

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

MINUTES OF MEETING HELD JULY 10, 1997

Agenda

OAK PARK #1 SITE CONDOMINIUM - SITE PLAN AMENDMENT

CORAKIS - REZONING OF APPROXIMATELY 3½ ACRES - SOUTHERN PORTION OF
6703 STADIUM DRIVE

NEIGHBORHOOD COMMERCIAL - TEXT AMENDMENT

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, July 10, 1997, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

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

Members Absent: None

Also present were Rebecca Harvey and Mike West, of the Planning and Zoning Department, Patricia R. Mason, Township Attorney, and six (6) other interested persons.

CALL TO ORDER

The Chairperson called the meeting to order at 7:05 p.m.

MINUTES

The Planning Commission considered the minutes of the meeting of June 26, 1997. The Chairperson suggested adding a reference to the fact that Mike West of the Planning and Zoning Department was also present at the meeting. The changes suggested by Ms. Harvey were noted. Mr. Block moved to approve the minutes as amended, and Mr. Loy seconded the motion. The motion carried unanimously.

AGENDA

The Chairperson suggested adding a discussion of the Communications Tower amendment to the Zoning Ordinance under "Other Business." Ms. Meeuwse moved to approve the agenda as amended, and Mr. Corakis seconded the motion. The motion carried unanimously.

OAK PARK #1 SITE CONDOMINIUM - SITE PLAN AMENDMENT

The next item of business was the application of Jim Buford for site plan amendment regarding the Oak Park #1 Site Condominium development consisting of 35 residential building sites located on approximately 32 acres. The applicant proposes the modification of the street arrangement so as to eliminate the southern extension of La Lisa Lane off La Jessica Circle. The subject road segment is situated between building sites #8 and #9 of Oak Park #1. Oak Park #1 is located on the east side of North 6th Street, approximately 1,500' north of West Main, and is within the "AG" Agricultural-Rural Zoning District classification.

The report of the Planning and Zoning Department is incorporated herein by reference. Ms. Harvey stated that, since this is a public road, approval of the amendment would also be needed from the Kalamazoo County Road Commission. She had discussed the proposed amendment with the Road Commission, and they indicated that they have similar criteria for such streets with regard to access for undeveloped property. The Road Commission urged the Township to deny the amendment.

The applicant was not present, and the Chairperson stated he would like information from the applicant with regard to the reasoning behind the proposal.

Ms. Meeuwse moved to table the item to later in the meeting before the other business agenda item. Mr. Loy seconded the motion, and the motion carried unanimously.

CORAKIS - REZONING OF APPROXIMATELY 3½ ACRES - SOUTHERN PORTION OF 6703 STADIUM DRIVE

The next item was consideration of the application of Ted T. Corakis for rezoning of approximately 3½ acres situated in the NW ¼ of Land Section 35. The subject property is located on the south side of Stadium Drive, west of 9th Street, and is the rear (southern) portion of 6703 Stadium Drive. The Planning Commission will consider rezoning from the "AG" Agricultural-Rural to the "C" Local Business District Zoning classification.

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

Mr. Corakis stated he would be abstaining from participation with regard to the item, and he removed himself to the audience.

Ms. Harvey stated that the area in question had been studied in depth several years ago in approximately 1991. At that time, a General Zoning Plan and Preliminary Street Network Plan for the area was created. Since that time, the Township had adopted the Village Focus Area Development Plan. Ms. Harvey believed it was appropriate for the Planning Commission to use both in considering the request at issue. She stated that, in general, and with the exception of the property adjacent to the west of the subject property, the Commercial zoning south of Stadium Drive was to a depth of approximately 600'. Property was zoned commercially to a depth of approximately 330' north of Stadium Drive in this area.

The Chairperson called upon the applicant for comment, and he indicated that he had no comment. There was no public comment offered, and the public hearing was closed.

The Chairperson made reference to the reasoning cited in support of the General Zoning Plan and Preliminary Street Network Plan adopted in 1991. Ms. Harvey stated that, as to the Street Network Plan, it was thought that extending Commercial zoning south to the AT&T right-of-way would allow for better accommodation of an internal road system in the area and/or more innovative access arrangements. The Chairperson stated that he recalled from discussion of the ~~Village Focus Area Committee~~ of the possibility that the AT&T right-of-way might ~~could~~ eventually be developed as a street. The Chairperson also recognized that the Village Focus Area Development Plan called for a mixture of uses, including Commercial. He recognized that the Planning Commission had on its work plan consideration of a Village Commercial District or Village Overlay District.

