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NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Thursday,
January 28, 2016
7:00 p.m.
AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes – January 14, 2016
6. Old Business
    a. Site Plan Ordinance Amendments
7. Any Other Business
    a. RR: Rural Residential District Amendments
    b. Density Definition
8. Planning Commissioner Comments
9. Adjournment

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF PUBLIC HEARING AND MEETING HELD JANUARY 14, 2016

PUBLIC HEARING: SPECIAL EXCEPTION USE (STARBUCKS TEMPORARY TRAILER) - CONSIDERATION OF THE APPLICATION OF STARBUCK'S COFFEE FOR A SPECIAL EXCEPTION USE TO USE A TEMPORARY TRAILER TO SERVE COFFEE, BEVERAGES AND LIMITED PREPACKAGED PASTRIES WHILE THE STORE IS BEING RENOVATED, WITHOUT USING AN OVEN OR WARMING PRODUCTS, FROM JANUARY 10, 2016 THROUGH FEBRUARY 8, 2016, PURSUANT TO SECTION 30.415 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT 5370 WEST MAIN STREET, KALAMAZOO, MI, WITHIN THE "C" LOCAL BUSINESS DISTRICT. PARCEL NUMBER 3905-13-255-060

AMENDMENT TO CONCEPT PLAN (OPEN SPACE DEVELOPMENT – HAMPTON COVE) - REQUEST TO ELIMINATE SIDEWALKS WITHIN THE HAMPTON COVE SITE CONDOMINIUM DEVELOPED UNDER THE OPEN SPACE COMMUNITY SPECIAL EXCEPTION USE. ORIGINALLY APPROVED IN DECEMBER 2005. PARCEL NUMBER 3905-15-310-027

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, January 14, 2016, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Pam Jackson, Vice Chair
Fred Antosz
Wiley Boulding, Sr.
Millard Loy
Dusty Farmer
Kimberly Avery

MEMBER ABSENT: Mary Smith

Also present were Julie Johnston, Planning Director; and James Porter, Township Attorney and one other person was in attendance.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order by Vice Chair Jackson at approximately 7:00 p.m. and the "Pledge of Allegiance" was recited.

AGENDA

Vice Chair Jackson asked for a motion to approve the agenda.

A motion was made by Mr. Antosz to accept the agenda as presented, and seconded by Mr. Loy. Vice Chair Jackson called for a vote on the motion. The motion passed unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Vice Chair Jackson asked if anyone wished to comment on a non-agenda item. There were no public comments on non-agenda items. Vice Chair Jackson moved to the next item on the agenda.

The Planning Director took the opportunity to introduce the newest Planning Commission member, Kimberly Avery. The other members welcomed her to the Commission.

APPROVAL OF THE MINUTES OF DECEMBER 10, 2015

The Vice Chair asked if there were any additions, deletions or corrections to the minutes of the meeting of December 10, 2015. Ms. Johnston noted that there were two corrections which needed to be made. Ms. Johnston said on page 11 of the minutes, the fifth paragraph, Mr. St. Johns' address should be as follows: 6462 Caddam Wood Avenue. She also noted on page 12 that the last paragraph under Attorney Porter's comments that the Water Overflow segment of that paragraph should read as follows:

> "Water Overflow: Buckham Highlands has a joint reciprocal drainage agreement with Sky King Meadows II and Sky King Meadows III."

Vice Chair Jackson asked if there were any other corrections. Hearing none, she called for a motion to approve the minutes, as amended.

Mr. Loy made a motion to approve the minutes of the December 10, 2015 meeting, as amended. Mr. Antosz seconded the motion. Vice Chair Jackson called for a vote on the motion, and the motion passed unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE (STARBUCKS TEMPORARY TRAILER) - CONSIDERATION OF THE APPLICATION OF STARBUCK'S COFFEE FOR A SPECIAL EXCEPTION USE TO USE A TEMPORARY TRAILER TO SERVE COFFEE, BEVERAGES AND LIMITED PREPACKAGED PASTRIES WHILE THE STORE IS BEING RENOVATED, WITHOUT USING AN OVEN OR WARMING PRODUCTS, FROM JANUARY 10, 2016 THROUGH FEBRUARY 8, 2016, PURSUANT TO SECTION 30.415 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT 5370 WEST MAIN STREET, KALAMAZOO, MI, WITHIN THE "C" LOCAL BUSINESS DISTRICT. PARCEL NUMBER 3905-13-255-060

Vice Chair Jackson said that the next item on the agenda was a public hearing for a special exception use for a Starbucks temporary trailer. She said the application from Starbucks was for the use of a temporary trailer to serve coffee, beverages and limited prepackaged pastries while the store was being remodeled. She noted that no oven or warming products would be used. The request was to install the temporary trailer for use between January 10 and February 8, 2016, pursuant to Section 30.415 of the Zoning Ordinance. The subject property is located at 5370 West Main Street, Kalamazoo, Michigan, within the "C" Local Business District. Parcel Number 3905-13-255-060. The Vice Chair asked to hear from the Planning Department.

Ms. Johnston submitted a report dated January 5, 2016, written by Ben Clark, Zoning Administrator, and the same is incorporated herein by reference. Ms. Johnston then took the Commission through a review of the Standards for Approval, pursuant to Sections 30.221 and 30.415 of the Zoning Ordinance. She concluded with a recommendation for approval with three proposed conditions. She said, in addition to those conditions, she would like to ask that the Commission include review and approval by the Fire Marshal after the temporary trailer was installed. Ms. Johnston concluded the report by suggesting that the Commission expand the time for the temporary trailer through the end of February because of the uncertainties associated with remodeling and reconstruction.

The Vice Chair asked if there would be any outdoor lighting of the trailer. Ms. Johnston said she thought the only lighting would be a single light at the trailer window.

Ms. Farmer asked if there was a bathroom in the trailer. Ms. Johnston indicated no. She said perhaps the staff would be able to continue to use the facilities in the existing building. She said if that was not possible, the staff would arrange to put a portable restroom on site.

Mr. Loy asked if there would be wastewater coming from the trailer. Ms. Johnston said she thought it would be handled like a food truck. Mr. Loy said then they would have

to have a holding tank, and the tank would have to be pumped. Ms. Johnson said she believed that was correct.

Vice Chair Jackson asked if there was any comments from the public, and hearing none, called for Commission deliberations.

Mr. Loy said he thought the application was very straightforward and thought the request should be approved. He then made a motion to approve the special exception use permit subject to the conditions recommended by the Planning Director which were as follows:

1. Temporary directional signage should be located near both entrances to the subject property, indicating that only drive-through traffic should continue around the back of the building to its west side – all other motorists should exit to the east. If larger than two square feet in size, such signs would require a permit.

2. A line of traffic cones or similar guidance devices or barriers should be placed parallel to the trailer, delineating a temporary vehicle circulation aisle approximately 20 feet wide along the west side of the property. This arrangement will likely mean that some of the parking spaces along the west property line will be unavailable for patrons or other motorists to use throughout the duration of the project, and the control devices should be placed so that this restriction is readily apparent.

