

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

MINUTES OF SPECIAL MEETING HELD JANUARY 30, 1997

Agenda

KLERK - "H" AVENUE RESIDENTIAL OPEN SPACE COMMUNITY - SPECIAL EXCEPTION USE/SITE PLAN REVIEW

NEIGHBORHOOD COMMERCIAL

A special meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, January 30, 1997, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

Members Present: Wilfred Dennie, Chairperson
 Lara Meeuwse
 Ted Corakis
 Millard Loy
 Ken Heisig
 Marvin Block

Member Absent: Anna Reddy

Also present were Rebecca Harvey, Planning and Zoning Department, Patricia R. Mason, Township Attorney, and seven (7) other interested persons.

CALL TO ORDER

The Chairperson called the meeting to order at 7:04 p.m.

AGENDA

The Chairperson suggested adding, under "Other Business," a discussion of the agenda for the joint meeting between the Planning Commission, Township Board and Zoning Board of Appeals. Mr. Corakis moved to approve the agenda as amended, and Mr. Heisig seconded the motion. The motion carried unanimously.

KLERK - "H" AVENUE RESIDENTIAL OPEN SPACE COMMUNITY - SPECIAL EXCEPTION USE/SITE PLAN REVIEW

The Planning Commission was next to consider the application of William Klerk, Jr., for special exception use/site plan review of the proposed Klerk "H" Avenue Residential Open Space Community consisting of 56 total building sites on approximately 54 acres. The Planning Commission will also conduct site plan review of the proposed site condominium pursuant to Section 82.300 of the Zoning Ordinance. The subject property is located on the south side of "H" Avenue approximately ½ mile east of North 6th Street and is within the "AG" Agricultural-Rural Zoning District classification.

The report of the Planning and Zoning Department is incorporated herein by reference. It was noted that the Planning Commission had reviewed the conceptual plan on October 24, 1996, and reached a consensus that the project meets the criteria for the Open Space Community with some revisions as necessary pursuant to Planning Commission comments.

Bob Cowell was present on behalf of the applicant. He exhibited a rendering of the plan and stated that the number of lots had been reduced to 51 from 56 since the conceptual plan review to accommodate on-site sanitary sewer and water. Further, a stormwater management plan had been completed. Lot #5 had been relocated to the cluster near the first cul-de-sac.

Mr. Cowell stated that all lots were a minimum of 22,000 sq. ft. and that the project involved approximately 45½% open space. With regard to stormwater retention, there was enough storage capacity in low areas to store stormwater runoff; there would be no need for further excavation. Additionally, there would be no additional runoff for property to the east. Further, in response to Planning Commission's comments, there was continuous open space around the entire perimeter of the property.

Mr. Block questioned the applicant with regard to area driveways, specifically with regard to the driveway on the east side of the property on the same side of "H" Avenue. It was noted that all area drives were "residential."

In response to questioning by the Chairperson, the applicant indicated that only single-family residences were proposed. With regard to County Health Department review, formal approval had not yet been received. However, the County Health Department had preliminarily approved the plan. There was discussion of phasing, and the applicant indicated that Phase I would include the first ten lots; Phase II, lots #11-#20; Phase III, lots 21-28; Phase IV, lots #29-#39; and Phase V, lots #40-#51.

The Township Attorney questioned the applicant with regard to the master deed and bylaws submitted with the proposed plan. The applicant called upon his attorney, John Kneas, to respond to these questions. After much discussion, there was clarification that the documents would be amended to clearly indicate that the entire site was subject to the master deed and bylaws and that specific paragraphs would be added limiting use of the common areas and open space, and as to the removal of vegetation therefrom.

Richard Hoffman, a resident of property abutting the site on the southwest side, complained that he had not received sufficient notice that the item would be considered; he claimed that he had only had an hour's notice of the meeting.

He noted that the southwest corner of the site was "extremely hilly land," and he felt that some of the lots built in this area would be undesirable because of the topography. He was concerned about the project adequately providing for water runoff. He felt that runoff would pollute the groundwater. In his opinion, most of the open space on the project would be used for stormwater retention, which he felt was undesirable. He stated that he was interested in seeing the County Health Department's comments on the proposed project. He discussed a soil map showing the site included Oshtemo class E soil, which, according to a Soil Conservation book he read from, was poor for recreation and building site development. He was also concerned about evacuating 51 lots through the proposed road system. He was also concerned about traffic this project would generate on "H" Avenue. In his opinion, the development of only the first ten lots should be approved. He felt that the project would "destroy natural habitat for wildlife."

There was no other public comment offered, and the public hearing was closed.

The Chairperson directed the Planning Commission's attention to the special exception use permit criteria, and the Planning Commission first considered whether the proposed use was compatible with other uses expressly permitted within the "AG"-Rural Zoning District classification. The Chairperson noted that single-family residential development is a permitted use within the Agricultural District and, therefore, the proposed use would be compatible.

Next, the Planning Commission considered whether the proposed use would be detrimental or injurious to the use or development of adjacent properties or the general neighborhood. Commission members felt that residential development should not be injurious to other residential development. It was noted that this property could be developed with a traditional subdivision without the retention of open space. Therefore, it was less injurious in that this proposed project would retain over 40% of the area as open space.

The Commission next considered whether the proposed use would promote health, safety and welfare. Ms. Meeuwse questioned whether the topography would change when developed. It was noted that the topography of the open space would be retained pursuant to the requirements of the Ordinance and that this requirement should be recognized in the master deed.

There was discussion of the slope of the road in the southwest area of the site, and Mr. Corakis questioned whether the grade would be too steep. Mr. Corakis wondered whether there was a minimum grade or maximum grade acceptable. Ms. Harvey noted that the Ordinance does not speak to private road standards but that, pursuant to the Ordinance, the Township Engineer would review for utility design, stormwater disposal and road design. The review of road design would include road grade.

The applicant responded that the road network would not include a road over 8% grade, which was the standard acceptable slope. He stated that the road network had been designed and located so as to retain the extreme topography on the site but allow roads to be at an acceptable grade. The Chairperson felt it would be appropriate to "flag" this particular issue for attention by the Engineer.

Again, there was discussion of density; and it was noted that, if a normal subdivision were developed, it would likely be more dense and there would be a possibility of loss of open space. Therefore, it was felt that this project would be more in keeping with the health, safety and welfare of the community.

The Planning Commission next considered whether the proposed use would encourage the use of the land in accord with its character and adaptability. The Chairperson felt that the Open Space Community attempted to retain the natural features of the land as much as was possible. It was recognized that a property owner could, as a right, flatten his or her property, and it was desirable that this proposal retains the natural topography and natural features to the greatest extent possible. Therefore, he felt that the development would retain the character and the adaptability of the property. It was recognized that this proposed project was consistent with the Master Land Use Plan, which discouraged high-density development in this area.

Mr. Hoffman commented that he felt the project would be injurious and detrimental.

The Planning Commission proceeded to the site plan review criteria of Sections 82.200 and 82.300. It was recognized this division of land would be through the Condominium Act. The project would have one access onto "H" Avenue. There would be 51 lots, less density than could possibly occur under a standard subdivision development.

