charter township
oshtemo
est. 1839

7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-375-4260 FAX 375-7180 TDD 375-7198
www.oshtemo.org

NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Thursday,
September 24, 2015

7:00 p.m.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Public Comment on Non-Agenda Items
5. Approve Minutes of the August 27th, 2015 Regular Meeting
6. **PUBLIC HEARING: Rezoning Request (Portions of parcels numbered 05-10-405-010 & 05-10-455-011)**
   Planning Commission to conduct public hearing to review the application from MarBo Investments, Inc. for rezoning an approximately six acre portion from two unaddressed 40 acre parcels located along 7th Street, approximately 2,500 feet north of West Main Street. Request is to rezone property from AG: Agricultural to RR: Rural Residential.
7. Old Business
8. Any Other Business
9. Planning Commissioner Comments
10. Adjournment

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

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

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

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be board discussion prior to call for a motion.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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

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

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

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

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

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

While this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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

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

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A PUBLIC HEARING AND MEETING HELD AUGUST 27, 2015

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE (KALAMAZOO COLLEGE) PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST AND SITE PLAN REVIEW OF THE APPLICATION FROM LORD AECK SARGENT ON BEHALF OF KALAMAZOO COLLEGE TO MAKE VARIOUS IMPROVEMENTS TO THE PARKING LOT AND ACCESS DRIVE, TRAIL WAY IMPROVEMENTS, AND DEVELOPMENT OF A NEW APPROXIMATELY 1,500 SQUARE FOOT MULTI-USE SPACE / OUTDOOR CLASSROOM AT AN EXISTING PARK FACILITY (LILLIAN ANDERSON ARBORETUM) LOCATED AT 7687-7975 WEST MAIN STREET IN THE RR-RURAL RESIDENTIAL DISTRICT. (PARCEL #3905-15-330-012).

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, August 27, 2015, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

Also present were Greg Milliken, Planning Director, Ben Clark, Zoning Administrator, James Porter, Attorney, and Martha Coash, Meeting Transcriptionist. 13 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 asked for a motion to approve the agenda.

Mr. Loy made a motion to accept the agenda as presented. Ms. Farmer 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.

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

APPROVAL OF THE MINUTES OF JULY 23, 2015

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

Mr. Boulding, Sr. made a motion to approve the minutes of the July 23, 2015 meeting. Mr. Antosz seconded the motion. The motion was approved unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE (KALAMAZOO COLLEGE) PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST AND SITE PLAN REVIEW OF THE APPLICATION FROM LORD AECK SARGENT ON BEHALF OF KALAMAZOO COLLEGE TO MAKE VARIOUS IMPROVEMENTS TO THE PARKING LOT AND ACCESS DRIVE, TRAIL WAY IMPROVEMENTS, AND DEVELOPMENT OF A NEW APPROXIMATELY 1,500 SQUARE FOOT MULTI-USE SPACE / OUTDOOR CLASSROOM AT AN EXISTING PARK FACILITY (LILLIAN ANDERSON ARBORETUM) LOCATED AT 7687-7975 WEST MAIN STREET IN THE RR-RURAL RESIDENTIAL DISTRICT. (PARCEL #3905-15-330-012).

Chairperson Schley moved to the next item on the agenda, a public hearing for a special exception use amendment and site plan review of the application from Lord Aeck Sargent on behalf of Kalamazoo College, for various improvements to the Lillian Anderson Arboretum and asked Mr. Milliken to review the request.

Mr. Milliken explained the Lillian Anderson Arboretum is a 140 acre nature preserve owned and maintained by Kalamazoo College on the south side of West Main Street. The site is located between the Township Hall and the Hampton Cove subdivision between 6th and 7th Streets. The Arboretum currently includes several unpaved trails, a small gravel parking area, and a paved driveway from West Main Street. The College seeks to make modest improvements to the facility in an effort to increase accessibility and use of the site, particularly by the College and its students.

He indicated the Arboretum is located in the RR Rural Residential zoning district. A park is a special exception use in the RR district. Amendments to a special exception use require approval of the Planning Commission. Therefore, the proposed amendments and the related site plan were presented to the Planning Commission for review and approval.

Mr. Milliken listed the several elements included in the proposed plan for improvements:

- **Expanded Loop Driveway** – The driveway will be expanded to add a second lane and create a loop entry consisting of two one-way lanes. This will allow for easier and safer access by emergency vehicles as well as by small buses and vans used to transport students and classes from the College to the facility. The driveway will be paved and satisfies minimum dimensional requirements. Due to the fact that a portion of the work occurs in the M-43 right of way, an MDOT permit will be required for this work.

- **Paved Parking** – The existing gravel parking area will be paved with pervious and conventional asphalt and striped to provide 13 parking spaces. The parking area will be the same size as the existing area.

- **Pavilion / Outdoor Classroom / Multi-Purpose Room** – A new structure including indoor, outdoor, and covered space is proposed totaling approximately 2,000 square feet in combined area. It includes a 396 square foot indoor multi-purpose room, 200+ square feet of storage and support space, 921 square feet of covered seating area, and 500 square feet of patio area.