3. Given that the applicant will be offering drive-through service only, Staff is comfortable in not requiring that the applicant provide portable public restroom facilities. However, if the Planning Commission does require such a condition of approval, permit Township Staff to administratively review and approve the placement of the facilities.

4. The Fire Marshal review and approve the location of the temporary trailer after its installation.

5. Allow the trailer to remain on the site through the end of February.

Mr. Boulding, Sr. seconded the motion. Vice Chair Jackson asked if there was further discussion. Hearing none, she called for a vote on the motion. The motion passed unanimously.

AMENDMENT TO CONCEPT PLAN (OPEN SPACE DEVELOPMENT – HAMPTON COVE) - REQUEST TO ELIMINATE SIDEWALKS WITHIN THE HAMPTON COVE SITE CONDOMINIUM DEVELOPED UNDER THE OPEN SPACE COMMUNITY SPECIAL EXCEPTION USE. ORIGINALLY APPROVED IN DECEMBER 2005. PARCEL NUMBER 3905-15-310-027

Vice Chair Jackson indicated that the next item on the agenda was a request to eliminate sidewalks within the Hampton Cove Site Condominium development under the Open Space Community special exception use. She said this was originally approved in December of 2005. Parcel Number 3905-15-310-027.

Vice Chair Jackson called for a report from the Planning Director. The Planning Director submitted her report dated January 5, 2016, to the Planning Commission, and the same is incorporated herein by reference.

Ms. Johnston explained that Hampton Cove was approved in August of 2005, prior to any requirement for sidewalk development. She said that the project stalled during the housing crash of 2007-2008, but new construction was currently underway. However, she indicated the applicant would like to eliminate the installation of sidewalks due to concerns over storm water runoff to the wetlands to the east, as well as opposition from the current homeowners in the development.

The Planning Director then concluded her report with the following three possible alternatives for the Commission in response to the applicant's request.

1. Approve the request and remove the sidewalks from the development.

2. Require Sawgrass Lane to become one-way for the length of the circle drive. Stripe a 4-foot multi-use path on the asphalt along one side of the Lane, reducing the drive-isle to 20 feet in width.

3. Deny the request, maintain the original approval and require the 5-foot sidewalk on Sawgrass Lane.

She also noted that depending on the alternative they chose, they might have to address what would happen at the entrance before the circular drive.

The Vice Chair asked Ms. Johnston who would enforce the one-way provision if it was imposed. Ms. Johnston said it would be enforced most likely by signage.

Mr. Antosz asked how they would address parking in the street. Ms. Johnston said that could be problem, but again, could be addressed by limiting parking to one side of the street and appropriate signage.

Mr. Loy said that the Township had fought quite hard to get sidewalks, and he was in favor of a one-way street, with at least striping for a walk way, but he thought that the sidewalks should remain.

The Vice Chair asked if there were any plans for non-pedestrian pathways along M-43. Ms. Johnston said none were currently planned for that area. Ms. Johnston did note that the development was approved before sidewalks were required, and took the

Commission through an analysis of development where sidewalks were not required: Kellison Woods, Autumn View and Old Savannah. She also noted that environmental issues dealing with the impervious surface of the sidewalks was significant, given the proximity of the development to the wetlands.

Ms. Farmer asked what they might do with the entrance if they did away with the sidewalks within the development. Ms. Johnston said perhaps they could have a sidewalk at the entrance or simply dispense with the requirement for any type of non-motorized pathway in that area.

The Vice Chair then asked to hear from the applicant.

Mr. Argel Irish introduced himself to the Planning Commission. He said he appreciated the Commission taking time to review his request. He said one of the motivating factors in requesting the removal of the sidewalks was that the development was meant to be a more naturalized development. He noted that the building footprint for each of the sites was very limited and required the remainder of the property to remain in a natural state. He stated that putting in sidewalks was sort of counter-intuitive to the type of development that they were proposing. He said he felt pressured when they originally proposed the development because of the Planning Director's proposals regarding future development in the Township. He also noted that there was a system of rain gardens proposed to be installed to manage the storm water runoff and that sidewalks might compromise or at least increase the runoff to those rain gardens.

Mr. Irish added that the owners of the current homes in this development do not want sidewalks. He explained that if they had to develop the sidewalks within the site, that the sidewalks would be only nine or ten feet from the front door of most of the homes in the development. He also said that they were concerned about the wetlands and that adding any additional impervious surface would be counter-productive. He stated that the proposed rain gardens would likely not be as effective if they had to absorb the additional infiltration of water from the sidewalks.

Ms. Farmer asked about the gazebo on site. Mr. Irish indicated that it was there and that they would put in a wood-chip trail to access the gazebo. Ms. Farmer noted that people would likely walk within the community to get to that gazebo. Mr. Irish agreed, but said he did not think having a sidewalk or a striped trail would necessarily lead to people using that as the main method of access. He said he thought people would likely still walk in the street.

Mr. Boulding, Sr. said that he was not unduly concerned about dispensing with the sidewalks, given the very limited distance within the site. He asked what the distance was from the entrance to the exit of the site. Mr. Irish said he thought it was less than one-quarter mile.

Mr. Irish again noted that he did not want to put the sidewalks in 2005, but he felt pressured to because of what the Planning Department saw coming down the pipeline

for future development in the Township. He said that the site itself was likely to be a gated community in the not-to-distant future and so there certainly would not be any outside individuals accessing the site, especially on foot.

Vice Chair Jackson asked if there were any further questions of Mr. Irish, and hearing none, called for Commission deliberation.

Mr. Loy said that the Commission knew his stance.

Mr. Boulding, Sr. said he was in favor of dispensing with the sidewalks and putting in a designated striped area for pedestrian traffic.

Mr. Antosz said he agreed with Mr. Loy and that if a path was put in on the road that it be striped.

Vice Chair Jackson noted that this property was Rural Residential, and she would not oppose the striping, but she also saw the wisdom in reducing the impervious surface. She also noted that, even if they striped a particular area for pedestrian traffic, it would likely not enhance safety.

Mr. Loy asked if there was a rain garden for each lot. Mr. Irish said that there would be.

Ms. Avery asked if the building envelopes for Lots 1, 2 and 3 could be moved. Mr. Irish said that would be extremely difficult because Kalamazoo College had raised concerns over the possible damage to the wetlands to the east. Attorney Porter noted that Kalamazoo College had raised serious concerns over the development, and thought that changing any of the building envelopes would be problematic.

Ms. Farmer said that she thought they could dispense with the sidewalks because this was not the type of development that expected urban facilities. However, she said she was torn between simply dispensing with the sidewalks or requiring a one-way restriction on the road and a striped area for pedestrian traffic. She raised a concern regarding setting an undesirable precedent.

Attorney Porter said, if the Commission wished to dispense with the sidewalks and not set an unwanted precedent that the Commissioners' best option would be to make a finding that the developer was pressured to put in the sidewalk at the time of the original approval when no sidewalks were required by ordinance, and therefore, he should be granted relief.

