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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**Thursday,
March 26, 2015**

7:00 p.m.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Public Comment on Non-Agenda Items
5. Approve Minutes – February 26, 2015 Regular Meeting
6. Discussion of Sanitary Sewer Strategic Plan and Planning and Zoning Implications
7. Old Business
8. Any Other Business
9. Planning Commissioner Comments
10. Adjournment

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

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

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.

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.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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 or Citizen Comment on 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 is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)
(revised 5/14/2013)

Policy for Public Comment
6:00 p.m. "Public Comment"/Portion of Township Board Meetings

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

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 to respond at a later date.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)
(revised 5/14/2013)

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD FEBRUARY 26, 2015

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE (FIRST AGENCY) - PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM AVB CONSTRUCTION ON BEHALF OF LYNDON CRONEN FOR THE EXPANSION OF AN EXISTING SPECIAL EXCEPTION USE TO CONSTRUCT A 4,000 SQUARE FOOT STORAGE BUILDING FOR THE EXISTING OFFICE ON THE SUBJECT PROPERTY LOCATED AT 5071 WEST H AVENUE IN THE R-3 RESIDENCE DISTRICT. (PARCEL #3905-12-230-033)

PUBLIC HEARING: SPECIAL EXCEPTION USE (PNV INVESTMENTS, LLC) – PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM SCHLEY ARCHITECTS ON BEHALF OF PNV INVESTMENTS, LLC FOR THE EXPANSION OF AN EXISTING SPECIAL EXCEPTION USE TO CONSTRUCT A 2,800 SQUARE FOOT ADDITION ONTO AN EXISTING OFFICE BUILDING ON THE SUBJECT PROPERTY LOCATED AT 5659 STADIUM DRIVE IN THE R-3 RESIDENCE DISTRICT. (PARCEL #3905-25-332-020)

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, February 26, 2015, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairperson
Fred Antosz
Wiley Boulding, Sr.
Millard Loy
Pam Jackson
Mary Smith
Dusty Farmer

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director and James Porter, Township Attorney. There were approximately seven other people in attendance.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order by Chairperson Schley at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

AGENDA

The Chairperson asked for a motion to approve the agenda.

Mr. Loy made a motion to accept the agenda as presented. Mr. Boulding, Sr. seconded the motion. The motion passed unanimously.

Chairperson Schley also took this opportunity to introduce the new member of the Planning Commission, Mary Smith. He explained that she was a licensed engineer, and he welcomed her to the Commission.

ELECTION OF OFFICERS AND ZBA LIAISON

The Chairperson said the next item up for consideration was the election of officers for the 2015 calendar year. He expressed an interest in remaining as Chair, at which point Mr. Loy made a motion to appoint Terry Schley as the Chairperson of the Planning Commission. The motion was seconded by Mr. Boulding, Sr. The Chairperson called for a vote on the motion, and the motion passed unanimously.

The Chairperson said the next position to be filled was the Vice Chair. Mr. Loy made a motion to appoint Pam Jackson as the Vice Chair. The motion was seconded by Ms. Farmer. The Chairperson called for a vote on the motion, and the motion passed unanimously.

The Chairperson asked Mr. Loy if he would be interested in remaining as the ZBA liaison, and he said that he would. Mr. Antosz then made a motion to appoint Mr. Loy as the ZBA liaison. The motion was seconded by Ms. Farmer. The Chairperson called for a vote on the motion, and the motion passed unanimously.

Mr. Milliken noted that the Commission also needed a Secretary. The Chairperson called for nominations for Secretary. Ms. Farmer nominated Mr. Antosz to be Secretary for the Planning Commission. Mr. Boulding, Sr. seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairperson Schley asked if anyone in attendance wished to comment on non-agenda items.

There were no public comments on non-agenda items. Chairperson Schley moved to the next item on the agenda.

APPROVAL OF THE MINUTES OF DECEMBER 11, 2014

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the meeting of December 11, 2014. Hearing none, he asked for a motion to approve the minutes.

Mr. Loy made a motion to approve the minutes of the December 11, 2014 meeting. Ms. Farmer seconded the motion. The Chairperson called for a vote on the motion. The motion passed unanimously.

Chairperson Schley moved to the next item on the agenda.

PUBLIC HEARING: SPECIAL EXCEPTION USE (FIRST AGENCY) - PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM AVB CONSTRUCTION ON BEHALF OF LYNDON CRONEN FOR THE EXPANSION OF AN EXISTING SPECIAL EXCEPTION USE TO CONSTRUCT A 4,000 SQUARE FOOT STORAGE BUILDING FOR THE EXISTING OFFICE ON THE SUBJECT PROPERTY LOCATED AT 5071 WEST H AVENUE IN THE R-3 RESIDENCE DISTRICT. (PARCEL #3905-12-230-033)

Chairperson Schley said the next item on the agenda was a public hearing to consider the special exception use requested by AVB Construction to construct a 4,000 square foot storage building for an existing office on the subject property located at 5071 West H Avenue in the R-3 Residence District. The Chairperson asked to hear from staff.

Mr. Milliken submitted his report to the Planning Commission dated February 26, 2015, and the same is incorporated herein by reference. Mr. Milliken explained that the subject property on H Avenue was 3.57 acres in size with 450 feet of frontage on H Avenue, 300 feet of frontage on Drake Road.

Mr. Milliken explained that the subject property is located in the R-3 Zoning District, and the applicant was proposing a storage building to be used in association with the office building currently existing on the property. Mr. Milliken took the Commission through a review of the proposed development using a series of overhead slides and diagrams showing the proposed development along with an alternate conceptual plan.

Mr. Milliken outlined the applicant's proposal for maintaining existing landscaping, as well as planning additional berms for purposes of screening the property.

Mr. Milliken then took the Commission through a review of the Standards for Approval as fully set forth in his report. Mr. Milliken explained that Attorney Porter might have some additional input regarding this matter and turned the matter over to Township counsel.

Attorney Porter explained to the Commission that, as with any legislation, an Ordinance needs to be read in its entirety. He explained that he did not disagree with the technical analysis provided for by Mr. Milliken, but he thought that some additional information should be provided regarding accessory uses associated with office use.

Mr. Porter said, when looking at this proposal, he reviewed Section 78 of the Zoning Ordinance dealing with accessory buildings and noted, while this did not fall within the definition of an accessory building for a home occupation, that if it were a home occupation, the accessory building could not be used for a business use except in conformance with Section 78.900 of the Zoning Ordinance. In looking at that Section of the Ordinance, he took note of the fact that the Planning Commission had previously determined what it thought was compatible as an appropriate business use of an accessory building as a special exception use to a home occupation.

Attorney Porter noted under Section 78.920 of the Zoning Ordinance that the Planning Commission had set certain size limitations for accessory buildings to be used in a residential area in conjunction with a home office. The Planning Commission determined that for properties of 3 acres or more, accessory buildings were limited to 1,200 square feet. He also noted that the Ordinance stated that for residential structures, in no case shall the area of the accessory building utilized for the home occupation exceed the interior gross floor area of the dwelling.

Attorney Porter said, while the home occupation was not directly on point, he thought it could be instructive to the Commission as it tried to determine whether this use was compatible or injurious to adjacent properties. Attorney Porter also noted that Mr. Rod Walters of 5163 West H Avenue had provided written comments, bringing to the Commission's attention that there was already an existing accessory building located on the premises. The Chairperson thanked Attorney Porter for his input.

The Chairperson began by taking the Commission through a review of the first two sections of Section 23 of the Zoning Ordinance dealing with R-3 residential uses. In focusing on the provisions of Section 23.400, the Chairperson asked the Planning Director if he determined that the subject building was an office building, since he did not see a specific provision to allow accessory buildings in Section 23.

Mr. Milliken acknowledged that Section 23 did not talk about accessory structures but they were allowed throughout the R-3 District, as they were in other

districts which did not specifically mention accessory buildings. He said he thought it was a proper extension of a non-residential use, and was an accessory building.

Mr. Schley then asked if Mr. Milliken thought that the use was incidental to the office use. Mr. Milliken said he thought that was an issue which needed to be answered.

Attorney Porter noted that he thought it was an accessory building, and in answering the question of whether it was an incidental use to the principal use is why he directed the Commission to look at Section 78.920 of the Zoning Ordinance.

The Chairperson asked if there were any questions of the Planning Director.

Mr. Loy asked why, if the ZBA recently did not allow a developer in an I-1 zone to have loading doors to face a public street, why someone developing in an R-3 zone with six garage doors would be allowed to face the street. Mr. Milliken said the prohibition is not against overhead doors but against loading areas in the front yard, and he thought they should ask the applicant the purpose of the number of doors for the subject building.

Mr. Antosz asked if there would be any outdoor lighting. Mr. Milliken said he was not aware of any. Mr. Antosz then asked if the applicant would be constructing a sidewalk. Mr. Milliken said it was not included on the plan and some form of commitment should be required. It was up to the Planning Commission to decide whether funds should be escrowed or whether the applicant should agree to an assessment in the future. Mr. Antosz asked if there was a pool. Mr. Milliken said there was no pool located on the subject property.

Ms. Farmer asked what the size of the existing accessory building was on the subject property. Mr. Milliken said he would need to review the file.

Mr. Schley asked what the existing size of the office building was on the subject property, and Mr. Milliken said he would need to check on that as well.

The Chairperson asked if this was a private residence, could they build a garage this large. Mr. Milliken said they could only if the home was 4,100 square feet in size. Attorney Porter asked if the applicant would have to take into account the size of the existing accessory building. Mr. Milliken indicated that he would.

Mr. Boulding, Sr. said that the first issue to address was how to define what was being proposed. He asked whether the subject building was an office, storage building, or an accessory building? Mr. Milliken said he thought it was an accessory building. The Chairperson noted it was an issue for the Planning Commission to address.

The Chairperson asked if there were any more questions. Hearing none, he asked to hear from the applicant. Mr. Darrell Rynd from AVB Construction was in

attendance on behalf of the applicant, Lyndon Cronen. Mr. Rynd said he could not answer some of the fundamental questions which had been raised regarding the Ordinance. However, he thought this use was supplemental to an existing use on the property. He said initially they did not think they would even need to have a public hearing, and after it was initially pulled, they took a closer look at the issue in response to some of the concerns identified in the initial staff report. He said they had tried to lower the building height and screen the building better with vegetation and berms. Mr. Rynd said that the original building had eight doors, and they reduced that amount to six doors. He did note that the applicant had been at that property for 30 years and needed the additional space because they had a business which handled insurance for schools. He said the need for the various bays was based upon the amount of information pamphlets that they had to sort and distribute to schools throughout a multi-state area. He said the current office's main floor is approximately 4,500 square feet, and the other building on the site was approximately 1,500 square feet, but it housed lawn equipment, picnic tables, etc.

The Chairperson asked if there was any intent to provide outdoor lighting. Mr. Rynd said he was not sure, but thought there would likely be some down lighting on the building.

Ms. Smith asked why there were so many doors on the proposed building. Mr. Rynd said two of the doors were for deliveries, and he thought the larger ones were going to handle deliveries from 20-foot trucks, but the doors were primarily for access to the materials.

Ms. Smith asked if they would be bringing any semi-trucks to the site. Mr. Rynd indicated no.

Mr. Loy raised a question regarding the 20-foot apron and the ability of trucks to reach the subject building, given that there were two 90-degree angles which would have to be navigated. He said he did not think a person could get any truck in there the way it was designed. Mr. Rynd said it was likely that the drive for the second design would be more appropriate. However, in either case, a more formal design and layout would be developed with adequate engineering detail if the request is approved.

The Chairperson asked if there were any more questions of the applicant's representative. Hearing none, he called for public comment.

Mr. Rod Walters introduced himself to the Commission. He said he lived on H Avenue, just west of the subject property. He said Mr. Cronen was a very good neighbor, but he did not particularly like the gigantic pole barn which was proposed. He said he thought it would make the area look like a warehouse district.

