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NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Thursday,
May 28, 2015

AGENDA
7:00 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Public Comment on Non-Agenda Items
5. Approve Minutes of the May 14, 2015 Regular Meeting
6. **PUBLIC HEARING: Step 1 Site Condominium Review (Mystic Heights Site Condominium), continued**
   Planning Commission to review application of Tim Woodhams, on behalf of Van Kal Partnership, LLC, for tentative approval of a preliminary site condominium plan (step 1) for a 40-unit residential site condominium development named Mystic Heights Site Condominium. The subject property is located at 3839 South Van Kal Avenue in the RR Rural Residential District. (Parcel number is #3905-31-155-030).
7. **PUBLIC HEARING: Rezoning (5527 Parkview Avenue)**
   Planning Commission to conduct public hearing to review the application from Ken and Joni Sluys for rezoning of the southern portion of a 2.58 acre parcel located at 5527 Parkview. Request is to rezone property from RR Rural Residential to R-2 Residence district (Parcel #3905-36-130-094).
8. Old Business
9. Any Other Business
10. Planning Commissioner Comments
11. 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 MAY 14, 2015

Agenda

PUBLIC HEARING: PLANNING COMMISSION TO REVIEW APPLICATION OF TIM WOODHAMS, ON BEHALF OF MAR-BO INVESTMENTS, INC., FOR TENTATIVE APPROVAL OF A PRELIMINARY SITE CONDOMINIUM PLAN (STEP 1) FOR A 40-UNIT RESIDENTIAL SITE CONDOMINIUM DEVELOPMENT NAMED VAN KAL SITE CONDOMINIUM. THE SUBJECT PROPERTY IS LOCATED AT 3839 SOUTH VAN KAL AVENUE IN THE RR RURAL RESIDENTIAL DISTRICT. (PARCEL #3905-31-155-030).

PUBLIC HEARING: PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION OF JAKES FIREWORKS INC. FOR TEMPORARY OUTDOOR SALES FROM JUNE 20 TO JULY 5, 2015 IN HARDING'S MARKET PARKING LOT LOCATED AT 6430 WEST STADIUM DRIVE WITHIN THE VC VILLAGE COMMERCIAL DISTRICT (PARCEL #3905-26-465-022).

PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM KA-BOOMER'S ENTERPRISES INC. FOR ESTABLISHMENT OF A TEMPORARY OUTDOOR SALES USE LASTING LONGER THAN ONE DAY LOCATED IN THE PARKING LOT OF AN EXISTING COMMERCIAL CENTER (MENARD'S) AT 6800 WEST MAIN STREET IN THE C LOCAL BUSINESS DISTRICT. (PARCEL #3905-14-155-029).

PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM OSHTEMO CHARTER TOWNSHIP FOR ESTABLISHMENT OF A PRIVATE, SHARED, COMMERCIAL ACCESS DRIVE TO BE LOCATED NEAR THE SOUTHEAST CORNER OF 9TH STREET AND STADIUM DRIVE WITH ACCESS FROM ATLANTIC AVENUE AND PROPERTIES WITH FRONTAGE ON 9TH STREET. THE SUBJECT PROPERTY IS LOCATED WITHIN THE VC VILLAGE COMMERCIAL. (PARCEL #3905-35-205-132).

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 14, 2015, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairperson
Fred Antosz
Wiley Boulding, Sr.
Dusty Farmer

Pam Jackson
Millard Loy
Mary Smith

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; James Porter, Attorney; and Martha Coash, Meeting Transcriptionist. Approximately ten other persons were 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 noted that the applicant for item number six, regarding a public hearing for the review of the Van Kal Site Condominium, asked that it be removed from the agenda and tabled until the May 28, 2015 meeting. He explained to the audience that the applicant heard the comments from the public and the Planning Commission and was going to look at the condo project in a little different fashion. In light of expected changes to the plan it would not be valuable to discuss the original plan at this point. He said there would be a new and complete public hearing on this matter at the May 28 meeting, and noted the public comments made to date are on record, but that if those in attendance would like to speak further, they could do so under the "Public Comment on Non-Agenda Items" portion of the agenda. Chairperson Schley asked for a motion to approve the agenda with the removal of item six.

Mr. Loy made a motion to accept the agenda as presented with the removal of item six. Ms. Smith seconded the motion. The motion passed unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

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

Ms. Julie Rogers, 3428 Marlene Avenue, County Commissioner representing the 5th District, told the Board she had heard from many of her constituents who live on Van Kal Avenue about this issue and that there was not one positive comment. She and others are concerned about the two-week turnaround time for the next public hearing, which will be just after the holiday weekend. Since she ran for the County Commission in 2012, the hot topic in the area is the concern over sewers. This area of the Township already has issues without adding another 40 homes, and there is probably no intent for the Township to add sewers in that area any time soon. She noted a high volume of traffic in that area and said she has almost been hit herself several times; additional

homes will add to that problem. She said she would try to be back at the meeting in two weeks with further comments, but would put them in writing. She thanked the Board for listening to her comments.

Mr. Wade Lawrence, 17049 West M Avenue, expressed his displeasure that there was no notification that this item would not be on the agenda. He asked rhetorically if he had called and said he couldn't make it tonight if the meeting would be rescheduled around him. He said there is a perception among residents that there is some favoritism going on with the developer. He added that cancelling at the last minute is discourteous if nothing else. At the last meeting there were due process issues raised and he said he would raise those same issues for the May 28 meeting. 15 days' notice is required for the public, this allows 14 days and not only did he not receive notification that this issue would not be discussed at this meeting, but he would raise the due process issue regarding whether there is sufficient notification for people to attend on May 28. People had to rearrange schedules to attend tonight and if nothing else, this was very discourteous on the part of the Planning Commission.

Attorney Porter explained that it was the developer who requested the public hearing be rescheduled to a date certain, following due process requirements.

Chairperson Schley added the Planning Commission followed proper application process. The applicant has the right to withdraw the application or ask that it be tabled at any time, including on the evening of its review. He noted that has happened in the past at times, due to the wisdom of the applicant, when more time was needed to make modifications to the proposal. In this case, the applicant met with planning staff very recently. They would have hoped that would have occurred sooner, but it wasn't able to occur sooner. The applicant has the right, without any bias of any member of the Planning Commission, to ask that consideration of the proposal be postponed. He wished it had been possible to get notice to everyone sooner, but he wanted everyone to understand that if the applicant had attended the meeting and simply stood up and asked that consideration of the application be postponed, they would have been required to grant that request. The Chairperson resumed the opportunity for public comments.

Mr. Art Diani, 4115 Van Kal, seconded Mr. Lawrence's comments, saying this smells like a backroom deal or that it is politically motivated. People are very, very upset; 50 people were planning to attend the meeting tonight. The last minute cancellation was very destructive to their schedules. Postponing for four weeks, then again for two weeks on short notice does not look good. It suggests some sort of under the table deal. He said he understood a moratorium on building in their area had been discussed because of the sewage problem, but it seems that was thrown out the window. He noted there are some very disappointed and upset taxpayers over this issue.

Ms. Judy Diani, 4115 Van Kal, expressed her frustration. A lot of people were planning to attend this meeting to express serious concerns about the proposed project

regarding the environment, water quality and sewage. She did not hear until late in the afternoon, by chance, that the issue would not be on the agenda and wondered why there was not at least a phone chain or something to alert people. She tried to call as many people as possible to let them know of the change, but said people shouldn't be treated like this. Next time will be the third time residents will be coming to a meeting for this process and she wondered why applicants are more important than more than 50 people who live in the area. They are coming in to propose a plat and she wondered why their idea of a plat is more important than all the people who have lived there for many years. They are concerned about the possibility of clear-cutting trees and bulldozing before the plat is approved. She hoped the Board understands residents' frustration and thanked the Board for listening.

Chairperson Schley thanked the audience for their comments.

Mr. Milliken asked if there might be a contact person Township personnel could contact in order to start a phone chain if there is a further postponement, which could occur. He said they noted the postponement for tonight's meeting on the website and posted it on the door, but did not have phone numbers or e-mails for residents in order to broadly distribute the information.

Ms. Diani said she would be willing to be the contact.

Attorney Porter said the law is pretty well established in Michigan that if you have public notice and then table to a date certain there is no requirement under the law to re-notice or re-publish. If it is necessary to table again, although there is no requirement to re-notice or re-publish, he would not be comfortable with that. He noted publication costs are very expensive.

Hearing no further public comments on non-agenda items, Chairperson Schley moved to the next item on the agenda.

APPROVAL OF THE MINUTES OF APRIL 23, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the Meeting of April 23, 2015. Hearing none, he asked for a motion to approve the minutes as presented.

Mr. Loy made a motion to approve the minutes of the April 23, 2015 meeting. Ms. Farmer seconded the motion. The motion was approved unanimously.

Chairperson Schley moved to the next item on the agenda.

PUBLIC HEARING: PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION OF JAKES FIREWORKS INC. FOR TEMPORARY OUTDOOR SALES FROM JUNE 20 TO JULY 5, 2015 IN HARDING'S MARKET PARKING LOT LOCATED AT 6430 WEST STADIUM DRIVE WITHIN THE VC VILLAGE COMMERCIAL DISTRICT (PARCEL #3905-26-465-022).

Chairperson Schley said the next item on the agenda was a special exception use and site plan review of the application of Jakes Fireworks Inc. for temporary outdoor sales in Harding's parking lot. He asked Mr. Milliken to review the request.

Mr. Milliken explained the applicant is seeking to locate a temporary fireworks sales tent in the parking lot of the Harding's grocery store at the corner of 9th Street and Stadium Drive. Such a use is a special exception use in the VC zoning district because it will last more than one day. Section 33.213 of the Ordinance contains specific standards for temporary outdoor events. The applicants are seeking to operate from 6/20/15 to 7/5/15 – a period just over two weeks. The applicant has indicated that the tent would be set up approximately two days before, around 6/18/15, and torn down approximately four days after, around 7/9/15.

He said the applicant is proposing a 1,600 square foot (40' x 40') tent for the sale and display of fireworks. They will be selling a full line of consumer fireworks ranging from sparklers to aerials at retail from the tent. It is proposed to be located in the southern portion of the parking lot between the retail structure that contains Subway and the driveway to Stadium Drive at the Parkview Drive intersection. The tent will be located in approximately the same location as it was located last year, and is the same size as last year. As with previous years, the tent will need to be set back 10 feet from the edge of the parking lot pavement to satisfy separation requirements.

Mr. Milliken noted that centrally located within this parking lot aisle, the tent and the required buffer to surrounding vehicles shall occupy 10-15 of the current parking spaces existing at the site.

He said the facility would be open from 9am to 9pm during its period of operation. However, the applicant has indicated that on the days approaching the 4th of July, it is likely that store would be open a little later based on customer interest, likely 8am to 10pm. During the night when the store is closed, representatives of the company would remain on site to monitor the inventory and ensure nothing happens to the firework devices.

He also noted that if approved, this will be the fourth year for Jake's Fireworks to operate at this location.

He said last year, there was substantial discussion regarding the set-up and tear-down dates following issues of non-compliance in 2013. A $450 compliance deposit was required in 2014. There were no issues with the set up and tear down schedule

last year, and the schedule request is the same as last year. The applicant has submitted a $400 compliance deposit for your consideration this year.

He added that in previous years, the tent has been located at the same spot as proposed, and there have been no formal complaints filed regarding impacts of the proposed development on parking or circulation.

Mr. Milliken said the Fire Department has reviewed the plans and did not have any comments regarding the proposed facility at this time. The Fire Marshall will inspect the facility prior to initiating operation.

He said the application meets all Standards for Approval and noted there were no time-frame issues last year.

He concluded by saying this is the fourth year this applicant has sought approval for the same use at the same site, and there have been no issues reported during the previous periods. The Commission should consider whether administrative review is acceptable for future requests provided future requests are consistent with the proposed.

Chairperson Schley asked if Commissioners had questions for Mr. Milliken.

Ms. Smith noted there were two applications for firework sales permits presented at the meeting and there was a disparity in the stated liability insurance amount. She wondered if that is conditioned by the Township's Fire Department or the fireworks company.

Chairperson Schley said that generally speaking what happens under the tent is regulated by the State of Michigan.

The Chairperson also commented he would like to be consistent regarding whether a deposit should be required for these types of applications.

Mr. Milliken said he would be happy to do that, but noted tracking and refunding deposits can be an administrative challenge.

There were no further comments or discussion; Chairperson Schley noted the applicant was not present and determined there were no comments from the public on this issue. He asked for a motion to approve the request from Jakes Fireworks.

Mr. Loy made a motion to approve the application from Jakes Fireworks with the following conditions:

1. The tent shall only be up from June 18 to July 9.

2. The hours are limited to 9am to 9pm from June 20-28 and 8am to 11pm from June 29 to July 5.

3. All signs shall satisfy the requirements of the Township Zoning Ordinance.

4. Someone shall be onsite 24 hours day.

5. All comments or issues raised by the Fire Department during the course of this review and/or any subsequent inspection shall be complied with.

6. A compliance deposit shall be paid to the Township as a condition of approval prior to setting up the tent. The deposit will be refunded to the applicant in full provided that all conditions are met. If any of the approved conditions are not met, a fine equal to $75 for each day that any infractions take place shall be retained by the Township.

7. Provided future requests submitted by the applicant are similar in terms of location, scale, and extent, and that there have been no issues or complaints received by the Township regarding the use, said future requests may be approved administratively.

Mr. Boulding, Sr. seconded the motion. The motion was approved unanimously.

Ms. Farmer said she would like to see consistency with the retainer deposits and would like to see them paid by each applicant. She noted it is sometimes difficult to get tents moved out in a timely fashion.

PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM KA-BOOMER'S ENTERPRISES INC. FOR ESTABLISHMENT OF A TEMPORARY OUTDOOR SALES USE LASTING LONGER THAN ONE DAY LOCATED IN THE PARKING LOT OF AN EXISTING COMMERCIAL CENTER (MENARD'S) AT 6800 WEST MAIN STREET IN THE C LOCAL BUSINESS DISTRICT. (PARCEL #3905-14-155-029).

Chairperson Schley said the next item on the agenda was a special exception use request of the application of Ka-Boomer's Enterprises for temporary outdoor sales in the Menard's parking lot. He asked Mr. Milliken to review the request.

Mr. Milliken said the applicant is seeking to locate a temporary fireworks sales tent in the parking lot of the Menard's Center on West Main Street. The applicant is seeking to operate from 6/25/15 to 7/4/15 – a period of 10 days. The tent will be installed two to three days prior and removed one to two days after the period indicated.

He said proposed is a 1,600 square foot (20'x80') tent for the sale and display of fireworks. They will be selling a full line of consumer fireworks ranging from sparklers to aerials at retail from the tent. It is proposed to be located in the south-central portion of

the parking lot adjacent to the access drive serving the out lot centers and Menard's. The location complies with all required building setbacks. The applicant has indicated that it will be 200 feet from the front of Menard's store and is located in the middle of a row of parking spaces. In addition, a storage trailer for supplies and inventory is proposed to be located within the same bank of parking spaces north of the tent. These parking spaces will not be available for use during the sales period.

Mr. Milliken explained the bank of parking spaces within which the tent will be located is 40 feet wide, and therefore, space is available to provide the required 10-foot buffer area on each side of the 20-foot wide tent without extending into the adjacent driveways.

He said last year the hours of operation were from 10 am to 10 pm daily, and the applicant provided 24 hour security on site.

He noted the Fire Department reviewed the plans and found them to be acceptable.

He also noted this is the second year Ka-Boomer's has located in the Township. There were no issues or complaints filed based on last year's location.

Mr. Milliken said all Standard for Approval were met by the applicant and the proposed use is consistent with existing uses in the C district as well as within the surrounding commercial center.

He suggested the Commission consider whether administrative review is acceptable for future requests provided they are consistent with the proposed.

Chairperson Schley noted the applicant was not assessed a removal fee and would not be expecting one.

Mr. Milliken said he would contact them and let them know they will be required to pay a $400 fee if the Commission makes that a condition of approval.

In response to a question from Ms. Farmer, Mr. Milliken said he did not initially assess a fee since there was no problem with the time-frame for tent removal last year and he did not feel it was needed.

The Chairperson noted the applicant was not present and determined there were no members of the public who wished to comment on this item. He moved to Board deliberations.

There was an extended discussion about escrow deposits regarding the desire for consistency, the need to get it into permanent communications if required, difficulty of administering deposits/refunds, whether those in compliance should be required to deposit funds, whether not granting approval in subsequent years if rules are not

followed is sufficient penalty without a deposit, whether the reminder to applicants of responsibility to the people of the Township warrants a standard fee, whether a fee, if imposed, should be limited to fireworks concerns or possibly to transient businesses who do not necessarily have any loyalty to the Township.

After discussion, it was the consensus of the Commission that a $400 special exception use fee be instituted for fireworks applicants to be held and returned if conditions are met by the vendor.

Chairperson Schley asked for a motion to approve the application from Ka-Boomers Enterprises.

Mr. Loy made a motion to approve the application from Ka-Boomer's Enterprises with the following conditions:

1. Comply with any comments or issues raised by the Fire Department during the course of this review and/or any subsequent inspection.

2. Any signage shall require a sign permit in conformance with the standards of the Township Zoning Ordinance

3. A $400 compliance deposit shall be paid to the Township as a condition of approval prior to setting up the tent. The deposit will be refunded to the applicant in full provided that all conditions are met. If any of the approved conditions are not met, a fine equal to $75 for each day that any infractions take place shall be retained by the Township.

4. Provided future requests submitted by the applicant are similar in terms of location, scale, and extent, and that there have been no issues or complaints received by the Township regarding the use, said future requests may be approved administratively.

Ms. Farmer seconded the motion. The motion was approved unanimously.

PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM OSHTEMO CHARTER TOWNSHIP FOR ESTABLISHMENT OF A PRIVATE, SHARED, COMMERCIAL ACCESS DRIVE TO BE LOCATED NEAR THE SOUTHEAST CORNER OF 9TH STREET AND STADIUM DRIVE WITH ACCESS FROM ATLANTIC AVENUE AND PROPERTIES WITH FRONTAGE ON 9TH STREET. THE SUBJECT PROPERTY IS LOCATED WITHIN THE VC VILLAGE COMMERCIAL. (PARCEL #3905-35-205-132).