There was discussion of lot #1, and it was noted that the setback from "H" Avenue is 70' from the right-of-way. Commission members felt it would be appropriate to require that the natural vegetation and topography in this setback be retained to buffer the project from "H" Avenue and that no direct access be allowed for lot #1 onto "H" Avenue.

Again, street layout was discussed, with Mr. Corakis raising his concern about the slope of the road network. Commission members felt it would be appropriate to request the Engineer and Fire Department to pay particular attention to street layout and slope. It was recognized that the lot layout and the open space was designed to retain the topography and to accommodate water runoff on the site.

There was discussion of the access point onto "H" Avenue, with it being noted that the Kalamazoo County Road Commission would be required to approve a driveway permit. The proposed access point is located in compliance with the driveway spacing standards of Section 67.500 with the exception of the fact that there was a driveway adjacent to the west, 90' from the proposed drive, and a driveway opposite the site, 50' from the drive. Compliance with these two identified spacing deficiencies, however, could not be achieved without reducing driveway spacing currently in compliance. Therefore, compliance with all

spacing requirements was not possible. Commission members felt it was preferable that the access point and street be located to the west of this site rather than east.

There was discussion that there was open space around the perimeter of the property, with the exception of lots #6 and #7; however, these lots did have access to open space. The overall open space was in excess of that required by the Ordinance.

There was discussion again of the master deed and bylaws, and it was noted that the approval could be subject to the review and approval of Township staff and the Attorney. Ms. Meeuwse emphasized that the Ordinance requires that open space be protected from all forms of development and that she felt it was important that this be recognized in the master deed and bylaws.

As to County Health Department approval, Ms. Harvey stated that it would be appropriate to approve this project subject to final approval by County Health Department; however, the County had indicated preliminary approval. As to the interior street system, it was noted that the master deed should require maintenance of the road and other common elements. The road system would be subject to Township Engineer review and should comply with the Kalamazoo County Road Commission standards for cross section and slope as proposed by the applicant. Ms. Harvey noted that the Engineer and Fire Department had been involved in the review process up to this point. There was discussion of road extension and turnarounds which would be required by the Fire Department. Ms. Harvey said that road extensions would have to be extended to phase boundaries and that the Fire Department would require a turnaround. Commission members felt it was important to emphasize that all utilities be located underground.

After further discussion, Mr. Loy moved to approve the special exception use permit, finding that the criteria of special exception use had been met; he referenced the earlier discussion of the Planning Commission. He conditioned his motion on the requirement that the site continue to meet the site plan approval conditions which would be placed on the project. Mr. Corakis seconded the motion.

The Chairperson opened the item for public comment, and Mr. Hoffman stated that he felt the project did not meet the criteria for special exception use permit.

Upon a vote on the motion, the motion carried unanimously.

Ms. Meeuwse moved to approve the site plan with the following conditions, limitations and notations:

(1) That it was required that a revised plan, showing the relocation of lot #5, be submitted to the Township staff for review and approval.

(2) That approval was subject to the review and approval of the Kalamazoo County Health Department.

(3) That approval was subject to the review and approval of the Township Fire Department and Township Engineer. The Planning Commission specifically directed their

attention to the review of the road network for compliance with the Kalamazoo County Road Commission requirements as to cross section and slope.

- (4) That, as to lot #1, no direct access was permitted on "H" Avenue; and the area within the setback from "H" Avenue was to be retained in a natural state. These restrictions were to be included in the master deed.
- (5) That all utilities serving the project were to be located underground.
- (6) That any turnarounds required by the Fire Department pursuant to its approval of the phasing of the project must be designated as "must build" in the master deed.
- (7) That it was required that the phasing proposed by the applicant must meet the requirements of Section 60.560E and was subject to the review and approval of the Township staff.
- (8) That limitations on the use of the common areas, retention of vegetation and topography in the open space, and the other protections required by Section 60.530J were to be included in the master deed and bylaws.
- (9) That the master deed and bylaws must be consistent with the Planning Commission's approval, as must any changes thereto.
- (10) That the master deed and bylaws were subject to the review and approval of the Township staff and Attorney.
- (11) That the project was found to be in compliance with Open Space Community criteria and the conceptual plan review.

Mr. Loy seconded the motion.

Mr. Block stated that he would be voting in favor of the motion in that the project would be subject to the review and approval of the County Health Department and Township Engineer. He stated that his approval was dependent upon these reviews in that he was satisfied that the project complies with the requirements of the Open Space Community criteria only if the Township Engineer and County Health Department approve the project.

There was no public comment on the motion, and the motion carried unanimously.

NEIGHBORHOOD COMMERCIAL

The Planning Commission next reviewed draft #2 of the Neighborhood Commercial text. Additionally, Ms. Harvey had submitted an outline with regard to amendment of the Master Land Use Plan which would address the Neighborhood Commercial District. She also suggested that the Planning Commission consider a different Neighborhood Commercial District for rural versus suburban areas. She felt that the master plan should designate areas focusing on density level.

Mr. Corakis noted that coffee shops were allowed as a permitted use but that small restaurants were a special use, and he felt that these two uses were "the same thing."

There was discussion of the concept of an overlay district, with Ms. Harvey noting that it was a zoning district placed over an existing district which would not take away any uses allowed by the underlying district.

Ms. Harvey suggested proceeding with review at the February 13, 1997, work meeting, at which time she would present proposed Master Land Use Plan language. Further, by that meeting, Planning Commission members would have a chance to focus on the review of the design standards.

OTHER BUSINESS

There was discussion of the joint meeting and possible agenda items. Commission members agreed that perhaps there could be a discussion of the year-end report, a review of the work plan, a summary of focus area work, an update on historical building survey, and a discussion of the recent Zoning Board of Appeals actions.

ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:25 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

BY: Lara Meeuwse
Lara Meeuwse, Secretary

Minutes prepared:
January 31, 1997

Minutes approved:
2-13-97

AGENDA: _____

DATE: January 30, 1997

MINUTES: Planning Commission

SENT: February 26, 1997

ZBA

- _____ Lara M.
- _____ Dave B.
- Bill S.
- Brian
- Tom B.

PEOPLE

William Klerk, Jr.
2607 Lomand
Kalamazoo, MI 49008

Home Builders Association
5700 West Michigan
Kalamazoo, MI 49009

PC

- _____
- Marvin
- Lara
- Ken H.
- Millard
- Ted C.
- Wilfred

} 2-11-97

McGraw-Hill/F.W. Dodge
Attn: Linda Hibbard
4000 Portage Road
Kalamazoo, MI 49001

TB

- Fred
- Dave B.
- _____ Marvin
- Norm

OFFICE

- Becky
- Bob
- Marci
- Lois
- Ron
- Tony
- Jim
- _____ Attorney's
- _____ Index
- Elaine

Total



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

NOTICE

OSHTEMO TOWNSHIP SPECIAL PLANNING COMMISSION MEETING

January 30, 1997
7:00 p.m.