Mr. Walters said he was not happy with the size of the proposed building, and perhaps a single door at the end would address some of his concerns. He told the Planning Commission if it approved the request, that he thought a professional

landscaping plan would be necessary. He said that some nice trees should be planted and neatly landscaped, not just leaving the existing brush and scrub trees which were on site.

Ms. Michelle Richard introduced herself to the Planning Commission. She said she lived just south of the property on Drake Road in an historic home. She noted that Mr. Cronen was a good neighbor, but she was concerned about the proximity of such a large building to the historic buffer zone. She was also concerned that the berm might produce more water run-off which would reach the foundation of her older home. She told the Planning Commission that she would be happier if this building was further north on Drake Road.

Mr. Rynd then told the Commission that he believed his client would be happy to do additional landscaping. He also noted that they had provided for drainage around the building with piping leading from the eaves troughs to the appropriate drainage area.

The Chairperson asked Township counsel if the applicant's request for a special exception use permit were denied, if they were limited to not returning for one year. Attorney Porter noted that generally that was true unless they submitted a significantly altered proposal.

The Chairperson asked if Mr. Milliken had had an opportunity to calculate the square footage of the existing office building and the existing accessory building. Mr. Milliken said that the existing office building was 3,800 square feet, and the existing accessory building was approximately 1,300 to 1,400 square feet.

The Chairperson said when he originally looked at this proposal, he was hoping that he could warm up to it, but he did not see that happening. He said aesthetically he thought that the garage was not too bad and noted that if it was a personal garage, they could design it or paint it any color they chose. However, he noted for the Commission's purposes they had to treat this accessory building as a business use because zoning runs with the land, and if this building were approved and ownership changed, it would run with the land. He said that while Mr. Cronen was a good neighbor, they did have to think about the long-term implications of the proposal.

The Chairperson told the Commission that he struggled with the technical aspects of the Zoning Ordinance and whether accessory buildings were appropriately permitted within the R-3 zone. He said he read the R-3 zone as allowing new offices but was concerned that incidental accessory uses were not permitted or at least needed to be better defined. He thought it was appropriate in trying to address the suitability of this structure to look at the standards for home occupations as pointed out by Township counsel under Section 78.920. He said if this was a business to house trucks, it would be clear that it would not be permitted. He said if this was simply a 40'x100' warehouse, it would not be permitted in a residential zone; it would be typically be directed to an I-R or I-1 zone. He said he thought the issue was one of a matter of scale.

Mr. Loy said that he was concerned that the applicant already had an existing accessory building on site, and now they were asking for another one. He said he had a serious issue with the size of the proposed structure.

Mr. Boulding, Sr. said that, while there were differing definitions to consider, and even considering this as an accessory building, he said the Township's Master Plan was to allow "limited" office development in the R-3 zone. He said he did not think that the size of this structure fit into an R-3 zone. He said if it did not change the character of the area, it certainly would affect the character of the area. Lastly, he said those residents living across the street would be directly affected, and he did not think it was a good fit for the property.

Ms. Farmer said that she was concerned that there was already an existing accessory building on site, and that it had not been included within the conceptual drawings. She also said, if you compared it to an accessory building for a home occupation, it was substantially larger than what would be allowed for a similarly-situated property.

The Chairperson asked the Planning Director if someone wanted a monster garage, would we allow him to build it. Mr. Milliken said that the Ordinance does allow it with approval of the Planning Director and site plan review. Attorney Porter noted that, while that was true, most large accessory buildings which exceeded the square footage of the residence were not approved directly by the Planning Director, but were often referred to the ZBA for site plan review and approval.

Ms. Jackson said that, while Mr. Cronen was a nice neighbor, she was concerned about the proposed landscaping. In addition, she was most concerned about the size of the proposed structure. She noted that the properties to the north, south and west were all residential, and that this building did not seem compatible with the area.

Mr. Antosz said that, when he originally reviewed this matter in January, he was opposed to it. He noted that the revised plan made it better, but he thought the building should still be smaller than what was proposed and better landscaped. He said size was a serious question.

Ms. Smith said she was concerned about the design of the building. She said she thought six doors were problematic because it appeared to be designed to accommodate six vehicles. She stated, while the applicant might not use the structure for that purpose, she thought in the future it would most likely be purchased and used by someone wanting to access all six doors, such as a contractor, and that simply did not fit into an R-3 zone. She noted that, while this area was becoming more suburban and a diagonal exposure helped, the building itself still was not compatible with other uses in the R-3 zone.

The Chairperson asked if there was a motion to approve the proposed amendment to the special exception use permit. Hearing none, he asked if there was a motion to deny the amendment to the special exception use permit. Mr. Boulding, Sr. made a motion to deny the request, and the motion was seconded by Mr. Loy. Township counsel asked if the record could reflect that the motion to deny was for the reasons set forth in the record. Both Mr. Boulding, Sr. and Mr. Loy concurred.

With the motion on the table, the Chairperson asked if there were any further comments, Ms. Farmer said, while she appreciated the applicant's attempt to berm and landscape the property, that the incompatibility was a matter of size, and she hoped the applicant, if he wanted to re-submit a modified application, would take that into consideration before returning to the Planning Commission.

The Chairperson said his biggest concern was that this structure did not appear to be subservient to the primary use. He said he did not think it was incidental, given the fact that the square footage of the proposed building exceeded the square footage of the principle structure. He said that warehouses simply were not something that should be permitted in an R-3 zone.

Mr. Boulding, Sr. said, if he lived in the area, he would not want to look at a building of this size and design across from him in a residential neighborhood.

The Chairperson noted that the Commission had to consider the request and design which were put in front of it, and it was not its job to redesign this for an applicant. Therefore, their only option was to either grant it or deny the request based upon the standards set forth in the Zoning Ordinance.

The Chairperson called for a vote on the motion. The motion passed unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE (PNV INVESTMENTS, LLC) –
PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST
OF THE APPLICATION FROM SCHLEY ARCHITECTS ON BEHALF OF PNV
INVESTMENTS, LLC FOR THE EXPANSION OF AN EXISTING SPECIAL
EXCEPTION USE TO CONSTRUCT A 2,800 SQUARE FOOT ADDITION ONTO AN
EXISTING OFFICE BUILDING ON THE SUBJECT PROPERTY LOCATED AT 5659
STADIUM DRIVE IN THE R-3 RESIDENCE DISTRICT. (PARCEL #3905-25-332-020)**

The Chairperson indicated that the next item on the agenda was the Planning Commission's consideration of a special exception use, and that due to a conflict, he was recusing himself, and removing himself from the dais, called for the Vice Chair to chair this item of the meeting.

Ms. Jackson then took over as Vice Chair of the meeting, noting that the Planning Commission was being asked to consider a special exception use from Schley Architects, on behalf of PNV Investments, to construct a 2,800 square foot addition to an existing office building located at 5659 Stadium Drive in the R-3 zoning district.

The Vice Chair asked to hear from staff. Mr. Milliken submitted his report to the Commission dated February 26, 2015, and the same is incorporated herein by reference.

Mr. Milliken explained that the building was located at 5659 Stadium Drive and consisted of two separate buildings. He noted that the applicant had already received a variance to locate the addition 15 feet from the west property line. He said the proposed addition was being made to the southern two-story building with approximately 6,921 square feet currently occupied by an attorney's office and a physical therapy clinic.

Mr. Milliken explained that the 2,800 square foot addition would extend 25 feet 5 inches from the existing building, bringing it in line with the existing building to the north. He said the addition was to house a physical therapy gym associated with a new therapy tenant in the building.

Mr. Milliken noted that the redevelopment includes resurfacing of the parking lot. In such instances, the Ordinance encourages bringing the lot into conformance with Ordinance standards. He said the proposed improvements include adding greenspace within the parking lot area to bring them more into conformance with the landscaping requirements of Section 75.140. At the conclusion of his report, Mr. Milliken took the Commission through the considerations for approval pursuant to Section 60.100 of the Zoning Ordinance, as more fully set forth in his report.

The Vice Chair asked if there were any questions of Mr. Milliken.

Mr. Antosz asked about water and sewer being connected to the building to the south and asked if it was going to be connected to the building to the north. Mr. Milliken said the north building was already connected.

Ms. Farmer asked about the sidewalks and when they would be installed. Mr. Milliken said at the time of construction.

Hearing no further questions, the Vice Chair asked to hear from the applicant.

Mr. Kris Nelson from Schley Architects spoke on behalf of PNV Investments, LLC. However, he said before he spoke, he thought the Commission should hear from the applicant as to what they were trying to achieve on site.

Mr. Paul Vlachos introduced himself to the Planning Commission. He said that they had a tenant which occupied a portion of their north building that wanted to move

to their south building but needed a work space and/or “gym” as an open exercise area for children. He said the north building then would be used by the adult program for physical therapy, keeping all of that business within the Township. Mr. Vlachos noted that they would maintain the landscaping to the west, rebuild their parking lot, install water and sewer, and overall, substantially upgrade the facility and hoped that the Commission would approve their proposal.

Mr. Nelson explained to the Commission that the only suitable location on site to put the addition was to the west due to limitations involving parking, as well as public utilities. He said he thought they had designed the building to blend in with the existing structures, and again noted the improvements being made to the site including parking and public utilities.

The Vice Chair asked if there were any public comment. Hearing none, she asked if there were any questions of the applicant.

Mr. Antosz asked about storm water and how it would be handled. Mr. Nelson said that, based on the Township’s Engineer’s analysis, they would be adding leaching basins, and storm drain trenches sized pursuant to the Township’s regulations to comply with the 100-year storm.

The Vice Chair asked if there were any further questions, and hearing none, she called for Commission deliberation.

Ms. Farmer said she thought it was gratifying to see a developer who is willing to put in sidewalks at the time of development. She also noted that she thought the proposed site plan was consistent with the area and the allowed uses within the R-3 zone.

Mr. Loy said, at the time the ZBA granted the variance to allow an encroachment on the setback to the west, that they took note of the fact that it was immediately adjacent to a parking lot and still more than 100 feet from the R-4 structure to the west.

The Vice Chair asked for further discussion. Hearing none, she called for a motion. Ms. Farmer made a motion to approve the site plan subject to the following conditions as set forth in the staff report:

1. Compliance with required landscaping along the west property line should existing landscaping be removed.
2. The Master Deed and any other legal documents associated with the Stadium Drive Office Condominium be amended as necessary to reflect the expansion to the office building (condominium unit) and recorded copies be provided to the Township.

3. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
4. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

Mr. Loy seconded the motion. The Vice Chair called for further discussion. Hearing none, she called for a vote on the motion. The motion passed unanimously.

OLD BUSINESS

Mr. Schley resumed the dais and took over as Chairperson of the meeting. He asked if there was any old business. He said he wanted to remind the Commission to plan a meeting in the spring to take road trip to take a look at existing landscaping in the Township in order to evaluate future needs.

Mr. Milliken then presented the Commission with the Planning Department Annual Report 2014. Many of the Commissioners thanked him for the thoroughness of that Report.

The Chairperson said he thought, given the discussion at the meeting, they should also look at the definitions of “incidental” and “accessory uses” and make sure that things were clear in the future. The Chairperson also said that the Commission would likely be looking at new developments and sanitary sewer needs to be established by the Commission. He said he thought that whatever the Planning Commission did, it should be consistent with the Master Plan and based on what would protect the ground water. He said that might involve the Planning Commission reviewing the density provisions where sewer was not available or likely not to be installed in the near future. Ms. Farmer reminded the Commission that ultimately decisions on this topic will need to come to the Township Board.

The Chairperson asked Staff to prepare an initial presentation on issues such as background information, sewer and water requirements, density issues and mapping areas with and without sanitary sewer.

ANY OTHER BUSINESS

The Chairperson noted that there were training sessions available in 2015 and that Planning Commissioners who were interested should talk to the Township Planning Director.

PLANNING COMMISSIONER COMMENTS

Mr. Loy happily explained to the Planning Commission that the Oshtemo Historical Society had entered into a contract for a new Master Plan for the development of The Drake Homestead.

ADJOURNMENT

Having exhausted the agenda, the Chairperson called for adjournment of the meeting at 9:05 p.m.