- **Barrier-Free Pathway** – There is an existing stretch of two-track road that will be replaced with a 12 foot wide limestone trail satisfying barrier free accessibility requirements. This path will connect the parking lot to the proposed new pavilion and outdoor classroom area. It will also connect to a barrier free, limestone trail extension that loops back from the pavilion to the parking lot. The 12 foot path will also serve as an access drive for emergency and service vehicles to the Pavilion structure.

- **Composting Toilets** – The applicant is proposing to provide two composting toilets near the Pavilion area to satisfy the restroom needs for the improvements.

Mr. Milliken explained the Arboretum is a heavily wooded area with a substantial amount of existing landscape materials along the West Main Street frontage and throughout the site. Few trees will be removed as a result of the proposed improvements. Therefore, the existing landscape materials maintained on the site satisfy the requirements for screening. Due to the fact that the parking lot is not expanding, parking lot landscaping is not required.

He said it is challenging to estimate the minimum number of parking spaces required by the Zoning Ordinance for the use. There is no specific parking requirement for a park or natural area. There is a requirement of one space per three persons allowed at maximum occupancy by building code for meeting and assembly rooms.

Mr. Milliken explained the multipurpose room has a maximum occupancy of 30 people requiring 10 parking spaces. There is no occupancy requirement for the outdoor seating area, so that formula cannot be applied to that portion of the building.

He said the proposed parking lot is the same size as the existing parking area. It will likely result in greater parking efficiency due to the striping and paving. The applicant has indicated that the present parking area is never full and rarely over half occupied. They have also indicated that groups such as classes using the pavilion space at the Arboretum will be encouraged to use a College van or bus to travel to the site in order to minimize parking need. Considering this information about the size of the existing space, the use history of the existing parking area, the anticipated plan for transportation and usage of the space, and the fact that there is more than enough room for expansion of the parking lot should it prove necessary in the future, Staff is comfortable with the amount of parking provided.

Mr. Milliken noted there is no site lighting or trash enclosure proposed as part of the proposed improvements.

He indicated the applicant has reviewed the plans with the Fire Marshal, who has indicated general approval with the proposed improvements; the Township Engineer has provided comments, and the revised plans as well as the correspondence provided by the applicant address the majority of those comments.

Mr. Milliken provided the following comments regarding criteria for Standards of Approval from Section 60.100 for special exception use:

The site is already used as a park / natural area, and the proposed improvements are consistent with the current use.

The proposed use will not be detrimental or injurious to the use or development of adjacent properties or to the general public.

Regarding Section 82.800 criteria for approval of site plans, he said:

The proposed driveway into the site is being improved through creation of a loop entry system allowing for better access by emergency vehicles and larger vans and buses from the College.

By maintaining a substantial amount of landscaping on site, particularly along the right of way, the impact on adjacent properties will be minimized. The use of the property will be consistent with the current use.

Preservation of natural features is a central focus of the Arboretum and the proposed improvements. From the proposed pervious pavement to the composting toilets, the improvements are designed to be as sustainable and low impact as possible.

In conclusion, Mr. Milliken thanked the College for their investment in the Township and the Arboretum and recommended approval with the following conditions:

1. A permit is obtained from MDOT for any work conducted within the M-43 right of way.

2. Any and all necessary approvals are obtained from the County Health Department for the well, septic tanks, and composting toilets.

3. A sign permit is required for any new or modified signage that may be erected on the site.

4. Site plan approval is subject to approval of the Fire Department, pursuant to adopted codes.

5. Site plan approval is subject to review and approval of the Township Engineer, as appropriate.

Chairperson Schley asked Commissioners if they had questions for Mr. Milliken who confirmed there was a conscious decision by the College that this not be a bicycle facility that the Fire Marshal determined the turning radius for trucks and barrier free access for vans is adequate, and that the buffering regulations are satisfied by existing landscape materials.

The Chairperson asked if the applicant would like to speak.

Ms. Binny Girdler, Arboretum Director, 1912 Greenlawn Avenue, indicated the impetus for the proposed improvements, including the barrier free trail, was to enhance access to nature for both college students and staff and the public.

She confirmed there may be some additional programming made possible by the improvements, including the addition of a covered pavilion, electricity service, and toilet facilities. The programming changes will be minor in nature and may include such things as acoustic guitar performance and poetry readings. There will be no overnight use.

Ms. Girdler also confirmed an Assistant Manager lives in the original Anderson homestead, supervises student workers and maintenance of the trails, and provides a presence there. She also indicated the buses that visit the Arboretum are regular sized school buses that will be able to back in east of the main area.

Mr. Jim Nicolow, 2234 Sheffield Drive, of Lord Aeck Sargent Architects, explained there is a bus loop with a parking pullout included in the plan and an apron with room for a car to pass. The only other motorized traffic present will be small utility vehicles and golf carts; there will be no simultaneous two-way traffic.

There were no further comments or questions from Commissioners; Chairperson Schley asked for public comment. Hearing none, Chairperson Schley moved to Board Deliberations.