AGENDA

1. Call to Order
2. Approval of Agenda
3. Special Exception Use/Site Plan Review - Klerk "H" Avenue Residential Open Space Community (#96-22)

: Tabled from December 19, 1996 Planning Commission Meeting

Consideration of the application of William Klerk, Jr., for special exception use/site plan review of the proposed Klerk "H" Avenue Residential Open Space Community, consisting of 56 total building sites on approximately 54 acres. The Planning Commission will also conduct site plan review of the proposed site condominium pursuant to Section 82.300 of the Zoning Ordinance. The subject property is located on the south side of "H" Avenue, approximately one-half mile east of North 6th Street, and is within the "AG" Agricultural-Rural Zoning District classification. (3905-10-130-021)

4. Text Amendment - Neighborhood Commercial
 - Board Review
 - : Draft #2 (Rural)
 - : Draft #2 (Suburban)
5. Other Business
6. Adjourn

**** SCHEDULE OUTLINE**

February 11, 1997 Township Board Meeting

: Rezoning - West Main (Set for 1st Reading)

February 13, 1997 Planning Commission Meeting

: Site Plan Review - Oak Park #1 Site Condominium

: Text Amendment - Neighborhood Commercial

**February 18, 1997 Joint Township Board/Planning Commission/Zoning
Board of Appeals Meeting**



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

NOTICE

OSHTEMO TOWNSHIP PLANNING COMMISSION MEETING

January 9, 1997 - *Cancelled Due to
7:00 p.m. Weather*

AGENDA

1. Call to Order
2. Approval of Agenda
3. Election of Officers
 - Chair
 - Vice-Chair
 - Secretary
4. Approval of Minutes
 - December 12, 1996
 - December 19, 1996
5. Special Exception Use/Site Plan Review - Klerk "H" Avenue Residential Open Space Community (#96-22)

: Tabled from December 19, 1996 Planning Commission Meeting

Consideration of the application of William Klerk, Jr., for special exception use/site plan review of the proposed Klerk "H" Avenue Residential Open Space Community, consisting of 56 total building sites on approximately 54 acres. The Planning Commission will also conduct site plan review of the proposed site condominium

pursuant to Section 82.300 of the Zoning Ordinance. The subject property is located on the south side of "H" Avenue, approximately one-half mile east of North 6th Street, and is within the "AG" Agricultural-Rural Zoning District classification. (3905-10-130-021)

6. Text Amendment - Neighborhood Commercial

- Board Review

- : Draft #2 (Rural)
- : Draft #2 (Suburban)

7. Consideration for an agenda item, the proposed rezoning of approximately 15 acres located on the north side of West "KL" Avenue, 450 feet east of 9th Street, from "R-2" to "R-3".

A review/amendment of the 9th Street Focus Area Development Plan contained within the Master Land Use Plan is required.

8. Other Business

9. Adjourn

**** SCHEDULE OUTLINE**

January 14, 1997 Township Board Meeting

- : Text Amendment - Section 11.270 (2nd Reading)
- : Master Land Use Plan Amendment - Genessee Prairie Focus Area
Development Plan

January 23, 1997 Planning Commission Meeting

- : Text Amendment - "I-R" District (Schramm)
- : Special Exception Use/Site Plan Review - Leader's Marine
- : Preliminary Plat Review - Oak Park #1

AGENDA: Planning Commission
MINUTES: _____

DATE: January 9, 1997
SENT: January 6, 1997

ZBA

Lara M.
~~Elaine~~
 Bill S.
 Brian
 Tom B.

PEOPLE

William Klerk, Jr.
2607 Lomand
Kalamazoo, MI 49008

Dave Person
Kalamazoo Gazette
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ZB

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 Marvin
 Lara
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TB

Fred
 ~~Elaine~~
 Marvin
 Norm

John Van Stratt
Miller-Davis Company
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Becky
 Bob
 Marci
 Lois
 Ron
 Tony
 Jim
 Attorney's
 Index
 Elaine

Total



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

To: Planning Commission

Meeting Date: 1-9-97

From: Planning & Zoning Department

Agenda Item: #5 (#96-22)

Applicant: William Klerk, Jr.
2607 Lomand
Kalamazoo, MI

Property In Question: Approximately 54 acres located on the south side of "H" Avenue, one-half (1/2) mile east of North 6th Street - Section 10.

Zoning District: "AG"-Rural District

Request: Special Exception Use/Site Plan Review - Klerk "H" Avenue Residential Open Space Community
Site Plan Review - Klerk "H" Avenue Site Condominium Development

Ordinance Section(s): Section 60.100 - Special Exception Uses
Section 60.500 - Open Space Community
Section 60.580 D. - Site Plan Review Requirements
Section 82.300 - Site Condominiums

Planning & Zoning Department Report:

Background Information

- On 10-24-96, the Planning Commission reached consensus that 'the project meets the criteria of the Open Space Community with some revisions as necessary pursuant to Planning Commission comments.'

The Planning Commission further scheduled a public hearing on the Special Exception Use/Site Plan Review Request for the proposed project for the 11-21-96 meeting.

Reference 10-24-96 Planning Commission Minutes

- On 11-21-96, at the request of the applicant, consideration of the Special Exception Use Permit/Site Plan Review Request was tabled to the 12-19-96 Planning Commission meeting to allow for completion of the required material.
- On 12-19-96, at the request of the applicant, consideration of the Special Exception Use Permit/Site Plan Review Request was tabled to the 1-9-97 Planning Commission meeting to allow for an incorporation of the Health Department's review comments into the final plan design.

Department Review

Section 60.520 - Scope

- The proposed open space community is identified as a Special Exception Use within the "AG"-Rural District.

The following criteria should be considered in determining the appropriateness of the proposed Open Space Community on the subject site:

1. *Is the proposed use compatible with other uses expressly permitted within the "AG"-Rural District?*
 2. *Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general neighborhood?*
 3. *Will the proposed use promote the public health, safety, morals and general welfare of the community?*
 4. *Will the proposed use encourage the use of the land in accordance with its character and adaptability?*
- The division of land within the proposed open space community will be accomplished through the Condominium Act (site condos).

Sections 82.200/82.300 establish the review process applicable to site condominium projects. Section 82.800 sets forth the site plan review criteria for site condominium

projects and generally involves the following design elements:

- : project access (quantity, location, design)
- : street layout
- : lot layout (orientation, dimensions, access)

Section 60.580 C. - Conceptual Plan Review Requirements

6. Existing driveways opposite and adjacent to the subject site are reflected on the Revised Site Plan.
7. Pedestrian systems are proposed to occur solely within the open space. Sidewalks are not proposed.

Section 60.530 - Open Space Provisions

- A. Open space has been provided at the rear of Lots 24 & 25 so as to provide a contiguous open space system.
- B. The 'designated open space' within the proposed open space community has been increased from 42% to 45.5% of the gross project area.

I.-J.

Documentation sufficient to comply with these sections is proposed to be contained within the master deed/condominium by-laws for the project and will be confirmed at the 1-9-97 meeting.