Minutes prepared:
March 2, 2015

Minutes approved:

March 20, 2015



Mtg Date: March 26, 2015
To: Planning Commission
From: Gregory Milliken, AICP
Subject: Introductory Discussion on Sanitary Sewer Planning

At next week's Planning Commission meeting, we will initiate a process to review and evaluate public sanitary sewer and private septic sewage disposal systems in the Township. Those of you who attended the Joint Meeting of Township Boards and Commissions in February know that the Township Board is beginning to look at this issue closely and assess the current and planned future sanitary sewer system in the Township.

The Planning Commission has a role in this process. Sewer issues are addressed in nearly all of the documents that are maintained and/or administered by the Planning Commission. In addition, by its nature, the essence of the Board's discussion is planning related. So your input and recommendations on key policy issues will be valued.

Staff's intent for the upcoming meeting is primarily to introduce the subject matter and the materials attached hereto. We are not looking for any decisions, conclusions, or conclusive feedback at this time. Rather, our desire is to ensure all Commission members have a solid, similar base of understanding as we enter into these discussions.

This is particularly important for this issue as it is highly likely that there will not be agreement or consistent opinions across all members of the Commission. Our discussions will cover economic expectations, property values, densities, and development rights. These are issues that people feel passionately about, and I anticipate we will see some of that over the course of our work. I hope all of you will feel comfortable sharing your opinions and thoughts as we work through this together and at the same time create an environment that allows each other the ability to comfortably share independent opinions.

In preparation for our discussion, we have attached a few items for your review prior to the meeting. We will introduce each of them here.

Sanitary Sewer Strategic Plan Study

In 2011, the Planning Department prepared a study that guided the development of a Strategic Plan for sanitary sewers in the Township. (Those of you who attended the Joint Meeting will remember that this was the focus of much of the discussion following the presentation that evening.) Some of the details are in process of being updated to bring the study up to date. However, we thought we would share with you again as it provides a good background on the relationship and differences between a public sanitary sewer system and private septic systems.

7275 W. Main St.
Kalamazoo, MI 49009
(269) 375-4260
www.oshtemo.org

We will not spend a lot of time at the meeting or subsequent discussions debating the merits of the report or its details. Rather we will use this as a framework from which to provide the initial background on the subject matter.

Master Plan

The Master Plan contains a few pages describing the existing and proposed sanitary sewer and water distribution systems. These are important elements in the Master Plan as land use or other decisions made in a particular section of the Township should be done so in consideration of whether or not there is a plan for public sewer service in that area in the future.

As the group charged with preparing and maintaining the Master Plan, one of our tasks will be to carefully review the planned service area map to assess if it is consistent with the goals and vision of the Township. Is it expanding in the right areas, in the wrong areas, and/or should it not be expanding at all?

Zoning Ordinance

In many ways, this is where the rubber meets the road. This is the law, and it is where any policy statements or guidelines become requirements for property owners and developers.

Attached are several pages and sections of the current Zoning Ordinance that address wastewater issues directly or indirectly. Several examples are taken from types of development indicating that connection to public sanitary sewer is required for development. Of primary importance is the minimum lot area requirements for different zoning districts and the implications it has for utility infrastructure in different portions of the Township.

Based on the review of the pages from the Master Plan and overall policy recommendations from the Commission, this will guide the Commission's review of the Ordinance language and potential need for any amendments.

Sanitary Sewer Strategic Plan Study

January 2011

In 2010, the Sewer and Water Committee undertook a study to guide the establishment of a Sanitary Sewer Strategic Plan for the Township. The goal of the study was to research and identify ways to address the environmental impacts of failing septic systems on groundwater in Oshtemo, the only drinking water source for the entire community, including the extension of sanitary sewer into those areas of the Township that can reasonably be served. The committee looked at information available from the Kalamazoo County Health & Community Services Environmental Health Division, Michigan Department of Natural Resources and Environment, and other studies conducted outside of Michigan regarding the threat of improperly maintained and failing septic systems on groundwater.

This study revealed that public education and outreach efforts regarding septic system operation and maintenance have been inadequate. Studies have found that the typical homeowner has a serious lack of knowledge about septic systems. Because a large part of Oshtemo cannot reasonably be served by sanitary sewer due to topography, it is imperative from a groundwater quality standpoint that education efforts be continued and enhanced.

The eastern third of the Township, the most densely populated area, is able to be serviced from established or planned trunk-lines sanitary sewer in the near or not too distant future. However, the Committee recognizes that the cost of connecting to sanitary sewer can be burdensome to homeowners thereby discouraging both voluntary connections as well as the regular inspection of existing septic systems for fear of the unknown. Another goal of the study was to determine a means to make the connection more achievable financially to homeowners. In order to compare the cost of maintaining or replacing a septic system versus connecting to sanitary sewer, local contractors specializing in septic and sewer work were consulted to determine average costs associated with maintenance and replacement.

To put the assumptions and findings into terms that were understandable to committee members and the general public, the Committee identified three study area neighborhoods – two established in the 1960s and the other in the 1990s; one of the 1960s neighborhoods has public sewer available with only one residence connected. The study areas were identified to allow for a closer look at known conditions of existing septic systems, age of the residences, size and values of the homes, condition of the road, etc., to see how any new policy on connections could be tied to both a sanitary sewer capital improvement plan and road maintenance prioritization. Township-wide sale prices over a five year period of homes on septic versus homes connected to public sewer were compared as well.

Groundwater Protection and other Environmental Considerations

In 1978, the Legislature of the State of Michigan set forth in the Michigan Public Health Code that, “public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of diseases, morality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination.”

A major concern with the design and usage of septic systems is the potential of polluting the groundwater. Pollution could come from metals, microbes, or other substances. Throughout the United States, groundwater contamination has occurred where there are high densities of septic systems; studies have shown that the groundwater has been contaminated by high amounts of organic contaminants from septic systems. Impacts of failing septic systems are more of a concern when the community also relies on groundwater for its drinking water source – as is the case in all of Kalamazoo County.

A 1999 study by the Civil Engineering Department at Virginia Technological University found that as many as one-half of all septic tanks in operation are not functioning correctly; this finding is still relevant today and not limited to the area studied. A common failure of a system is when the capacity of the soil to absorb effluent is exceeded. When this happens, the wastewater from the drain lines makes its way to the surface where water runoff from rain can wash the contaminants into surface waters or into inadequately sealed wells down gradient. A more significant failure is when pollutants from the drain field move too quickly through the soil and potentially into the groundwater.

The Kalamazoo County Health & Community Services Environmental Health Division (EHD) has stated that if correctly designed, operated and maintained, an onsite sewage treatment system (STS) is a very effective long term means of treating and disposing of wastewater. (Note: a STS is called a septic system in this report) However, the EHD acknowledges that operation and maintenance of these systems is beyond its purview and as a result there is no assurance that a STS is properly maintained after installation. In the State of Michigan, there is no statutory requirement that onsite sewage treatment systems be regularly maintained or inspected. While acting as an agent for the State of Michigan in permitting and inspecting them, the EHD has the authority to mandate regular maintenance as well as inspection of existing systems, it neither exercises said authority nor presently has a policy or ordinance in place to undertake such a program. Many other counties in Michigan take a more proactive stance with respect to mandatory STS inspections. As every property in Kalamazoo County is served by groundwater – either through a private well or the public water supply – it is unfortunate that the EHD does not have the resources or initiative to be more aggressive in this area. Unless requested by the owner (or a potential buyer) or an obvious problem exists – sewage on the ground or visibly impacting surface or groundwater – no inspection of a STS occurs by EHD. That is, problems and failures occurring

out-of-sight and/or unreported by homeowners or contractors continue unabated and unregulated. The EHD reports that an improperly maintained STS may present significant health risks. These health risks are greatest when a STS fails within a sensitive area such as those in proximity to surface water bodies, shallow unconfined drinking water aquifers, areas where protective clay barriers were removed for system installation, areas of high groundwater water table, and small lot sizes. In most of the older neighborhoods in Oshtemo, many lots are too small for replacement trenches and drain beds and deviations from the Kalamazoo County Sanitary Health Code must be granted for the installation of drywells, considered to be a sub-optimal wastewater disposal system as they do not adequately treat effluent from the septic tank before it is absorbed into the soil and gravel surrounding the drywell.

Many factors can contribute to the failure of a septic system. Most often the cause is improper and/or infrequent maintenance. Ignoring a septic system will almost certainly cause it to fail, not only posing a health risk to families, but also causing them the hassle and costs in the thousands of dollars to repair it possibly several times during the life of the system or replace it more than once during their ownership of the home.

Even systems that appear to be in proper working condition may allow bacteria, viruses, or harmful materials to contaminate ground or surface water supplies. This makes regular system inspection even more important.

Many homeowners are either unaware of or unwilling to implement the necessary steps to ensure proper operation and maintenance of their septic systems. Additionally, many homeowners are not aware of the age of their system, the type of system serving their home, or that preemptive maintenance is necessary to keep it functioning properly for the design life of the system, typically 15-20 years. Subsequent homeowners may not even know where their septic system is located.

Inspection Program

The most effective way to control problems caused by improperly operating septic systems is through a comprehensive management program. The management program can reduce water quality degradation and save Township residents and homeowners time and money. The management program can, by design, encourage proper operation and regular maintenance of systems by educating homeowners and identifying minor repairs that prevent total system failure and replacement.

As part of this study, the committee consulted with the Township Attorney regarding the ability of the Township to adopt an ordinance whereby mandatory inspection could be required. The initial thought was to mandate inspection of all systems 10 years old and older and then every five years thereafter or more frequent if the system was found to be functioning at less than 50% of its original design capacity. In his review and analysis, the Attorney found that while the Township did not have authority to inspect existing septic systems, it could, in furthering the protection of the public health and groundwater, contract with Kalamazoo County to perform the inspections pursuant to its authority and the ordinance.

One of the primary goals of an inspection program will be to prioritize the residential areas by age and proximity to existing sanitary sewer lines to extend sewer into the neighborhoods experiencing the highest rate of system failures. Equally important is the goal of preventing groundwater pollution by identifying failing systems or those close to failing so that appropriate corrective measures can be taken. Educating homeowners via this inspection program will also be important especially in areas where it is not feasible to extend sanitary sewer.

Cost of New and Replacement Septic Systems

To fully understand and evaluate the cost of connecting to sewer versus utilizing a septic system, the committee recognizes the cost associated with regular maintenance of a septic system as well as replacement systems when needed. Given the infrequency of homeowners seeking voluntary inspections, as noted earlier there are likely hundreds of systems in need of maintenance, repair or replacement.

In interviewing local contractors specializing in septic systems, the following information was gathered. Routine maintenance includes pumping the tank to remove solids and sludge; depending on the size of the household, this should occur every one to three years. Average cost to pump is \$220 for a 1,000 gallon tank and increases with the size of the tank. Installing a new or replacement septic system can run between \$3,000 to \$10,000 depending on location on the lot, soils encountered, size of the house, and any landscaping to be removed, replaced and/or worked around. The more bedrooms in the house, the larger the septic system is required to be pursuant to the Kalamazoo County Sanitary Code. Contractors indicated a typical system costs the homeowner \$7,000 - \$8,000 which does not include any soil remediation which may or may not be necessary. Soil remediation, when necessary, involves removing contaminated soil and having it hauled away to a Type II landfill. New soil is put back in the area where the contaminated soil was removed. The cost of soil remediation is variable and was not included in this report. Also not quantified is the indirect cost of mature landscaping lost to make way for equipment and/or the new drywell, tank and/or drain field.

Paying for a Sanitary Sewer Connection

This next section addresses sanitary sewer connection fees in those areas of the Township that are already or can reasonably be served; this is generally the eastern one-third to one-half of the Township. For the balance of the Township, outreach and education about proper operation and maintenance of septic systems will be the focus.