Commissioners agreed this was a well-drawn proposal and a wonderful opportunity for the Township, K College students, and the public to have; Chairperson Schley cautioned the applicant to keep in mind improvements were not to provide an entertainment venue.

In answer to a question from Mr. Loy, Ms. Girdler said bikes are not allowed at the Arboretum in order to minimize traffic to preserve wildlife, but that they might be open to discussion to allow cross-country skiers easier access from Township property.

Mr. Loy made a motion to approve the special exception use and site plan as proposed subject to the five conditions recommended by staff as described above. Ms. Jackson seconded the motion. The motion was approved unanimously.

PROPOSED SIGN ORDINANCE DISCUSSION

Chairperson Schley moved to the next item on the agenda, a discussion of proposed sign ordinance amendments.

Mr. Milliken said potential amendments to the Sign Chapter of the Zoning ordinance were recently discussed. He provided them with draft language for three different areas (1) financial institution signage, (2) LED sign percentage, and (3) window sign area) for their response and guidance to Staff.

(1) He said financial institutions are currently treated separately from other commercial uses. Staff understanding is that this separation was created when financial institutions were inserted as a transitional use in the R-3 district. Therefore, the unique, more restrictive standards for this particular use protect the surrounding R-3 district from higher intensity signage. However, it also serves to limit signage opportunities for financial institutions in a more traditional commercial district (i.e. the C district) vis-à-vis a typical commercial use.

He explained these users and businesses are wondering why a bank or credit union on Drake Road or West Main Street in the C district is not entitled to the same signage opportunities as a tanning salon, shoe store or restaurant. Considering the likelihood of variance requests in the near future, Staff proactively proposed this Zoning Ordinance amendment.

Mr. Milliken said the concept previously presented to the Planning Commission and accepted with general approval was to treat financial institutions like other commercial uses in the C district and like other non-residential uses in the R-3 district. The proposed amendment achieves that by simply removing the distinction for "financial institutions". By removing the language for "financial institutions," signage for such uses would be treated the same as "commercial establishments" or as "non-residential uses in the R-3 district," whichever is appropriate. There are other more complicated ways to achieve the same intent, but this appears to be the cleanest and simplest.

He pointed out implications to be aware of: it would result in larger signage for banks and credit unions within commercial districts and also a maximum of two wall signs rather than four. He was comfortable that this would not lead to an unreasonable proliferation of signage in the Township.

After brief discussion, Commissioners agreed the suggested change to eliminate the language for "financial institutions" would provide consistency.

(2) Mr. Milliken said Section 76.410 provides the requirements for illumination of signage, specifically under review is the percentage of a sign area that can be dedicated to changeable copy or electronic display boards. Commissioners received a presentation from SignArt regarding this topic at an earlier meeting.

He said currently the standard is set at 25% of the permitted sign area. The majority of signs in the commercial and office districts have a maximum sign area of either 60 square feet or 80 square feet. The corresponding maximum amount of electronic display board area is 15 square feet or 20 square feet.

He said according to the presentation from SignArt, there are ratios that are ideal for the newer technology in video display boards. Such boards are becoming more and more like high definition televisions and thus try to achieve the same dimensional ratios as HDTV screens. In addition, it was explained these boards come in whole foot squares, and therefore the dimensions cannot include fractions of a foot. It was indicated that a three foot by seven foot display board is an ideal dimension. However, this is a 21 square foot sign and exceeds the 25% requirement.

He concluded by saying based on the information presented and observation of signs in the community and region, we would all likely agree the better technology results in a better sign in a variety of different ways. However, by providing the flexibility in the Ordinance to allow for these upgrades, it is also likely there will be an increased number of these signs. So while they may be nicer, the Commission should consider whether they are ready to see an increase in the number of these signs in the community.

Commissioners discussed the importance of staying current and effective to allow commercial property owners to be competitive; the desire to avoid "sign blight"

and to keep the village feel with wooden signs, the difficulty of holding back new technology, the advantage of less energy consumption with LED vs. conventionally lit signage, driver distraction vs. increased visibility for businesses, and the importance of following the Master Plan.

Regarding possible blight, Mr. Milliken pointed out it is not likely businesses will go out and buy a new sign just to take advantage of the new technology if they already have an LED sign. If there is another reason to renovate, one might upgrade to the new technology at that time. He does not foresee a proliferation of brand new signs by those with changeable copy signs until new places are built and there is new language available.

Chairperson Schley said basically this amendment would not change the physical size of signs, but rather a quality allowed in the sign and the increased percentage.

Mr. Steve VanderSloot, SignArt, addressed the Board and told them blight becomes an issue when lower end users purchase signs with less quality and they do not have brightness and dimming control features, which results in much brighter, harsher light. Allowing the use of the new technology with the 5-10% increase with the use of brightness and dimming controls actually results in less driver distraction. He suggested that during the sign permit process a proactive affidavit be included to be signed by businesses wishing to upgrade to these signs to confirm they will include dimming controls and that they are aware of restrictions.

Chairperson Schley told Mr. Milliken he was hearing the Board was willing to consider an amendment to Section 76.410 of the Ordinance to increase the LED sign percentage allowed in order to take advantage of the new technology as described.