Vice Chair Jackson asked for further discussion, and hearing none, called for a motion. Ms. Farmer <u>made a motion</u> to dispense with the obligation for the sidewalks because they were not a requirement at the time that the development was commenced. The <u>motion was seconded</u> by Vice Chair Jackson. The Vice Chair called for a roll call vote. The following Commissioners voted aye: Kimberly Avery, Dusty Farmer, Wiley

Boulding, Sr., and Vice Chair Jackson. The following voted nay: Millard Loy and Fred Antosz. The Vice Chair said the motion passed 4 to 2.

OLD BUSINESS

Vice Chair Jackson asked if there was any old business.

Ms. Johnston indicated that the Site Plan Review Ordinance Amendments were moved to the January 28, 2016 meeting to follow their new schedule of site development the first meeting of the month and other planning work the second meeting.

The Vice Chair also noted that there would be a joint meeting of all boards on Tuesday, February 16, 2016 at 6:00 pm.

The Vice Chair then asked a question as whether there would also be a Planning Commission meeting on February 25 because it was not on their calendar. Ms. Johnston said that there would be a meeting on February 25.

ANY OTHER BUSINESS

Vice Chair asked if there was other business.

a. Election of Officers – Chair, Vice Chair and Secretary.

Ms. Johnston requested the Planning Commission elect its officers. Attorney Porter noted that the Commission needed to elect a Chair, Vice Chair and Secretary. He said they could do that as a slate or individually.

Mr. Antosz then made a motion to make Pam Jackson the Chairman of the Planning Commission. The motion was seconded by Mr. Loy. Ms. Jackson said that due to the time constraints of her job and other commitments, she respectfully declined the position.

The Vice Chair then made a motion to appoint Millard Loy as Chairman of the Planning Commission. The motion was seconded by Ms. Farmer. The Vice Chair called for a vote on the motion. The motion passed unanimously.

Mr. Loy then made a motion to make Ms. Jackson Vice Chair. The motion was seconded by Ms. Farmer. Ms. Jackson again said she respectfully declined the position due to her other commitments.

Ms. Jackson then made a motion to appoint Mr. Antosz as the Vice Chair. The motion was seconded by Ms. Farmer. The Chair called for a vote on the motion, and the motion passed unanimously.

Mr. Loy then made a motion to elect Ms. Jackson as the Secretary of the Planning Commission. Mr. Antosz seconded the motion. A vote was held on the motion, and the motion passed unanimously.

b. Appoint Planning Commission Liaison to Zoning Board of Appeals.

The Vice Chair asked if Mr. Loy would continue to serve as the liaison of the Zoning Board of Appeals. Mr. Loy said that he had another year on the ZBA and would be happy to serve as the liaison to that Board. A motion was made by Ms. Farmer to continue Mr. Loy's representation as the Planning Commission liaison to the Zoning Board of Appeals. The motion was seconded by Vice Chair Jackson. The Vice Chair called for a vote on the motion, and the motion passed unanimously.

PLANNING COMMISSIONER COMMENTS/ADJOURNMENT

Ms. Jackson told the other Planning Commission members that she appreciated their votes of confidence, but that she simply did not have the time to serve in the Chairman position.

Vice Chair Jackson asked if there were any other issues.

Ms. Johnston asked the Planning Commissioners if they wanted to invite Mr. Schley to one of their meetings to acknowledge his past efforts on the Planning Commission. A suggestion was made to do that at the joint meeting of the boards, and all the members of the Planning Commission heartily concurred.

ADJOURNMENT

There being no further business, Mr. Loy made a motion to adjourn, which was seconded by Ms. Farmer. Upon vote on the motion, the motion passed unanimously. The meeting was adjourned at 8:05 p.m.

Minutes prepared:
January 19, 2016

Minutes approved:
_____

January 20, 2016

Mtg Date: January 28, 2016

To: Planning Commission

From: Julie Johnston, AICP

Subject: Proposed Site Plan Review Ordinance Amendments

At the December 10, 2015 Planning Commission meeting there was some discussion about the proposed Ordinance amendments. The concerns noted have been reviewed by Staff, as follows:

1. Concerns with the proposed language in the Purpose Statement, including the words "safe, efficient and environmentally sound." There was concern that it was too subjective and perhaps needed a definition to enforce. Also, the words "and to protect adjacent properties," were reviewed because of the concern of staff adversely utilizing this language to stop projects.

   The original suggested amendment was as follows:

   > **Furthermore, its purpose** is to provide for consultation and cooperation between the land developer and the Township ~~Zoning Board of Appeals~~ in order that the developer may accomplish ~~his~~ **their** objectives in the utilization of ~~his~~ **their** land within the regulations of this Zoning Ordinance, **and that the development is safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties and future development from substantial adverse impacts**. ~~with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity~~.

   As can be seen, the current language of the Ordinance (the ~~strike through~~ section) referenced adverse impacts on existing and future uses. In an examination of other ordinances within Kalamazoo County, this same language is utilized in Comstock Township, Kalamazoo Township and Texas Township. With this in mind, Staff recommends the following changes:

   > **Furthermore, its purpose** is to provide for consultation and cooperation between the land developer and the Township ~~Zoning Board of Appeals~~ in order that the developer may accomplish ~~his~~ **their** objectives in the utilization of ~~his~~ **their** land within the regulations of this Zoning Ordinance, **and** with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

2. It was indicated that building colors are not dictated by the Ordinance.

   The section in question is located in the General Requirements of the Site Plan ordinance. This section indicates what the applicant must provide on the site plan for review. Adding the requirement to include exterior building colors was an attempt to provide the Planning Commission and Zoning Board of Appeals with a clear picture of how the structure will look when it's built, but not to direct what those colors should be. Currently, the site plan review ordinance does not require elevations of

building structures, though they are often included in the plan set. The requested amended language is as follows:

> **Front, side and rear building elevations with all windows, lights, doors, screened roof equipment and exterior materials, including color, indicated;**

If the Planning Commission feels this is too burdensome, it can be easily removed from the amendments. It is not crucial to the development of the plan, but just an opportunity to have an understanding of the appearance of the final project.

3. There was a concern that requiring buildings/structures to be noted on the site plan within 100 feet of the site was too onerous. The suggested amendment language is as follows:

> **Location, height, and outside dimensions of all existing and proposed buildings or structures on the site, with setbacks and yard dimensions, and of all existing buildings and structures within 100 feet of the site;**

This was an attempt to help the Planning Commission and Zoning Board of Appeals understand the site in context with its neighbors. However, this is also not critical to the development of a site plan and could easily be removed.

4. There was also concern that some of the language was too technical. According to the December 10, 2015 minutes, these included water supply/sanitary sewer, soil erosion and lighting/photometrics.

The section of the requested amendments that deal with utilities and soil erosion currently has the following language:

(4) **Utilities, soil erosion, sedimentation control, and drainage:**

A. Location, size and design of existing and proposed service facilities above and below ground, including:

i. Water supply facilities including fire hydrants, water lines and mains.

ii. Location and type of drainage, sanitary sewers, storm sewers, and other utility mains and facilities including location of interior and exterior drains, dry wells, catch-basins, retention/detention areas, sumps and other facilities designed to collect, store and transport storm water or waste water;

iii. The point of discharge for all drains and pipes;

iv. Easements;

A. Grading plan showing existing and finished contours at a maximum interval of two feet;

B. Drainage plan showing storm lines, storm drains, retention and detention ponds, existing drainage courses, proposed method of site and roof drainage, soil erosion and sedimentation control.

