The Agribusiness/Agritourism Ordinance is designed to provide those who either produce an agricultural product or live in the rural area and meet certain criteria the opportunity to generate some additional revenue on their property. The objective is to offer additional options for these property owners without impeding the enjoyment of the rural character of the area. It is not the intent of the ordinance to allow commercial operations within the rural area of the Township and therefore, some uses, like special events, have been limited.

Lighting— In response to complaints about string lighting within the Township, the Township Board directed the Planning Commission to review Section 54, Lighting Ordinance to address these concerns. The Planning Commission used this opportunity to review the entirety of the lighting ordinance and bring it up to today's technology standards. Over a six-month period, utilizing the Dark Sky Society and Illuminating Engineer Society model ordinances, as well as other township and city lighting ordinances as examples, the Planning Commission drafted an amendment to the Lighting Ordinance. The Amended Lighting Ordinance repealed and replaced Section 54. The Code now directly outlines applicability, includes definitions, gives general and specific provisions related to outdoor lighting, and provides clear direction between what is permitted and prohibited. The amendment was adopted by the Township Board in September 2019.

Flags and Flagpoles Ordinance— The Township Zoning Ordinance managed flags and flagpoles within the Signs and Billboards Ordinance, which is not how most flags are utilized in Oshtemo. Often, property owners wish to fly the American or State of Michigan flag, not an advertisement flag. Therefore, the Sign Ordinance is an awkward location to manage flags. In addition, the ordinance language provided very little regulatory control over the placement of flagpoles. To address these concerns Section 57.140: Flags and Flagpoles, under the Miscellaneous Protections Ordinance, was drafted in September 2019 to address the placement of flagpoles, the size of flags, and which flag sizes should only be allowed in nonresidential areas. The amendment was adopted by the Township Board in November of 2019.

Conditional Rezoning Ordinance Amendment— Section 53.510 states that when an approved development and/or use of a conditionally rezoned property is not established within 12 months of approval or an extension is not granted, the land reverts to its former zoning classification. Upon review the Planning Commission found that the process for a reversion required four public meetings and was redundant. To address

this issue the Planning Commission proposed an amendment to this code section to allow for a smoother process but still ensure due process. The amendment was approved by the Township Board in February 2019.

Subdivision, Site Condominium, and Land Division Ordinance— Common practice during the development of subdivisions or site condominiums is to build sidewalks after the construction of individual residential units. This is the best way to ensure that sidewalks are not damaged by heavy equipment during ongoing construction of the home. While this practice is working effectively for lots and/or building sites, it does not manage those common areas where a home is not intended to be built. To avoid confusion on who is responsible for these areas and ensure that a complete sidewalk network is installed within a development, this amendment added a provision to Step 3 of the Subdivision, Site Condominium, and Land Division approval process to require the developer to construct sidewalks in common areas along with planned infrastructure. This Ordinance amendment was approved by the Township Board in November 2019.

Landscaping—In 2016, the Planning Commission worked for several months developing a new Landscape Ordinance. Time was spent in the field reviewing constructed sites to see how landscaping was being developed and other community ordinances were examined for comparisons. However due to a zoning ordinance reorganization the Ordinance amendment was put on hold. When the reorganization project was completed, this project was reopened by the Commission. Several meetings were held and additional changes made. After receiving public input, the Planning Commission motioned for forward the draft landscaping ordinance to the Township Board at their December 12th meeting. The Township Board will consider the adoption of these amendments in 2020.