Chairperson Schley said the next item on the agenda was a request for a special exception use from Oshtemo Township for an access drive near the southeast corner of 9th Street and Stadium Drive. He noted he is the Chair of the DDA, which is a proposed

partner in this project, and he asked Vice Chair Jackson to take over as Chair while he stepped down from the dais.

Vice Chair Jackson asked Mr. Milliken to review the request.

Mr. Milliken explained that Oshtemo Township, in coordination with the Downtown Development Authority (DDA), seeks to develop a commercial access drive on 3.44 acres of vacant property the Township owns to the rear (south) of the Community Center located at the intersection of Stadium Drive and Parkview Avenue. The groups have been working in partnership on the design and concept of the access drive for several months and have recently brought on OCBA as a design partner to refine the plans and bring the concept to construction.

He said the Township and DDA are proposing development of a commercial access driveway with an access point on Atlantic Avenue. The intent is to provide an alternative access route for traffic serving businesses and properties along 9th Street in this area. Due to congestion and the number of access points, ingress and egress to these businesses can be challenging. This is particularly so for trucks making deliveries. The access drive mitigates the safety and congestion issues that exist here by directing traffic further south to Atlantic Avenue.

Mr. Milliken told the Board the drive is a private road and will be maintained as such. However, it is planned to be constructed to Road Commission standards in terms of road specifications. It is 24 feet in width with two 12 foot lanes. The access drive centers upon a traffic circle that has been designed with radii that can accommodate trucks and emergency vehicles. The traffic circle was specifically integrated into the design as a traffic-calming feature to reduce the temptation to use the proposed drive as a cut-through in the area. It also allows for multiple points of access as properties connect to the access drive.

He said a sidewalk system is proposed in conjunction with the commercial access drive. The sidewalk extends the existing sidewalk on the north side of Atlantic east to the proposed commercial access drive. The sidewalk then travels north along the easterly side of the proposed drive for its entire length.

He noted bio swales and rain gardens have been proposed to accommodate stormwater drainage from the proposed drive. A portion of one of the drainage structures extends west into an adjacent private property. An easement or some other form of agreement with that property owner will be necessary. Over time, adjustments to the size of these structures are anticipated as they could be used for shared storage of stormwater from redevelopment of properties along 9th Street.

Mr. Milliken said this discussion and development of this concept started at the DDA about two years ago as members of the DDA worked to address issues of congestion, safety, and access along 9th Street. The DDA initiated conversation with the Township Board regarding potential use of the Township owned property south of

the Community Center. This prompted the Township to explore the acquisition of the adjacent property and then subsequently refine the design to address concerns identified by the Board.

He explained in order to connect to the drive properties will have to sign an agreement with the Township. The agreement addresses issues such as annual and long-term maintenance of the drive, cross-access connections to adjacent properties, and driveway closures. The intent of the agreement is to allow all properties along this portion of 9th Street access to the drive either by direct connection to the drive or via shared-access connection to an existing connection point on an adjacent property.

As shown on the plan, he said, two property owners have shown interest in connection at this point. This interest has been consistent and sustained throughout the discussions and both have been engaged in the design process. Besides these two, there is one other property owner that owns several other properties along the corridor. This owner has indicated interest but is waiting to sign on and connect. The remaining properties are predominately residential and will likely connect upon redevelopment at some point in the future.

He noted the subject property is located in the VC Village Commercial District as well as the Village Form Based Code Overlay District. As described in Section 33, most non-residential development in the VC district requires Planning Commission approval. Section 34.910.B indicates that any proposed improvement in the Village Area Form Based Code Overlay District requires site plan review approved by the Planning Commission.

Mr. Milliken said the DDA has recognized an issue with access, congestion, and safety in regards to the ingress and egress of properties on 9th Street south of Stadium Drive, and they have proposed a solution in conjunction with the Township Board.

He explained that as the Commission considers the proposal and the request for approval, it can still rely upon the standards for site plans and special exception uses as a general framework for your decision making. Will the development impact adjacent properties? Will the development be compatible with surrounding development? Will there be a negative impact on natural features?

Vice Chair Jackson asked if there were questions for Mr. Milliken.

Mr. Loy confirmed AT&T's right of way will connect to the road.

The Vice Chair asked about future use.

Mr. Milliken said the plan allows for potential opportunities, unknown at this time, per the DDA's Village Theme Development Plan and the Form Based Code, which could include mixed use development. There will likely be needs for shared parking, drainage, etc. as redevelopment of the primary roads occurs.

In response to a question from Ms. Smith, Mr. Milliken confirmed there were a number of opportunities for public input in the development process. There were attempts to contact those residents located immediately adjacent on 9th Street. There were a variety of meetings that provided opportunities for engagement and comments. In addition, this public hearing was noticed to all areas within 300 feet.

Vice Chair Jackson asked if there were other businesses who may intend to connect.

Mr. Milliken said two businesses participated from the beginning; a third property owner has verbally expressed interest. The remaining properties are residential or do not extend all the way the east, so would share a drive with adjacent property.

There were no further questions. Vice Chair Jackson asked Mr. Ken Paragon of OCBA to comment.

Mr. Paragon said OCBA has been working with the DDA for a year and a half on access drive issues and how future development might be assisted. A main goal is to get trucks off Stadium Drive and 9th St. It is designed to be flexible in terms of future connections and uses. The project complies with Road Commission standards and is expected to stand up to fairly heavy use. He said they would protect natural resources though some trees would need to come down; perennials will be planted in the center aisle. The drive will line up with the existing church drive for better visibility.

Mr. Loy had some concern about whether the size of the circle radius was too small to allow a semi to turn.

Mr. Paragon said there would be a five foot strip of cobblestones to allow extra space for truck movement. He agreed to revisit and reconfirm the proposed radius and drive configuration will be enough to provide an adequate turning radius for semi-trucks.

Mr. Paragon discussed the depth of swales responding to a question from Mr. Loy.

There were no more questions from the Board for Mr. Paragon.

Vice Chair Jackson asked if any members of the public wished to speak.

Mr. Michael Lutke, owner of the adjacent pool company, said that for over 30 years, he has seen numerous accidents and many near misses at this location and he feels this is a great plan to get his customers and employees safely in and out of his business. He said he has been waiting for this type of development for a long time.

Mr. Boulding, Sr. made a motion to approve the special exception use request from Oshtemo Township for establishment of a private, shared, commercial access drive as presented with the following conditions:

1. An easement or similar agreement be reached with the adjacent property owner to accommodate the drainage structure the crosses the property line.

2. The applicant shall comply with all requirements and feedback of the Township Engineer.

3. The applicant shall comply with all requirements and feedback of the Township Fire Marshal.

Mr. Loy seconded the motion. The motion was approved unanimously.

Chairperson Schley returned to the dais.

OLD BUSINESS

There was no old business. The Chairperson moved to the next item.

OTHER BUSINESS

Chairperson Schley noted he would be out of state when the Commission meets on June 11.

Mr. Milliken said the Van Kal condo and rezoning request is expected to be on the agenda for the May 28 meeting along with a rezoning request, and he indicated he would reminded the Board of the joint meeting scheduled for Tuesday, May 19.

PLANNING COMMISSIONER COMMENTS

Mr. Boulding, Sr. mentioned articles he recently read regarding general sewage issues and looming water crises and the need for pro-action.

Attorney Porter noted septic system issues rest with the Health Department. He indicated he would recap where the Commission should focus its attention and what is within its jurisdiction. He understood the overall larger concern, but emphasized the need to focus on what is in the Board's purview.

Ms. Jackson said she feels the Planning Commission is highly ethical and there has never been a question in her mind that all issues are handled above board. There is never favoritism or under the table dealings.

Mr. Loy commented OHS, OCBA, and Ken Paragon are working on a five-year master plan for the Drake Homestead and noted there is a meeting on May 27, including a 4-6 p.m. drop in session. He said there have been three input sessions at the Drake House and encouraged everyone to drop by on the 27th.

Ms. Smith asked about a definition for a "block."

Attorney Porter said past Boards have interpreted a block as the street itself.

Chairperson Schley said he was troubled by challenges to Board Members' character by members of the audience. He thinks it is because folks do not understand the process, that applicants have rights as well as residents. He felt there were some rude, callous comments earlier in the meeting. He regretted such comments on the behalf of the broader public who also have rights, but who are affected counter-productively by that kind of approach. He hopes the Planning Commission can stay above these kinds of challenges.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Schley asked for a motion to adjourn.

Ms. Jackson made a motion to adjourn. Ms. Farmer seconded the motion. The motion carried unanimously.

Chairperson Schley adjourned the Planning Commission meeting at approximately 8:35p.m.

Minutes prepared:
May 16, 2015

Minutes approved:
_____, 2015

May 21, 2015

Mtg Date: May 28, 2015

To: Planning Commission

From: Gregory Milliken, AICP

Applicant: Tim Woodhams (Civica Engineering)

Owner: Van Kal Partnership, LLC

Property: Parcel #3905-31-155-030 (3839 South Van Kal Avenue)

Zoning: RR – Rural Residential District

Request: Tentative Approval of Preliminary Plat (Step One of Site Condominium Review)

Section(s): Section 290.005 of General Ordinances (Site Condominiums)

Project Name: Mystic Heights Site Condominium (formerly Van Kal Site Condominium)

UPDATE

As you may recall, this request was tabled at the April 9th Planning Commission meeting due to issues with the public hearing notice. It was subsequently tabled again at the May 14th Planning Commission meeting at the applicant's request due to the need for additional time to address the comments and feedback received at the first public hearing. Because the public hearing was properly noticed for May 14 and then tabled to the May 28th meeting, there was no requirement to re-notice the meeting. Nonetheless, due to the previous challenges with noticing and the high interest in this request, letters were mailed to all parties who previously received a public notice informing them of the May 28th meeting.

CHANGES SINCE LAST MEETING

As you will note reviewing the preliminary plan, the layout for the development has been changed. The road layout has been modified to better reflect the topography of the site and reduce the amount of grading necessary for infrastructure development. The number of units has remained the same and other details of the development are generally similar to previously proposed. The biggest issue with the previous layout was the lack of regard for the existing natural features, particularly the topography of the site and the trees.

Here are a few of the other specific items that have evolved or changed related to the request or in response to issues raised at the April 9th public hearing:

- The ownership has changed as Van Kal Partnership, LLC has closed on the property since the time of the initial application. Van Kal Partnership has always been the agent behind the application, submitting with permission of the previous owner. A letter was submitted indicating the change in control.

- Township Engineer Marc Elliott has submitted a formal review and written report for Planning Commission review and consideration. This was not prepared for the April meeting but was completed with the additional time provided. It should be noted that the review is based on the previous layout and has not yet been updated to reflect the new design concept.

- The applicants have decided upon a name for the proposed development: Mystic Heights.

- The Township Attorney has prepared a memo defining the details the Planning Commission should consider and issues that are outside the bounds of its authority that was distributed prior to the May 14 meeting.

(The balance of the review memo below is the same as was previously presented with various details updated as necessary to reflect the new layout.)

INTRODUCTION

The proposed development is a 40 lot residential site condominium located on the east side of Van Kal Avenue. It is located on 40 acres of land between Stadium Drive and M Avenue in the southwest corner of the Township.

SITE CONDOMINIUM REVIEW

The procedures for review and approval of a site condominium are not spelled out in state statutes as they are for subdivision plats. However, the Township Ordinance for site condominiums has been drafted such that the process for site condominiums is quite similar to subdivisions.

Like with platted subdivisions, the site condominium process involves three steps before the Township. This is the first step. The purpose is to evaluate the proposal for compliance with zoning requirements and consistency with the overall requirements of the Ordinance. This allows the applicant to gain a broad understanding of where the project stands and any changes that may need to be made before undertaking the time and expense of the detailed engineering required in step two. Step one approval requires a public hearing at the Planning Commission and then Township Board approval.

Step two then provides the detailed engineering that accompanies the road plans, grading, stormwater drainage and detention, and utilities. It also includes more specific approvals from a variety of other agencies. Step two only requires Township Board approval. Following this approval, construction of the infrastructure can begin.

Step three also only requires Township Board approval. It is the final step and occurs once all the infrastructure is completed. Step three allows for review and approval of legal documents, agency approvals, and as-built plans. It is the Township's chance to confirm everything was done according to the approved plan and is in compliance with the appropriate standard.

PROPOSED DEVELOPMENT

The proposed 40 unit site condominium occupies 40 acres in the southwest corner of the Township in the RR district. The proposed lots vary between 24,550 square feet (0.56 acres) and 56,150 square feet (1.29 acres). There is no minimum lot size in the RR district; the density is limited to one unit per acre. The minimum lot width is 100 feet measured at the building setback line, and no lots have frontage smaller than 100 feet.

Building envelopes have been drawn in each of the proposed units showing the required setback distances. Based on setback requirements alone, there is room for development on each parcel.

The development will be served by private well and septic systems as public water and sewer are not available in this area. County Health Department approval will be necessary prior to Step II approval.

A new public road is proposed to serve the proposed development. Built to Road Commission standards, the road provides access to the development from Van Kal Street and incorporates a large loop to serve all proposed units. This loop now has more of a pentagon shape versus the previous rectangle shape to better reflect the topography of the site.

To satisfy connectivity requirements, the road has been extended to the north property line to serve future development. (A temporary cul-de-sac or other approved turnaround should be located at the terminus of the road extension.)

An additional extension was previously provided to the east. With the change to the road layout, this extension was removed. The Road Commission requires 90 degree perpendicular intersections when connecting roadways, and this would not be possible with the orientation that reflects existing natural areas. Development to the east would require assembly of several parcels, or at least the rear portions of several parcels, and would encounter topographic issues as it heads south to the largest undeveloped parcel. Any effort to protect the natural resources on the eastern portion of the site likely would result in removal of this future access point.

Sidewalks are being provided throughout the development. Street lights are also shown in the development, and the applicant has agreed to participate in the Township's street light district.

Besides the change in the road layout, the other substantial change to the plan involves the designation of limited common element areas in both the northeast and southeast corners of the site. These areas are set aside for permanent protection of the natural resources, and they are also portions of the site that cannot be incorporated into proposed units due to the 4:1 depth to width ratio requirement. (Units cannot be four times deeper than they are wide.) In the condominium documents, the protection and preservation of these areas will need to be defined.

With any residential development, there is no guarantee what will happen on the residential lot when it is purchased. There is no requirement as to how a private residential lot can be developed thus opening the opportunity for substantial grading and clearing once the lot is purchased. This is true of the current proposal, the previous proposal, or an open space design. The advantage of the current proposal versus the previous is that the current proposal does result in protection of the limited common element areas.

The Commission will need to determine if that is enough to satisfy the Ordinance requirements or if additional limits on the site development are necessary.

EXISTING / SURROUNDING CONDITIONS

The existing property is vacant, and the majority of the site is heavily wooded with a mix of oak and evergreen trees. The western portion of the site is not as heavily wooded and appears to have been previously used as a pasture or other clearing.

As the site moves east, the existing topography also becomes more intense rising over 80 feet from the entry to the eastern boundary. Although the road has been realigned to reduce the grading necessary for the road infrastructure, substantial grading will likely be necessary for some these properties depending on where the homes and utilities are located on the eastern lots. The difference is that if grading is necessary, it will be required by the condominium documents to stop and tie into existing grades in the designated limited common element open space area in both the northeast and southeast corners of the development.

A conceptual plan for stormwater has been provided illustrating that drainage from the proposed road will be directed through stormwater pipes to one of two drainage basins on the site. General flow of stormwater from many of the units has been noted. For several units, it appears some form of drainage structure or grading will occur in the rear to direct drainage as depicted on the plans. The condominium documents will need to have language reflecting this as well to ensure these are installed as the lots are individually developed.

Most of the properties surrounding the subject property are larger, rural residential properties characterized by a substantial amount of open land. It is not anticipated that the residential development would generate substantial enough drainage to cause significant adverse impacts on these surrounding properties. However, this cannot be determined for certain until specific building and grading plans are determined for the home to be built on the unit.

AGENCY REVIEWS

The applicant has submitted the conceptual site condominium plan to a variety of different offices and agencies for preliminary review.

- The Oshtemo Township Fire Department has reviewed the plans and indicated they have no concerns.

- The Township Engineer has been engaged in the staff review process from the outset. He has provided a memo regarding the site and issues with the development. As stated previously, this review is based on the previous layout and not the current proposal presented here. The Engineer will play a more significant role as this moves forward.

- The Road Commission of Kalamazoo County has provided a preliminary review of the road layout. We understand they have reviewed the plans for the updated layout as well but have not received their comments from that review. A more formal review of the road plans will

occur during development of the step 2 plan and the final engineering plans. The preliminary review indicates a few adjustments to be made but nothing that appears too substantial.

- The Kalamazoo County Department of Health and Community Services has conducted a pre-preliminary review including a site visit and soil borings. They provided the applicant with the results of their inspection and their requirements for the on-site utility design.

STANDARDS OF APPROVAL

Section 290.005.D.3 contains standards for the preliminary plan to achieve in order to be approved. These are reviewed here.

a. **Streets** – The proposed street layout consists of public roads and has been illustrated to conform to County Road Commission standards. A street extension is shown to the north, the direction most likely to see expansion. The extension to the east has been removed as a result of layout changes to better relate to natural features. The extension to the north will need a cul-de-sac or other turnaround capacity. Connections, dimensions, and street lighting all appear to conform to ordinance standards.

b. **Lots** – There is no minimum size requirement for building sites in the RR district. Rather development must maintain a density of no greater than one lot per acre. The proposed development satisfies this requirement as 40 units are proposed on the 40 acres of development. The development creates no land locked parcels.

   Building envelopes have been shown on the site plan illustrating setback requirements. While the sites are large enough to accommodate a home within the setbacks, the sites will be further limited by the topography and natural features that exist as well as the need to provide level land area for two drain fields. Accommodating development on these sites will require extensive grading and tree removal to ensure suitable space is available for home construction.

c. **Pathway** – The applicant is providing sidewalks in the development.

d. **General Provisions** – There are no reserve strips in the development. There is no land subject to flooding in the development area.