(3) Mr. Milliken said Section 76.310 provides definitions for various sign related terms, one of which is "window sign". Due to past decisions and interpretations by the ZBA and Staff and due to the wording of the existing definition, the definition has established a loophole of sorts allowing commercial establishments the ability to in effect have an additional wall sign by mounting it on or behind glass. Examples include Walgreen's, Arby's, and soon to be installed at the new Maple Hill Auto.

He said the basic premise of the proposed language is that window signs on the outside of the building should be applied to the glass (window). It should not be a separate architectural element that happens to be located in front of glass.

After a brief discussion of the difficulty of enforcement in the past, including policing delivery vans and trucks parked in front of businesses that in effect provide additional "signage," as well as an expected increase in difficulty if the proposed change were made, Commissioners felt a change should not be pursued at this time.

Mr. Milliken said it is likely there will be public notice of consideration of the first two amendments for one of the October Planning Commission meetings. Coordination with enforcement staff on signage issues will continue.

OLD BUSINESS/OTHER BUSINESS

In answer to a question from Ms. Farmer, Mr. Milliken indicated there has been no further contact with Meijer regarding their grocery pick up proposal.

Mr. Milliken said the regularly scheduled September 10 meeting would likely be cancelled; there is one agenda item so far for the September 24 meeting.

Ms. Farmer encouraged the Board to look at the CIP, particularly the water/sewer and non-motorized projects sections.

There was no further business so the Chairperson moved to the next item.

PLANNING COMMISSIONER COMMENTS

Commissioners acknowledged Mr. Milliken's resignation from his position as Planning Director, congratulated him on his new position at Bronson Hospital, and thanked him for his excellent work, guidance, calm demeanor under pressure and assistance, and wished him well in the future.

ADJOURNMENT

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

Mr. Antosz made a motion to adjourn. Mr. Loy seconded the motion. The motion carried unanimously.

Chairperson Schley adjourned the Planning Commission meeting at approximately 8:10 p.m.

Minutes prepared:
August 29, 2015

Minutes approved:
_____, 2015

September 16th, 2015

Meeting Date: September 24th, 2015

To: Planning Commission

From: Ben Clark, Zoning Administrator

Applicant: MarBo Investments, Inc.

Owner: MarBo investments, Inc.

Property: Portions of unaddressed parcels numbered 05-10-405-010 & 05-10-455-011

Zoning: AG: Agricultural

Request: Rezoning to RR: Rural Residential

Section(s): Section 19.000—AG: Agricultural
Section 20.000—RR: Rural Residential

OVERVIEW

The applicant owns approximately 80 acres of farmland across two parcels along the western edge of the north-south line formed by 7th Street, beginning approximately 2,500 feet to the north of West Main Street. Wishing to transfer approximately six acres of this land to the ownership of a relative in order for a new single family home to be built, the applicant had initially pursued a simple land division, seeking to establish a new parcel for this purpose. Being currently zoned as AG, however, the minimum size for a new parcel in this district is 40 acres, or 34 more than the applicant intended to split off. In order to facilitate the desired land division, a six acre portion of the subject property must be rezoned to Rural Residential *before* the land division can be approved by the Planning & Zoning Department. Additionally, to ensure that the remaining agriculturally zoned parcels do not fall below the 40 acre threshold as the result of any division, the applicant has also applied to combine the two preexisting 40 acre AG parcels into one 80 acre property. This action can be administratively approved.

SUBJECT PROPERTY

Currently zoned as AG and part of a hay farm, the property subject to the rezoning request has 200 feet of frontage at the very end of 7th Street, continuing approximately 400 feet to the north past where the road ends. Immediately to the east are a handful of properties zoned as R-2, including a small portion of the Country Trails Homesites subdivision, and agricultural land to the north, south, and west. While MarBo Investments owns the majority of the surrounding farm land, the agriculturally zoned four acre parcel that the subject property shares the majority of its eastern boundary with is currently occupied by a single family home under different ownership.

ZONING ORDINANCE

While the intended use of the subject property—accommodating a single family home—is a permitted use in both AG and RR zoning districts, the dimensional requirements of the AG zoning classification mean that the desired land split could not be completed as proposed. Whereas the Agricultural zoning district dictates that any new parcels created therein be not less than 40 acres in area, parcels zoned as Rural Residential have a minimum size of 1.5 acres, allowing for the creation of the six acre parcel. Rezoning from AG to RR also means that any farming activities of a commercial nature would not be allowed on the subject property.

As proposed, the six acre piece of land subject to the rezoning request does meet all of the dimensional requirements for a new parcel in the Rural Residential zoning classification.

MASTER PLAN

Included in this memo is an excerpt from Oshtemo's Master Plan as well as a future land use map that pertains to this part of the Township. As illustrated on the map, the subject property is within an area that is intended to shift towards Rural Residential. As described in the Master Plan, Rural Residential includes developments such as low-density housing on scattered sites.