After reviewing the suggested amendments and the Planning Commission's concerns with the Township Engineer, he recommended the following language:

(4) Utilities, soil erosion, sedimentation control, and drainage:

A. Grading plan showing existing contours at a maximum interval of one foot;

~~A~~ **B**. Location, size and design of existing and proposed service facilities above and below ground, including:

v. Water supply facilities, including fire hydrants, water lines and mains;

vi. Sanitary sewer facilities;

vii. ~~Location and type of drainage~~ **Natural and engineered drainage by location type (e.g. natural drainage courses,** ~~sanitary sewers~~, storm sewers, and other utility mains and facilities**)** including location of interior and exterior drains, dry wells, catch-basins, retention/detention areas, sumps and other facilities designed to collect, store and transport storm water ~~or waste water~~;

viii. The point of discharge for all drains and pipes;

ix. Easements;

C. Drainage management plan with design calculations showing drainage courses and proper management to direct runoff of impervious surfaces and roof drains.

He felt this language better reflects what is needed to ensure the proper engineering of a site, as well as helping to safeguard that the Stormwater Management Ordinance under Section 78 of the Zoning Ordinance is met. The reference to soil erosion and sedimentation control was removed from the language because this permitting process is handled through Kalamazoo County. The Zoning Administrator ensures these permits, if necessary, are obtained at the time when a building permit is issued by the Kalamazoo Area Building Authority.

With regard to lighting, details of lighting fixtures and photometric plans are necessary to ensure that the requirements of Section 78.720: Outdoor Lighting Standards are met, which requires the following:

> 78.720(h): A site lighting plan for uses requiring site plan review shall be submitted and shall provide the following information:
>
> (1) Proposed location on premises of all outdoor light fixture(s).
> (2) Description of illumination devices, fixtures, lamps, supports, reflectors and other devices (e.g., fixture type, mounting height, wattage).
> (3) Photometric data of illumination cast on horizontal surfaces. Vertical photometric data may be required.
> (4) Illumination level data for all building, vertical architectural and landscaping lighting proposed.

5. Finally, there was a concern about the legality of requiring professional seals for work professionals did not personally perform. The current amended language is as follows:

D. Seal of the architect, engineer, surveyor or landscape architect;

The intent of this amended section was to require the architect, engineer, surveyor or landscape architect to seal those portions of the plan in which they are responsible. In a review of some other ordinances, Staff found the following language:

- City of Kalamazoo - Professional seal, signature, address and telephone number of firms/professionals involved in preparation of the site plan.

- Comstock Township - For those buildings, uses, or facilities that are primarily for purpose of education, employment, housing (other than a privately owned one-family or two-family dwelling), government, assembly of public or private groups, or for the sale, rental or production of goods or services, the site plan shall be prepared by or under the supervision of a professional engineer, architect, architectural engineer, or land surveyor licensed or registered by the State of Michigan. The site plan shall contain the name and firm address of the professional engineer, architect, architectural engineer, or land surveyor responsible for the preparation of the site plan, and the professional seal and signature of that person.

- City of Kentwood - Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared the drawings.

- Washtenaw County - All plans submitted for review must be prepared and sealed by a Professional Engineer licensed to practice in the State of Michigan. All correspondence concerning the design of the site will be directed to the Engineer whose seal appears on the plan. The name, address, and telephone number of the Owner and Engineer shall be shown on the plan.

The seal indicates that a plan was prepared by or under the personal supervision of a professional. For example, the engineer assumes responsibility for the plan and is answerable for the quality of the work. Engineers, architects, surveyors and landscape architects all have the ability to be licensed with the State of Michigan to sign plans. To address the issue of a professional signing for work they did not complete, we could alter the language to include the following:

D. Seal of the architect, engineer, surveyor or landscape architect for those sections of the plan set in which they are responsible;

These changes have not been incorporated into the amended Site Plan Review ordinance language. If the Planning Commission wants to include any of the recommended changes outlined in this memo, we can incorporate them after discussion at the January 28th meeting. I look forward to continuing our review of the section of Zoning Ordinance.

Attachments: December 10, 2015 meeting staff memo
Site Plan Review Ordinance amendments

November 25, 2015

Mtg Date: December 10, 2015

To: Planning Commission

From: Julie Johnston, AICP

Subject: Proposed Site Plan Review Ordinance Amendments

In order to more clearly define the site plan review process, staff has developed some proposed amendments for the Planning Commission's review. The intent of the proposed changes is to be more specific with regards to the types of development that require site plan review and the process under which the plans will be reviewed. The major changes requested include:

1. The Purpose Statement was amended to include the requirement that the development be safe, efficient, and environmentally sound and designed to protect adjacent properties.

2. The "Scope" section of the ordinance was changed to "Applicability" and defined information was provided as to what types of developments require site plan review and who is the approving body. The current ordinance speaks more to who is exempt from the process. The requested change details to whom the ordinance applies. A table was included for ease of use.

3. The Subdivision/Site Condominium section of the ordinance was changed to indicate that these types of developments have a separate review process through the General Ordinances of the Township. As outlined in Part 290, subdivisions and site condominiums must go through the tentative preliminary plan, final preliminary plan and final project plan process.

4. The Application Procedures were enhanced to detail the internal process for review and that only a complete site plan will be forwarded to the Zoning Board of Appeals or Planning Commission for review. This provides some flexibility to staff to deviate from our internal five week process of review if the applicant is not responsive, in a timely manner, with requested changes to the plan. In addition, the requirements for what should be included on a site plan were augmented. Many of these details are currently shown on plans through staff requests, but the existing ordinance did not clearly require there inclusion.

5. The organization of the overall ordinance was modified to generally follow the steps of the site plan review process.

Planning Department staff reviewed the requested changes with the Township Attorney. Modifications were made based on his input. Copies were also sent to the Township Engineer and Zoning Enforcement Officer, who were satisfied with the requested changes. Planning staff is requesting the Planning Commission's review of the proposed changes for discussion at the December 10th meeting.

82.000 - SITE PLAN REVIEW

82.100 - Purpose.

The purpose of this article is to require the review of those documents or drawings as specified herein, to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes. ~~The intent of this Section~~ **Furthermore, its purpose** is to provide for consultation and cooperation between the land developer and the Township ~~Zoning Board of Appeals~~ in order that the developer may accomplish ~~his~~ **their** objectives in the utilization of ~~his~~ **their** land within the regulations of this Zoning Ordinance, **and that the development is safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties and future development from substantial adverse impacts**. ~~with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity~~.