The Planning Commission considered whether the proposed zone change was supported by the adopted Township Master Land Use Plan. The Chairperson stated that the Plan encourages commercial development in this area. Further, he felt it was significant that this rezoning would constitute "infill" zoning within the existing Village Commercial node and would not represent an expansion of the area of Commercial zoning west along Stadium Drive. Further, expansion of the Commercial zoning south to the AT&T right-of-way on this parcel would be consistent with some of the land use, transportation and streetscape goals and objectives of the Village Focus Area Development Plan.

Ms. Meeuwse, however, stated she felt the Planning Commission should recognize that Commercial zoning is not an implementation tool recognized in the Village Focus Area Plan. The Chairperson concurred but noted that, since the Planning Commission had not yet created the Village Commercial District, the Planning Commission should conclude that the proposed rezoning would fulfill at least some of the objectives of the Village Focus Area Plan and would be in keeping with the Plans adopted in 1991.

The Planning Commission considered whether the change would severely impact traffic, public facilities and the natural characteristics of the area. The Chairperson recognized that, since the northerly 600' of this parcel was already commercially zoned, extension of the commercial zoning, in his opinion, would not dramatically impact traffic in the area. An additional access point would not be needed for the parcel. Further, increasing the size of the commercial zoning on the property would serve the objective of attempting to create a large

enough parcel to accommodate an internal street system or shared-access arrangement. Ms. Meeuwse commented that ~~the she~~ felt the Village Focus Area Development Plan urged the creation of a Village Commercial District so as to incorporate more of a mixture of uses than was allowed in the Commercial zone. A mixture of uses, in her opinion, would have less of an impact on traffic than pure commercial development.

It was recognized that public utilities were available and that the existing land use pattern supports the proposed rezoning. The subject property did not include designated wetlands or woodlands.

The Planning Commission next discussed whether the rezoning would constitute a spot zone. The Chairperson felt that it would not in that rezoning would represent infill rather than expansion of ~~expansion of~~ commercial zoning. Further, the existing commercial zoning in the area was recognized. Nevertheless, Planning Commission members recognized that the Commercial District was not an implementation tool within the Village Focus Area Development Plan and the Master Land Use Plan.

The Planning Commission considered whether the change would be contrary to the established land use pattern. It was noted that the area had been developed with a number of small retail shops and that this was consistent with the Master Land Use Plan. The Chairperson felt that expansion of the zoning on this parcel would be consistent in that, given the size of the property, development was likely to be small in scale. The Chairperson also felt that developers could look to the Master Land Use Plan for their design of commercial uses in this area. He recognized that commercial uses would be subject to site plan review. Ms. Harvey noted that in many ways the current Commercial District precludes development consistent with the Village Focus Area Plan ~~in many ways~~. Developers were then forced to pursue variance in order to develop consistent with the Plan.

Mr. Block agreed that the property in question would not lend itself to large-scale development.

The Planning Commission considered whether the change would have the effect of stimulating similar rezoning requests. Planning Commission members agreed that rezoning requests would be stimulated by rezoning on this property.

The Planning Commission considered whether there had been a change in conditions in the area supporting the proposed rezoning. There had been a number of changes in the area, including continued development and redevelopment. Further, the Master Land Use Plan had been adopted in 1993 and the Village Focus Area Development Plan therein was adopted in 1996. The Planning Commission considered whether there were adequate sites properly zoned available elsewhere to accommodate the proposed use. It was felt that, while other commercial zoning was available, since the General Zoning Plan established in 1991 for the area specifically supported expansion of commercial zoning as a rational basis for removing inappropriately placed commercial zoning in the Township, this factor was not as important as some others.

Mr. Heisig moved to recommend approval of the rezoning from the Agricultural to the Commercial District for the subject property with the following reasoning:

- (1) Reference was made to the rezoning analysis discussion of the Planning Commission.
- (2) Rezoning of this property was appropriate based on its location and in that the subject parcel is already partially Commercial zoning. The property is also bounded by Commercial zoning. It was felt it was significant that this represents infill rather than expansion of Commercial zoning in the area.
- (3) Public utilities are available to the property.
- (4) The property does not contain designated wetland or woodland.
- (5) The property already has an access onto Stadium Drive.
- (6) Commercial zoning was in furtherance of many of the objectives of the Village Focus Area Plan and, given the location of the property, would not negatively impact development in this area consistent with the Village Focus Area Plan.

Mr. Loy seconded the motion. No public comment on the motion was offered.

Ms. Meeuwse stated that she would vote in support of the motion based upon the location of the property. However, she felt that she would not be supportive of commercial zoning in another location in this area.