   There are, however, natural features including steep slopes and substantial tree areas making up the majority of the proposed development. This was the key element of discussion and debate from the first public hearing, and likely will be the key element of debate at next week's meeting.

   Certainly, the proposed change in the layout does a better job of reflecting the natural features and topography of the site than the previous layout. In addition, two areas (approximately 1.75 acres in size combined) have been set aside for protection and preservation. Ultimately, these areas, which were not provided in the previous plan, are the only areas guaranteed for preservation. We can make assumptions of likely locations and sizes of homes and drain fields on the units, but it will ultimately be up to the future property owner and their desires for the location of the home and utilities to dictate how each site ultimately develops. Thus, with the

exception of the two limited common elements, the balance of the site could still be substantially impacted by grading / clearing necessary for development.

As indicated previously, the concerns about grading and drainage may be raised prematurely as they are more of a Step II issue. However, as such concerns and the feedback thereof could impact site layout, Staff felt it appropriate to raise the issues in Step I prior to extensive engineering work and detailing. Without these details, the exact impact cannot be determined. However, it is fairly clear that in order to establish suitable building sites with the layout proposed and accommodate the drainfields for each property, substantial grading and tree removal will be required on many of the properties.

CONCLUSION

The applicant has made a revision to the proposed layout to better reflect the topography of the site and respond to some of the concerns raised at the April public hearing. The Commission will need to consider whether or not the proposed amendments to the plan satisfies the criteria of the Ordinance and responds to the concerns raised at the public hearing. If it is determined that it does not, alternatives would include a reduction in units or use of an open space development concept. The applicant has indicated the latter is not practical however due to the requirements of the health department for on-site utilities.

Any action on the proposal should be conditioned on the following:

a. The development shall receive the necessary approvals from the Kalamazoo County Department of Health for provision of private water and sanitary septic service on each building site.

b. Disturbance of natural features – including grading and tree removal – shall be minimized to the extent possible during building site development.

c. The condominium documents shall include language regarding the preservation of the limited common element areas in the northeast and southeast corners of the site as well as indicate the requirement to provide any drainage swales or facilities required on individual sites for the overall stormwater management system.

d. A turnaround area shall be provided at the north end of 'A' Street on a temporary basis until the road is extended.

charter township
oshtemo
est. 1839
7275 W. MAIN STREET, KALAMAZOO, MI 49009
269-216-5220 Fax 269-375-7180 www.oshtemo.org

Memorandum

Date: May 13, 2015

To: Greg Milliken, AICP, Planning Director

From: Marc Elliott, P.E., Public Works Director

Subject: Oshtemo Van Kal (Sect. 31 Proposed Site Condominium)

This memo is to capture salient points and concerns that I have regarding the referenced development proposal within Section 31 of Oshtemo Township which were entertained and discussed over a series of in-house work meetings that we have had.

1. The level of engineering detail provided by the developer for preliminary review is inadequate to fully evaluate the development's impact to the dominant landscape features of the site.
2. The extreme topographic relief of the site implies that considerable if not a majority of the existing vegetation and tree cover will need to be removed to satisfy the earth grading and contouring needed to install the required supporting infrastructure.
3. I note that when a similar sensitive site was developed in the Township, the developer did provide strict, delimited foot prints for all building areas, plus the condominium documents incorporated language which required that the remaining areas be preserved in their natural state.
4. The extreme topography in conjunction with ad hoc drainage arrows are all suggestive of the degree to which tree removals, land grading, contour adjustment must be undertaken to properly implement the proposed development. That is, the engineering detail needed to extend contours out to match local, undisturbed elevations are not provided in all circumstances. Additionally, I suspect some of the resulting drainage swale slopes will be unstable without further engineering treatment to prevent soil erosion. Again, without this level of engineering detail, the Township cannot properly evaluate the development's full impact upon the landscape and other natural features. That is, on a mass-scale, I believe the true extent of the land changes necessary to implement the plan are under estimated.
5. Supplement details were subsequently offered to suggest the extent of grading necessary to provide County Health Department required space for home septic disposal systems. A cursory review of the submitted drawings suggests that the result will be lots facing front, with three sides of preserved lands, like a three-sided stockade around each structure. However, these "tree-sided stockades" represent the consolidation of grade changes into narrow bands between each lot. Implementation of these grade change may require earth retaining structures. As a consequence the intended preservation of trees and natural landscape in these locations may conflict with the engineering methods used to consolidate the grade changes over such short distances. While I believe this new submittal continues to underrepresent the total landscape change that will occur, it would be an interesting exercise to tabulate the developer's anticipated landscape change as a percentage of the total site.

6. Stormwater runoff is proposed to be managed in two drainage basins. While the intent of the concept plan is clear, the proposal lacks sufficient engineering detail, geotechnical investigations and drainage design calculations to demonstrate that the system will function adequately within the proposed dimensions.
7. I do not believe the location and species of trees greater than 12 inches in diameter within the proposed development area has been submitted [Zoning Ordinance section 82:600(c)(3)].
8. In summary, I perceive the general concept to be functionally equivalent to a traditional, mass graded subdivision. This plan appears to be in conflict with the statement of purpose for the underlying Rural Residential zoning district. To quote the Zoning Ordinance [Section 20.100]: "This district is intended to protect the quality of the overall environment ... a semi-rural lifestyle ... [in areas] not suitable for traditional residential subdivision as a result of utility system limitation, street capacity, or topography or other natural features."

charter township
oshtemo

7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS VAN KAL SITE CONDOMINIUM
3839 VAN KAL

PLANNING & ZONING APPLICATION

Applicant Name : Scott Carlson / Tim Woodhams

Company

Address 6146 West Main St
Kalamazoo MI 49009

E-mail twoodhams@civilengineering.com

Telephone 269 760 6688 Fax

Interest in Property Development

OWNER*:

Name MAR-BO Investments Inc.

Address 7250 W. Main St.
Kalamazoo, MI 49009

Email EARNIE @ EARNIEBEST.COM

Phone & Fax ~~N/A~~ 375-0300 N/A

Oshtemo Charter Township
7275 W MAIN ST
KALAMAZOO, MI 49009
Phone : 269-375-4260
OSHTEMOTOWNSHIP.ORG

Received From: SKYKING LLC
Date: 03/05/2015 Time: 1:32:58 PM
Receipt: 114370
Cashier: LINDAI

ITEM REFERENCE	AMOUNT
1042 PLANNING ESCROW	
PLANNING ESCROW	$1,000.00
1084 SITE CONDO	
SITE CONDO	$200.00
TOTAL	$1,200.00
CHECK 5329	$1,200.00
Total Tendered:	$1,200.00
Change:	$0.00

NATURE OF THE REQUEST: (Please check the appropriate item(s

- ___Planning Escrow-1042
- ___Site Plan Review-1088
- ___Administrative Site Plan Review-1086
- ___Special Exception Use-1085
- ___Zoning Variance-1092
- X Site Condominium-1084
- ___Accessory Building Review-1083
- __Land Division-1090
- __Subdivision Plat Review-1089
- __Rezoning-1091
- __Interpretation-1082
- __Text Amendment-1081
- __Sign Deviation-1080
- __Other:_____

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

SITE CONDOMINIUM STEP 1 APPROVAL

LEGAL DESCRIPTION OF PROPERTY *(Use Attachments if Necessary)*:

SEE ATTACHED

PARCEL NUMBER: 3905- 31-155-038

ADDRESS OF PROPERTY: 3839 South Van Kal

PRESENT USE OF THE PROPERTY: Vacant

PRESENT ZONING RR **SIZE OF PROPERTY** 40 acres

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

Owner's Signature *(* If different from Applicant)* **Date**

Applicant's Signature 3/5/15 **Date**

Copies to:
Planning –1
Applicant -1
Clerk –1
Attorney-1
Assessor –1
Planning Secretary - Original

****

PLEASE ATTACH ALL REQUIRED DOCUMENTS

May 5, 2015

Mr. Greg Milliken, Planning Director
Oshtemo Charter Township
7275 West Main Street
Kalamazoo, MI 49009

RE: Van Kal Site Condominium
Texas Township, Kalamazoo County

Dear Mr. Milliken:

Please accept this letter as our request to amend the Site Condominium Application to reflect the current ownership of the land proposed for the Van Kal Site Condominium.

The initial application was made with Mr. Carlson as applicant with the prior land owners consenting signature. Since that application submittal our development group Van Kal Partnership LLC has closed on the property and currently holds title.

Sincerely,

Scott Carlson, Member
Van Kal Partnership LLC

Mike Seelye, Member
Van Kal Partnership LLC

Kalamazoo County Road Commission

3801 East Kilgore Road • Kalamazoo, Michigan 49001
Telephone: **(269)** 381-3171 • Fax: **(269)** 381-1760
http://www.kalamazoocountyroads.com

February 17, 2015

Timothy A Woodhams
CIVICA ENGINEERING
1503 East Centre Ave Suite C
Portage, MI 49002

RE: Oshtemo Section 31 Site Condo, Preliminary Roadway Layout

Dear Mr. Woodhams:

Thank you for submitting the preliminary layout for the proposed condominium of Oshtemo Section 31 Site Condominium to the Kalamazoo County Road Commission (KCRC). I have reviewed the preliminary layout dated January 23, 2015 according to the KCRC Procedures, Guidelines and Specifications for Developing New Public Roads (KCRC Policy) and I offer the following comments:

1. The condo must be dimensioned to a properly labeled section corner or ¼ post show on the plans.
2. A clear-vision area sketch will need to be submitted or shown on the plans for the intersection at Van Kal Avenue. The diagram will need to show 600' each direction from the centerline of the proposed roadway approach to Van Kal Avenue.
3. The right-turn lane is not dimensioned but will need to comply with the enclosed "Figure IX" from KCRC Policy for all-season roads. The dimension "Distance Determined by the KCRC" (deceleration distance) shall be 125'.
4. Show the dimensions for the private easement for public utilities, or state that no such easement shall exist.

Should you have any questions or need additional information, feel free to contact me at 269-381-3170 ext. 224 or gwilson@kcrc-roads.com.

Sincerely,

Geoff S. Wilson, P.E.
Project Engineer

Cc: Tom Hohm, Kalamazoo County Road Commission
Jeff VanBelle, Kalamazoo County Drain Commission
Lucas D. Pols, Kalamazoo County Department of Public Health
Marc Elliott, Oshtemo Township
Enclosures(1)

Kalamazoo County
Health & Community Services

February 18, 2015

Scott Carlson
6146 West Main
Kalamazoo, MI 49009

RE: Prospective Subdivision in Oshtemo Township

Dear Mr. Carlson:

This office performed a pre-preliminary review for the proposed subdivision at 3839 South Van Kal, Oshtemo Township, Section 31. The proposal includes 40 acres of land divided into 40 lots. The minimum lot size is approximately 27,000 square feet, maximum lot size is approximately 81,500 square feet, and an average lot size of approximately 33,000 square feet.

Onsite Sewage Treatment Systems:
The front portion of the property is a semi-wooded area with slight slope. The rear portion of the property is more densely wooded with moderate to severe slope. The topography provided indicates slopes ranging from 2-20% for this property. The Kalamazoo soil survey indicates the following soils for this parcel: Coloma Loamy Sand (CoB) 0-6% slopes, Coloma Loamy Sand (CoC) 6-12% slopes, and Coloma Loamy Sand (CoD) 12-16% slopes. The CoB soil series is considered well suited for building site development and sanitary facilities. The CoC soil series is fairly suited for building site development and sanitary facilities with some limitations due to slope. The CoD soil series is poorly suited to building site development and sanitary facilities with the major limitation being slopes. Enclosed is a map indicating the soil series for this parcel.

Lots with sizes less than 30,000 square feet and/or lots with greater than 12% slope would require a specific plan that includes the locations of all lot developments (home, driveway, utilities, water well, and sewage treatment system area). Lots with slopes exceeding 12% slope in the area of the sewage treatment system location would require a grading plan.

A site visit was performed on February 11, 2015. A hand auger was used in four areas of the proposed development. A map is enclosed indicating the soil boring locations. The soil boring information is as follows (signs of high water table were not found at any of the soil borings):

SB-1: 0-10" Sandy Loam Topsoil, 10-36" Sandy Loam, 36-42" Loamy Sand, 42-84" Sandy Loam, 84-96" Loamy Sand
SB-2: 0-8" Sandy Loam Topsoil, 8-28" Loamy Sand, 28-34" Sandy Clay Loam, 34-42" Clay Loam, 42-52" Sandy Loam, 52" end of boring due to rock
SB-3: 0-6" Sandy Loam Topsoil, 6-24" Sandy Loam, 24-96" Loamy Sand
SB-4: 0-6" Loamy Sand Topsoil, 6-96" Loamy Sand

Due to the presence of clay in SB-2 this area could require a cut and fill sewage treatment system.

3299 Gull Road • P.O. Box 42 • Nazareth, MI 49074-0042
Ph (269) 373-5200 • Fax (269) 373-5363 • www.kalcounty.com

The information that was available for surrounding parcels indicated sand and sandy loam soils. Aerial photography from 2007 for this property indicates a home, several sheds and a barn. The barn was also indicated in 2009 aerial photography. A small shed was the only structure that was noted to be on the property currently. Future site plans would need to indicate any existing structures including water well(s) or sewage treatment system(s). Any existing wells would need to be properly abandoned prior to preliminary approval of a subdivision. An existing sewage treatment system may also need to be abandoned. This office does not have any information on these items for this property. Due to the previous use of this property, fill soil may be found at the proposed lots toward the front of the property. Cut and fill sewage treatment systems would be required if fill soil is found.

Onsite Water Supply Systems:

The geologic setting for the subject property is the inner margin of the Kalamazoo Moraine. Because of this setting and the topographic elevation change across the site, the sediment strata could be very complex with sand and gravel and discontinuous clay layers. Bedrock is estimated to be 250 - 300 feet below ground level (bgl). Groundwater flow direction is likely to be west-northwest. There are no identified contamination sites within a half mile, however nitrates are a concern in this area. A site walkover did not show any obvious immediate sources of contamination.

The feasibility for on-site water supply wells was evaluated using Environmental Health Division records for neighboring wells where both well records and water quality data were available. Only recent nitrate concentrations were considered in this review (2001 or later). Static water levels noted on well records ranged between 1 foot to 30 feet bgl. No consistent clay barrier was identified on well records. Subdivision rules state that current concentrations of nitrates cannot exceed half of the drinking water standard, or 5 ppm (parts per million). The highest nitrate concentration found was 3.16, and that was in a sample collected from a well with 66 feet of screen submergence (3499 S Van Kal). Although subdivision rules state that a minimum of 50 feet of screen submergence is recommended, that minimum requirement may not be sufficient for protection from nitrates. No arsenic data were available. Aesthetic water quality issues, such as iron and hardness, will likely be present in on-site water wells also.

Well records from Pondview Estate (plat to the north of subject property) were considered, but they do not meet the minimum 50 feet of screen submergence and all but one well had samples with nitrate concentration between 1 and 3 ppm. It is noted that there is another subdivision on the west side of Van Kal, located in Van Buren County. Additional information on nitrates and well depths from this area may be useful when determining depths for nitrate protection, but these records are not available in our office. An inquiry could be made by the engineer to Van Buren County Health Department prior to additional investigation.

It is recommended that test wells be advanced at the subject property to gain a better understanding of water quality at depth. This office advises that the test wells have a screen submergence of at least 75 feet and even as much as 100 feet of screen submergence if possible. A well record at 4601 South Van Kal indicates that clay may be found at depth and continue to approximately 200 feet. This well was screened beneath the clay and is a flowing well. This would not be ideal for water supply wells within a subdivision. It is also advised that two test

wells be advanced, one near each elevation extreme. Both test wells would then be tested for partial chemistry (including nitrates) and arsenic. Deed restrictions may also be necessary warning of aesthetic issues in water quality for iron and hardness if sample results indicate that recommended quality standards are exceeded.

Subdivision information can be found on our website at: http://kalcounty.com/eh/Subdivision.htm. The consultants guide for subdivisions/site condos can be found at the following link as well as the consultants checklist: http://www.kalcounty.com/eh/consultant-guide.htm. If you have any further questions, please call our office at 373-5337.

Sincerely:

Lucus Pols, R.E.H.S.
Environmental Health Supervisor
Health & Community Services Department Website: www.kalcounty.com
Email: ldpols@kalcounty.com
Phone: 269-373-5172 FAX: 269-373-5333

CC: Oshtemo Township
Dale Ladouceur, Michigan Department of Environmental Quality
Geoff Wilson, Kalamazoo County Road Commission
Patricia Crowley, Kalamazoo County Drain Commissioner

received 1/9/15

Ronald and Patricia Sims

45520 South Van Kal

Mattawan MI 49071

To: Osthemo Township Planning Commission

The intent of this letter is to express our opposition to the proposed construction of the 40 unit condominium/single family homes at 3839 S. Van Kal parcel # 3905-31-155-030. The information is not clear if the structures are to be condos or single family homes.

We are concerned about the effect 40 new wells and 40 new septic systems will have on our existing water supply. 40 more wells and 40 more septic systems may well reduce the availability of clean water and have an adverse effect on the many ponds in the area due to the possibility of lower water tables. The proposed water basins would be an unsightly addition to this rural community.

Condominiums do not appreciate in value at the same rate as single family homes and are more sensitive to real estate trends then single family homes as cited by condolifenow.com and nola.com/legal-encyclopedia/which-better-return-investment-condos-single-family-homes.html. We are concerned about what that will do to the value of our proprieties in the future.

If it is condos that are to be built, are these condos already sold or if they are vacant, what type of security will there be for them? Is this to be a gated community or if not what about the increase in crime on these vacant structures? Are there funds available to cover the maintenance fees for vacancies?

Whether it is condos or single family homes, South VanKal may not be able to handle the increase in traffic resulting in more road repairs or having to widen the road. Since South VanKal is a county line road, which county will bear the expense?

This is a major construction taking place in an established community. Wording in the proposal should be straight forward allowing homeowners to at least have the correct information.