CONSIDERATIONS

The request before you is for a rezoning of the subject property from AG to RR. The two foremost distinctions between the two districts in this case are the dimensional requirements for new parcels in each respective classification, as well as the allowance of commercial agricultural activity versus its prohibition. While the applicant would be permitted to erect a single family home in either district, the large minimum parcel size dictated by the AG zoning classification means that the desired land division would not be permitted. In deliberating the request, the Planning Commission should primarily consider whether or not the proposed rezoning is in accordance with the Township's future land use plans.

Please also keep in mind that the Planning Commission ultimately makes a recommendation to the Township Board who will make the final decision on the request.

Respectfully submitted,

Ben Clark

Ben Clark
Zoning Administrator

Attachments: Application
Aerial map
Future Land Use map
Master Plan excerpt
Applicant-provided survey & legal description

charter township oshtemo

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

PLEASE PRINT

PROJECT NAME & ADDRESS MarBo rezoning, unaddressed parcels on North 7th

PLANNING & ZONING APPLICATION

Marion Cochran

Applicant Name : MarBo Investments INC

Company _____

Address 7250 West Main
Kalamazoo Mi. 49009

E-mail _____

Telephone 269-375-1114 Fax 269-375-3881

Interest in Property Owner

OWNER*:

Name SAME

Address _____

Email _____

Phone & Fax _____ _____

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

Received From: MARBO INVESTMENTS
Date: 08/24/2015 Time: 2:03:23 PM
Receipt: 116280
Cashier: JMILLER

ITEM REFERENCE	AMOUNT
1091 APP - REZONING/ZONING APP - REZONING/ZONING	$850.00
TOTAL	$850.00
CHECK 3019	$850.00
Total Tendered:	$850.00
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
X Rezoning-1091
__Interpretation-1082
__Text Amendment-1081
__Sign Deviation-1080
__Other:_____

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

Request to Rezone a 6 acre parcel
From Ag to Rural Residential

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

Attached

PARCEL NUMBER: 3905- No parcel number assigned yet

ADDRESS OF PROPERTY: _____

PRESENT USE OF THE PROPERTY: agricultural

PRESENT ZONING AG **SIZE OF PROPERTY** 5.97 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.