82.200 – Applicability. ~~Scope~~

a) Prior to the establishment of a use, addition to an existing use, or the erection of any building, a site plan shall be submitted to and approved by the Township in accordance with the procedures of this section, and the development requirements of this and other applicable ordinances.

b) The Township shall not approve the issuance of a building permit until a site plan, where required, has been approved and is in effect. Obtaining site plan approval does not guarantee issuance of a building permit.

c) No grading, removal of trees or other vegetation, landfilling, installation of utilities, or other construction improvements shall commence for any development which requires site plan approval until a site plan is approved and is in effect, except as permitted by this ordinance or by Section 78.610.

d) Site plan review shall be required for the activities or uses listed in the table below. The Planning Commission, Zoning Board of Appeals, or Planning Department through Administrative Approval shall have the authority to review and to approve, approve with conditions, or deny site plan applications as provided in this section, in accordance with the table below. If all site plan application requirements are met, the site plan shall be approved, approved with conditions, or denied within 60 days of receipt of the completed application.

e) The Planning Director shall have the discretion to forward any site plan submitted for administrative approval to the Zoning Board of Appeals for final determination.

f) If administrative approval is denied, the applicant may appeal the decision to the Zoning Board of Appeals.

Activity/Use	Administrative Review	Zoning Board of Appeals	Planning Commission	Township Board
NEW CONSTRUCTION				
Open Space Developments			Approve	
Planned Unit Developments (PUD)			Approve	
Multi-Family Developments/Buildings		Approve in R-4 District	Approve in R-3 District	
Mobile Home Community			Recommend	Approve
Any Nonresidential Building, Structure or Use (unless Special Exception Use)		Approve		
Special Exception Uses			Approve	
EXPANSION/MODIFICATION TO EXISTING BUILDING				
Alteration or expansion involving less than one-fourth of the floor area of an existing structure or is no greater than 2,000 sq. ft. whichever is less	Approve			
Alteration or expansion involving more than one-fourth of the floor area of an existing structure or is greater than 2,000 sq. ft.		Approve		
Expansion/Intensification of a Special Exception Use			Approve	
CHANGE IN USE				
Reuse of an existing building where no building expansion is proposed, if the Planning Director determines the new use is similar or less intense in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external effects	Approve			

Activity/Use	Administrative Review	Zoning Board of Appeals	Planning Commission	Township Board
Change of land or building to a more intensive use, as determined by the Planning Director, that may involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site		Approve		
Change to a Special Exception Use			Approve	
Temporary uses, buildings and structures	Approve			
Change of use/occupancy of an individual suite within a Commercial Center	Approve			
ACCESSORY STRUCTURES AND SITE IMPROVEMENTS				
Accessory structures/buildings that are one-fourth the size of the principal building or less and does not affect other Zoning requirements	Approve			
Accessory structures/buildings that are one-fourth the size of the principal building or more and/or affect other Zoning requirements		Approve		
Outdoor storage, sales and display for more than one day			Approve	
Modification or expansion of existing off-street parking, stacking spaces or loading and unloading areas	Approve			
Construction, relocation or erection of signs, screening walls, fences, waste receptacles, sidewalks, lights, and poles	Approve			
Modifications to comply with accessibility requirements	Approve			

~~Except as hereinafter set forth, the Building Official shall not issue a building permit for construction or remodeling of any building, structures or uses and shall not issue any occupancy permits where a change in use of premises is involved until a Site Plan, submitted in accordance with the Township Zoning Ordinance, shall have been reviewed and approved by the Zoning Board of Appeals or where specified hereunder by the Planning Commission.~~

~~The following buildings, structures, or uses shall be exempt from the aforesaid Site Plan Review and procedure:~~

~~(a) Single- or two-family dwellings under separate ownership and each on a separate lot, parcel or building site.~~

~~(b) Accessory and subordinate buildings requiring no new or additional means of access thereto from adjoining public roads or highways not higher or larger than existing buildings on the site and complying with all Zoning Ordinance requirements subject to the option of the Building and Zoning Department to require Site Plan Review set forth under Section 82.400 following.~~

~~(c) Projects involving the expansion, remodeling or enlargement of existing buildings which comply with all Zoning Ordinance requirements, involve no new or additional means of access thereto from adjoining public roads or highways, do not involve a change in the use of the premises and do not involve increasing the height of existing buildings nor an increase in the area thereof by more than one-fourth, subject to the option of the Building and Zoning Department to require Site Plan Review set forth under Section 82.400 following.~~

~~(d) Mobile home parks.~~

~~(e) Mobile homes or single- or two-family dwellings in a mobile home subdivision.~~

~~Condominium projects are not exempt from the Site Plan Review procedure.~~

~~(f) Essential services with or without buildings, subject to the option of the Planning Director or his/her designee to require Site Plan Review set forth under Section 82.400 following.~~

~~82.201 There shall be no change in occupancy of an individual suite within a Commercial Center until the change has received administrative review and approval by the Township.~~

~~82.300 - Review by Township Planning Commission.~~

~~Special exception uses, condominium projects, planned unit developments, and/or uses, buildings, or structures which require prior approval by the Township Planning Commission shall be submitted to the Planning Commission for Site Plan Review in lieu of submission of the Site Plan to the Zoning Board of Appeals which review by the Planning Commission shall be subject to the same standards as those governing review by the Zoning Board of Appeals.~~

~~82.310~~ **82.200**– Subdivision/**Site** Condominiums **under Open Space or Planned Unit Development Regulations** ~~- Review by Township Board and electronic copies of plans~~.

~~Condominium projects~~, **Open space** and planned unit developments involving **site** condominium**s** ~~units~~ **or subdivisions** shall require final approval by the Township Board following ~~site~~ **preliminary/conceptual** plan review and approval ~~of~~ **by** the Planning Commission. **Open space and planned unit developments involving site condominiums or subdivisions shall follow both the requirements of their respective Zoning Ordinance regulations, as well as the requirements of Part 290 of the General Ordinances, including the plan development requirements. The site plan review requirements of section 82.400 herein shall not govern the review process for open space or planned unit developments that include site condominiums or subdivisions.**

~~Following final approval by the Township Board and before a Certificate of Occupancy may be issued, the applicant shall furnish the Township hard copies on both paper and Mylar and a digital copy of the final approved site plan and as-built drawings of public water and sewer mains, prepared to scale. Digital copies shall be provided in AutoCAD (.dwg) or (.dxf) format. Digital copies may be submitted on 3 ½" disk or CD.~~

~~Each digital file shall include a minimum of two ties to Government Section Corners. Additionally, the following should be included and provided as their own unique layers in the electronic file: lot/unit numbers; dimensions; lot lines; boundaries; rights-of-way; street names; easements; section lines and section corners; utility lines; adjacent plat corners; and, other information deemed appropriate to the subject project.~~

~~82.400 - Building and Zoning Official referral~~. **(MOVED)**

~~The Building Official and Zoning Official shall have the right to deny a building permit or an occupancy permit to an applicant until Site Plan approval has been received from the Zoning Board of Appeals or Planning Commission, as the case may be, under Sections 82.200 (b) and (c) set forth where said official has any questions concerning the compliance of the proposed development with the Township Zoning Ordinance or its compatibility as proposed with existing developments or zoning classifications in the area.~~

~~82.500~~ **82.300** – Optional Sketch Plan Review.