Ronald and Patricia Sims

Ronald and Patricia Sims

RECEIVED
APR - 7 2015

Received 4/9/15

To: Planning Commission of Oshtemo Township (Public Hearing)

From: Art and Judy Diani, 4115 Van Kal Ave., Mattawan, MI 49071
Art Diani Judy Diani

Re: Issues and Potential Negative Outcomes Generated by Step 1 Conceptual Plan for 40 Residential Unit Project on 40 acre "Rural Residential" property at 3839 Van Kal Avenue (Parcel 3905-31-155-030)

Date: April 9, 2015

We respectfully request that the Oshtemo Township Planning Commission **deny approval** of the application for the 40 residential unit project at 3839 Van Kal Avenue based upon the following issues and potential negative outcomes for several homes and residents in the surrounding neighborhoods:

1. All homes on the east and west side of Van Kal Avenue are on individual septic systems (not a city sewer system). The large volume of waste from 40 units will be discharged into a large septic system or multiple septic systems that may contaminate the soil and aquafer.

2. All homes on the east and west side of Van Kal Avenue obtain drinking water from individual wells. The 40 units will require a substantial amount of well water and have a major impact on the water table in the aquafer. As mentioned in point 1, the large volume of waste from 40 units may contaminate the water in the aquafer and individual wells.

3. The 40 units will markedly increase the traffic on Van Kal Avenue which already has high traffic volume and high speed despite a 45 mph speed limit from Stadium Drive to M Avenue. The son of the former residents (Tim and Sue Gordon) of 3839 Van Kal was killed crossing the street to get the mail by an automobile traveling at high speed. This was a major tragedy that has not been forgotten and should not be repeated. A comprehensive traffic analysis should be performed to determine the impact of increased traffic volume on Van Kal by the 40 units.

4. The 40 acres at 3839 Van Kal are on a steep hill (known as Snake Hill). If this acreage is clear cut, erosion may affect the units and neighboring homes at the lower (west) end of the property.

5. According to the Step 1 conceptual plan, 2 large drainage ditches are proposed for the 40 acre parcel. One ditch will be situated adjacent to Van Kal and is 1.3 acres in size. The other ditch will be located immediately adjacent to parcels 05-31-155-010 and 05-31-155-020 and is 2.3 acres in size. These large drainage ditches will contain stagnant, odorous water, mosquitoes, and other insects, not to mention lowering the aesthetic appeal of the neighborhood. Even more important, why is there a need for 2 large drainage ditches? Is a significant amount of water expected to cascade down the clear cut hill and into the streets in a heavy rainstorm? This is a sign of impending trouble.

6. Electrical supply and demand for 40 units and street lights spread over 40 acres will be substantial. To accommodate this high electrical supply and demand, major electrical lines and large towers may have to be installed. They will be a source of magnetic fields (health hazard) and deteriorate the aesthetic appeal of the neighborhood.

7. There are no subdivisions on the east side of Van Kal from Stadium Drive to M-43. All lots (most with acreage) are occupied by single family homes. If this 40 unit project is allowed to proceed, this will be a bad precedent for other single family home neighborhoods (with a large parcel of vacant land) to the north on Van Kal.

8. The 40 acres at 3839 Van Kal contain numerous endangered lupines as well as a large pine forest and many hardwoods on the east side of the property. This area of the property is a wildlife corridor and home to many deer, fox, rabbits, brown bats, turkeys, owls, hawks, and song birds. If this property is clear cut, the environment and home for this wildlife will be destroyed. The 40 units will likely increase the amount of potentially toxic chemicals in the Van Kal neighborhood. Large amounts of lawn fertilizers, pesticides, insecticides, and herbicides will seep into the aquafer negatively impacting our water, and be distributed by wind negatively affecting our air quality. At the very least, an environmental impact survey should be performed to assess the effects of this 40 unit project on wildlife as well as water and soil quality.

9. Last but not least, this 40 unit project will have a major impact on the quality of life in the Van Kal neighborhood within the vicinity of this 40 unit project. Most single family home owners on Van Kal reside here because of the tranquility and high quality of life that this area offers. This 40 unit project will definitely disrupt the quality of life with additional noise and traffic, potential soil and water contamination, negative effect on the environment, and loss of wildlife. On the basis of these issues, this 40 unit project is clearly not a good fit for the Van Kal neighborhood. The property at 3839 Van Kal contained the single family home of Tim and Sue Gordon (deceased) and it should remain a single family home property to be consistent with the quality of life and aesthetic appeal of the neighborhood. If incoming families prefer to live in a subdivision, there are numerous subdivision options in western Kalamazoo County.

Received 4/9/15

Derrick Millard,
22192 Salisbury Drive,
Mattawan,
Michigan,
49071.

04-09-2015

Dear Oshtemo Town Council,

With reference to the proposal to build forty homes on Vankal.

My wife and I own the property at 22192 Salisbury Drive, our house is only four properties away from Vankal and is in close proximity to the site of the planned development.

It is my understanding that these proposed forty homes will be using individual wells for water as well as individual septic systems, my wife and I are totally opposed to this proposed development.

I believe that in our corner of Almena Township we will be having a water shortage problem in the near future. We have lived on Salisbury Drive for the past ten years and I have witnessed a dramatic decline of our available water in the area.

There is plain visual evidence of this impending water shortage situation. Salisbury Drive is a short street leading onto Winchester, another short street. At the end of Winchester there are two ponds, I have witnessed the water level in these ponds gradually dropping over these past ten years. There was another sizable pond in our area, this pond is located on 44th Street not far from where 44th intersects Vankal on the east side. Ten years ago this pond supported a variety of wild fowl, I often saw Ducks, Geese and sometimes a Blue Heron there. Today the pond has all but dried up and there is no standing water to be seen. At the end of Vankal where it joins Red Arrow Highway there is a sizable lake on the south side of Red Arrow; this lake is also showing signs of depleting water levels.

If this proposed development is approved then these forty homes will have a significant impact on the local natural resources, namely the water and will no doubt ably add the possibility of water contamination from the planned septic systems.

Our property is still using the original well that is only thirty feet deep, we have recently had our water quality tested and the water quality was found to be very good. Although we will probably have to have a new well drilled in the near future I would not like to be forced into this situation because of this proposed development.

My other concern would be the increased traffic coming from these forty houses onto Vankal. With today's trend each home will probably have at least two vehicles, therefore at a minimum there will be an immediate increase of eighty vehicles periodically of course using Vankal. Those heading south to Red Arrow Highway and turning east toward Kalamazoo will have to negotiate a very dangerous junction. The visibility of looking right toward Mattawan is quite limited; many times I have seen vehicles edging forward to see if the way is clear to pull out across the road. Most times the vehicles have to cross the white line by at least a full cars length impeding eastbound vehicles turning onto Vankal as well as causing through traffic passing Vankal heading toward Mattawan to take evasive action. Has there been any thought to this point and could I make a suggestion of installing a small roundabout that would keep the traffic flowing as well as slowing the traffic down at this intersection making it more safer. Also I would like to point out that the Vankal road between Almena Drive and M43 is much narrower than Vankal between Red Arrow Highway and Almena Drive with more homes on it, less visability to oncoming traffic and the road surface of that section of Vankal is in considerable disrepair.

Finally I would like to propose to the council that in the future any sizable developments especially housing sub divisions and the like be only considered where they can be hooked up to city water and sewerage. This meaning that future developments be closer to the center of Oshtemo and not in the country therefore limiting urban sprawl and depleting and or contaminating the country natural resources such as water in this case.

I have no problem with developers making huge sums of money however I do not think they have the consideration for the environment or the impact they have on the local community's in the vicinity of these countryside developments.

Again, my wife and I are totally opposed to this proposed development.

I thank the council for their time.

Sincerely,

Derrick Millard and Ruth Nodel.

5/11/15

Ronald and Patricia Sims

45520 Van Kal

Mattawan MI, 49071

To: Osthemo Township Planning Commission

This letter is regarding the proposed 40 houses at 3839 S. Van Kal parcel #3905-31-155-030.

After reviewing the minutes of the April 9, 2015 meeting, we agree with all the objections. There are two more points I would like to make.

First, the problems with the wells and septic systems will most certainly occur in the near future. Once the problems water, wells and ponds are here, there is probably no way of correcting them. The problems are here to stay. The builders and developers are long gone but the residents of the community are left to deal with the consequences.

Last, I would like to know what responsibility Tim Woodhams has to do what he says he will. He may claim he will preserve trees or be conservative with the environment but is he accountable to anyone?

Ronald and Patricia Sims

Ronald and Patricia Sims

EXCERPT 4/9/15 PC MINUTES

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 MARCH 26, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the Meeting of March 26, 2015. Hearing none, he asked for a motion to approve the minutes as presented.

Mr. Loy made a motion to approve the minutes of the March 26, 2015 meeting Mr. Antosz seconded the motion. The motion was approved unanimously.

Chairperson Schley moved to the next item on the agenda.

PUBLIC HEARING: STEP 1 SITE CONDOMINIUM REVIEW (VAN KAL SITE CONDOMINIUM. PLANNING COMMISSION TO REVIEW APPLICATION OF TIM WOODHAMS, ON BEHALF OF MAR-BO INVESTMENTS, INC., FOR TENTATIVE APPROVAL OF A PRELIMINARY SITE CONDOMINIUM PLAN (STEP 1) FOR A 40-UNIT RESIDENTIAL SITE CONDOMINIUM DEVELOPMENT NAMED VAN KAL SITE CONDOMINIUM. THE SUBJECT PROPERTY IS LOCATED AT 3839 SOUTH VAN KAL AVENUE IN THE RR RURAL RESIDENTIAL DISTRICT. (PARCEL #3905-31-155-030).

Chairperson Schley said the next item on the agenda was a review of the application for tentative approval of a preliminary site condominium plan (step 1) for a 40-unit residential site condominium development named Van Kal Site Condominium, located at 3839 South Van Kal Avenue in the RR Rural Residential District. He asked Attorney Porter to address procedural issues.

Attorney Porter explained the zoning ordinance regulations for single family dwellings are applicable in this instance. Although referenced in the staff report, site plan review issues are not being addressed at this time. He noted that state law requires that residential site condominiums be considered in the same way that subdivisions are considered.

He said if there is concern about the site itself, including such items as natural features, flooding, habitability, the question is whether those issues have been addressed by ordinance. He noted this is a preliminary design step. Some of the questions people may have are not intended to be answered at this point. They will be answered in a later step when engineered drawings are prepared.

Chairperson Schley asked Ms. High to provide background for consideration.

Ms. High said for the benefit of the large audience in attendance, she would read the memo provided to Commissioners regarding this project. The report is included here by reference. She concluded by showing several slides from the county-wide mapping system that provided an aerial view of the proposed site's topography, soils present on the site, the zoning of the area, the proposed layout of the streets and lots, and a conceptual grading plan showing the impact resulting from grading for the proposed roads.

Chairperson Schley thanked Ms. High and asked if Commissioners had questions.

Mr. Antosz asked whether the applicant was aware of the encouragement from the Township regarding open spaces in developments.

Ms. High said the applicant was made aware of that desire and said it was considered.

Attorney Porter referenced the ordinance itself regarding how open space is encouraged and said there are "carrots" to that effect in the ordinance.

Mr. Antosz asked whether each unit would have its own septic tank, drain field and well and if so, what size they would be, and whether Township Engineer Mark Elliott had seen the plans.

Ms. High confirmed that each unit would have its own tank, field and well and that according to the Health Department a working figure to use for the size of a drain field is 6,000 square feet, but the actual size would depend on the size of the residence and number of bedrooms of each house. She said she also learned that the 6,000 square feet drain field must be as close to absolutely level as possible.

Attorney Porter noted that is not a criterion for Step I of the project.

Ms. High said Mr. Elliott has seen the plans but relies on the Health Department in regards to approval of septic systems.

Mr. Antosz asked about the length of the streets and how they are measured.

Ms. High said the maximum length of a block, considering intersecting streets on either sides of the street, is 1000 feet. The plan has a street that is 1372 feet in length but it is interrupted by a cross street, so it does not exceed the maximum.

Mr. Boulding, Sr. asked about specifics for Steps II and III of the review and how they would be monitored.

Chairperson Schley indicated the Planning Commission would not have a role in Steps II or III, that the Township has other mechanisms to follow through on those steps. The County Road Commission and other entities as well as Township staff come into play.

Ms. High and Attorney Porter concurred there is monitoring by Township staff at both Steps II and III.

The Chairperson confirmed with Ms. High that relative to density issues, 40 units is the maximum allowed for 40 acres because there will be no public water or sewer available. Ms. High explained that if there were public water and sewer available, the maximum allowed would be one and one half units per acre.

Chairperson Schley noted the standards are proportional to the service at the site. He asked Ms. High for other examples of plats/condo sites in RR zoned areas of the Township.

Ms. High noted Pondview Estates, to the north of the proposed site, has both half acre and one acre lots, but does not have the topography of the proposed site. She said the Tuscany subdivision, which is of a similar size to the proposed site, has lots averaging three quarters of an acre. The proposed Van Kal Site Condominium has half and three quarter acre units and two that are over an acre.

Chairperson Schley asked whether other plats with topography similar to the property in question have designs similar to the rather regimented design being proposed.

Ms. High said they did not; that when staff saw the proposed layout they thought the land involved must be rather flat because the roads are so straight and rectilinear, and the units are evenly sized. She added that the roads did not appear to follow the contour of the land. Some subdivisions in the area have open space that was preserved where the topography is steep.

The Chairperson asked Attorney Porter to clarify whether Section 82 Site Plan Review standards should be judged appropriate for this application.

Attorney Porter confirmed that this Section does not apply to residential Site Condominiums, it applies to commercial, industrial or multi-family dwellings.

The Chair asked if the general standards in Section 78.520 which speak to storm water management standards are applicable.

Attorney Porter said it would be applicable when we get to Step II to address road run-off and large drainage basins. It would not be applicable for single family lots. It is directed to larger developments, not to the lots themselves.

The Chair asked whether this section of the ordinance shouldn't be applicable in this scenario if it speaks to all land uses.

Attorney Porter said from a specific design point, no, but from the general meaning of the ordinance, yes. In that case the applicant needs to be told our understanding is the general plan for roads and drainage basins do not meet the ordinance and the applicant should be asked how they are handling a change to "x or y" but not get into specific design. We would need to give a general indication if the plan does not meet the conceptual idea in the ordinance.

Chairperson Schley noted the proposed project is in an RR zoned area and said each individual zone in the ordinance has a statement of purpose. He wondered if the application could be looked at in that context regarding character issues.

Attorney Porter said it could be if the use is questionable. In looking at the statement of purpose, intents and desires are referenced, but if the ordinance does not provide requirements for general purpose, it does not control.

Chairperson Schley asked how the Township's tree clearing policy applies.

Ms. High said a clear cutting permit was adopted over a year ago. It applies to properties not going through a site condominium or subdivision review process, or not going through site plan review. The goal was to require clear cutting permits for those project that did not have to come before the Planning Commission. It was understood that tree preservation needs to be addressed, but the specific ordinance did not apply so that the Planning Commission could address the issue more comprehensively.

Chairperson Schley asked the applicant to speak since there were no further questions from Commissioners.

Mr. Tim Woodhams of Civica Engineering, 1503 East Centre Street, spoke to the Board and said the proposal as presented is a permitted use in the Township's RR zone. He said he understood and appreciated the desire from those in the community for open space in the development, but that it was not a cost feasible option. In order to build 40 units and get everything to meet Health Department requirements, the trees had to go.

He walked through 18 items listed in Section 290.005 of the General Ordinance that are required for tentative approval and explained how they have met or plan to meet them. He said if the project is tentatively approved, the Road and Drain Commission would closely review drainage and grading and that the Township Engineer would review the Drain Commissioner's review.

He also indicated items addressed in the Kalamazoo County Road Commission letter and the list of Township Staff concerns would be addressed in Step II drawings. He discussed the centerline survey of Van Kal, noting the way they plan to address

sight distance with a "flat both ways profile" and a deceleration lane would be OK with the Road Commission.

Mr. Woodhams said the grading and storm water issues would be part of other agency's reviews and noted quite a bit of cutting and filling will be required to achieve a max. 7% grade. Section 78.500, Stormwater Management, will be in the Road and Drain Commissioners' hands.

He noted the Township Staff report, since the Site Plan Review issues did not apply, recommended approval of the proposal. He added that it should receive the Commission's approval since, if followed to the letter, the proposal complies with zoning requirements.

As far as tree removal, he said they tried to minimize it in the plan; they showed a standard template as to how they expect trees would be removed from individual lots, but it will be up to each prospective home owner to decide how they build on the lots.

Attorney Porter disagreed that "other agencies" would be the sole authority to decide on grading and storm water issues; Township ordinances would need to be addressed.

Ms. High emphasized that the Staff Report did not recommend approval of the proposal. It notes that the plan does not address existing natural features and topography.

Attorney Porter said although the 18 criteria were addressed by the applicant, those are items to be shown on the plan. Section D addresses the criteria to analyze features of the plan once received and said the design, as proposed, could be laid out on a corn field.

Chairperson Schley said that as the Commission moves forward it will make various judgments.

Mr. Woodhams said the attractiveness of the development would be similar to those in Texas Township where homes are selling in the $500,000 range.

Attorney Porter asked how the applicant will attempt to preserve natural features.

Mr. Woodhams said that will be a struggle. The developer will need to remove many trees, but would like to develop a plan with the Township's input.

Chairperson Schley asked if alternative concepts to the regimented plan proposed had been evaluated.

Mr. Woodhams said alternative layouts had been done, but they couldn't accommodate enough lots in order to recover the value of the property. The challenge is finding enough room for tile fields and wells on 40 units.

Chairperson Schley asked Mr. Woodhams if he agreed that Step I under general provisions speaks to the preservation of natural features.

Mr. Woodhams agreed that is the case. He said the existing Mystic development is similar in topography to the 40 acres being proposed for development.

Chairperson Schley asked how much attention was paid to the statement of purpose for the RR zone in development of the proposal and whether Mr. Woodhams agreed the concept proposed is a non-traditional subdivision.

Mr. Woodhams replied that the proposal conforms to the ordinance as written.

The Chairperson said he disagreed with Mr. Woodhams' assertion that the Mystic development is similar in topography to the proposed development site.