Section 60.540 - Development Provisions

- C. The number of building sites within the proposed open space community has been reduced from 56 to 51 in response to Kalamazoo County Health Department review comments.
- E. The Kalamazoo County Health Department has given 'preliminary approval' of the proposed project layout.
- H. On 10-24-96, the applicant proposed to retain the existing vegetation within the setback from "H" Avenue on Building Site #1 to achieve the requisite 'visual screening of residences from off-site street networks.'

A 'deed restriction' preventing the removal of trees within the required setback from "H" Avenue could be considered.

- J. Documentation sufficient to comply with this section is proposed to be contained within the master deed/condominium by-laws for the project and will be confirmed at the 1-9-97 meeting.

Section 60.550 - Design Standards

A. Access-

: The proposed project access is located in compliance with driveway spacing standards set forth in Section 67.500, with the exception of the following:

- 90 ft spacing from driveway adjacent to the west; 355 ft spacing required
- 50 ft spacing from driveway opposite the site; alignment or 150 ft spacing required

Compliance with the 2 identified spacing deficiencies cannot be achieved without reducing driveway spacings currently in compliance.

B. Interior Street System-

: The interior street system shall be subject to review/approval of the Township Fire Department.

: The interior street system is proposed to meet Kalamazoo County Road Commission standards for cross-section and slope. The proposed street design shall be detailed/reviewed at the 1-9-97 meeting.

D. Stormwater Management-

: The storm water management system is conceived to be a natural system with the concept design presented during the Conceptual Plan Review. Additional design information will be provided at the 1-9-97 meeting.

Section 60.570 - Site Plan Review Criteria

- B. Approval shall be subject to review/approval of the Kalamazoo County Health Department.

C. The proposed interior street system complies with lot layout and circulation objectives and is subject to review/approval of the Township Fire Department and Township Engineer.

D.-F.

Reference Conceptual Plan review comments and findings.

Proposed project phasing shall be subject to compliance with Section 60.560 E.

Section 60.580 D. - Site Plan Review Requirements

1. The conceptual plan presented at the 10-24-96 meeting has been revised to include missing information and reflect Board review comments. Additionally, legal documentation (master deed/condominium by-laws) has been submitted to comply with informational requirements.

2.-3.

Legal documents (master deed/condominium by-laws) proposed to provide the necessary easements, deed restrictions, and condominium documentation have been provided and will be confirmed at the 1-9-97 meeting.

4. Design information regarding the proposed interior street system and the storm water management system is proposed to be detailed/reviewed at the 1-9-97 meeting.

Approval shall be subject to review/approval of the Township Engineer.

PLANNING COMMISSION OCTOBER 24, 1996 (MINUTES)

(8) The approval was subject to the review and approval of the Township Fire Department and Engineer.

Mr. Corakis seconded the motion.

There was public comment on the motion, with William Jameson stating he felt that it was inappropriate to allow a 2,000' dead-end street. He felt that the provision in the Subdivision Control Ordinance limiting dead-end streets to 660' should be the standard to comply with.

Ms. Harvey noted that the Open Space Community text had been specifically designed to allow for flexibility. The street-length requirement of the Subdivision Control Ordinance was related to Fire Department concerns as to emergency vehicle access and Engineer concerns with regard to utilities. Therefore, since the Fire Department was involved in every step of the open space project and Engineer approval of the project would be required, it was felt that there was no need for a street-length limitation in the Open Space Community text. The Chairperson also indicated that it was the intent of the Open Space Community provisions to encourage this type of development and flexibility in standards.

Mr. Chojnowski spoke, stating that he concurred with the comments of Ms. Harvey and the Chairperson. He stated that, in the context of a condominium, the master deed, which would be recorded, would require the establishment of items identified in the master deed as "must be built." These items so identified must be completed before the first unit is sold. Mr. Chojnowski suggested that the Commission amend its motion to require that the establishment of the temporary cul-de-sac at the end of phases I and II and the requirement that Hathaway be completed to Stadium Drive at the commencement of phase III be labeled in the master deed as "must be built."

Ms. Meeuwse moved to amend the motion for site plan approval to require the establishment of the cul-de-sacs at the end of phases I and II and the extension of Hathaway to Stadium Drive in phase III be designated as "must be built" in the master deed. Mr. Loy seconded the motion.

Ms. Reddy questioned Ms. Harvey as to whether the Fire Department had reviewed and approved the road network and the phase boundaries. Ms. Harvey stated that the Fire Department had reviewed the project and agreed that cul-de-sacs were sufficient in phases I and II.

Upon a vote on the motion, the motion carried unanimously.

**KLERK - "H" AVENUE RESIDENTIAL OPEN SPACE COMMUNITY -
CONCEPTUAL PLAN REVIEW**

The next item was the application of William Klerk, Jr., for conceptual plan review of a proposed residential open space community consisting of approximately 54 acres and proposed to include 56 total building sites. The subject site is located on the north side of

"H" Avenue approximately one-half mile east of north 6th Street, and is within the "AG" Agricultural-Rural Zoning District classification.

The report of the Planning and Zoning Department is incorporated herein by reference.

The applicant was present.

The Chairperson suggested an interactive discussion regarding the conceptual plan review. The Chairperson began with a review of Section 60.580. Again it was stated that the project would be approximately 54 acres and was bounded on the north by "H" Avenue. The site had approximately 260' of frontage on "H" Avenue and would be served by a single access point. The property surrounding the project was also agriculturally zoned.

The Chairperson questioned the applicant regarding the soil survey information. Bob Gowd Crowell was present and stated that the information reflected the soil classifications taken from the Soil Conservation Service survey of the area. It was indicated that all soils were "buildable" with good percolation rates. It was stated that the term "OSE" referred to an Oshtemo soil type with approximately 18-35% slope. OSC was an Oshtemo soil type with a lesser slope of 6-12%. Mr. Gowd Crowell stated that, as the slope became steeper, it would be more difficult to build.

A description of the natural features on the site had been provided by the applicant in the conceptual plan narrative. There were no ponds or streams on the site.

Returning to the issue of access, it was again pointed out that the only street which bordered the project was "H" Avenue. It was noted that existing driveways opposite and adjacent to the subject site should be identified in the plan.

The proposed circulation system would consist of a 24'-wide privately owned and maintained interior street system.

The applicant had included four alternate plans for traditional platting of the area. The proposed open space community would include eight clusters of building sites, including 56 sites.

There was discussion of phasing, and it was noted that the last page of the submission included a phasing plan which indicated five phases to the project.

In response to questioning by Ms. Meeuwse, the applicant indicated that the street network would be established "along phase lines." Temporary turnarounds would be provided as required by the Fire Department to serve each phase until the entire project was completed.

The Chairperson questioned the applicant as to whether any pedestrian walkways would be provided, i.e., sidewalks or trails. The applicant was looking at the issue of

sidewalks and was undecided. With regard to trails, they would be established in open space areas but would be dirt or wood-chip covered.

The Chairperson moved on to Section 60.530. The applicant clarified that streets had been excluded from the open space calculation, which indicated that approximately 42% of the area of the site was proposed as open space. Existing woodlands had been incorporated into the open space areas, as well as those with slopes greater than 12%. Natural low areas would be used for retention/stormwater runoff.