It is recognized that many systems are in some state of failure and everyone can agree that connecting to public sewer is the only permanent solution to preventing groundwater pollution from these systems and to eliminate future homeowner expenses associated with repairs to and replacement of their septic system. Therefore, finding a means to make it within the means of an average homeowner to connect is

imperative. It also needs to be stressed that connecting to sewer is a one-time capital expense to the homeowner plus quarterly usage charges whereas a septic system has regular maintenance expenses as well as a capital expense each time the system needs to be replaced that is comparable to the single expense of connecting to sewer. That is, cost of connecting to sewer is one-time where an owner may spend that same amount every time the septic system needs to be replaced.

The committee determined that the Township should research a variety of ways to make the connection costs more manageable for the average homeowner: 1) the connection fee – payable over longer period of time, 2) establishing a special assessment district for each area as it is served, and 3) a capital improvement millage that recognizes the greater benefit to all of Oshtemo when homes are connected to sewer versus potentially polluting the groundwater with a septic system.

The Connection Fee

The connection fee structure is designed to recover the overall cost of providing the utility. With sanitary sewer, construction costs include removing and replacing the road which is a large part of the cost of installing the utility (33-40%). Although less than the actual per-lot expense to the Township to provide the utility, the current connection fee is \$10,000 for a typical residential property. While the connection fee is payable over 15 years at a rate lower than most banks lend money, most homeowners balk at this expense. The Township should consider extending the payback period from 15 to 20 years which would lower both the initial down payment and subsequent annual payments.

As the connection fee does not fully reflect the true cost of providing the utility to a property, it should not be reduced unless a millage is also in place to cover this shortfall. Rather, a longer payback period would be more appropriate.

A Special Assessment District

In addition to a township-wide capital improvement millage, it is recommended that a special assessment district be established to extend sewer into the neighborhood to be served; each district would include all properties benefitting from the new sewer line. Typically, an assessment is payable over 20 years. This is the fairest way to extend sewers into the neighborhoods – by assessing the cost of the project against the benefitting properties. Recapturing project-specific costs through the assessment process allows the Township to utilize the moneys from a capital improvement millage on the main trunk lines and pump stations serving a greater area and a greater public good. Homeowners seeking a connection at the same time as the sewer is being installed realize a cost-savings as the contractor is already in the neighborhood with equipment allowing for a lower overall price to connect the home to the sewer lateral at the edge of their lot. However, for this to be feasible one thing has to occur - the neighborhood must either petition for or not block the Township Board's establishment of the special assessment district.

A Capital Improvement Millage

The availability of sanitary sewer pursuant to the Township's Capital Improvement Plan (CIP) identifying where trunk-lines should be extended and pump stations installed over the next 20 years, benefits all homeowners in Oshtemo from an environmental/groundwater protection perspective and a financial one, too, as it is less costly to prevent groundwater contamination than to clean it up and all that that entails. The CIP has prioritized, in 10-year segments, where sewer trunk lines and pump stations will be installed pursuant to where development exists and where growth is anticipated. The CIP falls short of identifying into which neighborhoods the township should extend sewer lines. An appropriate next step in refining and/or implementing the CIP would be to do just this – identify the neighborhoods slated for sewer installation. The committee should work closely with the County EHD to prioritize the neighborhoods based upon public records of failing and replacement systems and ability of lots to meet current design standards without deviation. Township-wide maintenance of public roads, given limited dollars, should also be a factor. Where more than minor maintenance is needed, no work should be done on roads slated for sewer installation in the next five to ten years. This allows for the Township's limited road maintenance dollars to be prioritized based upon condition of road and future utility plans. This furthers the preservation of the existing neighborhoods through the reconstruction of streets when sewer lines are installed.

Given the greater public good of a plan to make sanitary sewer available to the older and denser residential areas of the township, a nominal millage dedicated to such an effort is appropriate. Different millage scenarios were considered. At 2010 values, a millage of 0.5 mils would generate \$369,000 annually; a millage of 1.0 mil would generate \$738,000 adding approximately \$35 or \$70, respectively, to the property tax bill of a typical residence.

The revenues generated by a millage should be considered principally for the installation of the main trunk-lines getting sewer to the older and/or denser single family residential areas. A requirement to connect to sewer once available (within a set number of years) and the associated connection fees or special assessment would off-set the cost to the Township of bringing the sewer into the neighborhood.

Combination of Millage and Connection Fee or Special Assessment

If a millage (as described above) is approved by the voters, connection fees or special assessments could be off-set somewhat by the revenues generated by the millage then used for the necessary trunk lines and costly pump stations making sewer available to the Township's topographically rolling neighborhoods. That is, a homeowner in the area to be served will pay the millage and pay a reduced connection fee or assessment; over 20 years, the two amounts combined will equate to the cost of the connection at 2010 rates.

<i>Millage Quick example – Average residence</i>		<i>Annual Breakdown over 20 years</i>	
20 years at 1.0 mil	=	\$1,500	\$75
Connection fee/Assessment	=	<u>\$8,500</u>	<u>\$425</u>
Generates		\$10,000 from benefitting property	\$500 annual cost til assessment/fee paid off then \$75/year

Additional Expenses with a Sanitary Sewer Connection

The connection fee and special assessment do not include making the physical connection from the sewer lead at the street to the house (average of \$1,000 - \$2,000), properly abandoning the existing system, removing any contaminated soil from the existing system drain field absorption area and filling it back in with clean soil. A quarterly usage bill from the City would also be received which is based upon water use and averages around \$70 per quarter.

Sale Price of Homes on Sewer versus Septic

In looking at home sales for a five year period (2006-2010), Assessing Department records indicate that the average sale price per square foot for a residence on septic is \$115.60 and the average sale price per square foot for a residence on public sewer is \$121.67. The results of the study suggest that homes on public sewer sell for \$6.07 per square foot more than homes on septic. For a typical residence of 1,825 square feet, that could equate to an increase in value of over \$11,000. The Cost Approach to determining the value of all homes does include consideration of whether or not sewer or septic is available. The taxable value, however, of an existing home is not increased when it is connected to public sewer.

Expected Increase in Home Sales Price – Average residence

1,825 square feet @ \$115.60/square foot =	\$210,970 sale price on <i>Septic</i>
1,825 square feet @ \$121.67/square foot =	<u>\$222,048</u> sale price on <i>Sewer</i>
@ \$6.07/square foot = Increase In Sale Price	\$11,078 on <i>Sewer vs. Septic</i>

Analysis of Cost of Sewer vs. Septic

Using the information expanded upon in the previous paragraphs regarding the costs associated with the connection/installation, operation, and maintenance of sewer and septic systems, it is possible to analyze and compare the cost of each. An analysis of the cost of sanitary sewer versus the cost of septic systems has been performed using the following assumptions:

- 1) The expense of connecting to sanitary sewer is \$11,000 and is a one-time expense. In this analysis, it occurs in year one.
- 2) The operational cost of sanitary sewer is \$280 per year (usage bill).
- 3) The value of a residence connected to sewer is \$6.07 per square foot greater than a residence on septic; average residence size is 1,825 square feet.
- 4) The cost to install a septic system is \$7,000 (in 2010) and septic systems need to be replaced every 20 years. In this analysis, it is assumed that a septic system is at the end of its useful life (i.e., in some state of failure) and must be replaced in year one.
- 5) The cost to maintain a septic system is \$220 (tank is pumped every 2 years).
- 6) An inflation rate of 2% is assumed.

The scenario presented in the following analysis is widely applicable in Oshtemo Township. It represents the two choices that many neighborhoods face – keep replacing septic systems or petition the Township to extend sanitary sewer to serve the homes.

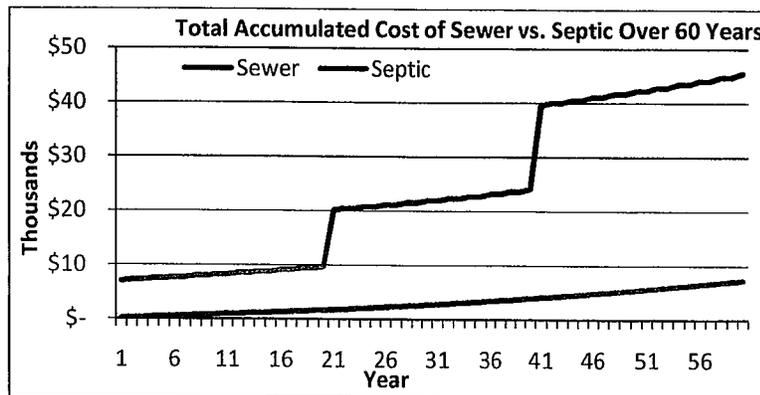
The table below details the total accumulated cost of a sanitary sewer connection, the total accumulated cost of a septic system, and the difference between the two over 60 years. In year one, the cost to a homeowner who has connected to sanitary sewer is \$202; this includes connection costs, quarterly sewer usage rates, and factors in the increased home value. In year one, the cost for a homeowner with a septic system is \$7,000 dollars; this is the estimated cost to replace a septic system. The difference between the total sewer cost and total septic cost in year one is \$6,798. In other words, a homeowner who replaces a failing septic system for \$7,000 is not receiving any increase in home value and would actually net \$6,798 in increased home value if the home were connected to sanitary sewer.

The difference between the total accumulated cost of sewer and septic increases as time goes on. This is because a residence connected to sanitary sewer has increased in value while a residence using a septic system does not increase in value (all other things being equal). This difference is greatly increased every twenty years, i.e. when a replacement septic system is installed (a sanitary sewer connection is a one-time expense that is not repeated).

Cost of Sanitary Sewer vs. Septic System

Year	Total Accumulated Sewer Cost	Activity	Total Accumulated Septic Cost	Activity	Difference
1	\$202	Sewer connected	\$7,000	Septic Installed	\$6,798
2	\$266		\$7,224		\$6,958
3	\$332		\$7,224		\$6,893
4	\$398		\$7,458		\$7,060
5	\$466		\$7,458		\$6,992
6	\$536		\$7,701		\$7,165
11	\$904		\$8,216		\$7,313
21	\$1,758		\$20,101	Septic Installed	\$18,342
31	\$2,800		\$21,908		\$19,108
41	\$4,071		\$39,568	Septic Installed	\$35,497
51	\$5,619		\$42,254		\$36,635
60	\$7,301		\$45,528		\$38,227

The graph shown below gives another picture of the total accumulated cost of sewer versus the total accumulated cost of septic. The blue line represents sewer while the red line represents septic. The sewer line increases slightly over time as quarterly usages fees increase. The septic line increases slightly for twenty years (tank-pumping expense) and then jumps up about \$10,000; this represents when a new system must be installed.



When faced with a failing septic system, it makes economic sense for a resident to connect to sanitary sewer rather than replacing the failing system. In 11 years, a resident would have a total accumulated cost of \$904 if they choose to connect to sanitary sewer and a total accumulated cost of \$8,216 if they do not connect to sewer. In 21 years a resident would have a total accumulated cost of \$1,758 if they choose to connect to sanitary sewer and a total accumulated cost of \$20,908 if they continue using a septic system. At 21 years, the total accumulated cost increases greatly, as shown in the graph, due to the need to replace the septic system at this time.

The Study Areas

Three neighborhoods, or plat phase(s), were looked at for this study. The three neighborhoods - Meadowbrook Hills 1 & 2, Whitegate Farms, and Westport – were selected for their differences from each other and because as a group they are representative of most of the neighborhoods in the Township. A more detailed spreadsheet about each study area is available at the end of this report; however, a quick summary of each one and the more significant findings is presented below.

Meadowbrook Hills 1 & 2

This neighborhood was established in the 1990s. This plat includes Ramblewood Drive, from H Avenue south approximately 800 feet including Ashwood Court and Karabrook Court. Both phases of this plat were selected because neither is very large; a total of 44 lots were analyzed (46 in plat but 2 are vacant). Public sewer is not available inside the plat, but in spring 2011, it will be available for extension into the neighborhood from H Avenue.

This plat is 17 years old; the average septic system is 16 years old. This neighborhood is a good candidate for sanitary sewer in the next several years as the average septic system lasts 15-20 years. County records reveal that of the 44 developed lots, two are already on their second septic system (these were for houses built in 1993). County records also reveal that 23 of the 44 have never been inspected by the County; it is unknown if private companies have inspected and/or made repairs to them. One County-inspected system was found to be functioning at 25-50% of original design. The remaining 20 systems were graded as “functioning” during last inspection. Average year of last County inspection on various lots was 2000.