Mr. Woodhams said the topography does not preclude designing roads to meet Road Commission standards. It does not feel like you are walking up a steep hill, it is a reasonable slope.

Chairperson Schley noted the applicant proposal is generic with respect to tree preservation and again asked how much consideration was given to natural features.

Mr. Woodhams explained a certain swath of trees must be cut down to accommodate roads and sidewalks, utilities, tile field and house. He added that it doesn't matter what it looks like, the trees will all have to be cut. He said he would want to work with the Township on enforceable tree preservation after input from his client and noted again that builders will clear lots for each of the homes.

Attorney Porter clarified again the difference between a subdivision and site condominiums: a site condo looks just like a subdivision, it is just developed under a different statute.

Ms. Smith asked if there is a minimum square footage required for homes in the development.

Mr. Woodhams said there is no requirement, but the likely builder will probably build homes similar to ones in another plat they built in Texas Heights #9, mostly 3500-4000 square feet. There is no actual minimum at this time. He anticipated it would be around 2400 square feet.

Ms. High noted homes, by statute, must be no smaller than 1,000 square feet.

There were no further questions from the Board. Chairperson Schley opened the meeting to Public Comments, requesting that remarks be limited to four minutes from each speaker.

Ted Boyer, 45732 Van Kal (22nd St.), had both a complaint and concerns. He said the proposed plat driveway will be located directly across from his property and although public hearing notices, by statute, are to be sent to all parties within 300 feet of proposed development, he did not receive a notice – that apparently notices were not sent to residents of Almena Township in Van Buren County even though they live within 300 feet of what is being proposed. He considered that both negligent and thoughtless. He felt there would have been a larger turnout of concerned neighbors if all who should have received notices had gotten them.

His concerns were: 1) he and his wife are concerned about road safety and feasibility and wondered if a study had been done, including the number of cars that travel Van Kal now. 40 condos will have a major traffic impact; widened turn lanes will be needed. It is his understanding there is a requirement to notify the state for a safety and feasibility study. 2) He asked whether an environmental impact study regarding harmful chemicals was planned; he also wondered where the sewage would go.

Attorney Porter said the mailing list will be looked at to determine any problems with notification and thanked Mr. Boyer for informing the Board.

Mr. Art Diani, 4115 Van Kal (22nd St.), spoke on behalf of him and his wife Judy. He had nine points of concern with the proposed development: 1) the impact of individual septic systems; 2) drinking water and individual wells; 3) traffic increase on Van Kal, particularly with the rise in the road that interferes with visibility; 4) problems resulting from clear cut erosion of the 40 acres known as "Snake Hill"; 5) the necessity of two large drainage ditches and possible resulting impending trouble; 6) substantial streetlights and resulting magnetic fields; 7) a bad precedent since there is currently no subdivision from Stadium Drive to M-43; 8) negative impact on endangered lupines, pine and hardwood trees, and the natural wildlife corridor; and; 9) a negative impact on the quality of life for residents. He concluded by saying this would not be a good fit for the neighborhood and that there are numerous other subdivisions for people to live in if that is their desire.

Ms. Chris Dinkins, 13393 Honeysuckle, said her aunt and uncle, Tim and Sue Gordon, passed away several years ago and entrusted her to keep the 40 acre property undeveloped. They were the parents of her cousin Tim Gordon, the child who was killed by a vehicle at the rise on Van Kal some years ago, near the proposed entrance to the development. When she sold the property it was with the understanding that it would be a horse farm. If she had known this would happen she would never have sold the property. She apologized to the neighbors and said she hoped the application would not be approved.

Mr. Derrick Millard, 22192 Salisbury Drive, said he and his wife live close to the property and are totally opposed to its development. He believes there will be a water shortage in the near future. There is already plain, visible evidence it is occurring. He cited the drop in water level in ponds over the last 10 years, particularly one on 44th St. near Van Kal, which used to support ducks, geese and herons,that has all but dried up. 40 new homes will affect the water level and contamination. He is also concerned about increased traffic and noted the dangerous junction. He wondered if that had been considered and suggested a small roundabout be installed for even current traffic levels. Van Kal is narrow in places and more homes will mean less visibility. He proposed that any sizable developments should be hooked up to city water and sewers so as not to use natural resources of the countryside.

Mr. Wade Lawrence, who owns property on the north side of the proposed development, said he was concerned about water and agreed with the earlier speaker regarding the pond that is no longer a pond on M avenue. The water table is down and he thinks there is a correlation with the fact that it was necessary to install a new well on his property recently. He commented there is only one road provided in the plan for ingress and egress and said better emergency vehicle access is needed. He noted there is a stand of lupine that is the only food source for the Karner Blue butterfly, which is an endangered species. He concluded by saying he is concerned with fielding lifestyle complaints from people who move to the country but do not want the sounds and smells of the country. For example he has horses that produce manure which will smell in the summer and roosters that crow at dawn. Historically, this type of conflict has been a problem with new country developments.

Mr. William Nederhoed, 45960 Van Kal (22nd St.), told the Board there are two graves with 3-foot tall gravestones on the site that date back to the 1800s and shouldn't be disturbed. He said he had been an electrical inspector for a long time, including for years in Oshtemo Township, and he is unsure whether Midwest Energies has an adequate line to add the 40 200-amp services that would be required. This area is at the end of Midwest's line and he foresees low voltage and other service problems.

Mr. Al Geresy objected to the time limit for citizens to speak, and believed Mr. Woodhams should be held to the same limit. He also commented the Board says it wants to save trees, but seems willing to forgo that goal if more dollars come to the Township through development.

Mr. Larry Westrate, 22055 Salisbury Drive, said he and his wife live east of the property on Van Kal and are opposed to this development. He asked for a show of hands from attendees who did not receive the public hearing notification letter. Approximately five people raised their hands. He said he had been a witness to the accident scene when Tim Gordon was killed and noted traffic is a major problem in that area. More police presence is needed and noted that whenever he does see an officer there, a motorist is being pulled over. The traffic there is loud and will only increase with the addition of 40 units, which will be very detrimental. He said there is no street light at

Salisbury and Van Kal. He also said when he had to replace his well recently, they had to go 50 feet down rather than the previous well's depth of 23 feet.

Mr. Michael Foley, 4000 S. 1st Street, said he felt a lot of time was spent on adhering to the Ordinance and little time on the Master Plan. He is concerned about a high density project being placed in a low density area. The project was designed to maximize the number of units to be built. 40 wells and septic systems will cause problems. The Master Plan talks about protecting ground water sources by connecting to public utilities – he doesn't understand where this seems to be going. Lights and noise from 40 homes will have a negative impact, inconsistent with a rural area. He referred to the area as currently having 7.1 acres per home on a total of 360 acres. He noted the development would have 40 lots with less than an acre each and that this is inconsistent with the Master Plan.

Mr. Chris Tiller, 3776 S. 1st St., agreed with Mr. Foley, saying the slopes and grades on the 40 acre property are huge and he doesn't see how the plan presented will fit into the property.

Mr. Kevin VanDyk, 3795 Van Kal Avenue, said the 40 acre piece borders his property on two sides and he agrees with most of what was said by previous speakers, especially Mr. Foley. He bought his property for the peace and serenity it offers and this development will devalue his property and other property in the area. He asked Commissioners to please consider the intent of the law.

Mr. John Robyn, 3517 Van Kal, indicated his property is immediately northwest of the proposed development which cannot be called RR. To build as proposed the land will have to be butchered. He challenged the figures used in the proposal. Such a development was not what those as a community were looking for when they moved there and he said he was vehemently opposed to the proposal.

Mr. Chad Hughson, 18 N. Van Kal, said he owns 35 acres and considers himself a community representative. The grading and removal of forest on land formed by glaciation, once removed, will be gone forever. Major tracts of forest are being lost in Oshtemo Township. He talked about hydrological impacts and asked how it could be shown that the change in flow won't negatively impact the ponds. He said water flowing from that area to the south is a unique feature and is the start of the watershed for the Paw Paw River. He asked that the Commission consider doing an environmental impact study of all areas and noted the Drain Commissioner would not consider the impact of the project on the entire region. He also cited the endangered Carner Blue Butterfly and the lupine in the area that is its only food source. He also mentioned the state-threatened Blue Curls plant, which also grows in the affected area. The pristine corridor along the Kalamazoo/Van Buren County line should be considered.

Ms. Chris Dinkins, 13393 Honeysuckle, spoke again to say this is country land and the proposed development does not belong there.

Ms. Jan Thomas, 45537 Winchester Circle, thanked everyone for coming to the meeting to save the land. She lives across the street and fears water run-off and contamination from concentrated development. She said it is a terrible thing to disturb the land and that there are already water problems. It looks like the development does not belong there.

Hearing no further public comment, Chairperson Schley said the Planning Commission would deliberate.

Attorney Porter said he was concerned about the public hearing notice distribution and felt the due process issue needs to be looked at. He apologized for not providing notice as required and said the Township would need to incur the expense of re-noticing. It was agreed notice of a public hearing to offer the opportunity for input would be sent to all who were missed in the first notice as well as all those who did receive notice.

Mr. Woodhams suggested tabling the item to determine who was missed, so re-noticing could be done as appropriate.

Chairperson Schley said that although he would like the Board to talk about the issue while information is fresh, citizens not present are of great concern, and asked for a motion to table to a date certain.

Ms. Farmer made a motion to table further consideration of this item until the regularly scheduled meeting of May 14, 2015. Mr. Loy supported the motion. The motion carried unanimously.

Ms. High offered to accompany Commissioners on a site visit prior to May 14.

Attorney Porter cautioned that only one Commissioner at a time should make such visits and that they should not talk to each other, neighbors or property owners about this issue; it needs to be talked about as a group.

Chairperson Schley assured the audience and the applicant that the Board wants to deliberate with them and that they will follow the required process.

OLD BUSINESS/OTHER BUSINESS

Chairperson Schley asked if there was old business or other business to come before the Commission. There was none, so the Chairperson moved to the next item.

PLANNING COMMISSIONER COMMENTS

Ms. Farmer said one of her goals from the beginning of her term was that the Ordinances reflect the Master Plan. She now realizes they also need to reflect the statement of purpose. She urged this be completed as quickly as possible.

EXCERPT 5/14/15 DRAFT PC MINUTES

Pam Jackson
Millard Loy
Mary Smith

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; James Porter, Attorney; and Martha Coash, Meeting Transcriptionist. Approximately ten other persons were 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 noted that the applicant for item number six, regarding a public hearing for the review of the Van Kal Site Condominium, asked that it be removed from the agenda and tabled until the May 28, 2015 meeting. He explained to the audience that the applicant heard the comments from the public and the Planning Commission and was going to look at the condo project in a little different fashion. In light of expected changes to the plan it would not be valuable to discuss the original plan at this point. He said there would be a new and complete public hearing on this matter at the May 28 meeting, and noted the public comments made to date are on record, but that if those in attendance would like to speak further, they could do so under the "Public Comment on Non-Agenda Items" portion of the agenda. Chairperson Schley asked for a motion to approve the agenda with the removal of item six.

Mr. Loy made a motion to accept the agenda as presented with the removal of item six. Ms. Smith seconded the motion. The motion passed unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

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

Ms. Julie Rogers, 3428 Marlene Avenue, County Commissioner representing the 5th District, told the Board she had heard from many of her constituents who live on Van Kal Avenue about this issue and that there was not one positive comment. She and others are concerned about the two-week turnaround time for the next public hearing, which will be just after the holiday weekend. Since she ran for the County Commission in 2012, the hot topic in the area is the concern over sewers. This area of the Township already has issues without adding another 40 homes, and there is probably no intent for the Township to add sewers in that area any time soon. She noted a high volume of traffic in that area and said she has almost been hit herself several times; additional

homes will add to that problem. She said she would try to be back at the meeting in two weeks with further comments, but would put them in writing. She thanked the Board for listening to her comments.

Mr. Wade Lawrence, 17049 West M Avenue, expressed his displeasure that there was no notification that this item would not be on the agenda. He asked rhetorically if he had called and said he couldn't make it tonight if the meeting would be rescheduled around him. He said there is a perception among residents that there is some favoritism going on with the developer. He added that cancelling at the last minute is discourteous if nothing else. At the last meeting there were due process issues raised and he said he would raise those same issues for the May 28 meeting. 15 days' notice is required for the public, this allows 14 days and not only did he not receive notification that this issue would not be discussed at this meeting, but he would raise the due process issue regarding whether there is sufficient notification for people to attend on May 28. People had to rearrange schedules to attend tonight and if nothing else, this was very discourteous on the part of the Planning Commission.

Attorney Porter explained that it was the developer who requested the public hearing be rescheduled to a date certain, following due process requirements.

Chairperson Schley added the Planning Commission followed proper application process. The applicant has the right to withdraw the application or ask that it be tabled at any time, including on the evening of its review. He noted that has happened in the past at times, due to the wisdom of the applicant, when more time was needed to make modifications to the proposal. In this case, the applicant met with planning staff very recently. They would have hoped that would have occurred sooner, but it wasn't able to occur sooner. The applicant has the right, without any bias of any member of the Planning Commission, to ask that consideration of the proposal be postponed. He wished it had been possible to get notice to everyone sooner, but he wanted everyone to understand that if the applicant had attended the meeting and simply stood up and asked that consideration of the application be postponed, they would have been required to grant that request. The Chairperson resumed the opportunity for public comments.

Mr. Art Diani, 4115 Van Kal, seconded Mr. Lawrence's comments, saying this smells like a backroom deal or that it is politically motivated. People are very, very upset; 50 people were planning to attend the meeting tonight. The last minute cancellation was very destructive to their schedules. Postponing for four weeks, then again for two weeks on short notice does not look good. It suggests some sort of under the table deal. He said he understood a moratorium on building in their area had been discussed because of the sewage problem, but it seems that was thrown out the window. He noted there are some very disappointed and upset taxpayers over this issue.

Ms. Judy Diani, 4115 Van Kal, expressed her frustration. A lot of people were planning to attend this meeting to express serious concerns about the proposed project

regarding the environment, water quality and sewage. She did not hear until late in the afternoon, by chance, that the issue would not be on the agenda and wondered why there was not at least a phone chain or something to alert people. She tried to call as many people as possible to let them know of the change, but said people shouldn't be treated like this. Next time will be the third time residents will be coming to a meeting for this process and she wondered why applicants are more important than more than 50 people who live in the area. They are coming in to propose a plat and she wondered why their idea of a plat is more important than all the people who have lived there for many years. They are concerned about the possibility of clear-cutting trees and bulldozing before the plat is approved. She hoped the Board understands residents' frustration and thanked the Board for listening.

Chairperson Schley thanked the audience for their comments.

Mr. Milliken asked if there might be a contact person Township personnel could contact in order to start a phone chain if there is a further postponement, which could occur. He said they noted the postponement for tonight's meeting on the website and posted it on the door, but did not have phone numbers or e-mails for residents in order to broadly distribute the information.

Ms. Diani said she would be willing to be the contact.

Attorney Porter said the law is pretty well established in Michigan that if you have public notice and then table to a date certain there is no requirement under the law to re-notice or re-publish. If it is necessary to table again, although there is no requirement to re-notice or re-publish, he would not be comfortable with that. He noted publication costs are very expensive.

Hearing no further public comments on non-agenda items, Chairperson Schley moved to the next item on the agenda.

APPROVAL OF THE MINUTES OF APRIL 23, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the Meeting of April 23, 2015. Hearing none, he asked for a motion to approve the minutes as presented.

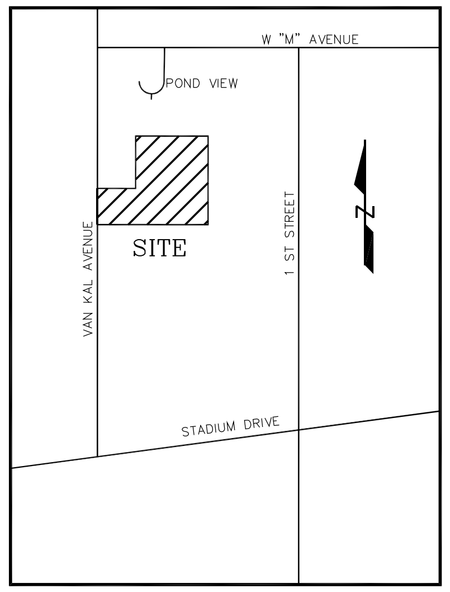
Mr. Loy made a motion to approve the minutes of the April 23, 2015 meeting. Ms. Farmer seconded the motion. The motion was approved unanimously.

Chairperson Schley moved to the next item on the agenda.