Preliminary sketches of proposed site and development plans may be submitted for review to the ~~Zoning Board of Appeals~~ **approval body** prior to **the process for** final approval. The purpose of such procedure is to allow discussion between a developer and the ~~Zoning Board of Appeals~~ **approval body** to better inform the ~~developer of the acceptability of his~~ proposed plans prior to incurring extensive engineering and other costs which might be necessary for final Site Plan approval. Such sketch plans shall include, as a minimum, the following:

(a) The name and address of the applicant or developer, including the names and addresses of all officers of a corporation or partners of a partnership.

(b) A legal description of the property.

(c) Sketch drawings showing tentative site and development plans.

The ~~Zoning Board of Appeals~~ **approval body** shall not be bound by any **discussion which occurred during the optional sketch plan review or any** tentative approval given ~~at this time~~.

~~82.600~~ **82.400** – Application Procedure.

Requests for ~~final~~ Site Plan Review shall be made by filing with the Township ~~Clerk~~ **Planning Department. T**he following **information shall be required**:

(a) **Application:**

(1) A review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.

~~(b)~~ (2) One copy of the completed application form for Site Plan Review which shall contain, as a minimum, the following:

A. The name and address of the applicant.

B. The legal description of the subject lot, parcel or building site.

C. The area of the lot, parcel or building site in acres or, if less than one acre, in square feet.

D. The present zoning of the subject lot, parcel or building site.

E. A general description of the proposed development.

F. The environmental permits checklist.

G. The hazardous substance reporting form for site plan review.

~~(c)~~ (3) ~~Three~~ **C**opies of the proposed site plan ~~and landscaping plan~~**, the number of which to be determined by the Township Planning Department.** ~~which shall include as a minimum~~:

(b) **Process: Upon receipt of a site plan application and supporting data, the Planning Department shall:**

(1) Review the site plan application for completeness.

(2) Forward the site plan application and all supporting data to the Fire Department, Parks Department, Township Engineer and Township Legal Counsel who shall review the materials and return written comments to the Planning Department.

(3) Notify the applicant in writing of the comments received or if the site plan is incomplete. Incomplete applications and site plans may not be submitted to the Zoning Board of Appeals or Planning Commission.

(4) If revised plans are required, the applicant shall submit within the time frame provided by the Planning Department. Planning staff will determine which Township departments require a second review. Any final comments will be provided to the applicant prior to Zoning Board of Appeals or Planning Commission meeting.

(5) ~~A hearing shall be scheduled by the Chairman of the reviewing body for a review of the Application and Plans as well as the recommendations of the Township Engineer, the Township Fire Department, and the Township Planning Department~~. **The Planning Director shall schedule the final application and plan on the next available Planning Commission or Zoning Board of Appeals meeting**. Members of the reviewing body shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than ~~45~~ **60** days following the date of the receipt

of the plans and application by the ~~Township Clerk~~ **Planning Department**. ***(Moved from 82.715)***

(6) The applicant shall be notified of the date, time and place of the hearing ~~on his application~~ not less than ~~three days~~ **one week** prior to such date. ***(Moved from 82.720)***

(c) **Site Plan: A site plan shall consist of an overall plan for the entire development drawn on 24" by 36" paper and drawn to a scale of no less than 1" = 50'. The Planning Department may request copies of all plans and drawings at a reduced size format. The site plan shall contain all of the materials and information listed below to be considered complete to begin the review process for submission to the Zoning Board of Appeals or Planning Commission, unless deemed unnecessary by the Planning Department:**

(1) General Requirements:

A. The date, name and address of the preparer;

B. Project title;

C. Location map with the north point indicated;

D. Seal of the architect, engineer, surveyor or landscape architect;

E. Zoning classification of the proposed parcel and all adjacent parcels;

F. Percentage of land covered by buildings and that reserved for open spaces;

G. All interior and exterior areas to be used for the storage, use, loading/unloading, recycling or disposal of hazardous substances.

(2) Access and Circulation. Site plans must include dimensioned drawings of all existing a proposed:

A. ~~Location of~~ **P**ublic and private easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned;

B. Acceleration, deceleration, passing lanes and approaches; dedicated road or service drive locations; proposed locations of driveways, access drives, street intersections; driveway locations on opposite frontage; dimensioned fire lanes, including curve radii; and surfacing materials.

C. Parking spaces, circulation aisles, off-street loading/unloading area, stacking spaces, and surfacing materials;

D. Location and width of sidewalks.

(3) Buildings and Structures:

A. Location, height, and outside dimensions of all existing and proposed buildings or structures on the site, with setbacks and yard dimensions, and of all existing buildings and structures within 100 feet of the site;

B. Front, side and rear building elevations with all windows, lights, doors, screened roof equipment and exterior materials, including color, indicated;

C. Dwelling unit density where pertinent;

D. Rubbish disposal facilities with elevation details of the enclosures;

E. Location of signs, if determined;

F. All existing or proposed underground and above-ground storage tanks;

(4) Utilities, soil erosion, sedimentation control, and drainage:

A. Location, size and design of existing and proposed service facilities above and below ground, including:

i. Water supply facilities including fire hydrants, water lines and mains.

ii. Location and type of drainage, sanitary sewers, storm sewers, and other utility mains and facilities including location of interior and exterior drains, dry wells, catch-basins, retention/detention areas, sumps and other facilities designed to collect, store and transport storm water or waste water;

iii. The point of discharge for all drains and pipes;

iv. Easements;

B. Grading plan showing existing and finished contours at a maximum interval of two feet;

C. Drainage plan showing storm lines, storm drains, retention and detention ponds, existing drainage courses, proposed method of site and roof drainage, soil erosion and sedimentation control.

(5) Landscaping Plan. Location and description of all:

A. ~~A~~ **L**ine**s** demarcating the limits of land clearing on a site. Land clearing shall be limited to that needed for the construction of buildings, structures, parking lots, street right(s)-of-way, drainage and utility areas, other site improvements, and any grading necessary to accommodate such construction;

B. Natural features including the location of woodlots, wetlands, marshland, streams, lakes, drain basins, water courses, flood plains and similar features; location and species of trees >12" in diameter as measured at four feet above the ground within the proposed development area of the site;

C. Soil characteristics of the site at least to the detail provided by the U.S. Soil Conservation Service;

D. Pedestrian walks, malls and recreation areas;

E. Proposed landscaping, including berms, buffers, screens and greenbelts, lawns, shrubs, and other live plant materials;

F. Screening walls and fences, including dimensions, materials and details;

G. Method of irrigation, if applicable.

(6) Lighting Plan

A. Location and detail of on-site illumination;

B. Photometric plan.

(7) Any additional material information necessary to consider the impact of the project upon adjacent properties, the general public, and the environment, as may be demanded by the

~~Township building and zoning official~~ **Planning Department, Planning Commission** or the Zoning Board of Appeals.

(d) ~~The Township Planning Department, Fire Department, and Engineer shall review the proposed site plan. The Planning Department will compile their comments and submit them to the applicant. The applicant shall submit 12 copies of a revised proposed site plan for applications requiring review by the reviewing body and three copies of a revised proposed site plan for applications requiring administrative review.~~

~~82.700~~ **82.500** – Action on Application and Plans.