- Streets, with exception of Ashwood Court, were chip-sealed in 2010 (a five year maintenance treatment)
- Ashwood Court needs an overlay
- Sewer is in H Avenue – could be extended into plat (and others abutting)
- Average septic age – 16 years
- Two lots on second septic system
- One septic system is known to be functioning at 25-50% of original design
- 52% of existing septic systems have never been inspected by the County
- 45% of existing septic systems found to be functioning (average test was in 2000)

Whitegate Farms

Established in 1965, this neighborhood of 39 lots (west of 11th Street and north of West Michigan Avenue), is currently not served by public sewer. However, sewer surrounds the neighborhood and could be extended to serve the homes therein. This neighborhood was not selected due to the proximity of sewer but because it is representative of the older and more dense neighborhoods dating from the 1960s and 1970s. Surprisingly, at least nine homes still utilize a well although public water has been available since 1967 which may be a concern given the number of systems known to be functioning at less than original design intent.

The average house was built in 1967 (43 years old) – average septic system in neighborhood is 20 years old. On average, it has been 14 years since the septic systems have been inspected by the County; it is unknown if private companies have inspected and/or made repairs to them. Five homes are utilizing the original septic system, 21 homes in the plat are on the second septic system, and 13 homes are on the third system. Of the 39 lots, eight septic systems were inspected by the County and found to be operating at less than 50% of the original design and five were found to be functioning above 50% of original design while 26 of the existing septic systems have never been inspected by the County.

This neighborhood is an excellent example of plat that both needs sewer and has it nearby and able to be extended. The roads in the plat were last treated in 2005 when a semi-seal treatment was put down; typically this type of road treatment lasts for five years, however it is variable depending on type of traffic a road receives, original design and base put down by the developer, etc. Review of the roads in 2010 by the Kalamazoo County Road Commission following the PASER rating system, found the roads to be in good condition.

- Average septic system is 20 years old
- 13% of lots on first septic system
- 54% of lots on second septic system with average age of 19 years
- 33% of lots on third septic system
- 67% of existing septic systems have never been inspected by the County
- 21% of existing septic systems known to be functioning at less than 50% of original design
- 13% of existing septic systems found to be functioning (average test was in 2000)
- 23% of homes or more in the plat are on a private well versus connected to public water

Westport

Established in the early 1960s, this 19-lot plat was the first and southernmost of the many phases of Westport to be constructed. This first phase includes Cadet Lane and Westlins Avenue. The Township installed sewer in the Westport neighborhood in 2007 as part of a long-term plan to make sewer available for the southern end of the overall Westport neighborhood (many phases) by connecting to a pump station on the Meijer property to the west. While a house outside the study area has connected to this sewer extension, only one house in Westport has connected and it was new construction, not an existing residence switching from septic to sewer. This neighborhood was selected for study to analyze the known information about existing septic systems and their condition given the presence of sewer.

Public water was extended into the plat in the late 1970s, because all homeowners were issued paperwork to connect to water at that time but research reveals that not all did, it is hard to determine how many private drinking water wells remain. For purposes of this study, it is noted that at least two homes and probably more than that, utilize private wells for drinking and bathing purposes.

The typical house was built in 1970 – average septic system in neighborhood is 21 years old. On average, it has been 18 years since the septic systems have been inspected by the County; it is unknown if private companies have inspected and/or made repairs to them. Three homes are utilizing the original septic system, thirteen homes in the plat are on the second septic system and two homes are on the third system. Of the 19 lots, two septic systems were inspected by the County and found to be operating at less than 50% of the original design and three were found to be functioning above 50% of original design while thirteen of the existing septic systems have never been inspected by the County (one is on sewer).

Sewer is available to the homes in this plat; however, only one house – new construction – has connected. The records reveal that 68% of the existing septic systems have not been inspected by the County. This neighborhood demonstrates the important role that an inspection program will play in both educating homeowners and identifying correctable problems with an existing septic or when a sanitary sewer connection is necessary in the interest of the public health and groundwater protection.

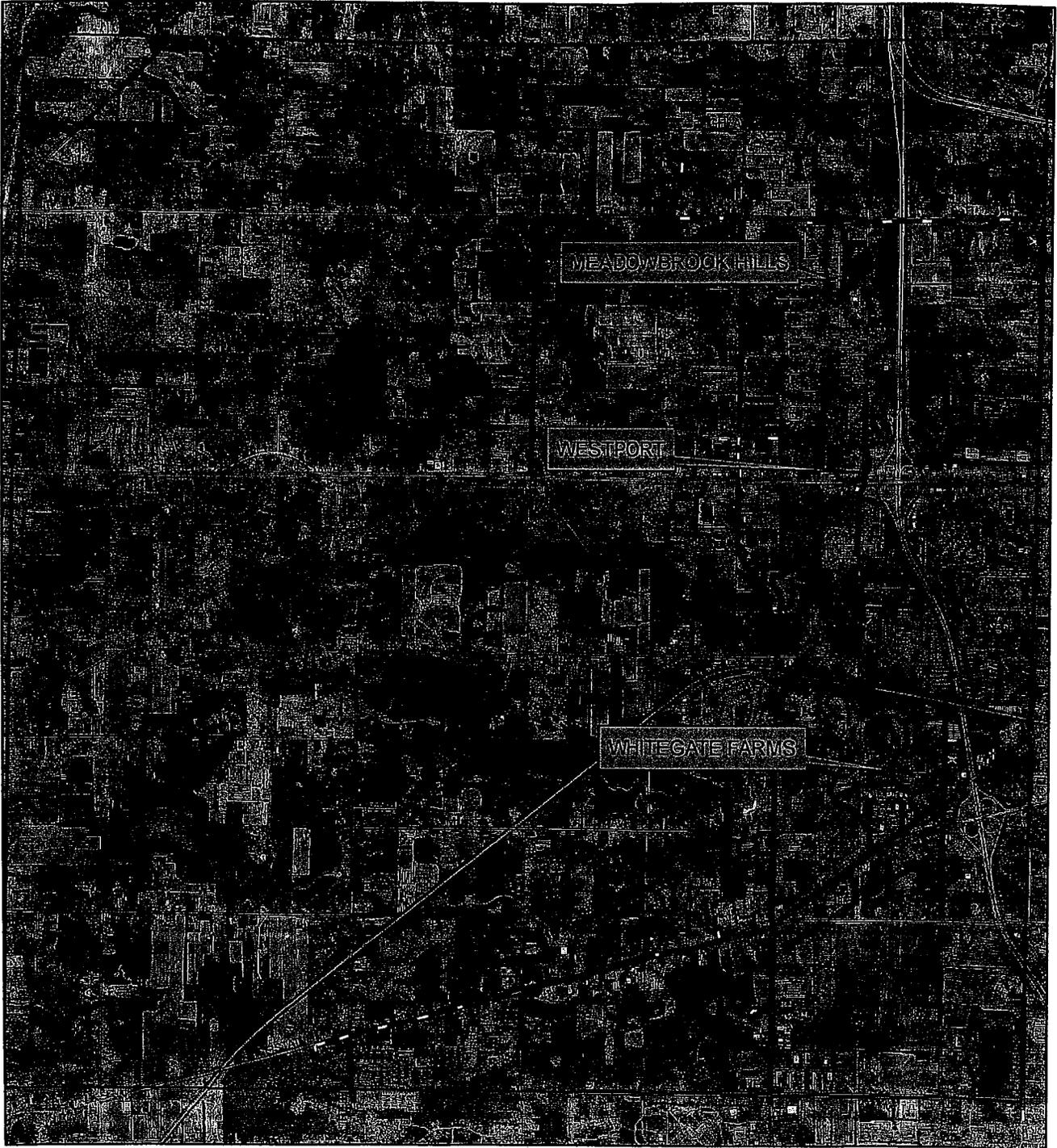
- Average septic system is 21 years old
- 16% of lots on first septic system
- 68% of lots on second septic system with average age of system of 18 years
- 15% of lots on third septic system
- 68% of existing septic systems have never been inspected by the County
- 11% of existing septic systems known to be functioning at less than 50% of original design
- 16% of existing septic systems found to be functioning (average test was in 1992)
- At least 11% of homes in the plat are on a private well versus connected to public water

Summary, Conclusions and Recommendations?

Random bullets – will be formulated into a conclusion with next draft . . .

- Homeowner education is imperative! – township-wide
- Inspection is critical by the County
- There are a lot of older (20+ years) septic systems
- Economics of connecting to sewer versus repeated expense of septic needs to be emphasized, explained, and shared!
- Need to overcome homeowner sentiment that groundwater pollution from their septic system is not a concern because they are connected to public water
- Homeowners are not voluntarily having their septic systems inspected and/or are not reporting results to the County
- With information we now possess, need to be aggressive in getting homeowners informed about proper maintenance, operation and inspection of septic systems.
- When available, homeowners need to be informed about importance of connecting to sewer
- A requirement to connect to sewer once available - within a set number of years – is needed
- Among other reasons, a lower connection fee could be justified by a policy that ties road maintenance prioritization to availability of sewer (where road maintenance dollars are not spent on roads that will be replaced with a sewer project in the ensuing five years)
- All roads eventually need to be resurfaced and coordinating sewer with road maintenance policies lowers overall true cost to homeowners of installing and connecting to sewer.
- A greater payback period, more than 15 years, should be considered especially if connection fees are not lowered with a millage
- Sale price of home on sewer greater than home on septic
- Will need strong education campaign for a CIP millage especially for homeowners in western half – value to all taxpayers when public money does not have to be spent on groundwater clean-up from septic systems

OSHTEMO CHARTER TOWNSHIP



Legend

- Active Sewer
- - - Dry Sewer
- - - Force Main

January 2011

MEADOWBROOK HILLS

ADDRESS	Square footage of House	Year House Built	Age of House	Year Current Septic Installed	by Kalamazoo County		RESULTS
					Inspected	Years Since Inspection	
2845 RAMBLEWOOD DRIVE	1690	1997	13	1997		13	cnty has no file
2850 RAMBLEWOOD DRIVE	2083	1999	11	1999	2007	3	Functioning
6214 KARABROOKE COURT	2794	1995	15	1994		16	
2777 RAMBLEWOOD DRIVE	2440	1995	15	1997	2000	10	Functioning
6181 KARABROOKE COURT	2461	1993	17	2000		10	2nd system, first in 1993
2640 RAMBLEWOOD DRIVE	2165	1993	17	2008		2	2nd system, first in 1993
2780 RAMBLEWOOD DRIVE	2013	1999	11	1998		12	
2768 RAMBLEWOOD DRIVE	2160	1995	15	1995		15	
2765 RAMBLEWOOD DRIVE	2614	1996	14	1996	2001	9	Functioning
6201 KARABROOKE COURT	2122	1994	16	1994		16	
6208 WINDDRIFT DRIVE	2374	1992	18	1992		18	
6209 WINDDRIFT DRIVE	1885	1992	18	1991	1999	11	? Functioning?
2538 RAMBLEWOOD DRIVE	1915	1992	18	1992	2000	10	?functioning?
2552 RAMBLEWOOD DRIVE	2021	1993	17	1993		17	cnty has no file
2566 RAMBLEWOOD DRIVE		vacant	n/a	n/a			
2582 RAMBLEWOOD DRIVE	2590	1994	16	1994		16	
2524 RAMBLEWOOD DRIVE	2195	1993	17	1993		17	cnty has no file
2504 RAMBLEWOOD DRIVE	2561	1993	17	1993	2002	8	Functioning
2535 RAMBLEWOOD DRIVE	2208	1992	18	1992	1996	14	Functioning
6215 KARABROOKE COURT	2349	1989	21	1989	1993	17	Functioning
6233 WINDDRIFT DRIVE	2337	1989	21	1989	1999	11	Functioning
2672 RAMBLEWOOD DRIVE	2426	1993	17	1994		16	
2656 RAMBLEWOOD DRIVE	2326	1990	20	1989		21	
2624 RAMBLEWOOD DRIVE	2484	1991	19	1990	1996	14	Functioning
6184 WINDDRIFT DRIVE	2520	1993	17	1993		17	
6215 ASHWOOD DRIVE	2857	1994	16	1994		16	
6214 ASHWOOD DRIVE	2418	1994	16	1994		16	
6201 ASHWOOD DRIVE	1825	1994	16	1994		16	