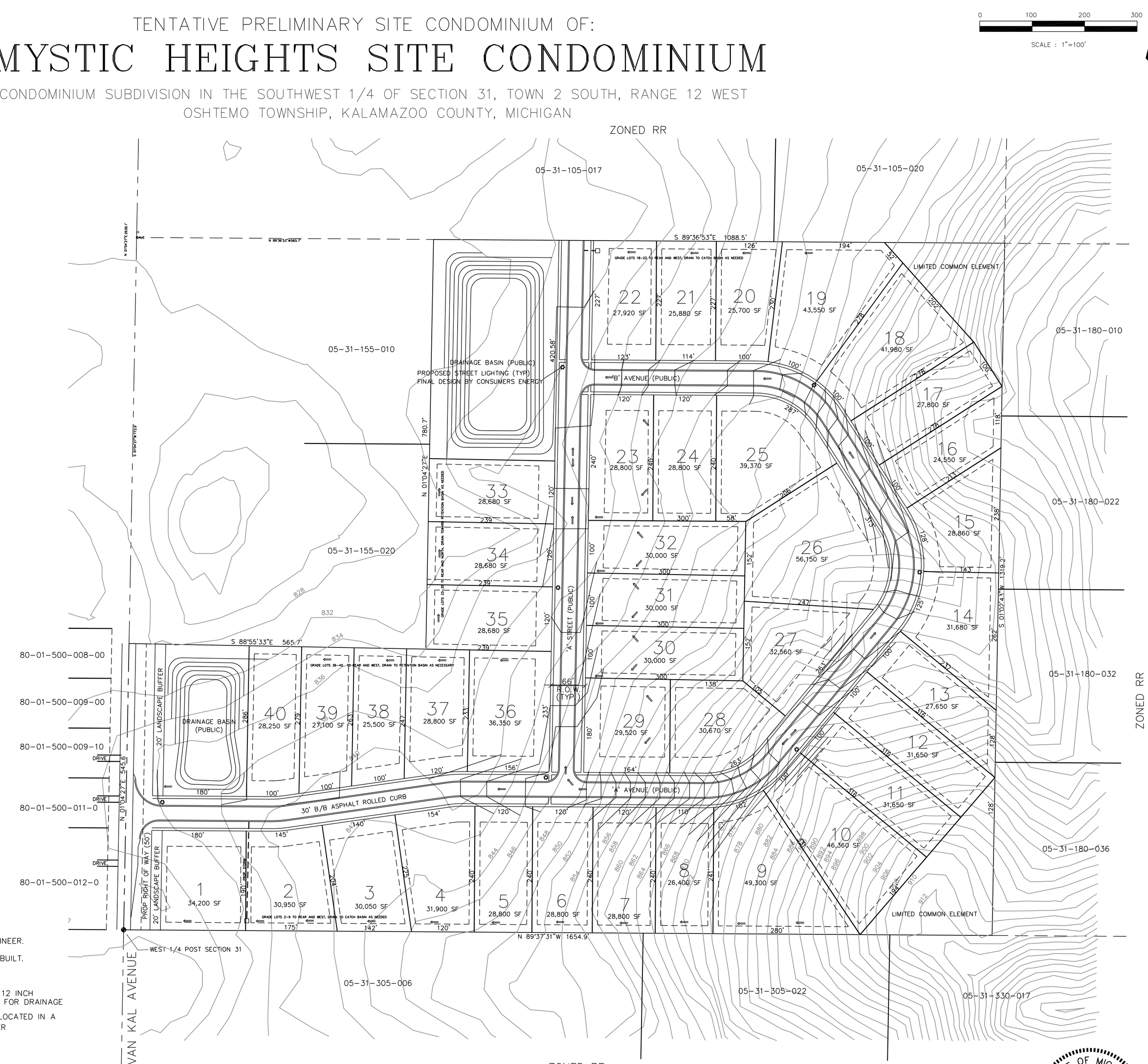
TENTATIVE PRELIMINARY SITE CONDOMINIUM OF:

MYSTIC HEIGHTS SITE CONDOMINIUM

A CONDOMINIUM SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 31, TOWN 2 SOUTH, RANGE 12 WEST
OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN



VICINITY MAP



LEGAL DESCRIPTION:
TAX PARCEL 3905-31-155-030 (3839 SOUTH VAN KAL):

LAND SITUATED IN THE TOWNSHIP OF OHSTEMO, COUNTY OF KALAMAZOO, STATE OF MI DESCRIBED AS FOLLOWS:

THE SOUTHWEST 1/4 OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 31, TOWN 2 SOUTH, RANGE 12 WEST;
EXCEPT BEGINNING AT THE WEST 1/8 POST OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 31, TOWN 2 SOUTH, RANGE 12 WEST; THENCE SOUTH, ALONG THE RANGE LINE, 773.5 TO A POINT WHICH IS 545.65 FEET NORTH OF THE WEST 1/4 POST OF SAID SECTION 31; THENCE EAST, PERPENDICULAR TO SAID RANGE LINE, 565.7 FEET; THENCE NORTH PARALLEL WITH SAID RANGE LINE, TO THE EAST AND WEST 1/8 LINE OF SAID NORTHWEST FRACTIONAL 1/4; THENCE WESTERLY ALONG SAME 565.7 FEET TO THE PLACE OF BEGINNING. CONTAINING 40 ACRES MORE OR LESS

NOTES:

1. MYSTIC HEIGHTS SITE CONDOMINIUM INCLUDES 40 SINGLE FAMILY RESIDENTIAL UNITS ON 40 ACRES OF LAND
2. UNITS DIMENSIONS SHALL CONFORM TO OSHTEMO TOWNSHIP RR ZONING REQUIREMENTS
3. STORM SEWER WITHIN THE PUBLIC ROADWAYS SHALL BE DEDICATED AS PUBLIC AND ARE SUBJECT TO APPROVAL BY THE KALAMAZOO COUNTY ROAD COMMISSION
4. UNITS TO BE SERVED BY ON SITE WATER AND PRIVATE SANITARY SYSTEMS APPROVED BY THE KALAMAZOO COUNTY HEALTH DEPARTMENT.
5. PUBLIC STORMWATER RETENTION BASIN SHALL BE DESIGNED IN ACCORDANCE WITH THE KALAMAZOO COUNTY DRAIN COMMISSION STANDARDS AND DEDICATED AS A COUTNY DRAIN
6. CONTOURS SHOWN ARE BASED ON KALAMAZOO COUNTY GIS SYSTEM INFORMATION
7. STREET NAMES ARE SUBJECT TO REVIEW, APPROVAL AND REVISION.
8. RIGHT TURN LANE AND TAPER REQUIRED. AVG. DAILY TRAFFIC LESS THAN 3500 VPD KATS TRAFFIC COUNT DATA BASE INDICATES 2,435 VPD ON VAN KAL, BETWEEN STADIUM DRIVE AND WEST M AVENUE
9. SITE IS WOODED. SITE CONDOMINIUM PUBLIC ROADWAY CONSTRUCTION WILL REQUIRE CLEARING AND GRUBBING OF KCRC ROAD RIGHT OF WAY AND UTLITY EASEMENTS IN ACCORDANCE WITH THE CONSTRUCTION POLICY OF THE KCRC.
10. STREET LIGHTING TO BE DESIGNED BY CONSUMERS ENERGY AND APPROVED BY THE TOWNSHIP ENGINEER.
11. 5' PEDESTRIAN SIDEWALKS SHALL BE CONSTRUCTED ALONG THE RIGHT OF WAY AS EACH HOME IS BUILT.
12. ESTIMATED GRADING LIMITS SHOWN FOR KCRC AND KCDC REQUIREMENTS
13. DEVELOPER TO INCLUDE MASTER DEED LANGUAGE RESTRICTING THE REMOVAL OF ALL TREES OVER 12 INCH DIAMETER UNLESS REQUIRED FOR CONSTRUCTION OF LOT IMPROVEMENTS AND GRADING NECESSARY FOR DRAINAGE
14. STORM PIPE AND CATCH BASINS LOCATED OUTSIDE OF THE PUBLIC ROAD RIGHT OF WAY WILL BE LOCATED IN A OF WAY WILL 20 FOOT EASMENT AND DEDICATED TO THE KALAMAZOO COUNTY DRAIN COMMISSIONER

OWNER/APPLICANT:
VAN KAL PARTNERSHIP L.L.C.
c/o SCOTT CARLSON
6146 WEST MAIN ST
KALAMAZOO, MI 49009
269-353-4700

ZONING INFORMATION:

DENSITY:	1 UNIT/ACRE
MIN. LOT WIDTH:	100'
SETBACKS:	
FRONT:	30'
REAR:	15'
SIDE:	10'
ZONING DESIGNATION:	"RR" RESIDENTIAL

3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171

STATE OF MICHIGAN
TIMOTHY A. WOODHAMS
ENGINEER
No. 42151
LICENSED PROFESSIONAL ENGINEER

REVISIONS:	BY:	
3/19/15	TAW	TOWNSHIP REVIEW
5/15/15	TAW	TOWNSHIP REVIEW

CIVICA ENGINEERING PLLC
1503 East Centre, Suite C • Portage, Michigan 49024
(269) 760-6688

TENTATIVE PRELIMINARY SITE CONDOMINIUM
MYSTIC HEIGHTS
SECTION 31, TOWN 2 SOUTH, RANGE 12 WEST
OSHTEMO TWP., KALAMAZOO COUNTY

DESIGNED BY: TAW	DATE: 1/23/15
DRAWN BY: TAW	DATE: 1/23/15
CHECKED BY: TAW	DATE: 1/23/15
HORZ. SCALE:	1" = 100'
VERT. SCALE:	
FILE:	1005-3
SHEET NUMBER:	1 of 1

May 21, 2015

Mtg Date: May 28, 2015

To: Planning Commission

From: Gregory Milliken, AICP

Applicant: Ken and Joni Sluys

Owner: Ken and Joni Sluys

Property: 3444 South 11th Street (PIN# 3905-36-10-094)

Zoning: RR Rural Residential District

Request: Rezoning to R2 Residence District

Section(s): Section 20.000 – RR Rural Residential
Section 22.000 – R2 Residence District

OVERVIEW

The applicant owns a 2.58 acre parcel on the west side of South 11th Street just south of Parkview Avenue. Approximately two of the acres are zoned RR Rural Residential and approximately half an acre at the northern end of the property is zoned R4 Residence District. (The applicant also owns the property to the north at the corner of 11th and Parkview that houses a day care center and is in the R4 district.) The applicant wishes to rezone the RR portion of the parcel to the R2 Residence District. The parcel has 500 feet of frontage on 11th Street.

SUBJECT PROPERTY

The property is currently vacant, though it has been farmed in previous years. The property to the south and west is a 125 acre farm field zoned RR Rural Residential. Property to the east, across 11th Street, is Oshtemo Township's Genesee Prairie Cemetery and is zoned RR Rural Residential. Property to the north fronts on Parkview Avenue and houses the Looking Glass Child Care. The applicants own the child care center, which is in the R4 zone. The child care center building was formerly a Masonic Temple. Though much of the area around the subject site is zoned RR, north of Parkview Avenue there is a mix of R2, R3 and R4 zoning districts.

ZONING ORDINANCE

When comparing the purposes of the RR and R2 districts, there are differences presented in the intent of each district. The RR district is intended to provide for a semi-rural lifestyle in areas not suitable for higher intensity development. It is the dominant zoning district in the western portion of the Township.

The R2 district is intended for traditional suburban residential development. It is the dominant zoning district for most of the residential neighborhoods existing in the central and eastern portions of the Township.

The RR district has a minimum lot size of 1.5 acres and a minimum frontage of 200 feet. Therefore, under current zoning, the parcel could not be divided. The R2 district also has a minimum requirement of 200 feet of frontage and has a minimum area of 50,000 square feet (1.15 acres). The smaller area requirement would allow the parcel to be divided in the R2 district.

Many of the uses permitted in the RR and R2 districts are similar with minor differences between the two. The most significant difference between the two in terms of use is that the R2 allows duplexes and the RR does not. This is particularly significant as the applicant has indicated that building a duplex is the reason they desire the rezoning.

As has been stated before, regardless of proposals presented by an applicant with a rezoning application, a rezoning must be reviewed based on all of the potential uses that could be developed in that district and not just the proposal presented. That being said, considering that the two biggest differences between the RR and R2 districts are the ability to divide the property and the ability to build a duplex, it is reasonable to assume that motivates the request.

MASTER PLAN

Attached you will find relevant pages from the Master Plan that refer to this particular portion of the Township. In the Future Land Use Plan, this parcel is located in the Genesee Prairie Sub-Area. The Sub-Area Plan designates this area as "Conservation Residential". This designation was crafted in response to the large parcels of prime agricultural land in this area and a vision of conservation style residential development that could occur in concert with continued, small scale agricultural uses.

The land uses intended include a mix of agriculture, open space, rural residential, and low density residential neighborhoods. Reestablishing prairie, preserving open space, and providing interconnecting local streets are important features of the Conservation Residential designation. Clustered development on a portion of a site with the remainder set aside as permanent open space is also important in this designation.

The sub area plan and land use designation was crafted primarily with the larger parcels in mind. The sub area plan does not indicate what zoning districts correspond with the designations. Therefore, the Planning Commission will need to determine if the R2 district on this parcel is consistent with the sub area plan.

CONSIDERATIONS

The request before you is for rezoning of the subject property from RR to R2. Principal differences between the districts include the ability to divide the property and the ability to develop a duplex on the subject property.

The Planning Commission will want to consider whether rezoning of the subject property to the R2 district would be consistent with the vision of the future land use designation, particularly considering

the size of the property and limited opportunities for development. There are also limited opportunities for conservation.

Remember that the Planning Commission ultimately makes a recommendation to the Township Board who will make the final decision on the request.

Ken and Joni Sluys

973 Treasure Island Dr.

Mattawan, MI 49071

269-217-4620 or 269-207-0582

Fax: 269-544-1045

April 30, 2015

Re: Rezoning property to R2

To Whom it May concern,

Currently Ken and I own the Looking Glass Child Care, Ltd. which includes the entire property Looking Glass is on and the property behind Looking Glass which is zoned RR.

Ken and I would like to rezone the RR property to R2 to allow us to build a duplex on the property. We currently have 2 duplexes in Oshtemo and have successfully provided a very comfortable and nice living environment for our tenants.

In previous years I have let the owner of the surrounding land to plant corn and beans. We as owners of the land would like to be able to utilize it to improve the area by building an upscale duplex which allows us to have a rental income that will benefit us and the Looking Glass.

Sincerely,

Ken Sluys and Joni Sluys

charter township oshtemo

7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Sluys 5527 Parkview Ave., Kalamazoo 49009

PLANNING & ZONING APPLICATION

Applicant Name : Ken and Joni Sluys

Company

Address 973 Treasure Island Dr.
Mattawan, MI 49071

E-mail jaysly2comcast.net

Telephone 269-207-0582 Fax 269-544-1045

Interest in Property 5527 Parkview Ave. - South parcel

OWNER*:

Name Ken & Joni Sluys

Address 973 Treasure Island Dr.
Mattawan, MI 49071

Email jaysly2comcast.net

Phone & Fax 269-207-0582 269-544-1045

Oshtemo Charter Township
7275 W MAIN ST
KALAMAZOO, MI 49009
Phone : 269-375-4260
OSHTEMOTOWNSHIP.ORG

Received From: SLUYS
Date: 05/01/2015 Time: 12:17:23 PM
Receipt: 114556
Cashier: LINDAI

ITEM REFERENCE	AMOUNT
1091 APP - REZONING/ZONING APP - REZONING/ZONING	$700.00
TOTAL	$700.00
CHECK 2240	$700.00
Total Tendered:	$700.00
Change:	$0.00

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- ___Planning Escrow-1042
- ___Site Plan Review-1088
- ___Administrative Site Plan Review-1086
- ___Special Exception Use-1085
- ___Zoning Variance-1092
- ___Site Condominium-1084
- __Accessory Building Review-1083
- __Land Division-1090
- __Subdivision Plat Review-1089
- ✓Rezoning-1091
- __Interpretation-1082
- __Text Amendment-1081
- __Sign Deviation-1080
- __Other:_____

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):

Rezone the parcel to R2

LEGAL DESCRIPTION OF PROPERTY *(Use Attachments if Necessary)*:
SEC 36-2-12 S 500' of N 968' of E 225' NW 1/4
12/04 Split from 36-130-090 into 36-130-091 & 094

PARCEL NUMBER: 3905- 36-130-094

ADDRESS OF PROPERTY: 5527 Parkview Ave.

PRESENT USE OF THE PROPERTY: Nothing - Previously let farmer plant

PRESENT ZONING RR **SIZE OF PROPERTY** 500' by 225'

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

Owner's Signature(* *If different from Applicant*) **Date**

Applicant's Signature 4-30-15 **Date**

Copies to:
Planning –1
Applicant -1
Clerk –1
Attorney-1
Assessor –1
Planning Secretary - Original

****

PLEASE ATTACH ALL REQUIRED DOCUMENTS

CHAPTER 9

Genesee Prairie Sub-Area Plan

CHAPTER 9

Genesee Prairie Sub-Area Plan

The Genesee Prairie Sub-Area Plan provides additional analysis and evaluation necessary to conduct in-depth planning. This key sector of remaining open space and undeveloped land in the Township faces a variety of development pressures in this planning period. A large portion of the planning area contains significant prairie and agricultural lands that are important for both their contributions to the natural environment as well as the rural character of the Township. Also included is the Colony Farm Orchard property, owned by Western Michigan University.

Although there has been little new development in this area since the last Plan, there has been significant new development surrounding the designated sub-area as well as substantial planning activity that will prompt additional development in the future. Recognizing this, the Township met with stakeholders, property owners, neighbors, and other interested parties to develop a deeper understanding of the area and a specific plan for the future.

Genesee Prairie Sub-Area Plan

The Genesee Prairie Sub-Area Plan was prepared to allow for an in-depth look at an area of the Township facing increasing development and likely to see land use change in the near future. While there have not been many changes in the area since the last Sub-Area plan was completed in 1997, much has changed in the areas that surround it:

- Kalamazoo Valley Community College and development along the 9th Street corridor continue to grow.
- Oshtemo continues to focus energy into revitalizing the village area centered at 9th Street and Stadium Drive.
- New offices and residential conversions have occurred along South 11th Street and are approaching Parkview Avenue.
- Western Michigan University (WMU) developed the Business, Technology, and Research Park at Drake Road and Parkview Avenue, and it is nearing capacity.
- The State of Michigan lifted the deed restriction on the Colony Farm Orchard allowing WMU significantly greater flexibility in the use of this land.
- The WMU Foundation purchased the land at the southwest corner of Stadium Drive and Drake Road and has removed the trailer park.
- Parkview Avenue was improved between Drake Road and Stadium Drive including a widened bridge over US-131 and signalization of the intersection with Stadium Drive.

The 1997 Genesee Prairie Focus Area Plan called for this area to have low-density residential uses with areas set aside for open space preservation (primarily the Colony Farm Orchard), agriculture, and minor office and commercial use. Considering the surrounding development pressures and increased inquiries regarding development potential of this area, it was therefore prudent to take a new look at this area and how it should develop in the future.

Existing Conditions

Regional Location

The Genesee Prairie Sub-Area, approximately 700 acres, is located in the southeast portion of the Township. It consists of two study segments. The primary Genesee Prairie study segment is Section 36 of the Township. It is bounded by 12th Street to the east, N Avenue to the south, generally the utility corridor to the west, and Parkview Avenue to the north. The other study segment of the Sub-Area consists of the Colony Farm Orchard (CFO) located across US-131 and the ten acre property north of the CFO. These properties are bounded by US-131 to the west, Stadium Drive to the north, Drake Road to the east, and Parkview Avenue to the south.