Marcus T Graham — 8/24/2025

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

Marcus T Graham — 8/24/2025

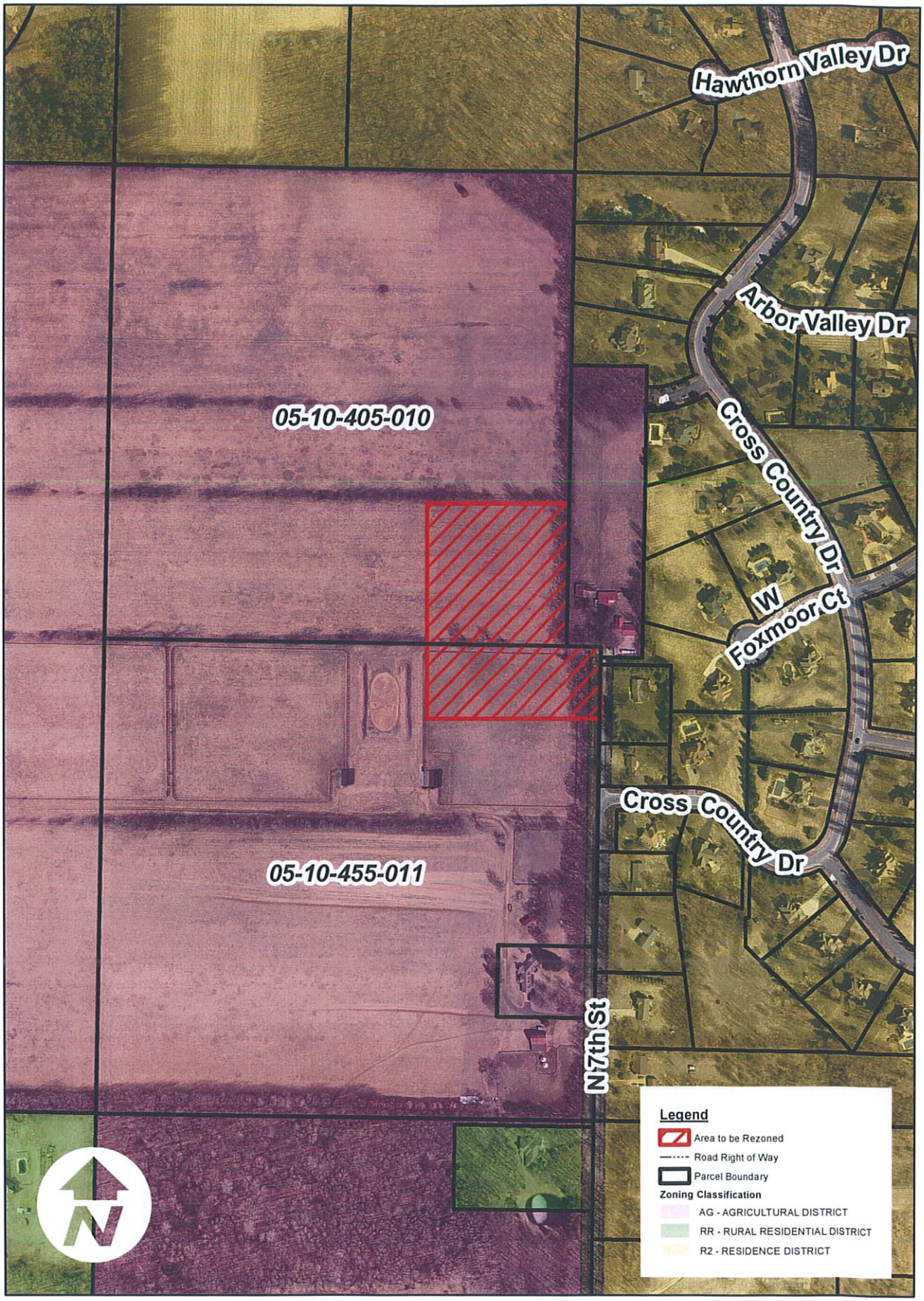
Applicant's Signature **Date**

Copies to:
Planning Dir.–1
Applicant -1
Clerk –1
Deputy Clerk, (only if Escrow)
Attorney-1
Assessor –1
Planning Secretary - Original

****

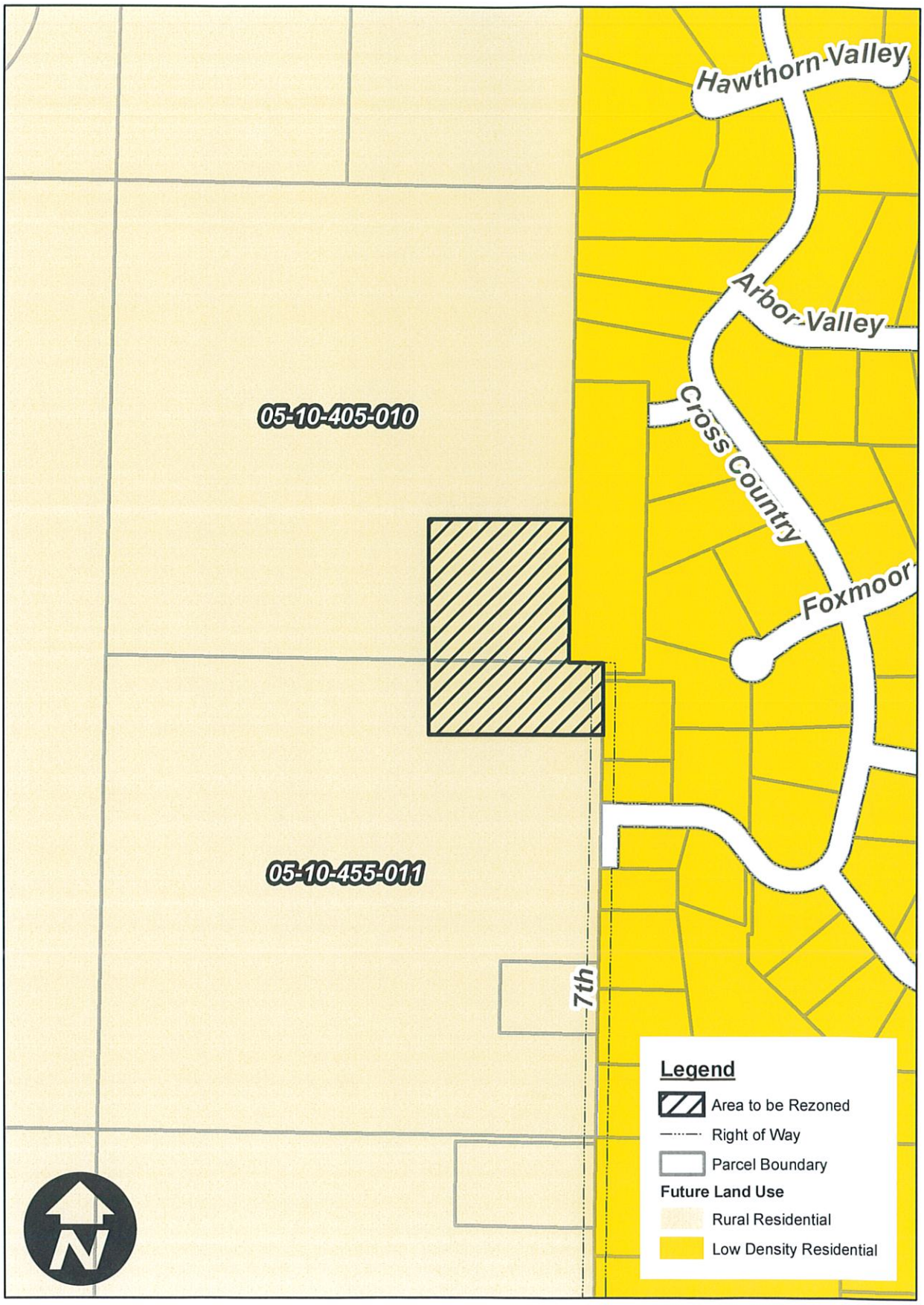
PLEASE ATTACH ALL REQUIRED DOCUMENTS

Proposed MarBo Rezoning



1 inch = 400 feet

Proposed Rezoning and Future Land Use Plan



1 inch = 400 feet

Rural Residential (14,827 acres)

Development Intensity: Low

The Rural Residential land use designation is the largest designation in the Township. In many ways, it is also the most diverse and the most important.