ADDRESS	Square footage of House	Year House Built	Age of House	Year Current Septic Installed	by Kalamazoo County		RESULTS
					Inspected	Years Since Inspection	
2517 RAMBLEWOOD DRIVE		vacant	n/a	n/a			
2503 RAMBLEWOOD DRIVE	2210	1989	21	1989	2002	8	Functioning
2555 RAMBLEWOOD DRIVE	2668	1990	20	1990	2001	9	25-50% functioning
2573 RAMBLEWOOD DRIVE	2342	1991	19	1991	2000	10	Functioning
2597 RAMBLEWOOD DRIVE	2184	1990	20	1990	1992	18	Functioning
2598 RAMBLEWOOD DRIVE	3237	1989	21	1989	2004	6	Functioning
6232 WINDDRIFT DRIVE	2044	1997	13	1997	1998	12	Functioning
2489 RAMBLEWOOD DRIVE	2210	1993	17	1992	2005	5	Functioning
2720 RAMBLEWOOD DRIVE	1920	1995	15	1995		15	
2736 RAMBLEWOOD DRIVE	2595	1995	15	1995		15	
2688 RAMBLEWOOD DRIVE	2438	1998	12	1994		16	
2704 RAMBLEWOOD DRIVE	2636	1994	16	1997		13	
6181 ASHWOOD DRIVE	2568	1995	15	1995		15	
6180 KARABROOKE COURT	2614	1995	15	1995	2005	5	Functioning
6180 ASHWOOD DRIVE	2077	1996	14	1996		14	
6200 ASHWOOD DRIVE	2339	1994	16	1994	2002	8	Functioning
6200 KARABROOKE COURT	2348	1994	16	1995	1999	11	Functioning
2752 RAMBLEWOOD DRIVE	2373	1995	15	1995		15	
AVERAGES							
year house built		1994					
house age		17					
septic age		16					
years since county inspection		13					
lot size (square feet)		27,704					
lot size (acres)		0.64					
house size (square feet)		2,333					

WHITEGATE FARMS

ADDRESS	Square	Year	Age	Year	1st	by		RESULTS
	Footage of House	House	of House	Current	2nd or 3rd	Year	Kalamazoo County	
	House	Built	House	Septic Installed	system	Inspected	Years Since Last	
5728 LAMPLIGHTER LANE	1872	1966	44	1981	2nd		29	maybe 1981
5718 POWDERHORN DRIVE	1612	1967	43	2001	3rd		9	first in 1967; second one in 1979
5717 LAMPLIGHTER LANE	1300	1967	43	1992	2nd		18	maybe 1992
5699 LAMPLIGHTER LANE	1173	1967	43	1996	2nd	2009	1	Functioning;
5682 POWDERHORN DRIVE	1932	1966	44	2004	3rd		6	first in 1966; second one is 1981
5681 LAMPLIGHTER LANE	1200	1966	44	1989	2nd		21	
5778 LAMPLIGHTER LANE	1004	1969	41	1993	2nd	1998	12	Functioning
5779 LAMPLIGHTER LANE	1440	1968	42	1996	2nd		14	
5742 LAMPLIGHTER LANE	1684	1965	45	1995	2nd		15	
5666 POWDERHORN DRIVE	1176	1967	43	1989	2nd		21	
5630 POWDERHORN DRIVE	1634	1965	45	1999	2nd		11	
5648 POWDERHORN DRIVE	1632	1966	44	1999	3rd		11	first in 1965, second one in 1980
5647 LAMPLIGHTER LANE	654	1967	43	1996	3rd		14	first in 1967, second one in 1984
5665 LAMPLIGHTER LANE	1173	1966	44	2007	3rd		3	first in 1967, second one in 1988
5629 LAMPLIGHTER LANE	1766	1967	43	1980	2nd	1999	11	25-50% functioning
5700 POWDERHORN DRIVE	1340	1966	44	1990	3rd		20	first in 1966, second one in 1975
5740 POWDERHORN DRIVE	1304	1967	43	1993	3rd		17	first in 1967, second one in 1980
5739 LAMPLIGHTER LANE	1152	1965	45	1992	3rd		18	first in 1967, second one is 1982
5710 LAMPLIGHTER LANE	1601	1966	44	1992	2nd		18	
1991 WHITEGATE LANE	1176	1967	43	1989	2nd	2002	8	25-50% functioning
1973 WHITEGATE LANE	1176	1968	42	1991	3rd		19	first in 1968, second one in 1991
5647 POWDERHORN DRIVE	658	1967	43	1988	2nd	1989	21	Functioning
5665 POWDERHORN DRIVE	1612	1966	44	2000	2nd		10	
5629 POWDERHORN DRIVE	656	1967	43	2000	3rd		10	first one in 1967, second one in 1980
5717 POWDERHORN DRIVE	1566	1967	43	1967	1st	1999	11	25-50% functioning

ADDRESS	Square Footage of House	Year House Built	Age of House	Year Current Septic Installed	1st 2nd or 3rd system	by Kalamazoo County		RESULTS
						Inspected Year	Inspection Years Since Last	
5699 POWDERHORN DRIVE	1708	1967	43	2001	2nd	2006	4	Functioning
5681 POWDERHORN DRIVE	1536	1966	44	1967	1st	2003	7	<25% functioning
5763 POWDERHORN DRIVE	1453	1967	43	1967	1st	2004	6	25-50% functioning
5781 POWDERHORN DRIVE	1706	1967	43	1996	3rd		14	first one in 1967, second one in 1982
5739 POWDERHORN DRIVE	1152	1965	45	1979	2nd	2001	9	25-50% functioning
1955 WHITEGATE LANE	1176	1966	44	1966			44	
5646 LAMPLIGHTER LANE	672	1967	43	1994	3rd		16	first one in 1967, second one in 1982
5662 LAMPLIGHTER LANE	1096	1968	42	2005	3rd		5	first one in 1968, second one in 1981
5630 LAMPLIGHTER LANE	1634	1967	43	1997	2nd		13	
5694 LAMPLIGHTER LANE	1947	1966	44	1999	2nd	2001	9	Functioning
5678 LAMPLIGHTER LANE	1176	1967	43	1981	2nd	1996	14	50% functioning
5762 LAMPLIGHTER LANE	1455	1967	43	1984	2nd		26	
1937 WHITEGATE LANE	1344	1967	43	1966	1st		44	
1919 WHITEGATE LANE	1462	1967	43	1993	2nd	2005	5	25-50% functioning
AVERAGES								
year house built		1967						
house age		43					21%	less than 50%
septic age		20					67%	never inspected by County
yrs since County inspection		14					13%	functioning
lot size (square feet)		13,290					23%	on well
lot size (acres)		0.31					33%	on third system
house size (square feet)		1,359					54%	on second system
							13%	on first system
							2000	year last inspected by County (avg)
							1991	avg yr second system installed
							19	avg age second system

WESTPORT

ADDRESS	Square Footage of House	Year House Built	Age of House	Year Current Septic Installed	1st 2nd or 3rd System	by Kalamazoo County		RESULTS
						Year Inspected	Years Since Last Inspection	
6104 WESTLINS AVENUE	2004	1965	45	2004	3rd		6	first in 1965, second in 1987
1090 CADET LANE	1781	1967	43	1985	2nd		9	Functioning
1119 CADET LANE	1322	1967	43	1967	1st		43	cnty has no file
6054 WEST POINT DRIVE	1328	1966	44	1995	3rd		11	Functioning; first in 1966, second in 1985
1152 CADET LANE	1612	1964	46	1985	2nd		10	<25% functioning
1180 CADET LANE	1527	1973	37	2002	2nd		8	
6122 WESTLINS AVENUE	1942	1969	41	1990	2nd		20	
1122 CADET LANE	1784	1966	44	2005	2nd		5	
1149 CADET LANE	1465	1976	34	1991	2nd		14	Functioning
1179 CADET LANE	1507	1964	46	1993	2nd		4	50% functioning
1030 CADET LANE	1675	1983	27	1993	2nd		17	
6105 WESTLINS AVENUE	1426	1965	45	1965	1st		45	cnty has no file
1060 CADET LANE	1475	1965	45	1977	2nd		33	
6145 WESTLINS AVENUE	1824	1965	45	1995	2nd		9	Functioning
6123 WESTLINS AVENUE	1716	1967	43	1997	2nd		13	
6142 WESTLINS AVENUE	1514	1965	45	1965	1st		45	cnty has no file
6172 WESTLINS AVENUE	956	1965	45	1996	2nd		14	
6160 WESTLINS AVENUE	2059	1965	45	2000	2nd		10	
1195 CADET LANE	1448	2007	3	n/a	n/a			on public sewer
AVERAGES								
year house built		1970						16% on 1st system
house age		40	house size (sf)		1,598			68% on 2nd system; avg age 18 years
septic age		21						15% on 3rd system
yrs since County inspection		18						68% County never inspected current system
lot size (s.f.)		17,051	lot size (acres)		0.39			11% at less than 50%
								1992 yr last reported inspection average
								16% at functioning

- C. All two-way interior streets within the commercial development shall have a paved driving surface with a minimum width of 24 feet, exclusive of parking area. All one-way interior streets within the commercial development shall have a minimum width of 15 feet, exclusive for parking.
- Interior street systems serving the commercial development shall be designed in recognition of the area's topography and natural features.
- Interior street systems shall comply with the access management policies set forth in the Access Management Plan.
- D. There shall be a 40-foot building setback requirement from the right-of-way line of all designated highways as specified in Section 64.100 and including Parkview Avenue, West Michigan Avenue, and 11th Street.
- E. Required off-street parking provided within the commercial development shall be located in compliance with building setback requirements and designed in recognition of the area's topography and natural features.
- F. Landscaping shall be provided in accordance with the provisions of Section 75.000.
- G. Exterior site lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 78.700 and in coordination with other commercial land uses within the immediate "C-R" District.
- H. Public water and sanitary sewer shall be provided as part of the site development.
- All utilities, including telephone, electric and cable television, shall be placed underground.
- I. Low Impact Development (LID) best management practices shall be used in the development of any site or development within the "C-R" district. The design of stormwater management systems shall respond to the natural drainage patterns of the area and be in coordination with the groundwater protection standards of Section 69.000 and the groundwater protection policies set forth in the Master Plan.
- J. The commercial development shall be designed to incorporate and/or promote the preservation of the site's natural features and unique physical characteristics. A natural features preservation plan shall be submitted. Green space enhancement plans for land area along public roads abutting the commercial development shall also be required.
- K. Signs in the "C-R" District are provided for in Sections 76.160—76.185 of the Ordinance with the exception of a limitation on pole signs. Pole signs are not permitted; freestanding signs are limited to ground signs.
- L. Building and Site Design. The developer must create architectural and design standards for buildings and signs [sites] prior to the division of land

32-500
C-R District



said deviation is found to be in-keeping with the spirit and intent of this Section and the Village Focus Area Development Plan. In no event shall the front setback exceed 70 feet from the street right-of-way line.

33.404 Public sanitary facilities shall be provided as part of the site development. This shall not apply to single-family dwellings where public sanitary facilities are not available.

33.405 Sidewalks and/or Pedestrian Linkages shall be provided between parking areas and buildings on the same site. When they do not exist, sidewalks shall also be provided along lot, parcel or building site frontage, and may be within the public right-of-way.

33.406 Parking. No parking or loading areas may be located between the building and the front property line. Corner properties shall be considered to have two front property lines.

Regardless of building placement, no more than 30 percent of the parking may be placed within the side setback area(s) established between the building and the property's side property line(s).