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

Mr. Corakis rejoined the Planning Commission.

NEIGHBORHOOD COMMERCIAL - TEXT AMENDMENT

The next item was consideration of the amendment of the Master Land Use Plan and the Zoning Ordinance with regard to the Neighborhood Commercial District. Two types of Neighborhood Commercial Districts were proposed. Locational standards for the proposed districts are set forth in the Plan; however, there are no boundaries for the districts being established at this time.

The Chairperson summarized the provisions of the zoning text for each district.

The Chairperson called for public comment, and John Pfister had questions as to where the Commercial Districts might be located in the future. The Chairperson discussed those areas which were identified in the Master Land Use Plan. However, it was again emphasized

that no rezonings were included in the public hearing and that there were no strict boundaries discussed in the text or the Plan.

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

After some discussion, Ms. Meeuwse moved to recommend approval of the proposed revisions to the Master Land Use Plan and to adopt Sections 33.000 and 34.000 to the Zoning Ordinance as proposed. Mr. Loy seconded the motion.

In response to questioning by Mr. Block, it was agreed that there would be a height restriction of 8' for signs in the text of each district.

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

OAK PARK #1 - SITE PLAN AMENDMENT

The Planning Commission returned to discussion of the proposed amendment to the Oak Park Site Condominium project. It was recognized that the applicant still was not present. Mr. Loy commented that he would like to know the applicant's reasoning for the proposal, noting that when the item was originally approved the Planning Commission was very concerned about street design.

The Chairperson agreed, stating that, since the time of the approval, several letters had been received from residents in the area, expressing concern with the project's impact on traffic. Ms. Harvey noted that she had ~~had~~ conversations with the Kalamazoo County Road Commission with regard to the intersection of the project with 6th Street, and that the Road Commission indicated that they were working to resolve problems with the developer.

The Chairperson commented that he had been very concerned with the internal street system at the time that the proposal was originally proposed. He felt that St. James would bear the brunt of the development traffic. Further, there was undeveloped land in this area and a need to consider future development in approval of the street system of the subject property. The Chairperson felt it would be appropriate to go forward in that he saw no basis for the amendment and felt there was no need to table the item due to the absence of the applicant. Mr. Corakis agreed. Planning Commission members noted that, in considering street system design, the Township considers that where adjoining areas are not subdivided the arrangement of streets in the proposed property should be extended to the boundary line to make provisions for future projection of streets into adjoining areas. Amending the site plan as proposed by the applicant would not meet this objective.

Mr. Block felt it was significant that the applicant had not notified the Township that he would be unable to be present at the meeting. He, too, felt that the Planning Commission should go forward and stated he saw no reason to eliminate the possibility of access to a large parcel of undeveloped property to the south. The Chairperson agreed, saying he felt that eliminating the access would be contrary to the Township's Access Management Plan.

Mr. Loy was concerned about creating "more dead ends." The Chairperson commented he felt that, if access to adjoining properties was not provided, orderly development would not be promoted.

The Chairperson called for public comment, and Fred Johnson stated that the outlot in question adjoins his property to the south. He stated that the outlot meets his property at a "reasonable place." He planned to eventually develop his property and felt that it would be appropriate to extend the road from this outlot for purposes of development of his property. He felt that, if the outlot/road were eliminated, he would have no choice but to have access to his property from West Main.

The public hearing was closed, and Mr. Loy moved to deny amendment of the site plan. Mr. Corakis seconded the motion. It was stated that the reasoning for the denial was the previous discussion of the Planning Commission and its discussion of the proposal at the time that the site plan had been originally approved February 13, 1997. The minutes of that meeting are incorporated herein by reference.

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

OTHER BUSINESS

The Planning Commission discussed the Telecommunications Tower Zoning Ordinance amendment, noting that the Township Board had discussed the Ordinance at its meeting of July 8, 1997. The Township Board had asked that the Planning Commission consider and provide answers to several questions. The Township questioned whether the Planning Commission had intended to control or govern antennas, short-wave radios, and other such equipment normally associated with residential development. Mr. Block noted that it was his belief that the Planning Commission did not intend to govern such equipment. He felt that residential antennas, etc., were typically "smaller" and would not need this regulation. There was some discussion of developing design criteria to differentiate between residential and commercial towers. The Planning Commission stated that its members agreed that they would discuss this issue at a subsequent meeting and determine how best to revise the proposed language to clarify the fact that equipment accessory to residential use would not be regulated.