The Rural Residential designation includes residential, agricultural, and pre-existing limited commercial land uses. Low density subdivision / neighborhood development is permitted and is encouraged to utilize open space cluster development practices in order to protect and preserve the natural features in this area and the rural character it defines. Other residential use consists of scattered-site development at low density. Units typically are served by private wells and septic systems. (Although public utilities have been extended west into portions of the Rural Residential area, this was done to address environmental concerns and not facilitate development.)

Small agricultural uses are scattered throughout this area and are an important part of the rural character of the community. These include family farms, orchards and fruit farms, and other similar operations. Because the Township does not have many significantly sized parcels and due to the value of the land, agriculture will not expand significantly in the future. But it is an important part of the Township's history and rural character, and pre-existing farms are encouraged to continue.

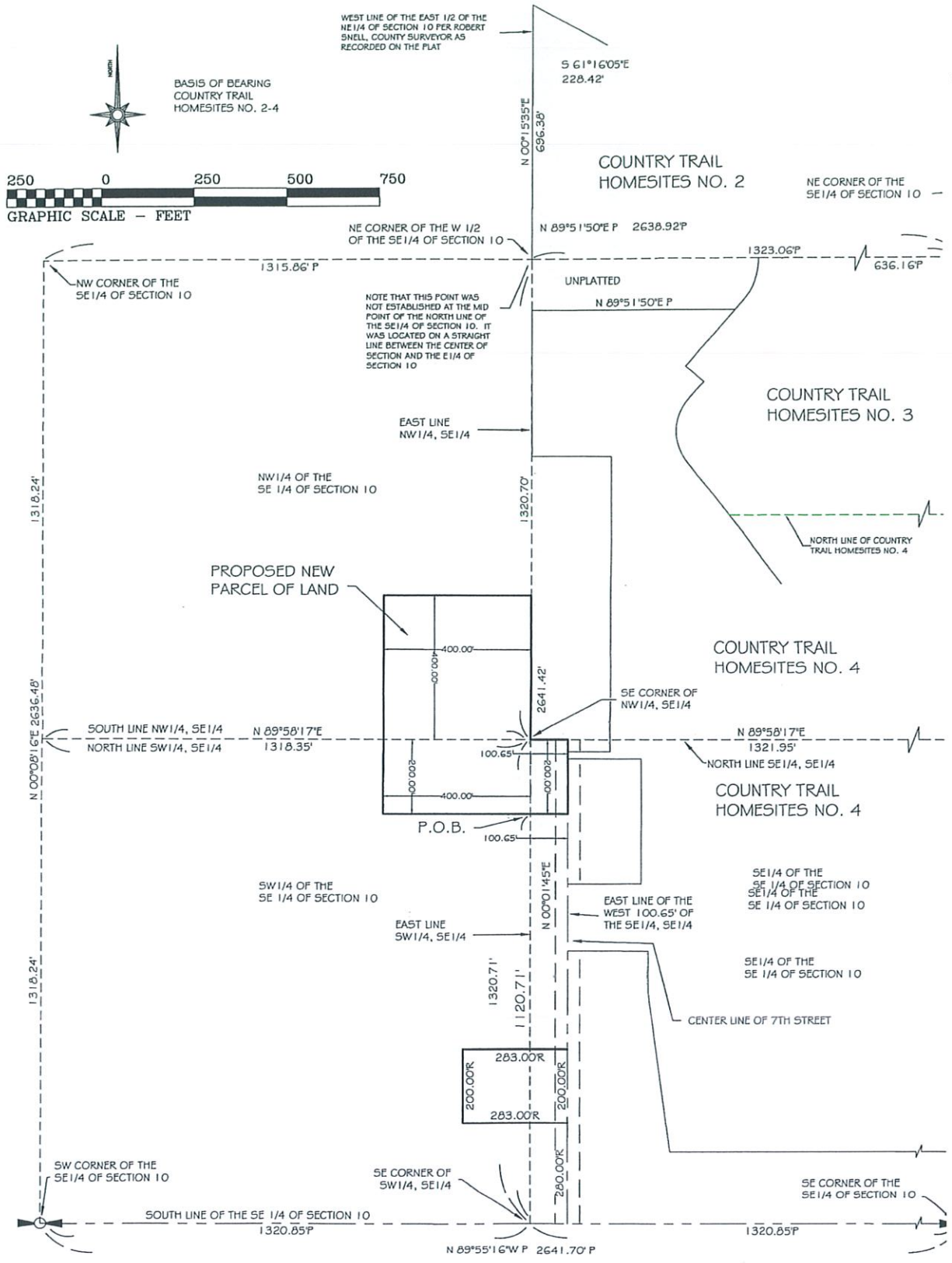
There are also a number of small commercial properties scattered throughout this area that are well-established and have been located at these sites for many years. They are important to the community, many are zoned appropriately, and the Plan does not desire to remove them. These include farm stands as well as commercial uses serving the local and regional market. Besides these pre-existing uses however, the Plan does not call for any additional commercial uses in this area.