Upon written request, the reviewing body may grant a deviation to allow up to 30% of parking between the building and the front property line. In considering whether to grant a deviation, the reviewing body shall consider the layout and parking placement on neighboring properties and their conformance with current standards as well as the likelihood of redevelopment of same. The reviewing body shall further consider if full compliance is not readily achievable on the subject site due to physical limitations specific to the subject property and said deviation is found to be in keeping with the spirit and intent of this Section and the Village Focus Area Development Plan.

33.407 Parking and access. Shared parking and cross-access is encouraged. Compliance with the Access Management Guidelines outlined in Section 67.000 and the Access Management Plan is required.

Site development shall be designed in consideration of the internal street network of the Village Focus Area Development Plan and the planned service drives contained within the Access Management Plan.

Where feasible and appropriate, shared access between sites to reduce the number of driveways and/or driveway placement to facilitate future shared access between properties, and/or closure of an existing driveway will be encouraged.

Parking must satisfy the off-street parking provisions of Section 68.000. However the reviewing body may grant approval to allow reduced parking if it is demonstrated that sufficient parking spaces are available in a shared and/or adjacent facility during the principal operating hours of all uses to share said parking and access is shared.

VC District
←

wind, etc.) technology, or other products or methodologies proposed to and approved by the Planning Commission and satisfying the intent of this Ordinance.

39.406 Development Standards.

- (a) Except as elsewhere specified herein, the parcel, lot, building site, yard, area and setback requirements shall be as specified in Sections 64.000 and 66.000.
- (b) A parcel shall contain at least ten acres. Said parcel may be subsequently subdivided in compliance with Township procedures. Each lot or unit created shall be of sufficient size to satisfy the requirements herein as well as sound planning and design principles.
- (c) Development on the site shall comply with the standards of Section 78.500 of this Ordinance. Additional setback, open space, or bufferyard area may be required along adjacent water bodies, streams, or drains to limit the impact of the proposed development on the health and/or function of the stream or drain.
- (d) Total ground coverage shall not exceed 50 percent of the individual site.

39.407 Parking and Circulation.

- (a) Any business and research park development intended to be developed into more than one lot or unit shall be serviced by an internal public road.
- (b) Access for a business and research park development onto the existing public road and access to individual sites shall be designed in compliance with Section 67.000, the Master Plan and Access Management Plan.
- (c) Sidewalks shall be provided along all internal public streets and to each site and principal building within the development.
- (d) Off-street parking shall be provided in accordance with Section 68.000. Parking layouts designed to accommodate cross-access and/or cross-parking arrangements and facilitate pedestrian travel will be encouraged.
- (e) Loading areas may be located in side or rear yards; however, side yard loading areas shall be screened from front yard view as well as view of public streets. Loading areas shall be designed so as not to interfere with parking and circulation, and to prevent the backing of trucks or other vehicles onto a public street or general circulation drive.
- (f) Five percent of the minimum required off-street vehicular parking spaces may be substituted with bicycle parking.

39.408

Public water and sanitary sewer shall be provided as part of the site development.

BRP
District



40.301
- Industrial Park
in IR
District

- n) Public water and sanitary sewer shall be provided as part of the site development.
All utilities, including telephone, electric and cable television, shall be placed underground.
 - o) Application for approval of an industrial-office development shall be made according to the procedures for Site Plan Review set forth in Section 82.600 and the procedures for Special Exception Uses set forth in Section 60.200.
- 40.302 House of worship in an existing multi-tenant building.
- 40.303 Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- 40.304 Temporary outdoor events meeting all the conditions and limitations of Section 40.209 except 40.209(a).
(Ord. No. 206 eff. Aug. 23, 1984; amend. by Ord. No. 245 eff. Dec. 27, 1988; Ord. No. 380 eff. Nov. 29, 1999; Ord. No. 389 eff. Aug. 15, 2000; Ord. No. 428 eff. Mar. 12, 2003; Ord. No. 518 eff. Apr. 28, 2011; Ord. No. 524 eff. Nov. 10, 2011; Ord. No. 528 eff. July 11, 2012)

40.400 Limitations.

- 40.401
 - a. Except as elsewhere specified herein, the parcel, the lot, building site, yard, area and setback requirements shall be as specified in sections 64.000 and 66.000.
 - b. Each district shall contain at least 30 contiguous acres.
 - c. A parcel shall contain at least ten acres.
 - d. There shall be a 100-foot setback requirement from the right-of-way line of all designated highways as specified in Section 64.100 and including the following roadways: Parkview, "N" Avenue, and 11th Street. Along all other roadways, public or private, there shall be a 40-foot setback requirement from the right-of-way line.
 - e. Development on the site shall comply with the standards of Section 78.500 of this Ordinance. Additional setback, open space, or bufferyard area may be required along adjacent water bodies, streams, or drains to limit the impact of the proposed development on the health and/or function of the stream or drain.
 - f. Proposed development shall be landscaped in compliance with Section 75. Where practical, native plants including tall grass prairie plantings should be included in the required buffer materials.
- 40.402 Section 40.401(c) shall not apply to any parcel of land within the "I-R" Industrial District, Restricted, Classification, the boundaries of which have been established by any instrument recorded previous to Decem-

parking area. All one-way interior streets within a planned unit development shall have a paved driving surface with a minimum width of 15 feet, exclusive of parking area.

When an interior street will serve as a connecting link between different land ownerships or different public roads, either currently or within the future, it shall be constructed in accordance with the public road specifications of the Kalamazoo County Road Commission and be located upon a right-of-way of not less than 66 feet in width.

The access management policies, as set forth in the Access Management Plan, shall be applicable to the interior street system.

C. *Utilities:* Public water, sanitary sewer, and storm drainage facilities shall be provided as part of the development.

All utilities, including telephone, electric, and cable television, shall be placed underground.

D. *Stormwater Management:* The design of stormwater management systems and drainage facilities shall be designed in coordination with the groundwater protection strategies of the Township.

E. *Street Lighting:* Street lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 78.700.

F. *Landscaping:* Landscaping shall be provided in accordance with Section 75.

G. *Natural Features:* The development shall be designed to promote the preservation of natural features.

(Ord. No. 331 eff. Sept. 25, 1995; amend. by Ord. No. 436 eff. Sept. 10, 2003)

60.440 →
PUD
Standards

60.450 Review criteria.

In considering an application for approval of a planned unit development, the Planning Commission shall make its determination on the basis of the Special Exception Use criteria set forth in Section 60.100, the Site Plan Review Criteria set forth in Section 82.800, as well as the following standards and criteria:

- A. The overall design and land uses proposed in connection with a planned unit development shall be consistent with the intent of the planned unit development concept and the specific design standards set forth herein.
- B. The proposed planned unit development shall be serviced by the necessary public facilities to ensure the public health, safety, and welfare of the residents and users of the development.
- C. The proposed planned unit development shall be designed to minimize the impact of traffic generated by the development on the surrounding land uses and road network.
- D. The proposed planned unit development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.

The access management policies, as set forth in the Access Management Plan, shall be applicable to the interior street system.

- C. *Utilities:* Public water and sanitary sewer may be required where facilities are reasonably available and/or where densities require.

Private on-site sewer facilities may be permitted subject to the review and regulation of the Michigan Department of Environmental Quality and/or Kalamazoo County Environmental Health Department and approval of the Township.

All utilities, including telephone, electric and cable television, shall be placed underground.

- D. *Stormwater management:* The design of stormwater management systems and drainage facilities shall be designed in coordination with the ground-water protection strategies of the Township.
- E. *Street lighting:* Street lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 78.700.
- F. *Natural features:* The development shall be designed to promote the preservation of natural features.
- G. *Setbacks:* Front setbacks shall be a minimum of 60 feet from the center of the public or private street. Other setbacks shall comply with Section 64.000.

(Ord. No. 326 eff. April 9, 1995; amend. by Ord. No. 332 eff. Sept. 25, 1995; Ord. No. 364 eff. June 8, 1998; Ord. No. 396 eff. Jan. 2, 2001; Ord. No. 402 eff. May 28, 2001)

60.550
 Open Space
 Community
 Standards

60.560

Application procedure/approval process.

- A. *Application requirements:* The application for approval of an open space community shall be made according to the procedures for Special Exception Uses set forth in Section 60.200, and the application guidelines for open space community set forth in this section.
- B. *Effect of Approval:* After a site plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- C. *Conformity to Approved Plan:* Property which is the subject of approval for an open space community must be developed in strict compliance with the approved Special Exception Use Permit and Site Plan and any amendments thereto which have received Planning Commission approval. If construction and development does not conform with same, the approvals thereof shall be forthwith revoked by the Township by written notice of such revocation posted upon the premises involved and mailed to the developer at his last

66 200
Area + Frontage
Requirements

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

<i>Minimum Area Required</i>	<i>R-1, R-2, R-3, R-4 and R-C</i>	<i>R-5</i>
Parcels (Unplatted)	50,000 sq. ft.	Refer to Section 25.401(C)
Lots (Platted)/Building Sites	<i>R-1, R-2, R-3, R-4, R-5 and R-C</i>	
None	22,000 sq. ft. (Single-Family) and 30,000 sq. ft. (Two-Family)	
Sewer or Water	15,000 sq. ft. (Single-Family) and 18,000 sq. ft. (Two-Family)	
Sewer and Water	10,560 sq. ft. (Single-Family) and 13,200 sq. ft. (Two-Family)	
<i>Minimum Frontage or Width Required</i>	<i>R-1, R-2, R-3, R-4, and R-C</i>	<i>R-5</i>
Parcels Frontage (Unplatted)	200 ft.	Refer to Section 25.401(B)
Lots (Platted)/Building Sites (Width at Building Setback)	<i>R-1, R-2, R-3, R-4, R-5, and R-C</i> 100 ft. (Single-Family) and 160 ft. (Two-Family)	

<i>Minimum Area Required</i>	<i>C, C-R, or BRP</i>	<i>I-R</i>	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>
Parcels	50,000 sq. ft.	Refer to 40.401(C)	50,000 sq. ft.	50,000 sq. ft.	50,000 sq. ft.
Lots/ Building Sites	<i>C, C-R, BRP, I-R, I-1, I-2 and I-3</i>				
None	30,000 sq. ft.				
Sewer or Water	18,000 sq. ft.				
Sewer and Water	13,200 sq. ft.				
<i>Minimum Frontage or Width Required</i>	<i>C, C-R, or BRP</i>	<i>I-R</i>	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>
Parcels (frontage)	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.
Lots/ Building Sites (Width at Building Setback)	<i>C, C-R, BRP, I-R, I-1, I-2 and I-3</i>				
None	120 ft.				
Sewer or Water	120 ft.				
Sewer and Water	120 ft.				

AG AND RR DIMENSIONAL REQUIREMENTS

<i>District</i>	<i>Dimensional Requirements</i>
AG	parcel, lot, building site size: 40 acre* parcel/tract size frontage: 200 feet
RR	parcels: 1.5 acres frontage: 200 feet lot, building site: with water: density of 1.5 dwelling units per acre without water: density of 1.0 dwelling unit per acre minimum width: 100 feet

* minimum of three (3) acres and 200 feet of public street frontage required per dwelling unit.

66.202 Any attempt to circumvent the intent and purpose of the foregoing provisions by multiple conveyances, contracts, leases or agreements or any combination of the foregoing shall be considered a violation and shall prohibit the issuance of a building permit or the construction or location of buildings upon the land in question and shall subject the violator to the fines and penalties provided in the Township Zoning Ordinance.

66.203 The Planning Commission is hereby given the right to grant a deviation from the foregoing where the subject parcel meets all of the following criteria and where, in the opinion of said Planning Commission, the spirit of the foregoing provisions are still observed, public safety, health, and welfare secured, and substantial justice thereby accomplished: (1) parcel was established prior to March 31, 1997 and is not considered lawfully nonconforming pursuant to Section 66.205; (2) parcel satisfies the minimum dimensional requirements of a platted lot as set forth in Section 66.201; (3) the dimensions of neighboring lawfully nonconforming properties would support said deviation.