In response to questioning by Ms. Meeuwse, the applicant indicated that as many of the mature trees as was practicable would be retained. It was planned that the master deed restrictions would place limitations on removal. There was discussion of the fact that lots 30 and 31 abutted the property line. As to lot 1, it was discussed this lot was larger because of the 70' setback requirement from "H" Avenue.

With regard to subparts I through J, the Chairperson questioned the applicant as to the use of the open space area. The applicant responded that this area would be used as a natural wooded feature, to serve as the drainage system, a buffer between lots and walking trails for recreation. No structures were planned for this area.

Ms. Meeuwse noted that the applicant was seeking collection of association fees by the Township as part of the tax-assessment process. Ms. Harvey noted that this indeed had been a request of the Township and that the Township as yet had taken no position.

Common ownership of the open space would be required in the master deed.

There was discussion of the number of units proposed for the open space community. The applicant's alternate plan #4 showed 55 lots could be established through traditional subdividing or platting. There was a discussion of Section 60.540(C) of the Zoning Ordinance, and the Commission members concurred that the maximum number of open space units was not determined by the applicant's alternate plan but by the Commission's determination of the maximum number of lots which were feasible for traditional development on a site. The applicant responded he felt that it was possible to redesign alternate plan #4 to obtain 56 lots. However, the applicant indicated willingness to reduce the number of units in the open space community to 55. Mr. Block and Mr. Corakis did not see any problem with 56 units. The Chairperson agreed, stating that he felt it was a matter of street design and that 56 lots could be accommodated on the site with a traditional plat or subdivision design. Therefore, he felt a maximum of 56 units could be allowed for the open space community.

Mr. Loy questioned the applicant as to whether unit 1 was of sufficient size to accommodate on-site septic and a well. The applicant responded that lot 1 was of sufficient size. It was noted that public sewer and water were not available to the development and, therefore, County Health Department review and approval of the project would be needed.

Mr. Corakis stated he would like to see some separation or distance between lots 30, 31 and the property line, which separation would be used for open space. This would allow

a walking trail to be established around the entire site. The applicant responded that this would not be a problem and that it was their intent to redesign so that there would be open space around the entire perimeter of the project.

In response to questions from Ms. Meeuwse, the applicant indicated it was their intent to require retention of the existing vegetation within the setback from Stadium Drive on unit 1. There would be no direct access for lot 1 on "H" Avenue. As to Section 60.550, the applicant was questioned as to street lighting and indicated that they may propose such lighting. The Chairperson pointed out that street lights were not required but, if proposed, they must meet the requirements of Section 78.700.

Mark Rietkerk stated he was concerned about the impact that this development would have on his water table and that he neighbored the property. He was also concerned that there would be runoff of stormwater onto adjacent properties.

The Chairperson pointed out that the project would require Health Department review regarding the issues of water and septic. As to runoff, the Township Engineer would review the plans. The applicant responded that the plan would not lead to any more runoff from the property to adjacent properties than existed in the property's natural state.

Mr. Rietkerk also questioned the fact that there were clusters in excess of eight units. However, he also commented that he would rather see this type of development than a traditional plat.

Dave Longjohn stated he is building on a four-acre lot adjacent to this property. He was curious as to what size homes would be involved. The applicant responded that they would be approximately 1,600 square feet for a ranch home and a two-level would be required to have 1,000 square feet on the main level. The homes would have a price range of \$150,000 and up.

Mr. Jameson spoke again, stating he was concerned about the street length of this project. Also, he was concerned that there was no provision for a second access point.

A Mr. Wood commented that he farms property nearby and that he was concerned that persons purchasing property in this development realize that they were going to be living near farm properties and therefore expect some "smells" from the farms. Further, he questioned how his property was zoned. There was some confusion, and it was finally determined that Mr. Wood had been told his property was classified residentially by the assessor. Ms. Harvey pointed out that zoning and assessment classifications are different. She stated that Mr. Wood's property was zoned Agricultural.

The general consensus of the Planning Commission was that the project meets the criteria of Open Space Community with some revisions as necessary pursuant to Planning Commission comments.

Ms. Meeuwse moved to schedule public hearing on the item for November 21, 1996. Mr. Corakis seconded the motion. The motion carried unanimously.

A Mr. Sullivan stated he had concerns about traffic generated by this site. Ms. Harvey noted that the impact on the road network was considered as part of the Commission's review. However, the traffic generated from this site would not in and of itself be sufficient to trigger any major changes to "H" Avenue.

TEXT AMENDMENT - SCHRAMM - SECTION 11.270

The next item was public hearing on a proposed amendment to the Zoning Ordinance with regard to Section 11.270 and the definition of "two-family dwelling." It was proposed that the section be amended to read "A building containing two separate dwelling units for residential use." The report of the Planning and Zoning Department is incorporated herein by reference.

The Chairperson discussed the background of the item and indicated that Mr. Schramm had applied for a change in the text, which had led to the Commission's proposed revision. The Chairperson called for public comment, and Mr. Schramm, who was present, stated that, as with the Open Space Community, he had proposed a change to the definition of "two-family dwelling" in order to allow for creative design. He felt the definition should be more flexible and allow a building or cluster of buildings to be defined as a two-family dwelling. The Chairperson reminded Mr. Schramm that there had been extensive discussion with regard to this idea and that it was the consensus of the Planning Commission that a two-family dwelling, as a matter of common understanding, connotes one building or structure. However, the Planning Commission had responded to Mr. Schramm's suggestion and agreed that the definition should be expanded to allow horizontal and vertical two-family dwellings. Also, there were other development options that allowed for two single-family dwellings on one parcel.

There was no other public comment, and the public hearing was closed.

Ms. Harvey suggested a slight change to the wording of the definitions to indicate "designed for residential use." This would be consistent with the terminology used with regard to one-family dwellings.

Mr. Heisig moved to recommend text amendment to Section 11.270 to read: "Dwelling, Two-Family. A building containing two separate dwelling units designed for residential use." Mr. Block seconded the motion. The motion carried unanimously.

OTHER BUSINESS

The Commission discussed the upcoming joint meeting with the Township Board. The Chairperson recommended as an agenda item discussion of the Genesee Prairie Focus Area Plan. Also, Open Space Community could be discussed. The Chairperson felt that the Township Board should be updated with regard to the Stratford Hills project. Also, the work plan of the Commission could be discussed with the Township Board.



6 January 1997

O'BOYLE
COWELL
BLALOCK
& Associates, Inc.

521 South Riverview Drive
Kalamazoo, Michigan 49004
Phone (616) 381-3357
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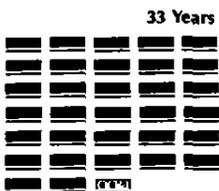
Ms. Rebecca Harvey
Planning & Zoning Department
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, Michigan 49009-9334

Re: Klerk "H" Avenue Residential Open Space Community

Dear Ms. Harvey:

The following list itemizes the issues that were identified as deficient by the Township Planning Commission at the 24 October 1996 meeting and that have been addressed in the enclosed Revised Preliminary Plan.