The Genesee Prairie Sub-Area represents the largest concentration of undeveloped land in the eastern portion of Oshtemo; the eastern portion of Oshtemo has historically experienced more development pressure than the other parts of the community.

- To the north, there is a mix of commercial, single family, and multi-family residential uses influenced by the Stadium Drive corridor and the village area.
- To the west is the South 9th Street corridor, which primarily includes industrial and commercial uses.
- To the south lies Texas Township. Given the 9th Street interchange with I-94, there are many highway-oriented commercial uses, with plans indicating potential for more in the future. The Texas Township Master Plan calls for Regional Commercial uses from 9th Street east to the gas/electric corridor with office uses extending east from there, with the exception of the existing residences along N Avenue.
- To the east is the City of Kalamazoo. The Genesee Prairie portion of the Sub-Area abuts a residential area of the City west of the US-131 freeway. The Colony Farm Orchard and abutting ten acres are on the other side of the freeway and immediately adjacent to the City. South of the Orchard is WMU's BTR Park and to the east is the Asylum Lake Preserve, also owned by WMU.

Regionally, there has been a shift in development to the west and south with the greatest increase occurring in Oshtemo and Texas Townships as well as the Mattawan area. With this shift, growing enrollment at KVCC, further development along 9th Street (at I-94, the village area, and at West Main Street), and the establishment of the BTR Park, traffic levels have increased in this area, stressing the current infrastructure. These trends add to the pressure to develop the large parcels within the Sub-Area.

Natural Resources

It is important to evaluate the Genesee Prairie Sub-Area because of the potential for future land use changes, but also due to the value of its open space and natural areas. This area has a rich natural history that has influenced its current land use and will influence future land use planning. Due to the unique nature of the two study segments of the Sub-Area, they are described separately.

GENESEE PRAIRIE

The Genesee Prairie was a mesic or tall grass prairie. It was the first land settled in Oshtemo and has almost entirely been plowed over and farmed. It contains some of the most fertile soils in the area, which attracted settlers to the site and continues to provide excellent farming conditions. Few, if any, remnants of the mesic prairie remain.

In July of 2010, the Kalamazoo Nature Center completed a Natural Features Inventory Planning Process report, the first of many steps toward a Natural Features Inventory of the entire Township. In this report, the area in the southeast corner of the Genesee Prairie was noted as an undeveloped, forested area with little additional information available. It was identified as a priority area worthy of on-site evaluation to determine exactly what is present.

The southeast portion of the Genesee Prairie area is within the wellhead capture area of the City of Kalamazoo's station 22 which feeds the public water supply. Refer to Chapter 4 of this Master Land Use Plan which provides more detail about wellhead capture areas.

COLONY FARM ORCHARD (CFO)

The Colony Farm Orchard (CFO) was part of the working farm and orchard for the state mental hospital formerly located across Drake Road, on what is now the Asylum Lake Preserve. The 54-acre CFO was deeded to WMU by the State with the restriction that it be used only for public park and recreation uses or left as open space unless the legislature, by statute, modifies the restriction to allow for some other public purpose. In 2009, the State passed a bill lifting the deed restriction and allowing WMU to use the Orchard property for another public purpose.

Since its use as a working farm, the CFO has mostly lied fallow. For the past 50 years, Michigan State University used portions of the property for insect research. The property is mostly overgrown; the orchard section is a combination of fruit trees and grape vines that are slowly being taken over by invasive box elders. The orchard is surrounded on the north and south by large wooded areas, which are buffered by small grass lands. Interspersed throughout are relics of the site's past history as a working farm and association with the Asylum.

For the purposes of this Sub-Area plan, the ten acre property immediately north of the CFO will be included in the CFO segment. This property was once a trailer park and had a house upon it as well. The WMU Foundation has since purchased the property and removed the trailer park and house.

This section is part of the Asylum Lake Watershed; the north boundary of the Orchard is adjacent to a spring-fed pond and stream that feeds into Asylum Lake. Groundwater, stormwater, and runoff from the CFO property, as well as from nearby public right-of-ways, flow directly into this watershed and into Asylum Lake. Unfortunately, the Lake is already experiencing challenges due to runoff from development on Stadium Drive and the US-131 interchange.

The entire area is within the wellhead capture area of the City of Kalamazoo's station 12 which feeds the public water supply. Refer to Chapter 4 of this Master Land Use Plan which provides more detail about wellhead capture areas.

Due to its location near existing development and the sensitive resources that could be identified on the site, the Kalamazoo Nature Center identified the Orchard property as a high priority in the Natural Features Inventory Planning Process Report.

Existing Land Uses

Genesee Prairie has experienced some development, although significantly less than other portions of the Township. Most of the area remains predominately agricultural row crops. Residents and property owners pointed out the fertile soil and prime farmland as strengths of the area needing preservation. Nonetheless, this is the only significant farming in the eastern third of the Township and is isolated from other agricultural uses by nonagricultural development. This makes it increasingly difficult to move equipment and farm vehicles between this land and other farms and increases pressure to develop the land. The farmland is surrounded by predominately single family residences on individual lots lining the roads. One subdivision, Rose Arbor, exists within the area as well as a church, school, cemetery, day care center, and National Guard Armory.

This plan sets forth the future vision for this area before development occurs to minimize conflicts with existing uses and to ensure adequate services and infrastructure are provided to support it.

Public Services / Infrastructure

TRANSPORTATION

The Genesee Prairie Sub-Area is served by several major roadways that provide access to the area, to adjacent activity centers, and to nearby highways. However, connectivity within and throughout the Sub-Area is lacking.

The Colony Farm Orchard (CFO) is bordered on the north by Stadium Drive, on the east by Drake Road, and on the south by Parkview Avenue. Drake Road is a boulevard maintained by the City of Kalamazoo with public transit available along it. Parkview Avenue, from Drake Road west, is maintained by the Kalamazoo County Road Commission (KCRC). Both are classified as Urban Minor Arterials, primary roads, and truck routes (Parkview east of 12th Street only) providing quick access to US-131 via Stadium Drive to the north. Any development of this land will have access off of Drake Road due to the limited frontage on Parkview Avenue and Stadium Drive.

The roads in the Genesee Prairie area are all maintained by the KCRC. Public transit is available on Parkview Avenue as well as on Stadium Drive and 9th Street just outside the study area. Through truck traffic is permitted on 12th Street, N Avenue and Parkview Avenue (east of 12th Street only). With the development and growth that has occurred nearby, traffic has increased significantly on these roads, particularly on 11th and 12th Streets. During the public input session, residents were concerned about the amount of through traffic on these roads. The intersections within the Sub-Area, particularly the 11th street intersections at Parkview Avenue and N Avenue, were cited as unsafe and congested.

Another concern is the lack of east-west connectivity and an internal road network within the Sub-Area. This is largely due to the lack of development that has occurred to date and the large agricultural parcels that remain. As these parcels develop, provisions must be made to create an interconnected local road network that provides increased east-west connectivity. This will reduce conflicts on the primary road network, reduce congestion at the intersections, and allow for safer travel within the area.

UTILITIES

Public water and sanitary sewer service are available to the CFO section. A sanitary sewer connection is available at the southern end of Drake Road and a water line extends along all of Drake Road within this section.

Although public water and sanitary sewer service are present in the Genesee Prairie section, not all parcels are served. Services have not been extended throughout the area but are planned and could be extended as development occurs. Sanitary sewer is currently available along N. Avenue and 12th Street and public water lines extend along N Avenue, 12th Street, Parkview Avenue, and partially along 11th Street.

FIGURE 9.1

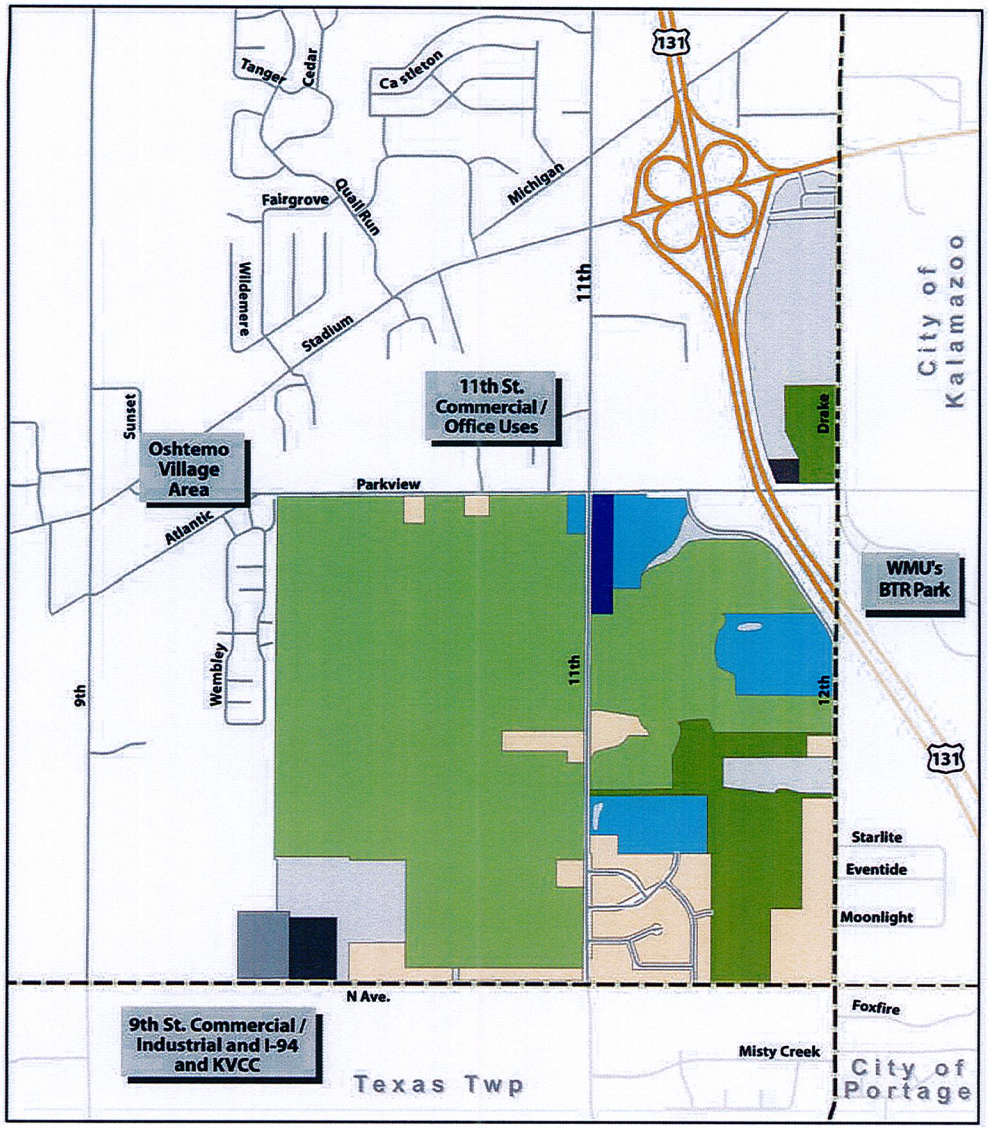
Genesee Prairie Sub-Area Existing Land Use

Oshtemo Charter Township, Kalamazoo County, Michigan

LEGEND

- Agricultural
- Low Density Residential
- Institutional
- Public / Semi-Public
- Woodland
- Vacant or Undeveloped
- Industrial
- Utility
- Water

Base map Source: MiGCI v6b & v7b
Data Source: Oshtemo Township, 2008; McKenna Associates, 2010



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Public Input

Overall Public Input

Township-wide public input was gathered for the Master Plan in general. Because this comprehensive effort was well-received and involved the entire Township, the results still carry weight for individual parts of the community. A review of these results provides some guidance for this particular area as well.

In the fall of 2008, Oshtemo Township conducted a visioning workshop consisting of several different exercises. This was followed in the spring of 2009 with a Township-wide survey. The Master Plan provides an overall description of the process and results as well as a detailed summary of the full results are provided in the Appendix. Below are some specific items that are relevant to the Genesee Prairie Sub-Area Plan:

- Visioning session participants indicated that "protecting natural features" was the top priority for the Township and "improving quality of life" was the second.
- Responses from the visioning session participants indicated a perceived need for more industrial land in Oshtemo.
- The visioning session and opinion survey responses indicated that residents prefer industrial development focused on "research and development" and "high-tech /life sciences". Responses also indicated a preference for industrial development as a "corporate campus and business park" rather than as stand-alone parcels.
- Approximately two-thirds of visioning session participants and opinion survey respondents indicated industrial development should be located in proximity to WMU's BTR Park.
- Visioning session participants indicated that Genesee Prairie should have industrial land uses, particularly on the west side of the area. High density residential (adjacent to mobile home park), low density residential (adjacent to Rose Arbor), and commercial (along Parkview Avenue) land uses were also indicated in the area.
- Preservation and requiring development to reduce its impact on the environment were most important among those who participated in all of the public input formats.

Design Workshop

To focus on the vision for the Genesee Prairie Sub-Area, a design workshop was held in September, 2010. The program included a driving tour of the Sub-Area, four focus group stakeholder meetings, a design session, and an evening presentation to the Joint Meeting of the Township Board, Planning Commission, and Zoning Board of Appeals.

The tour allowed the design team, consisting of the Township staff and consultants, to directly observe the Sub-Area and its current uses. Opportunities and existing uses were inventoried.

Focus group sessions were scheduled with four groups of stakeholders:

- Western Michigan University
- Neighbors and Residents
- Natural Resources and Transportation
- Government

Although the discussion at each session was allowed to wander depending on the comments received, a similar format was used for each discussion in order to ensure consistent information was collected for each group. Attendees were asked to identify the positive attributes of the area, the challenges that exist there, and the principles that should be applied to future development. The results of these discussions are provided in the appendix of the Master Plan.

Neighbors and residents were also asked to allocate future land uses on a map of the sub- area in accordance with their vision for the future. Working in small groups, the participants discussed the best layout for future uses and illustrated their ideas on the map. This allowed them to understand the challenges faced by the Township and the Planning Commission and also gave them direct input in the planning process.

All of the information gathered was used by the design team to formulate a preliminary draft plan for the Sub-Area. The preliminary plan included principles for development and a draft land use map. The preliminary plan was presented at the Joint Meeting that evening where feedback was collected from board members and the public.

Vision, Goals, & Principles

The Master Plan has Goals and Objectives that apply to the Township as a whole; see the Goals and Objectives Chapter of the Master Plan. These overall goals and objectives apply to the Genesee Prairie Sub-Area and will shape the development here, However, due to the unique circumstances in this Sub-Area, a specific vision and set of goals have been crafted that will shape its development.

As indicated in the vision for the Genesee Prairie Sub-Area above, there are three components to sustainability. Instead of looking at sustainability solely as an environmental issue, it is important to account for all three components of sustainability when this Sub- Area develops.

Due to the mix of uses surrounding this Sub-Area, the undeveloped nature of the area currently, and the potential length of time before anything happens, there are a wide variety of possibilities for development and how it occurs. However, the one vision for this area that was consistent throughout all of the public input and discussions was sustainability.

Vision for the Sub-Area Future development within the Genesee Prairie Sub-Area will occur in a manner that has a net positive impact on the overall sustainability of the area and will respect all three components of sustainability: environment, economy, and community.

Goals for the Sub-Area

Three goals have been established for this Sub-Area following the three components of sustainability. Principles have also been established that will guide the future use and development of the Genesee Prairie Sub-Area. The development principles have been sorted and placed under the appropriate goal.

Future market conditions may change, development trends may evolve, and new ideas may emerge that were not anticipated; this plan is flexible enough to accept such changes. Regardless of the type of development, the consistency will be in these principles of development and they will guide development and ensure that this Sub-Area is consistent with the vision presented by the community.

GOAL ONE

Environment: Future development in the Genesee Prairie Sub-Area will respect the current and historic natural features and occur in such a manner that has little to no negative impact on the environment.

- Utilize best management practices in development particularly in storm water management.
- Seek opportunities to reestablish prairie plantings and tall grass prairie lands as stand-alone parcels and within developments, regardless of land use.
- Create net positive impact on the Asylum Lake, Asylum Lake Watershed and wellhead capture areas.
- Coordinate with property owners, farmers, and developers to maintain agricultural uses at some scale and open space in the area.
- Establish incentives and mechanisms to encourage protection of open spaces as development occurs within campus-like settings for the nonresidential areas.

GOAL TWO

Economy: Future development in the Genesee Prairie Sub-Area will promote the economic viability of Oshtemo and the greater Kalamazoo region.

- Foster regional collaboration with neighboring communities and the development of industries complementary to those nearby.
- Create opportunities through programs, infrastructure, and regulations that foster appropriate and desired development in designated areas.
- Create and retain jobs in the community.
- Build Township tax base.

GOAL THREE

Community: Future development in the Genesee Prairie Sub-Area will occur in a manner that enhances the existing quality of life of all those who live, work, and play in the Sub-Area.

- Protect the integrity and quality of life of existing neighborhoods.
- Promote new low-density residential development in quality neighborhoods with provisions for the protection of the natural environment.
- Work with Western Michigan University to ensure development of Colony Farm Orchard is consistent with principles of this Sub-Area Plan.
- Create an internal street network that provides transportation outlets, reduces traffic speeds, limits impacts on residential areas and improves intersections.
- Work with the Kalamazoo County Road Commission on a Complete Streets design philosophy that integrates pedestrians and bicycles into the road network.
- Provide trails and connections within the Sub-Area and with existing networks and activity centers outside the Sub-Area.
- Provide buffers that allow different land uses adjacent to each other to coexist.

Future Land Use

The future land use for the Genesee Prairie and Colony Farm Orchard portions of this Sub- Area differ; as such, they will be described individually. Following these individual descriptions is a future land use map of the entire Sub-Area with descriptions of each of the designations illustrated on the map.

Colony Farm Orchard and Adjacent Acreage

The Colony Farm Orchard property is owned by Western Michigan University (WMU); a state land grant university. WMU has stated on many occasions that they desire to work with the Township as the land develops. With the amendment to the deed restrictions approved by the State Legislature in 2009, the opportunities available to WMU are broad.