Additionally, the Planning Commission is hereby given the right and authority, in furthering the public health, safety, and general welfare, to require any or all of the following as a condition in granting a deviation: conveyance or dedication to the public of a 66-foot wide right-of-way for ingress or egress to and from interior land having otherwise insufficient or inadequate public access for normal, proper and logical development; shared and/or cross access with an adjacent

- (c) Three copies of the proposed site plan and landscaping plan which shall include as a minimum: A scale drawing of the site and proposed development thereon, including:
- (1) the date, name and address of the preparer;
 - (2) the topography of the site and its relationship to adjoining land; proposed earth changes;
 - (3) natural features including the location of woodlots, wetlands, marshland, streams, lakes, drain basins, water courses, flood plains and similar features; location and species of trees >12" in diameter as measured at four feet above the ground within the proposed development area of the site; soil characteristics of the site at least to the detail provided by the U.S. Soil Conservation Service;
 - (4) existing and proposed man-made features, including:
 - (a) location of existing and proposed facilities and structures for public and private groundwater supply wells and for septic systems and other waste water treatment systems;
 - (b) location and type of drainage, sanitary sewers, storm sewers, and other utility mains and facilities including location of interior and exterior drains, dry wells, catch-basins, retention/detention areas, sumps and other facilities designed to collect, store and transport storm water or waste water;
 - (c) all interior and exterior areas to be used for the storage, use, loading/unloading, recycling or disposal of hazardous substances;
 - (d) all underground and above-ground storage tanks;
 - (e) the point of discharge for all drains and pipes;
 - (f) dimensions of setbacks, locations, heights and size of structures and other important features;
 - (g) percentage of land covered by buildings and that reserved for open spaces;
 - (h) dwelling unit density where pertinent;
 - (i) location of public and private right-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site;
 - (j) curb cuts, driving lane, parking and loading areas;
 - (k) pedestrian walks, malls and recreation areas;
 - (l) emergency vehicle accessibility;
 - (m) rubbish disposal facilities;
 - (n) fences, landscaping, screening; signs and on-site illumination; sidewalks;

82.600
 →
 Items required
 on site plan

- (d) That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
- (e) That all provisions of the Township Zoning Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
- (f) That the height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.
- (g) That the plan will not result in any additional run off of surface waters onto adjoining property.
- (h) That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area, its peculiar suitability for uses and the general and appropriate trend and character of land, building and population development.
- (i) That the plan as approved is consistent with the Ground-water Protection Standards in Section 69 of the Ordinance.

(Ord. No. 206 eff. Aug. 23, 1984; amend. by Ord. No. 276 eff. Sept. 6, 1991; Ord. No. 330 eff. Sept. 25, 1995; Ord. No. 538 eff. Nov. 9, 2012)

82.800
Criteria for
Site Plan
Review

82.900 **Conformity to approved Site Plan.**

- (a) Approval of the Site Plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the Site Plan approval shall become void and new approval obtained before any construction or earth change is commenced upon the site.
- (b) Property which is the subject of Site Plan approval must be developed in strict compliance with the approved Site Plan and any approved amendments thereto or modifications thereof pursuant to Section 82.925. If any site is not developed in compliance with said Site Plan, the approval shall be revoked. Notice of such revocation shall be made by written notice by the Township to the developer at the last know address. Upon revocation of Site Plan approval, no further construction activities may be commenced upon the site other than for the purpose of correcting any violations.

Community Services

Sanitary Sewer

Sewage treatment is provided to Township residents on a contractual basis with the City of Kalamazoo. Those residents not served by public sewer utilize on-site septic system. Sanitary sewer lines presently serve almost all of the area east of US-131 as well as most of the eastern part of Oshtemo south of West Main Street. Sewer trunk-lines have crossed US-131 at KL Avenue and near N Avenue. See Figure 5.10, Existing Sanitary Sewer System, for locations of existing sanitary sewer lines in Oshtemo Township.

Future extensions of sanitary sewer will be concentrated in the eastern one-third of the Township to service areas that are beginning to experience problems with older on-site sewage systems and areas in which growth is expected. Topography in the western portions of the Township would require the installation of lift stations and pumps for future sewer extension, thus significantly increasing installation and maintenance costs. The extension of sanitary sewer lines outside areas of expected growth is not economically feasible due to lower population densities and topography. As such, proposed developments with densities that would require connection to sanitary sewer service should be located in the eastern portions of the Township where development is already present, existing sanitary sewer infrastructure exists, and the topography would not require expensive lift stations.

The Township's Sewer and Water Committee has prepared a Capital Improvement Program with various planned sewer projects and a general time period within which each project is anticipated to be accomplished. Figure 5.11 reflects the Sanitary Sewer Capital Improvement Program.

In areas where sanitary sewer service is not readily available but is planned for extension in a reasonable period of time, dry sewer mains should be installed in new developments. The dry sewer mains will make connection of the development to public sanitary sewer less expensive and disruptive to the residents once it is available.

More about the limitations for sanitary sewer extension can be found in Chapter 4, Physical Character and Environment.

Investment in Township infrastructure has allowed for quality development to occur.

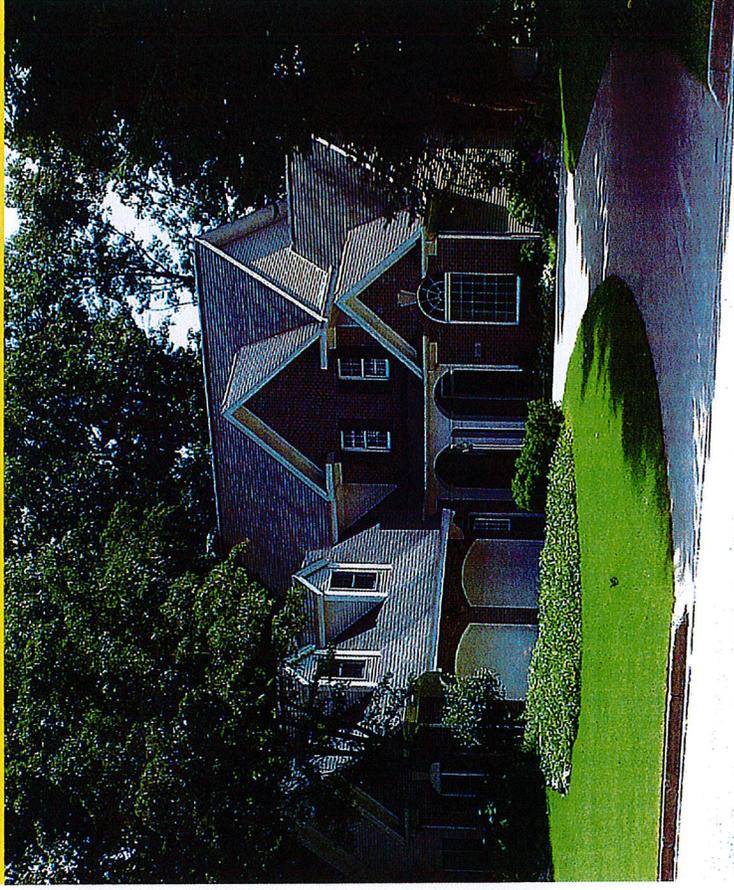


FIGURE 5.11

Capital Improvement Plan: Planned Sanitary Sewer Extensions



Water Supply

Public water in Oshtemo Township is contracted with the City of Kalamazoo. Most of the eastern half of the Township is served with public water. The extension of public water service into the western portions of the Township has occurred primarily due to groundwater contamination related to the KL Avenue landfill.

Also, just as with sanitary sewer, low density issues make the extension of water service away from areas of dense development not economically feasible. It is important that developments requiring public water service be located in areas where public water is available thereby minimizing the cost to the developer as well as the Township.

See figure 5.12, Existing Public Water Service, for the existing public water service areas. A greater portion of the Township has access to public water service than has access to sanitary sewer service.

a

Similar to the Sanitary Sewer Capital Improvement Plan, the Sewer and Water Committee has prepared a Water Capital Improvement Program. Although an important document, the extension of public water tends to be more the result of new development than a Township-initiated project. The planned water extensions can be seen in Figure 5.13, Capital Improvement Plan: Planned Water Extensions.

"It is important that developments which would require public water service be located in areas where public water is available"

FIGURE 5.12
Existing Water Services

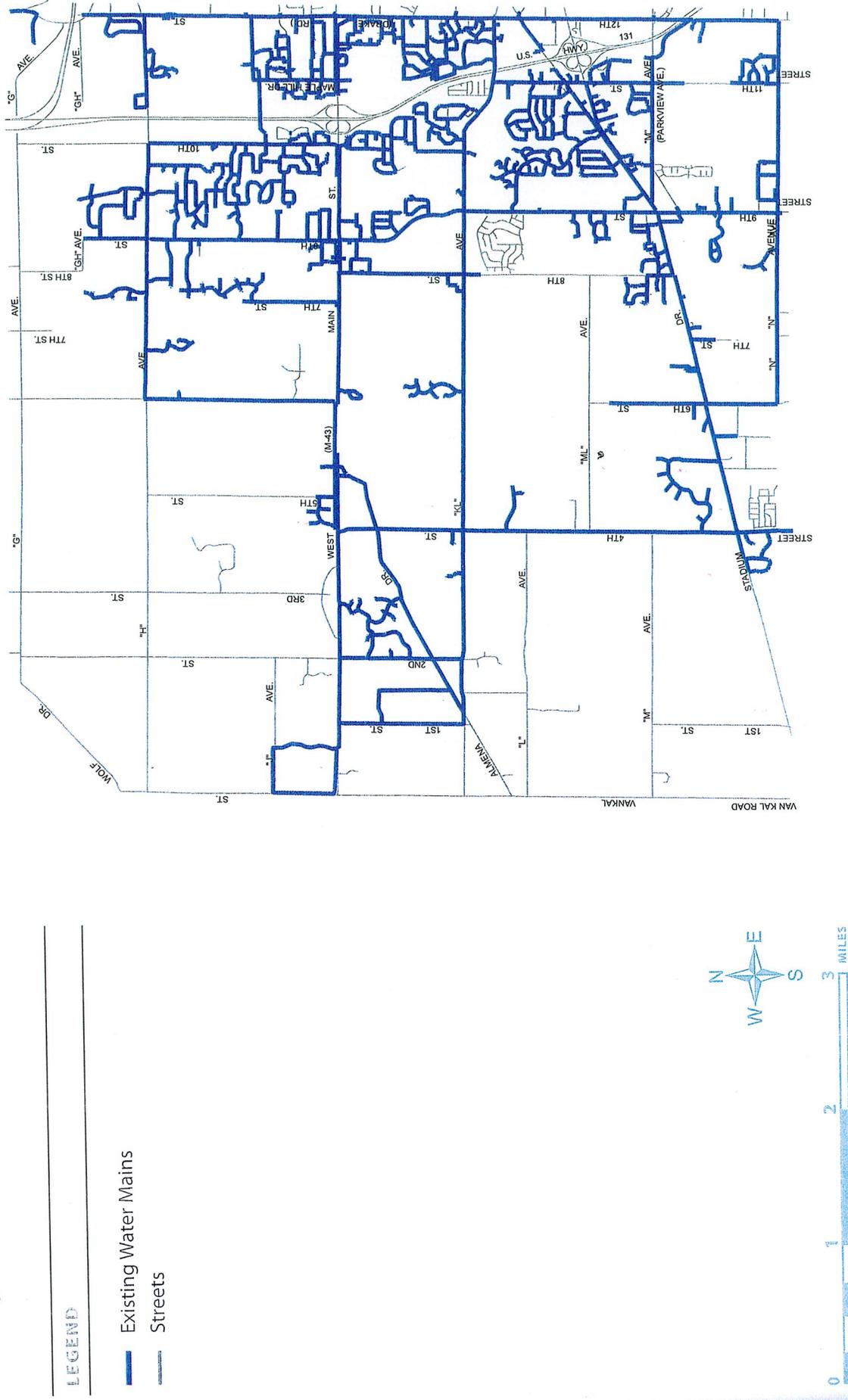


FIGURE 5.11
Capital Improvement Plan: Planned Water Extensions