1. Identify existing driveways opposite and adjacent to the site.
2. Pedestrian circulation system would not be sidewalks adjacent to the street system. Pedestrian trails will be included in the open space system and will be located on site. Trails will be wood chip or turf.
3. Open space has been provided at the southeast corner of the site behind lots 24 and 25 as requested.
4. Legal documentation has been provided by the developer's attorney.
5. The total number of proposed lots has been reduced from 56 to 51 to respond to concerns raised by the County Health Department for sufficient space on each site for water and sewage disposal.



We are in the process of beginning design of the storm water management system. The system is conceived to be a natural system utilizing existing low areas and proposed open space for conveyance and retention. USSCS Soil types indicate good percolation over the entire site.

The road system will meet County and Township standards for cross section and slopes.

The road and storm management design is not complete. It will be submitted for Township approval.

Sincerely,

O'BOYLE, COWELL, BLALOCK & ASSOCIATES, INC.

C. Robert Cowell, ASLA
Vice President

Landscape Architecture
Urban Design
Waterfront Planning
Land Planning
Site Design
Environmental Analysis

Principals
Robert L. O'Boyle FASLA
C. Robert Cowell ASLA
Kathryn L. Blalock

Associates
Eric W. Lyons ASLA
Kenneth W. Peregón ASLA

shall then be a common element. The court shall enter an order reflecting the reallocation of undivided interests, and the award shall include just compensation to the co-owner of the unit for the co-owner's entire undivided interest in the common elements and for the entire Condominium unit.

- e. Votes in the Association and liability for future administration expenses pertaining to a unit that is taken or partially taken by eminent domain shall be reallocated to the remaining units in proportion to their voting strength in the Association. The voting strength in the Association of a unit that is partially taken shall be reduced in proportion to the reduction in its undivided interest in the common elements.

ARTICLE VII USE AND OCCUPANCY RESTRICTIONS

- 1. **Establishment of Restrictions.** In order to provide for congenial occupancy of the Condominium, and for the protection of the value of the units therein, the use of Condominium property shall be subject to the limitations set forth below:

- A. **Property Subject to These Restrictions.**

- (i) **Phase I.** All of the units of Phase I of Kellison Wood Condominium, except any unit or portion of a unit removed from the Condominium pursuant to Article ___ of the Master Deed ("Contraction of Property"), are and shall remain subject to these restrictions. Any such Contraction Property removed from the Condominium may remain subject to the terms and conditions hereof, or Developer may, at its option, record alternative or supplemental restrictions with respect to such property, or develop the property outside the Condominium.
- (ii) **Expansion Property.** Developer, or its successors or assigns, has the right to expand Kellison Wood Condominium by adding all or any portion of the Expansion property to the Condominium in the manner provided in the Master Deed. Any such property added may become subject to the terms and conditions hereof, or Developer may at its option record alternative or supplemental restrictions with respect to any such property added to the Condominium.

- B. **Building and Use Restrictions.**

- (i) **Residential Use.** Except for units owned by the Developer and used for displaying model homes, all units shall be used for single-family residential purposes only. For the purposes hereof, "single-family"

means (a) not more than two persons, whether or not related by blood or marriage; or, alternatively, but not cumulatively, (b)(1) a man or a woman (or a man and a woman living together as husband and wife), (2) the children of either and of both of them, and/or (3) the parents of either but not both of them, and no other persons; or (c) such other definitions is required by applicable law. No more than one residential unit may exist within any unit. No business, commercial, manufacturing, service or rental enterprise shall be conducted within any unit. No garage, recreational vehicle, basement, tent, shack or storage barn or similar type structure shall be used at any time as a residence, temporarily or permanently.

- (ii) Home Occupations. Although all units are to be used only for single-family residential purposes, nonetheless home occupations will be considered part of a single-family residential use if, and only if, the home occupation is conducted entirely within the residence and participated in solely by members of the immediate family residing in the residence, which use is clearly incidental and secondary to the use of the residence for dwelling purposes and does not change the character thereof. To qualify as a home occupation, there must be (a) no sign or display that indicates from the exterior that the residence is being utilized in whole or in part for any purpose other than that of a dwelling; (b) no commodities sold within the unit; (c) no person employed other than a member of the immediate family residing within the unit; and (d) no mechanical or electrical equipment used, other than personal computers and other office-type equipment.
- (iii) Animals. Except for household dogs, cats, small caged birds, and fish, an owner may not keep, raise, or breed animals, livestock or poultry of any kind on any unit. Pit bull dogs and other dangerous animals are not permitted in the Condominium. No pets may be kept, raised or bred on any unit for commercial purposes. Fenced dog runs adjacent to the rear of a garage will be allowed only upon approval in writing by the Developer or the Association.
- (iv) Trash. No trash, garbage or rubbish of any kind shall be placed within any unit, except in sanitary containers for removal. All sanitary containers shall be kept in a clean and sanitary conditions and shall be kept in an inconspicuous area of that unit, as designated by Developer or the Association, except as necessary to allow for trash collection.

(v) Approval of Construction. The Developer in designing Kellison Wood Condominium, including the location and contour of the streets, has taken into consideration the following criteria:

- (a) Kellison Wood Condominium is designated for residential living on large sites.
- (b) The construction site within each of the units should be located so as to preserve the existing trees, natural conditions, and contours where practicable.
- (c) The architecture of the residence located within any unit should be compatible with the criteria as established hereby and also should be compatible and harmonious to the external design and general quality of other dwellings constructed and to be constructed within Kellison Wood Condominium.

Consequently, the Developer reserves the power to control the buildings, structures and other improvements placed within each unit, as well as to make such exceptions to these restrictions as the Developer may deem necessary and proper. No building, wall, swimming pool, or other structure will be placed within a unit unless and until the builder or contractor and the plans and specifications therefor showing the nature, kind, shape, height, color, materials, and location of the improvements (including floor plan and exterior colors) and the plot plan (including elevations) have been approved by the Developer, and no changes in or deviations from such builder or contractor and plans and specifications as approved will be made without the prior written consent of the Developer. Two sets of complete plans and specifications must be submitted; one will be retained by the Developer and one will be returned to the applicant. Each such building, wall, swimming pool or structure will be placed within a unit only in accordance with the plans and specifications and plot plan as approved by the Developer. No modular homes shall be placed within any unit. Refusal to approve a builder or contractor or plans and specifications by the Developer may be based on any grounds, including purely aesthetic grounds, which in the sole and uncontrolled discretion of the Developer seems sufficient. No alteration in the exterior appearance of any building, wall, swimming pool or other structures constructed with such approval will be made without like approval of the Developer.