~~82.710 Upon receipt of the Application and Revised Plans, the Township Clerk shall record the date and transmit seven copies to the Chairman of the reviewing body, two copies to the Township Planning Department, one copy to the Township Fire Department, and one copy to the Township Engineer.~~

~~82.715 A hearing shall be scheduled by the Chairman of the reviewing body for a review of the Application and Plans as well as the recommendations of the Township Engineer, the Township Fire Department, and the Township Planning Department. Members of the reviewing body shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than 45 days following the date of the receipt of the Plans and Application by the Township Clerk.~~

~~82.720 The applicant shall be notified of the date, time and place of the hearing on his application not less than three days prior to such date.~~

(a) ~~82.725~~ Following the hearing, the **Planning Commission or** Zoning Board of Appeals shall have the authority to approve, disapprove, or modify the proposed plans in accordance with the purpose of the Site Plan Review provisions of the Township Zoning Ordinance and criteria therein contained. Any required modification shall be stated in writing, together with the reason therefor, and delivered to the applicant. The **Planning Commission or** Zoning Board of Appeals may either approve the plans contingent upon the required modifications, if any, or may require a further review after the same have been included in the proposed plans of the applicant. **If further review is required, t**he decision of the **Planning Commission or** Zoning Board of Appeals shall be made by said Board within ~~100~~ **120** days of the receipt of the Application by the ~~Township Clerk~~ **Planning Department**.

(b) ~~82.730~~ Two copies of the approved final Site Plan with any required modifications thereon shall be maintained as part of the Township records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by ~~the Chairman of~~ the **Planning Commission or** Zoning Board of Appeals for identification of the final approved plans. If any variances from the Zoning Ordinance have been obtained from the **Zoning** Board of Appeals, the minutes concerning the variance, duly signed, shall also be filed with the Township records as a part of the Site Plan and delivered to the applicant for ~~his~~ information and direction.

~~82.800~~ **82.600** – Criteria for Review.

In reviewing the application and site plan and approving, disapproving or modifying the same, the **Planning Commission or** Zoning Board of Appeals shall be governed by the following standards:

(a) There is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to ensure the safety and convenience of pedestrian and vehicular traffic. Access for all sites located on an "arterial" or "collector" (as those terms are defined in the Access Management Plan) shall comply with the provisions of Section 67.000, the Access Management Guidelines, and be designed in consideration of the provisions of the Access Management Plan.

(b) That the buildings, structures, and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.

(c) **That pedestrian access is considered on the site and within the site for ease of access to the development and that Township Standard Specifications for Sidewalks are met.**

(d) That as many features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters. Judicious effort shall be demonstrated to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.) and natural drainage patterns to the greatest extent feasible.

(e) That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.

(f) That all provisions of the Township Zoning Ordinance **and General Ordinances, as required,** are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

(g) That the height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.

(h) That the plan will not result in any additional run off of surface waters onto adjoining property.

(i) That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area, its peculiar suitability for uses and the general and appropriate trend and character of land, building and population development.

(j) That the plan as approved is consistent with the Ground-water Protection Standards in Section 69 of the Ordinance.

~~82.900~~ **82.700** – Conformity to approved Site Plan.

(a) Approval of the Site Plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within

said one year, the Site Plan approval shall become void and new approval obtained before any construction or earth change is commenced upon the site.

(b) Property which is the subject of Site Plan approval must be developed in strict compliance with the approved Site Plan and any approved amendments thereto or modifications thereof pursuant to Section ~~82.925~~ **82.800**. If any site is not developed in compliance with said Site Plan, the approval shall be revoked. Notice of such revocation shall be made by written notice by the Township to the developer at the last known address. Upon revocation of Site Plan approval, no further construction activities may be commenced upon the site other than for the purpose of correcting any violations.

(c) The Township may, upon proper application by the developer and in accordance with the procedure established in this ordinance, approve a modification to the Site Plan to coincide with the developer's construction, provided such construction satisfies the criteria placed upon the previously granted Site Plan approval and the Zoning Ordinance.

(d) At least one complete set of record construction drawings signed by a licensed architect, engineer, landscape architect, or contractor shall be submitted to the Township **or its designee** at the time of application for a Certificate of Occupancy or, in the case of residential developments before a Building Permit may be issued.

These drawings shall indicate any changes **approved by the Township** to the original site plan. Additionally, the correct location, size, etc. of any preexisting utilities or facilities shall be specified.

~~82.925~~ **82.800** – Amendment to Site Plan.

Once Site Plan approval has been granted by the appropriate reviewing body, significant changes to the approved Site Plan shall require a resubmission in the same manner as the original application except as provided herein.

~~Minor changes to an approved Site Plan, at the discretion of the Planning Director, may be administratively reviewed and approved provided such modifications comply with the criteria contained in the Site Plan approval and with the spirit, purpose and intent of the Township Zoning Ordinance.~~

The Planning Director may approve minor changes in a final site plan that has been approved by the Planning Commission or Zoning Board of Appeals, upon the submittal of a revised site plan in accordance with the following:

(a) Those items outlined in section 82.200 under Administrative Approval.

(b) Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provide a similar screening effect on an equal or greater basis.

(c) Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, but not the addition of new driveways.

(d) Changes of building materials or design, fencing, screening, or site amenities which will result in a higher quality development, as determined by the Planning Department.

(e) Slight modification of sign placement.

(f) Changes required or requested by a county, state or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.

(g) Situations the Planning Director deems similar to the above that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.

~~82.950~~ **82.900** – Performance guarantee.

The Township Zoning Board of Appeals or the Township Planning Commission, as the case may be, shall have the right and authority to require the applicant to file a performance guarantee as a condition of site plan approval.

Additionally, when the full development of the site in accordance with the approved Site Plan cannot be finalized prior to application for occupancy subsequent to the completion and approval of all aspects of the building permit, and a performance guarantee has not already been provided for the subject site improvements or project, the Planning Director of the Township may approve occupancy conditioned upon the provision of a performance guarantee.

Such guarantee may take the form of an irrevocable letter of credit, or cash escrow, or performance bond. Such amount of the guarantee shall be the equivalent of the estimated cost of the improvements or project as submitted by the applicant and verified by the Planning Director. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements or the project. In all instances, the amount shall be adequate to insure the development of the site in accordance with the approved plans therefor.

Such guarantee, if required, shall continue for the duration of the construction and development of the site and until all conditions are satisfied.

Upon request, the Township shall provide for the rebate of any cash escrow or allow for a reduction in the value of a letter of credit or performance bond filed in this connection in reasonable proportion to the ratio of the work completed on the improvements for which the guarantee was required. The amount remaining on deposit shall still provide reasonable security for the completion of the unfinished improvements applicable to the deposit and in no instance be less than 10% the amount of the original performance guarantee until all the site improvements or the project are fully completed.

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing said improvements against the performance guarantee, including any interest accrued on said guarantee. The Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements 30 days prior to the commencement of said completion.