DESIRED FUTURE DEVELOPMENT PATTERNS

- Low density residential development
- Utilization of conservation / open space subdivisions to protect sensitive landscapes
- Utilization of programs available – purchase of development rights, transfer of development rights, conservation easements – to protect natural features
- Setback from natural features (surface waters, wetlands)
- Building pad site selection based on minimal disturbance to natural features
- Tree lines and other vegetation along road frontages selectively cleared if at all to minimize impact on rural character along County Roads
- Maintenance of existing agricultural and commercial uses with no new agricultural or commercial development

Low density residential development sensitive to natural features may occur in the rural residential designation.

SKETCH OF PROPOSED LAND DIVISION



CLIENT:	ROBERT GORHAM
LOCATION:	SECTION 10 OF OSHTEMO TOWN KALAMAZOO CO., MICHIGAN

SKETCH OF PROPOSED LAND DIVISION

DESCRIPTION OF NEW PARCEL OF LAND:

A Parcel of land being the East 400.00 feet of the South 400.00 feet of the Northwest Quarter of the Southeast Quarter, and the East 400.00 feet of the North 200.00 feet of the Southwest Quarter of said Southeast Quarter, and the North 200.00 feet of the West 100.65 feet of the Southeast Quarter of said Southeast Quarter, all be located in Section 10, Town 02 South, Range 12 West, Oshtemo Township, Kalamazoo County, Michigan, more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 10,

THENCE South 89 degrees 55 minutes 16 seconds East along the South line of said Southeast Quarter a distance of 1320.85 feet to the Southeast Corner of said Southwest Quarter of the Southeast Quarter; THENCE North 00 degrees 01 minutes 45 seconds East along the East line of said Southwest Quarter of the Southeast Quarter a distance of 1120.71 feet to a point 200.00 feet South of the North line of said Southwest Quarter of the Southeast Quarter, being the POINT OF BEGINNING; THENCE South 89 degrees 58 minutes 17 seconds West parallel with said North line a distance of 400.00 feet to a point being 400.00 feet West of said East line; THENCE North 00 degrees 01 minutes 45 seconds East parallel with said East line a distance of 200.00 feet to said North line; THENCE North 00 degrees 01 minutes 45 seconds East parallel with the East line of said Northwest Quarter of the Southeast Quarter a distance of 400.00 feet to a point being 400 feet North of the South line of said Northwest Quarter of the Southeast Quarter; THENCE North 89 degrees 58 minutes 17 seconds East parallel with said South line a distance of 400.00 feet to said East line; THENCE South 00 degrees 01 minutes 45 seconds West along said East line a distance of 400.00 feet to the Southeast Corner of said Northwest Quarter of the Southeast Quarter; THENCE North 89 degrees 58 minutes 17 seconds East along the North line of said Southeast Quarter of the Southeast Quarter a distance of 100.65 feet to the East line of the West 100.65 feet of said Southeast Quarter of the Southeast Quarter, being the centerline of 7th Street; THENCE South 00 degrees 01 minutes 45 seconds West along said East line, also being said centerline of 7th Street, a distance of 200.00 feet to a point being 200.00 feet South of said North line; THENCE South 89 degrees 58 minutes 17 seconds West parallel with said North line a distance of 100.65 feet to THE POINT OF BEGINNING.

SUBJECT TO Easements, Rights, and Restrictions of Record.

Having an area of 5.97 acres more or less.

SURVEYOR'S NOTE: No field measurements were made. The bearings and distances shown and used to determine the dimensions shown in the legal description here are based on the series of Recorded Plats "Country Trail Homesites No. 2 through No. 4". These recorded Plats are prima facie evidence of the measurements of the Southeast Quarter of Section 10. The only Aliquot sub divisional line shown on these recorded Plats, was the East line of the West Half of the Southeast Quarter of Section 10. All other Aliquot lines were based on theoretical breakdown of the Southeast Quarter of Section 10.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE PREPARED THIS SKETCH FOR A PROPOSED LAND DIVISION BEING LOCATED IN THE SOUTHEAST QUARTER OF SECTION 10 OF OSHTEMO TOWNSHIP OF KALAMAZOO COUNTY, MI., THAT THE BEARING AND DISTANCES SHOWN ARE BASED ON USING THE RECORDED MEASUREMENTS OF THE SOUTHEAST QUARATER AS SHOWN ON THE RECORDED PLATS OF COUNTRY TRAIL HOMESITES NO. 2-4.

STATE OF MICHIGAN
DONALD C. ANDREWS
PROFESSIONAL SURVEYOR
NO.

CLIENT: ROBERT GORHAM

LOCATION: SECTION 10 OF OSHTEMO TOWN
KALAMAZOO CO., MICHIGAN