Approval of plans and specifications for reasonable modifications to provide handicap access pursuant to state or federal law shall not be unreasonably withheld. If the Developer fails to approve or disapprove any builder or contractor or plans and specifications within thirty (30) days after written request therefor, then such approval will not be required; provided that any builder or contractor is properly licensed by the State of Michigan and that any building, wall, swimming pool, or other structure will be erected entirely within the boundaries of a unit and does not violate any of the covenants, restrictions or conditions set forth here or adopted by the Association or any building codes, ordinances and regulations of Oshtemo Township. The Developer will not be responsible for any negligence or misconduct of the builder or contractor or for any defects in any plans or specifications or in any building or structure erected by such builder or contractor according to such plans and specifications or in any changes in drainage resulting from such construction.

- (vi) **Size Requirement.** All residences hereafter constructed must conform to the following size requirements:
- (a) **Area Minimums.** No one-story residence will be constructed with a fully enclosed first-floor area of less than one thousand five hundred (1,500) square feet. No one and one-half story residence will be constructed with a fully enclosed floor area of less than one thousand eight hundred (1,800) square feet. No two-story, bi-level or tri-level residence will be constructed with a fully enclosed floor area of less than two thousand (2,000) square feet.
- (b) **General.** All square footage determinations will exclude basements (including walk-out basements), garages and open porches. The Developer may specify the number of levels that residences with specific units will be permitted to have to preserve the view from other units or to maintain a harmonious pattern of development in the construction of residences within the units. The height of any building will not be more than two (2) full stories above the highest elevation level for the foot print of the house. If any portion of a level or floor within a residence is below grade and not more than two (2) feet above grade, all of the level or floor will be considered a basement level.

- (c) Garages. Garages, which will be for use only by the occupants of the residence to which they are appurtenant, must be attached to the residences and constructed in accordance with the approved plans. Each residence must have one garage capable of garaging at least two (2) and not more than four (4) standard size automobiles. There may only be one garage within each unit. No garage will be placed, erected, or maintained within any unit except for use in connection with a residence within that unit or within an adjoining unit already constructed or under construction at the time that such garage is placed or erected within the unit.
- (vii) Lawns. Each owner shall properly maintain all lawn areas and areas left natural within his or her unit. Each owner shall not allow the height of the lawns to exceed six (6) inches, and each owner shall keep underbrush, grass clippings, leaves, fallen branches, and other unsightly growths from unreasonably accumulating within the owner's unit.
- (viii) Recreational and Commercial Vehicles. No house, trailers, commercial vehicles, boat trailers, boats, camping vehicles, camping trailers, motorcycles, all-terrain vehicles, snowmobile trailers or vehicles other than automobiles or vehicles used primarily for general personal transportation use may be parked or stored on the Condominium Premises unless parked in a garage with the door completely closed or unless present for temporary loading or unloading purposes. No inoperable vehicles of any type may be brought or stored on the Condominium Premises, either temporarily or permanently, unless within a garage with the door completely closed. Commercial vehicles shall not be parked on the Condominium Premises (unless fully inside a garage with the door completely closed) except while making deliveries or pick-ups in the normal course of business or for construction purposes. No commercial vehicles of any nature will be parked overnight on the Condominium Premises, except in a completely closed garage, without prior written consent of the Developer. Any truck over 3/4-ton and any vehicle with a company name or other advertising or commercial designation will be considered a commercial vehicle. No vehicle may be parked overnight on any road or on any Frontage Area, except as permitted by the Association in accordance with any rules or regulations adopted by the Association.

- (ix) Fences. No owner may install within his or her unit a fence of any type unless approved in writing by the Developer or the Association.
- (x) Antennae. No owner may install within his or her unit a satellite dish or television antenna unless approved in writing by the Developer or the Association.
- (xi) Hunting. No owner shall engage in or permit hunting in any form anywhere within the Condominium Premises.
- (xii) Furniture: Equipment. No item of equipment, furniture or any other large movable item shall be kept within any unit outside a building, except lawn furniture or picnic tables, provided the same are kept in neat and good condition. All other items, such as lawn mowers, snowmobiles and dune buggies, shall be stored in a garage.
- (xiii) Nuisances. No owner of any unit will do or permit to be done any act or condition within his or her unit which may be or is or may become a nuisance. No unit will be used in whole or in part for the storage of rubbish of any character whatsoever (except normal household trash until the next trash collection day), nor for the storage of any property or thing that will cause the unit to appear in an unclean or untidy condition or that will be do noxious to the eye; nor will any substance, thing or material be kept within any unit that will emit foul or obnoxious odors, or that will cause any noise that will or might disturb the peace, quiet, comfort or serenity of the occupants of the surrounding units. No unsightly objects will be allowed to be placed or suffered to remain anywhere within a unit. If any owner of any unit fails or refuses to keep his or her unit free from refuse piles or other unsightly objects, then the Developer or the Association may enter the unit and remove the same and such entry will not be a trespass. The owner of the unit will reimburse the Developer or Association for all costs of such removal.
- (xiv) Completion of Construction and Stabilization of Soil. Construction once commenced within any unit must be completed within twelve (12) months from the date of commencement, and within said period the soil within such unit must be completely stabilized by grading and seeding of a lawn or other ground cover growth so as to prevent any soil blow area or soil erosion; provided that this provision shall neither prevent nor prohibit any owner from maintaining open areas for the planting of trees, shrubbery or a flower garden, but any such open

area shall be controlled so as to prevent blowing or erosion of soil therefrom.

- (xv) Compliance with Laws. No owner shall take any action on or with respect to his unit that violates any federal, state or local statute, rule or ordinance.

C. Restrictions Relating to Sewage and Drainage.

- (i) Compliance with Health Department Requirements. All owners must comply with all requirements and restrictions of the Public Health Departments of Kalamazoo County and the State of Michigan with regard to installation and maintenance of private water well and sewage disposal systems.
- (ii) Sewage Disposal and Well Locations. Prior to construction of any resident and the installation of a well and septic system, within the boundaries of the unit, the owner shall have the location of the well and septic system approved by the Kalamazoo County Public Health Department. After the well and septic system are installed, the area over these systems shall remain clear of improvements or encroachments where necessary for the effective operation, maintenance and repair of those systems.

D. Developer's Rights and Responsibilities. Developer may assign, in whole or in part, its rights and responsibilities hereunder to the Association, and when the last unit in the Condominium Project has been conveyed, this assignment shall occur automatically.

E. Enforcement of Restrictions. The Association's costs of exercising its rights and administering its responsibilities hereunder shall be Expenses of Administration (as defined in Article V above), provided that the Association shall be entitled to recover its costs of proceeding against a breach by a co-owner as provided in Article X

F. Developer's Option to Repurchase. If construction of a residence with a unit, by an approved builder and pursuant to approved plans and specifications, is not commenced within two (2) years from the date the first owner other than the Developer first acquires legal or equitable title to such unit, unless such two (2) year period is extended in writing by the Developer, the Developer will have the option to purchase back the unit from the then current owner. The Developer's option to purchase back the unit will continue until such time as construction is commenced for a residence which

has been approved as provided by these restrictions. The option will be exercised by written notice to the owner of record of the unit, and the purchase price will be equal to the net cash proceeds (sale price less Realtor's fees, if any) received by the Developer from the original sale of the unit, without increase for interest or any other charge. The Developer will also notify any mortgagee of the unit, as reflected in the records of the Association, pursuant to Article VIII below. If the option is exercised, Developer is to receive marketable title by warranty deed subject only to restrictions or encumbrances affecting the unit on the earlier of the date of the land contract or the date of conveyance by the Developer with all taxes and assessments which are due and payable or a lien on the unit, and any other amounts which are due are a lien against the unit, paid as of the date of conveyance back to the Developer. The closing of the purchase back shall occur at a place and time specified by the Developer not later than sixty (60) days after the date of exercise of the option. The then current owner of the unit will take such actions and shall execute such documents, including a warranty deed to the unit, as the attorney for the Developer will deem reasonably necessary to convey marketable title to the unit to the Developer, free and clear of all liens and encumbrances as aforesaid.