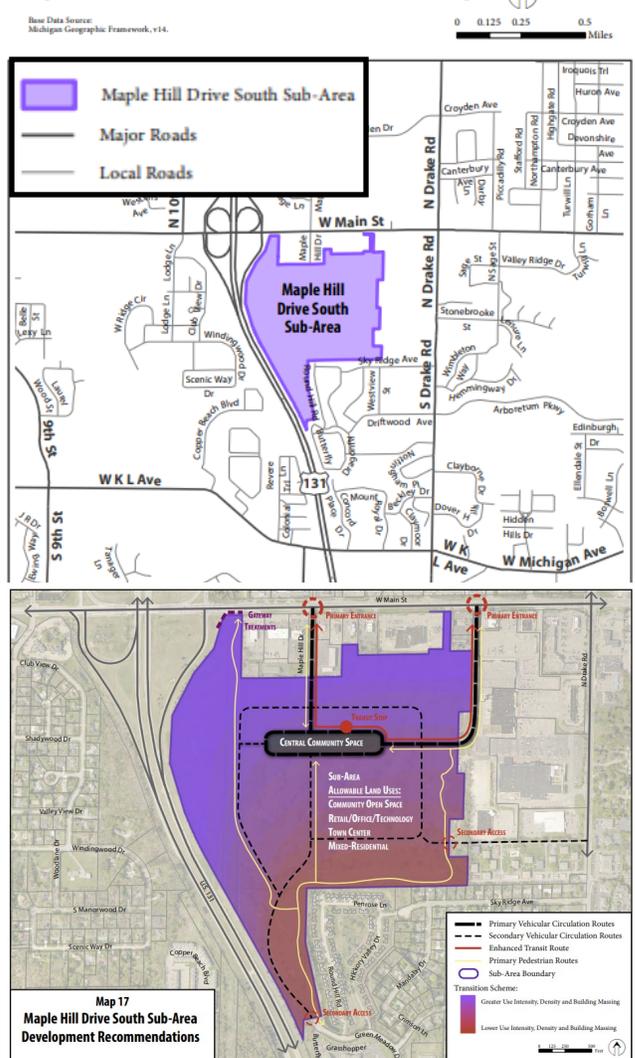
Setbacks & Accessory Buildings— Concerns were expressed about how the Township was regulating accessory buildings on residential properties, specifically where they were permitted to be located on a parcel, lot, or building site. After review of the Setback and Accessory Buildings Ordinances, the Planning Commission determined that amendments were needed to clarify where accessory buildings would be permitted and ensure that the two regulations worked in concert. Other areas of interest when considering changes to the Accessory Building Ordinance, in addition to placement, included: height, the treatment of accessory buildings on lots/building sites vs. parcels, and the overall permitted square footage of detached buildings based on lot size. The amendments to these two ordinance sections started in mid 2019 but have gone through various iterations. The Township Board will consider the adoption of these amendments in 2020.

Keeping of Animals— In February 2019, a resident came to a Planning Commission meeting requesting the Township consider allowing the keeping of honey bees as a permitted use. In reviewing the Zoning Ordinance, bees were not addressed

and therefore were not permitted. In December 2019, the Planning Commission forwarded a proposed amendment to 57.80 Keeping of Poultry, Swine, Horses, or Livestock to the Township Board with a motion recommending approval. The proposed amendment would allow for the keeping of honey bees for non commercial purposes (following the Generally Accepted Agricultural and Management Practices). The Board requested additional changes be considered for clarification and returned the amendment to the Planning Commission to further develop. The Commission is currently working on these changes. The Township Board will consider the adoption of these amendments in 2020.

Maple Hill Overlay Zone— In response to the Maple Hill South Sub-Area Plan, developed as part of the 2017 Master Plan Update, see images below, the Planning Commission started work in March 2019 with Wade Trim to create a draft Maple Hill Overlay Zone. This overlay would allow for the redevelopment of an existing golf course at the south east corner of W Main Street and US Highway 131 into a compact, pedestrian-oriented, mixed-use district. However, with a change of staffing, this project was put on hold in November 2019 to be picked up again by the Commission in 2020.

Maple Hill Drive South Sub-Area Location Map



UPCOMING ORDINANCE AMENDMENTS

One of the purposes of the Annual Report is to look ahead to 2020 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. By request of the Planning Director the Planning Commission reviewed a list of their pending ordinance amendments to set priorities. The Planning Commission identified the following three amendments as their top priorities for 2020:

1. 5G
2. Marijuana
3. Maple Hill South Mixed-Use Overlay District

Other ordinance amendments that were considered are listed here, in no particular order: Nonhazardous materials; Go Green Oshtemo; Permitted Uses, Permitted Uses with Conditions, and Special Uses; and Signage.