January 20, 2016

Mtg Date: January 28, 2016

To: Planning Commission

From: Julie Johnston, AICP

Subject: RR: Rural Residential District
Density Calculations

The development and approval of the RR: Rural Residential District took place in late 2001 and early 2002. The district was developed in response to a Master Plan update that understood the decline of agricultural needs in the community while still wanting to maintain "rural" character. It also took in to account the areas of the Township where growth and the availability of public infrastructure was most probable. An excerpt from the Planning Commission Public Hearing minutes for the zoning ordinance amendment, which took place on December 6, 2001, is as follows:

> *"It was noted that the Agricultural-Rural District is being amended to the Rural Residential District, including an amendment of Statement of Purpose and amendment to some of the permitted and special uses. The District, as amended, would implement the Master Land Use Plan, which envisions a differentiation between residential densities in the western half of the Township verses vs. the eastern half of the Township. The Rural Residential District would facilitate preservation of Oshtemo's rural character by encouraging use of open space community provisions as opposed to the traditional platting process. It was anticipated that 80% of the properties now zoned in the "AG-Rural zoning district would remain part of the Rural Residential District."*

An interesting component of this paragraph includes the encouragement of open space community provisions. Section 60.500: Open Space Community of the Special Exception Use ordinances does allow open space development within the RR: Rural Residential District. However, the majority of subdivisions and site condominiums within the RR District are not developed under the open space provisions. From our investigation, there were 13 plats and/or site condominiums approved within the RR District since the inception of the Open Space Community ordinance in 1995. Of these, only four were developed as open space projects.

In addition, the Master Land Use Plan for the Township indicates that the Rural Residential District should be developed at a low density that preserves rural character. The Plan indicates the following:

> *"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.)*

Desired Future Development Pattern:

- *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"*

The Plan very clearly indicates that while public utilities, specifically public water, have been provided in portions of the Rural Residential area (down West Main Street), it was not done to spur development but to resolve a specific environmental problem. But, the Township Zoning Ordinance is contradictory to this statement because density in the RR District depends on whether a site has public water. The current Ordinance language states:

66.201

District	Dimensional Requirements	
RR	Parcels	
	Area Requirements:	1.5 acres
	Minimum Frontage:	200 feet
	Lot, building sites	
	With water:	density of 1.5 dwelling units per acre
	Without water:	density of 1.0 dwelling unit per acre
	Median width:	100 feet

Essentially, if your site has public water and you either subdivide or develop a site condominium, a density of 1.5 dwelling units per acre is allowed. As an example, a parcel with a total of 30 acres would be allowed to build 45 units if the site topography allowed. This calculation is based on gross acreage for the site because currently the Township Zoning Ordinance does not define density or how it is calculated.

In an effort to better support the Oshtemo Township Master Land Use Plan and the original intent when the RR: Rural Residential District was first adopted, Staff recommends the following change to Section 66.201 of the Area Requirements:

66.201

District	**Area/Frontage**	Dimensional Requirements
RR	Parcels, **lots and building sites**	
	Area Requirements:	1.5 acres
	Minimum Frontage:	200 feet
	Lots, building sites **developed under Section 60.500: Open Space Community**	
	Area Requirements:	**Density of 1.0 dwelling unit per acre**
	~~with water:~~	~~density of 1.5 dwelling units per acre~~
	~~without water:~~	~~density of 1.0 dwelling unit per acre~~
	Minimum Frontage:	~~100~~ feet **As approved by the Planning Commission**

This change would allow subdivision and site condominiums to develop with a requirement that each lot be at least 1.5 acres unless the project develops under the Open Space Community Special Exception Use. Utilizing the same 30 acre hypothetical site, the following development would occur:

- 30 dwelling units per acre allowed
- 40 percent of the site for open space = 12 acres
- 20 percent of the site for infrastructure = 3.6
- Acreage available for homes = 14.4
- Average lot size = Approximately 20,900 square feet or close to half an acre

Under the current ordinance, if public water was available, this same site would be able to develop 45 units. Under the recommend changes, the total number of units have been reduced and 12 acres of land has been saved in its natural setting.

An additional consideration for the RR: Rural Residential District is how the Township wishes to calculate density. Residential density can be calculated based on gross acreage or on net acreage. Currently, all density in the Township is based on gross acreage. For example, Tuscany East is a plat that was recently approved by the Township Board under Step 2 of the subdivision process. This development is within the RR District, does not have water, and has a total of 25.98 acres. The project was approved with 25 lots, or one dwelling unit per acre. However, the lots on the site are not one acre in size because of the acreage that is required to be set aside for streets, detention ponds, etc.

If this same development had been required to equate density on net acreage, the streets, sidewalks and detention pond acreage would have been subtracted from the total first. Then the density would have been determined by the acreage that was left. In a standard subdivision, infrastructure takes up about 25 to 30 percent of the development. In Tuscany East, that would have totaled approximately 6.5 acres.

If density was then based on 19.48 acres as opposed to 25.98, a total of 19 to 20 lots would have been developed, five to six less than currently allowed.

(For an open space development, Staff utilized 20 percent of the site for infrastructure in the example above because some elements, like natural swales used for drainage, may be allowed in the acreage set aside as open space.)

The only time density calculations are important in the Zoning Ordinance is in the RR: Rural Residential District. If the Planning Commission decides to approve the recommended changes as noted above, basing density on gross acreage remains the best way to allow the maximum use of land. Changing to net density under this scenario would severely limit density allowances because 40 percent of the acreage is already set aside for open space.

If the Planning Commission wishes to keep the current Ordinance requirements or some variation thereof where density is based on public water, Staff would recommend incorporating a definition in Section 11: Definitions that density is based on net acreage. The following definition could be considered:

> **Density, Residential – density shall be calculated on the net acreage of a site, excluding the area needed for infrastructure such as street easements, drainage or detention ponds, or similar infrastructure needs.**

Net density is recommended as a way to reduce the total number of lots developed on a site and hopefully allow for more of the natural environment to be preserved.

Planning Department staff reviewed the requested changes within the RR: Rural Residential District with the Township Attorney, who indicated support of the changes. Planning staff is requesting the Planning Commission's review of the proposed changes for discussion at the January 28th meeting.

Subdivision / Site Condominiums in the RR: Rural Residential District

Project Name	Year Approved	Subdivision	Site Condo	Open Space
Maple Hill Estates	1954	X		
Twelve Oaks No. 1	1971	X		
Chadds Ford	1977	X		
Nature Way	1979	X		
Springwood Hills	1980	X		
Maple Hill Estates No. 2	1981	X		
Springwood Hills No. 2	1983	X		
Springwood Hills No. 3	1987	X		
Wickford	1988	X		
Forest Glen Estates	1990	X		
Springwood Hills No. 3	1990	X		
Greystone	1991	X		
Twelve Oaks No. 2	1992	X		
Forest Creek	1993	X		
Oshtemo Valley	1995	X		
Pondview Estates	1995	X		
Oak Park	1997		X	
Stratford Hills	**1997**		**X**	**X**
Turtle Cove	1997		X	
Wedalyn Woods	2000	X		
Autumn View	**2001**		**X**	**X**
Pine Acres	**2001**		**X**	**X**
Hampton Cove	**2005**		**X**	**X**
Heritage Pines	2006	X		
Tuscany	2006	X		
Western Woods	2007	X		
Tuscany East	2015	X		