G. General Provisions.

- (i) Zoning. All restrictions imposed by the Oshtemo Township Zoning Ordinance, as it applies to open space residential communities, shall apply to all units in Kellison Wood Condominium, except that if the Developer or the Association has imposed more stringent restrictions, those restrictions shall apply in place of the Oshtemo Township restrictions.
- (ii) No Gift or Dedication. Nothing herein contained will be deemed to be a gift or dedication of any portion of the units or other areas in Kellison Wood Condominium to the general public or for any public purposes whatsoever, it being the intention of the Developer that these restrictions will be strictly limited to the purposes herein specifically expressed.
- (iii) No Third-Party Beneficiaries. No third party, except grantees, heirs, representatives, successors and assigns of the Developer, as provided herein, will be a beneficiary of any provision set forth herein.
- (iv) Handicapped Persons. Reasonable accommodations in the rules, policies and practices of the Condominium will be made as required



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

TO: Planning Commission Members

MEETING DATE: 1-9-97

FROM: Planning/Zoning Department

AGENDA ITEM: #7

Consideration for an agenda item, the proposed rezoning of approximately 15 acres located on the north side of West "KL" Avenue, 450 feet east of 9th Street, from "R-2" to "R-3".

A review/amendment of the 9th Street Focus Area Development Plan contained within the Master Land Use Plan is required.

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

APPLICATION FOR REZONING

Date December 23, 1996

Applicant Name James Herweg (Jim)

Address 25446 CR 653 Gobles, MI 49055 Phone 373-1000 (D); 628-2860 (E)

Section or Plat Section 23

To the Zoning Board:

The above named applicant hereby petitions the Charter Township of Oshtemo Zoning Board to amend the Charter Township of Oshtemo Zoning Ordinance by the rezoning of the following described property as hereinafter set forth and in support of such rezoning submits the following facts:

- I. Legal description of property (Lot and Plat name or meets and bounds description). Attach separate sheets if necessary.

Please see attached
RC 200-11-1
23-00-1-16

- II. Size and general location of property (acreage, dimensions, street, street number if available, nearest landmark).

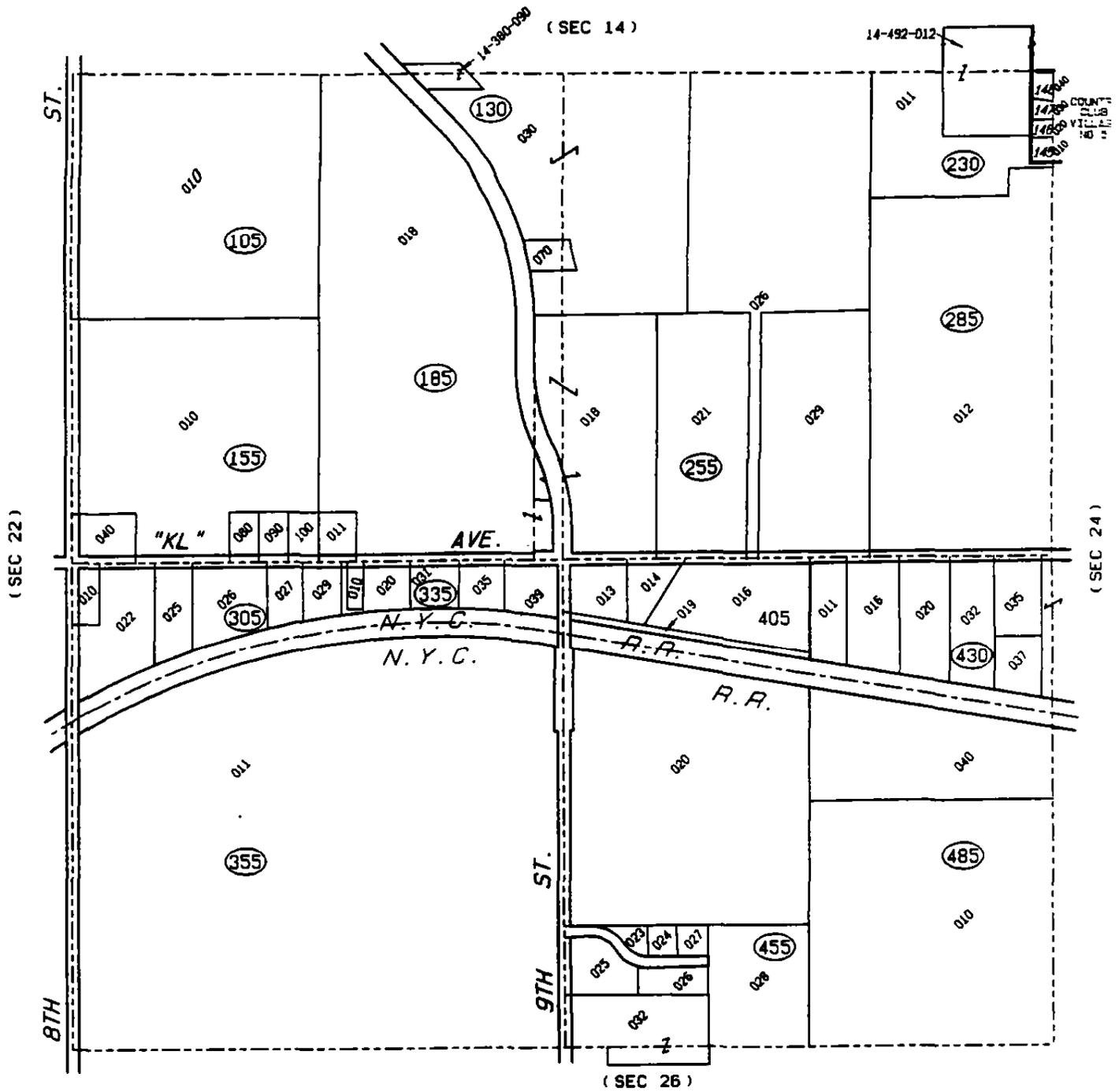
15.12 Acres at approximately 5200 KL Avenue, part of
a larger parcel of approximately 47 acres.
Dimensions of 15.12 acres: 570' X 1310'

- III. Present improvements on the property (building, other structures, etc.).

None

(over)

SECTION 23



DATE: AUGUST 25, 1993
 REVISED DATE: MARCH 8, 1996
 PRINTED DATE: MARCH 21, 1996