The University has also stated, both publicly and privately, that they intend to develop their property similar to how the BTR Park is developed. The BTR Park is home to the College of Engineering and Applied Sciences and a number of research, development, biotechnology, engineering, and related companies. It is near capacity, and WMU is preparing for the time when expansion is necessary.

During the 1970s, the property was transferred to WMU as open space. This was noted in the Sub-Area plan adopted by Oshtemo in 1997. However, much has occurred since that time, not the least of which is the economic and environmental success of the BTR Park. The Park has attracted jobs and increased the tax base for the City of Kalamazoo. At the same time, it has utilized innovative stormwater management systems and erosion control techniques to ensure there are no negative impacts on adjacent properties and to improve the quality of the water moving through the site.

It is envisioned that the same approach to stormwater management will occur on the CFO property as well. Numerous natural areas with native plantings were created on the BTR campus and this is also anticipated on the Orchard property.

"WMU's intention would be to utilize similar principles of sustainable design and development. As has been the case with the original BTR Park, the University would seek to recruit, retain and create high technology companies willing to partner with the University in its core missions of research and instruction."[1]

Recognizing the University's intentions to develop the Colony Farm Orchard similar to the BTR Park, the Township will work with WMU before and during the development of the CFO property to ensure the principles of development for the Genesee Prairie Sub-Area are integrated into future development. The Township will also work with the WMU Foundation and future owners of the ten acres north of the Colony Farm Orchard to ensure that the principles of development defined earlier are integrated into this site.

Genesee Prairie

The public input process presented two distinct statements regarding how the Genesee Prairie section should be developed, shown below:

1. This area should be used for low density residential development with provisions for the protection of open space and prime agricultural land.
2. This area should be used for campus-style industrial development particularly in the fields of research, development, and high technology.

Most stakeholders believe these two statements are not mutually exclusive. According to input received during the design workshop and the presentation of the draft Sub-Area plan it was concluded that development can include residential and non-residential uses that are not detrimental to each other. This allows for expansion of the Research Office designation on the Township-wide Future Land Use Map as well as the BTR Park. However, critical to this is the protection of the existing residential neighborhoods and stand-alone parcels as well as respecting the heritage and natural resources of the area. This was once prairie land, and as a result contains prime soils and fertile farmland. While there are challenges to farming in this area, it must be noted that this farmland is highly productive.

This has always been an area of productivity. In time, that productivity may shift from food production to more durable goods. Regardless of the particular use or arrangement, growth in this area will integrate the principles of development defined in this plan to ensure sustainability and will be consistent with the overall vision for the Sub-Area.

Sub-Area Plan

The following map illustrates the desired future land use for the Genesee Prairie Sub-Area. It is a supplement to the Township wide Future Land Use Map.

Also illustrated in the Sub-Area Map are a variety of opportunities and constraints that exist in the area. These are issues that can be capitalized on as the area grows and must be addressed in order to improve the quality of life and remain consistent with the plan's principles of development.

1 Robert Miller, Associate Vice President, Community Outreach, Western Michigan University, 1 November 2010.

FIGURE 9.2

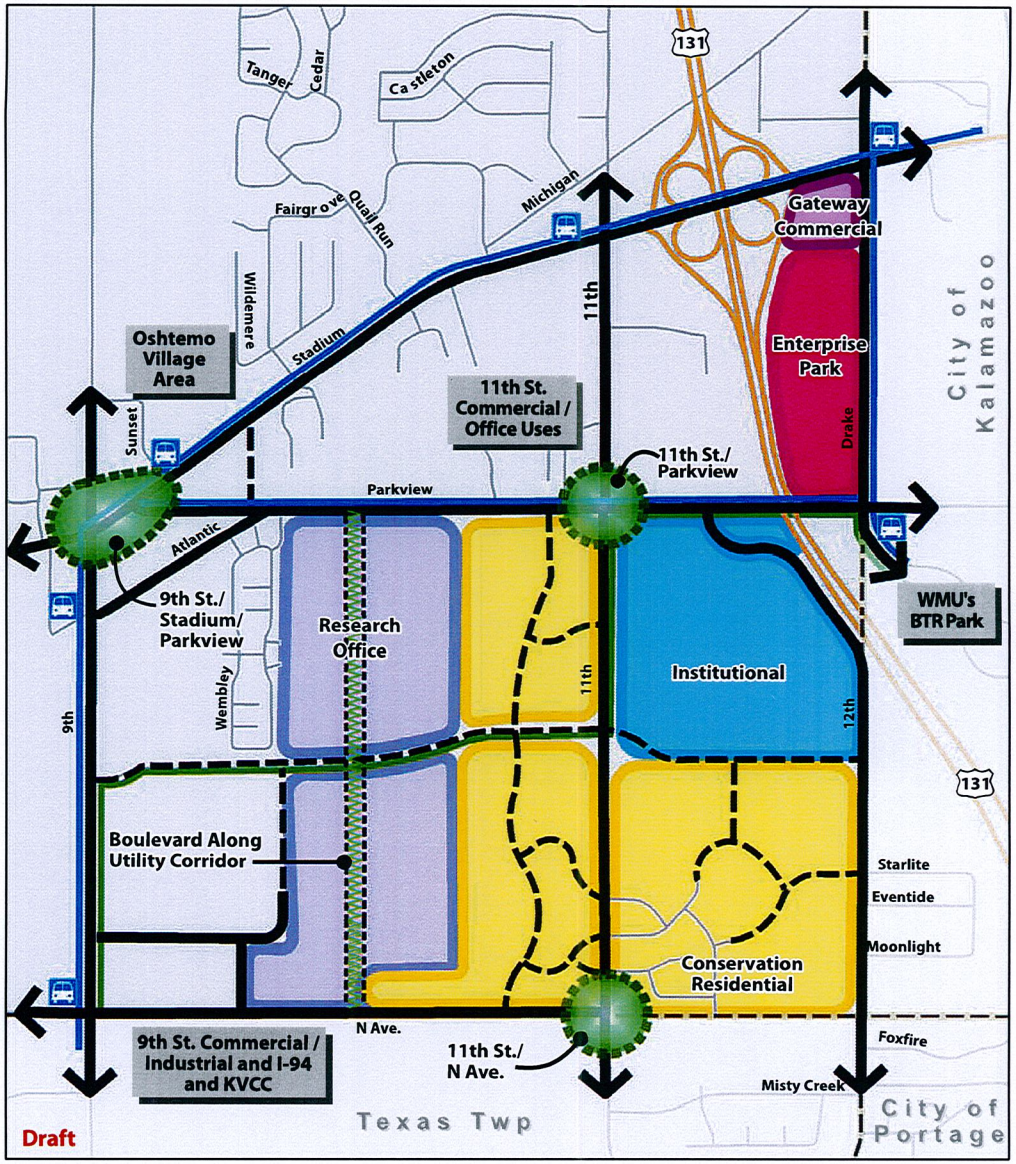
Genesee Prairie Sub Area Plan

Osthtemo Charter Township, Kalamazoo County, Michigan

LEGEND

- Non-motorized connection from KVCC to BTR Park
- Public Transit Routes
- Proposed Roadways
- Intersection needing attention

Base Map Source: MiGDL v6b & v7b
Data Source: Oshtemo Township, 2008; McKenna Associates, 2008



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McKenna ASSOCIATES

Sub-Area Plan Designations

Conservation Residential

Areas designated Conservation Residential will remain much as they are currently. This includes a mix of agriculture, open space, rural residential and low density residential neighborhoods. As development occurs, it must be consistent with the principles of the Sub-Area. As large scale agriculture becomes less viable, small organic or community- supported farms may be established in conjunction with low density residential development to capitalize on the prime soils and provide a local food supply.

Opportunities will be sought to re-establish portions of the former prairie through tall grass prairie restoration efforts as either stand-alone parcels or within residential neighborhoods. Open space, rights of way, public lands, and common areas will be used to create continuous corridors and adjacent pieces of prairie restoration.

Preservation of open space will be important in the conservation residential designation. There are a variety of ways open space preservation can be achieved, including:

- Purchase of land by the community, a foundation, or a conservancy.
- Conservation easements placed on the land by the owner limiting development.
- Purchase of development rights from property owners, their transfer to another area where development is intended, and their use to increase the allowable density in the receiving area.
- Clustered development onto a portion of a site with the remainder of the property set aside as permanent open space.

These tools are anticipated to allow future low density residential development while conserving the character of the nearby land and natural resources. However, formal policies regarding these tools will be necessary.

Transportation improvements to support additional vehicles, non-motorized users, and residents will be critical as development occurs. Interconnection of the local street network needs to be established to reduce conflicts and reliance on 11th Street and 12th Street. Intersection improvements, particularly at 11th & Parkview and 11th & N Avenue will be considered to ensure safe and efficient traffic flow. Finally, bicycle and pedestrian amenities are needed to reduce potential for accidents and improve the quality of life for residents and their mobility options.

ZONING / IMPLEMENTATION

The Conservation Residential designation may be implemented in the following ways:

- Creation of a new conservation residential zoning district
- Establishment of proper mechanisms and incentives to protect open space and agricultural land and to restore prairie areas
- Coordination with property owners and farmers
- Inclusion of transportation and infrastructure improvements in Township CIP

Research Office

The Research Office designation is located on 9th Street at the southern gateway to the Township; see the Township-wide Future Land Use map. This portion of the Township traditionally provided many valuable jobs and it is important that it remains an employment center for Oshtemo. This designation has been extended east from 9th Street to encompass land along both sides of the utility corridor where a future boulevard is envisioned. It is also envisioned that development in this designation will provide high quality employment opportunities to residents. Uses may include offices, research and development, life science, corporate center, light industrial with limited impact outside the building, indoor recreation facilities, public or quasi-public institutions, financial institutions, and health care facilities.

As sites develop, care must be taken to minimize impacts on adjacent properties. Increased setbacks, buffers, and/or screening will be used to provide adequate separation for sites adjacent to residential or open space uses. Where practical, buffer areas should integrate tall grass prairie plantings as part of broader prairie restoration efforts.

As large parcels develop, use of the Planned Unit Development (PUD) will be encouraged. This will result in coordinated and consistent development addressing issues such as site layout, drainage, access, parking, utilities, lighting, design, signage, screening, and landscaping.

Access management principles will be applied along the new boulevard and internal street network as well as Parkview Avenue and N Avenue to limit access points and encourage shared driveways and development of service drives.

ZONING / IMPLEMENTATION

The Research Office designation may be implemented in the following ways:

- Rezoning to IR
- Establishment of a new zoning district or an amendment to the IR zoning to guide development consistent with principles of Sub-Area
- Establish TIF district or other funding mechanisms to finance infrastructure and road improvements
- Seek public / private partnerships to coordinate development

Enterprise Park

The Enterprise Park designation is envisioned as an expansion of the BTR Park to the southeast. It provides space for expansion consistent with the principles of development for the Sub-Area.

Due to the evolving nature of the economy, technology, and industry in general, it is challenging to pinpoint specific uses that may develop in this area. The current vision supports research, technology, office, life science, and similar employment-based uses. Uses with primarily a more traditional industrial focus are not appropriate for this designation and are directed to those areas of the Township designated as General Industrial on the Future Land Use Map. It is intended that, regardless of the uses, this designation be developed in a coordinated fashion with similar design, infrastructure, and operational characteristics. This will lead to the development of campus or park-like settings that improve the appeal of the site and make it easier to coordinate other issues like stormwater management and groundwater protection.

Further, where adjacent to sensitive natural areas, such as Asylum Lake, best management practices must be used to ensure development will not negatively impact these adjacent areas and possibly make a positive impact.

ZONING / IMPLEMENTATION

The Enterprise Park designation may be implemented in the following ways:

- Establishment of a new zoning district to guide development consistent with principles of Sub- Area
- Working with WMU to ensure principles of this plan are integrated into development
- Establish TIF district or other funding mechanisms to finance infrastructure and road improvements
- Seek public / private partnerships to coordinate development

Gateway Commercial

North of the Colony Farm Orchard, at the southwest corner of Drake Road and Stadium Drive, is a small parcel of land currently owned by the WMU Foundation. The Foundation purchased the land as a real estate investment several years ago.

Located on a major transportation artery, this property acts as a gateway to the Township to the west and north, the City of Kalamazoo to the east, and Western Michigan University's property to the south. South of this site, Western Michigan owns all of the land on both the east and west side of Drake Road down to the BTR Park and its College of Engineering and Applied Sciences. This property marks the entry into Western's Parkview Campus. Therefore, it is important for this site to develop as a gateway for the Township, the City of Kalamazoo, and WMU.

Considerable attention must be paid to the stream on the south side of the property that feeds into Asylum Lake and the wellhead capture area encompassing this land. Development must integrate the principles of the Genesee Prairie Sub-Area and create no negative impact on Asylum Lake.

Because of the stream and sharp topography separating this site from the Colony Farm Orchard, it is unlikely this will be used as an extension of any development on the Orchard property. Due to its prominent location on a busy intersection near a freeway, a more commercially-oriented use is envisioned.

ZONING / IMPLEMENTATION

The Gateway Commercial designation may be implemented in the following ways:

- CR Zoning
- Working with WMU Foundation to ensure planned development is consistent with desired gateway for University and Township

Institutional

The Institutional area covers three properties; the Genesee Prairie Cemetery, the National Guard Armory, and Kalamazoo Christian West Elementary (and the remaining property owned by Kalamazoo Christian Schools). All of these uses are quasi-public uses, and are located at 12th Street and Parkview Avenue. Due to the likelihood that these properties will remain under current ownership and use for the foreseeable future, they were given a separate designation.

Much of the land within this designation is undeveloped and leased to farmers creating a rural/agricultural character and vista when crossing US-131 via the Parkview Avenue bridge. If the agricultural use ceases, the open space on these properties will be excellent opportunities for tall grass prairie restoration efforts.

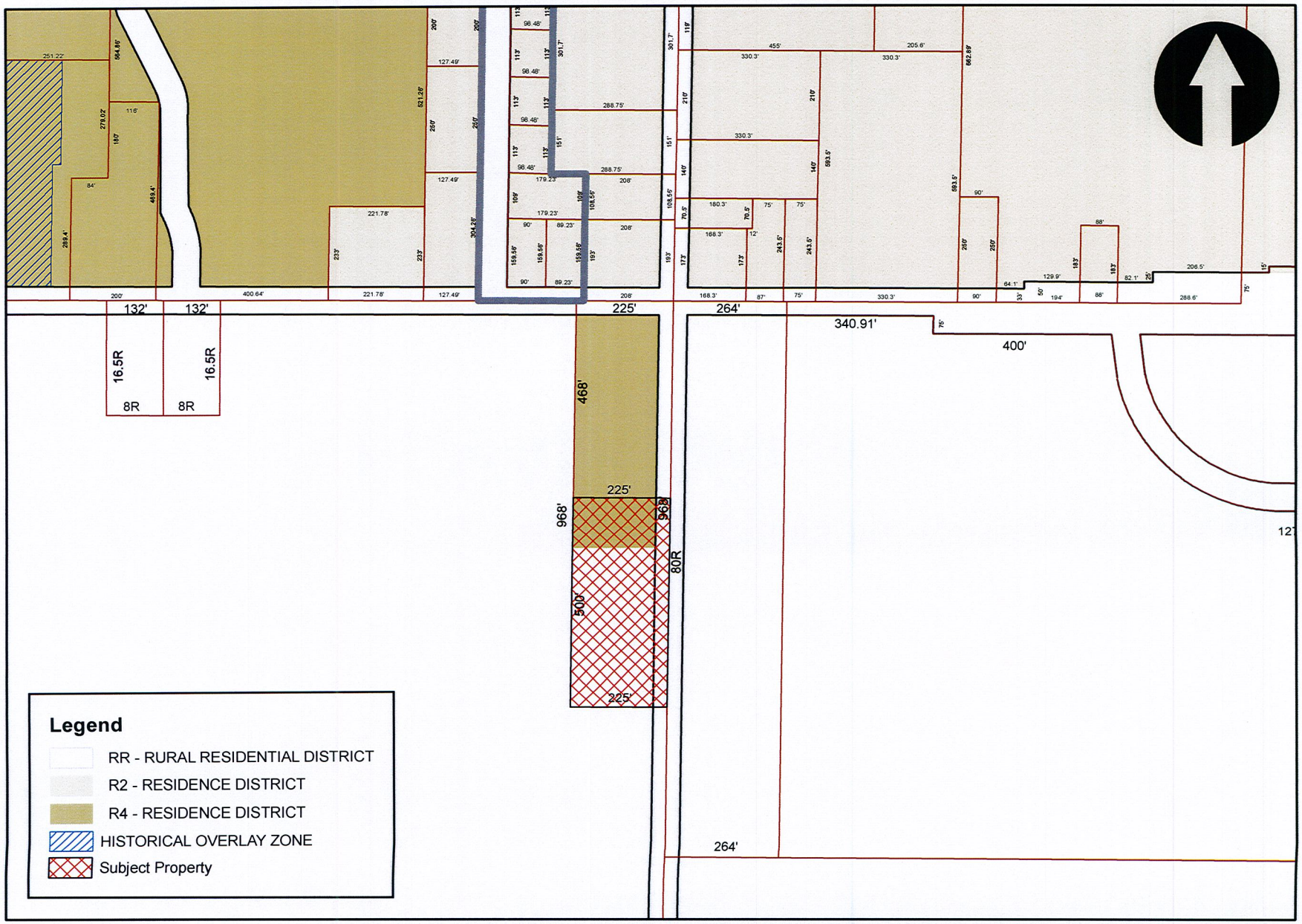
The Armory is one of the highest intensity uses in the Sub-Area due to the outdoor storage of the trucks and other large vehicles. Screening the outdoor storage will help to minimize its impact on adjacent properties, public rights-of-way, and the overall rural character of the area.

ZONING / IMPLEMENTATION

The Institutional designation may be implemented in the following ways:

- Establishment of proper mechanisms to create incentives to protect open space and agricultural land
- Coordination with property owners on future plans

Proposed Rezoning of Parcel #05-36-130-094



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Proposed Rezoning of Parcel #05-36-130-094

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Legend

Subject Property