REZONINGS

The Planning Commission did not receive any rezoning requests in 2019. However, a property at 3000 South 11th Street that was conditionally rezoned in 2016 from R-2: Residence District to R-3: Residence District was reverted back to R-2 Zoning this year. This occurred as the conditional rezoning for 3000 South 11th Street was never established and an extension was not requested within the allowable time period (via Section 53.510 of the Zoning Code).

SUBDIVISION/SITE CONDOMINIUMS

No new subdivisions were submitted to the Township in 2019. However, one site condominium in the process of development approval was reviewed. Autumn Grove received Step 3 approval in 2019. The development had previously received Step 1 approval, which includes a recommendation from the Planning Commission. Steps 2 and 3 of the approval process are managed by the Township Board. Staff included this project within this report to more clearly outline the Planning Departments workload in 2019 and to provide continuity of the approval process throughout the life of the developments. Step 3 approval means that all planned infrastructure has been installed within the development, accepted by the Township, and allows the developer to start building homes.

SPECIAL EXCEPTION USES

A total of 11 Special Exception Use applications were submitted to the Planning Department in 2019, which is two less than were evaluated in 2018. All were approved, each with a specific set of conditions, which the applicant was required to meet as part of the development of the project.

The *Total Special Exception Use Reviews in 2019* table can be found on the following page.

Three of the Special Exception Uses were for new construction: two of which were redevelopments. Consumers Credit Union on West Main Street wished to redevelop their site to accommodate their growing facilities and needs. Metro Toyota purchased a restaurant neighboring their store on Stadium to convert it to a new/used car sales lot. Bryce and Associates requested a change to a PUD district to allow for the construction of a new senior assisted living facility.

Four of the approved Special Exception Uses were for temporary outdoor events within the Township, which is two less than in 2018. These included Jake's Firework's Tent Sales, a summer Barn Camp for children, and two businesses allowing food trucks on their property. The Thirsty Hound on 8th Street and Lawton Ridge Winery on Stadium Drive both hosted weekly food trucks throughout the summer months.

The Planning Commission often permits staff to administratively review temporary outdoor events once they have been approved through the public hearing process. While four events were approved by the Planning Commission in 2019, a total of 12 events were held throughout the year, including the third annual community festival fundraiser for Oshtemo Rotary Club that included midway rides, concessions, and games. The *Total Administratively Reviewed Temporary Outdoor Events in 2019* table can be found on page eight of this report.

SITE PLAN REVIEW

In general, the Planning Commission does not review site plans unless they are attached to a Special Exception Use. In 2019, three site plans were submitted to the Planning Commission. Two were due to their location within the West Main Overlay Zone, which requires Planning Commission approval by ordinance. These included a new auto parts store and a medical office. The final site plan was for a bank that was tied to a conditional rezoning previously approved by the Planning Commission. The three site plans reviewed by the Planning Commission are as follows:

Total Site Plan Reviews in 2019:		3
Project Name / Address	PC Decision	Approval Date
Advia Credit Union / 6400 West Main	Approval with Conditions	2/28
Bronson Medical Office/ 6210 West Main	Approval with Conditions	6/13
O'Reilly Auto Parts Store / 6297 West Main	Approval with Conditions	7/11

SPECIAL EXCEPTION USES Continued

Total Special Exception Use Reviews in 2019:				11
Project Title / Address	Applicant	Use/Project Summary	PC Decision	Date
Consumers Credit Union / 5018 West Main	Bosch Architecture	Bank / demolish existing building to redevelop the site	Approval with Conditions	3/14
Metro Toyota/ 5924 Stadium	Hurley & Stewart, LLC	New or used car sales lot /demolish existing building to redevelop the site	Approval with Conditions	3/14
Jake’s Fireworks/6430 Stadium	Jake’s Fireworks	Temporary outdoor event / Firework tent sale	Approval with Conditions	4/11
Lawton Ridge Winery Food Truck/ 8456 Stadium	Lawton Ridge Winery	Temporary outdoor event / Food truck	Approval with Conditions	4/11
Thirsty Hound Food Truck/ 1020 South 8 th	The Thirsty Hound, LLC	Temporary outdoor event / Food truck	Approval with Conditions	4/11
Maple Hill West / 6883 West Main	Maple Hill Leaseholds, LLC	New or used car dealership / renewing special use approval	Approval with Conditions	4/11
Consumers Credit Union Temporary Facility /5030 West Main	Bosch Architecture	Temporary Bank / to allow for the construction of a temporary facility	Approval with Conditions	5/23
Costco Gas Station /5100 Century	Barghausen Consulting Engineers, Inc	Gas station / Expansion	Approval	5/23
Oshtemo Assisted Living facility	Byce & Associates	Assisted Living Facility / Amendment to a PUD to construct a senior assisted living facility (65 units with 74 beds are planned)	Approval with Conditions	5/23
Camp Whimsy Special Use /2582 South 6 th	Doreen Beltz	Temporary Outdoor Event / Summer camp	Approval with Conditions	6/13
Spectrum Sign Deviation/ 5095 Century, Suite A	RWL Sign	Planned Unit Development (PUD) / re-requesting additional signage	Approval	12/12

MEETINGS / ATTENDANCE

The Planning Commission had a total of 24 meetings scheduled in 2019; 22 regular meetings and two joint meetings. Of the 24 planned meetings, one regularly scheduled meeting was canceled due to lack of quorum. The regular meetings were held on the second and fourth Thursdays of each month. November and December had only one meeting each due to the holidays.

As shown in the table to the right, the Planning Commission is highly engaged and has a strong participation record.

Commission Members	Attendance
Bruce VanderWeele	23/23
Ollie Chambers	18/23
Ron Commissaris	18/23
Keisha Dickason	17/23
Dusty Farmer	23/23
Micki Maxwell	21/23
Mary Smith	20/23

ZONING BOARD OF APPEALS

In total, seven applications were reviewed by the Zoning Board of Appeals (ZBA) in 2019. This is down from 2018 by five applications.

SITE PLAN REVIEWS

Three site plans were reviewed by the ZBA in 2019, which is four less than were considered in 2018. Of these reviews, one was for new construction on a vacant site, and two were for additions to existing buildings. See summary table at the top right.

DIMENSIONAL VARIANCES

The ZBA reviewed four dimensional variance requests in 2019, which is down by one from 2018, see the *Total Dimensional Variance Requests in 2019* table at the bottom of the page for a summary. 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 wrong with that ordinance, necessitating a review that may warrant an ordinance revision.

Variations should be considered carefully and under normal circumstances rarely granted. The approval rates tend to be high for dimensional variances within the Township because of Planning staff efforts to filter requests that do not meet the legislative and legal requirements for granting approval, which include: ensuring that the spirit of the ordinance is observed, public safety secured, and substantial justice done; that a practical difficulty exists and there is a unique circumstance found on the property; and, that the problem is not self-created.

MEETINGS / ATTENDANCE

ZBA meetings are scheduled on the fourth Tuesday of each month. In 2019, of the twelve regularly scheduled meetings, eight were held and four canceled due to lack of agenda items. In addition, the ZBA was invited to the two joint meetings that were held in 2019. As shown on the table on the right, the ZBA is highly engaged and has a strong participation record.

Total Site Plan Reviews for 2019:				3
Project Name/ Location	Applicant	Use	Approval	
Marana Group Warehouse Addition / 3777 Sky King Boulevard	Marana Group	Warehouse	8/27	
Meijer Façade Improvements/6660 and 6700 West Main	Bergmann	Retail and Convenience store	10/22	
Ascension Borgess Medical Office Building/ BTR2	Bremner Real Estate	Medical Office	12/19	

Board Members	Attendance
James Sterenberg	9/10
Cheri Bell	10/10
Micki Maxwell	10/10
Neil Sikora	10/10
Anita Smith	8/10
Fred Antosz	10/10
Fred Gould	10/10

Total Dimensional Variance Requests in 2019:				4
Address	Applicant	Variance	Date	Decision
5018 West Main	Bosch Architects	Building setbacks and landscape buffer requirements	2/26	Approval with Conditions
6883 West Main	Maple Hill Leasehold, LLC	Required setbacks for the display of cars in a sales lot	5/28	Approval with Conditions
7001 Stadium	Greg and Stacey Flentje	Construct a residential accessory building in the side yard	8/27	Approval with Conditions
7067 Hawthorne Valley	David and Bree Bennett	Construct a residential accessory building in the front yard	11/12	Approval with Conditions

PLANNING DEPARTMENT REVIEWS



Township Hall

The Planning Department processes all of the development applications that are submitted to the Township, including rezoning requests, variances, site plans, building, sign, and sidewalk permits. In 2019, a total of 448 applications were reviewed by Planning Department staff, which is 97 more applications than reviewed in 2018.

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, one-day temporary outdoor events, and communication tower co-locations or upgrades. A total of 18 administrative development reviews were conducted in 2019, which is 5 less than completed in 2018. A brief summary of the 2019 staff level reviews are found below and on the following page.

In addition to the applications noted above, the Planning Department also completed reviews for land divisions, sign permits, and building permits. These reviews account for a significant portion of the Zoning Administrator’s daily activities.

COMMUNICATION TOWER CO-LOCATIONS OR UPGRADES

Total Communication Tower Reviews in 2019:		3
Address	Applicant	Approval Date
4048 South 9 th	Black & Veatch	1/17
624 N 4 th	T-mobile	1/17
3988 South 9 th	SMJ International	12/17

BUILDING PERMITS

Planning Department staff reviews building permit applications that are subject to zoning compliance as determined by the Southwest Michigan Building Authority 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 2019, the Township approved 591 building permits, which is a 32.5 percent increase from the 446 reviewed in 2018. Of the total number of permits issued, 310 or 52 percent required zoning review by the Township Zoning Administrator. This is almost double of the amount of 2018 where 165 building permits required zoning review.

SIGN PERMITS

Sign permits were down by 25 percent in 2019. A total of 50 sign permits were issued, which is 16 less than 2018. New signs were the majority issued in 2019 at 38 permits. The remaining 12 permits were for temporary signs or panel replacement 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

In 2019, the Zoning Administrator worked with the Assessing Department to review 11 land division, re-description, or combination applications, which is down by eight applications from 2018. The task of the Zoning Administrator is to ensure that the requested change to property boundaries meets all of the area 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 Ordinance Enforcement Officer. In 2019, a total of 49 sidewalk permits were issued. This is a 22 percent increase from 2018 when 40 permits were issued. The increase in sidewalk permits is indicative of the residential construction occurring in the Township.

MINOR AMENDMENTS TO AN APPROVED SITE PLAN

Total Minor Amendments Administratively Reviewed in 2019:			7
Address	Applicant	Use	Approval Date
3393 South 6 th	S&T Lawn Service, Inc.	Expansion	1/16
8661 Stadium	Kerry Mullholland	Storage shed	4/25
5020 W Main	Kathryn Neal	Temporary Storage Containers	8/22
7561 Stadium	Steensma Lawn and Power Equipment	New connector drive	10/3
6101 West Main	Hurley & Stewart, LLC	New rear access drive	Suspended
6641 Stadium	Iris House Salon and Spa	Site improvements, additional parking	9/12
6281 Stadium	HMLF, PLC	Reuse of a building	9/25

TEMPORARY OUTDOOR EVENTS

Total Administratively Reviewed Temporary Outdoor Events in 2019:			8
Address	Applicant	Event	Approval Date
8178 West Main	D&R Sports Center	outdoor promotional event	4/2
5030 West Main	Oshtemo Township Rotary Club	Oshtemo Rotary Family Festival	5/9
4001 South 9 th	Cort Furniture Rental	tent sales	5/14
454 S Drake	West Kalamazoo Christian	Member Only -summer event	6/15
5034 W KL	Good Stuff Fireworks	Tent sales	6/17
6660 West Main	TNT Fireworks	Tent sale	6/24
1650 S Drake	Kellogg Community Credit Union	Dollar Dog Day—KCCU Event	8/12
5030 West Main	Wahmhoff Farms, LLC	Christmas tree sales event	11/22