The Chairperson stated that the Township Board had also questioned whether the Ordinance could be revised to require that towers be set a certain distance apart or to limit the number of towers within the Township. The Township Attorney stated she felt that this would be prohibited by the 1996 Telecommunications Act, which indicated that communications towers could not be prohibited and that there could not be discrimination by a municipality among providers. The proposed Ordinance, however, did attempt to address this issue by requiring co-location, setbacks, etc.

The Chairperson noted that there had been some discussion of prohibiting decorations on a tower. It was noted that FCC regulations would limit commercial entities from placing

nonessential decorations on a tower. In that residential equipment would not be governed, it was felt that revision to the proposed language in this regard was not needed.

The Planning Commission agreed to take up this issue at its meeting of August 7, 1997.

There was discussion of the quarterly report.

ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 9:25 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

BY: *Lara Meeuwse*
Lara Meeuwse, Secretary

Minutes prepared:
July 11, 1997

Minutes approved:
July 24, 1997

AGENDA: _____

DATE: July 10, 1999

MINUTES: Planning Commission

SENT: August 8, 1997

ZBA

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

PEOPLE

James Buford
 Buford Realtors
 3003 West Main
 Kalamazoo, MI 49007

Ted T. Corakis
 P.O. Box 312
 Oshtemo, MI 49077

PC

- ✓ Libby
- ✓ Marvin
- ✓ Lara
- ✓ Ken H.
- ✓ Millard
- ✓ Ted C.
- ✓ Wilfred

7-22-97

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Oshtemo Business Association
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McGraw-Hill/F.W. Dodge
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- ✓ Dave B.
- Marvin
- ✓ Norm

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

- ✓ Total
- ✓ Mike West
- ✓ Kathy



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NOTICE

OSHTEMO TOWNSHIP PLANNING COMMISSION MEETING

July 10, 1997
7:00 p.m.

AGENDA

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes

- June 26, 1997

4. Site Plan Amendment - Oak Park #1 Site Condominium (#97-12)

Jim Buford requests Site Plan Amendment regarding the Oak Park #1 site condominium development consisting of 35 residential building sites located on approximately 32 acres.

Applicant proposes a modification of the street arrangement so as to eliminate the southern extension of La Lisa Lane off La Jessica Circle. The subject road segment is situated between Building Sites #8 and #9, Oak Park #1.

Oak Park #1 is located on the east side of North 6th Street, approximately 1500 ft. north of West Main, and is within the "AG"-Rural District.

5. Rezoning - Corakis (#97-13)

Consideration of the application of Ted T. Corakis for rezoning of approximately 3½ acres situated in the NW1/4 of Land Section 35. The subject property is located on the south side of Stadium Drive, west of 9th Street, and is the rear (southern) portion of 6703 Stadium Drive. The Planning Commission will consider rezoning from the "AG" Agricultural-Rural to the "C" Local Business District Zoning classification.

Consideration of a review/amendment of the Village Focus Area Development Plan contained within the Township's Master Land Use Plan regarding the property described above.

6. Text Amendment - Neighborhood Commercial

Consideration of amendment to the Master Land Use Plan of the Township. Pages 61 and 78 would be amended to refer to Residential and Rural Residential Convenience Center Districts. The Locational Standards for each District are described.

Consideration of the amendment of the Oshtemo Charter Township Zoning Ordinance to add Section 33.000 "RC" Residential Convenience Center Overlay District to provide in summary as follows:

Section 33.100. Statement of Purpose.

Accommodate limited Neighborhood Commercial businesses and services convenient to adjacent residential areas. The District will typically be located within the eastern portion of the Township.

Section 33.200. Permitted Uses.

Convenience grocery sales (1,200-3,000 sq. ft.), drugstore, video rental, drop-off drycleaning facility, ice cream/coffee shop, hardware store, limited banking service, hair salon/barber shop.

Section 33.400. Special Exception Use.

Gasoline sales, retail laundry, restaurants (up to 1,500 sq. ft.), pet care.

Section 33.500. Design Standards.

Design standards for two-acre district limit, 50% limit on total improved area, building area limit of 10,000 sq. ft., off-street parking requirements, loading and refuse disposal, lighting, design of unimproved area, hardscapes, signage are provided.

Consideration of the amendment of the Oshtemo Charter Township Zoning Ordinance to add Section 34.000 "RRC" Rural Residential Convenience Center Overlay District to provide in summary as follows:

Section 34.100.

Statement of Purpose.

Accommodate limited Neighborhood Commercial businesses and services convenient to adjacent residential areas. The District will typically be located within the western portion of the Township.

Section 34.200.

Permitted Uses.

Convenience grocery sales (1,200-3,000 sq. ft.)

Section 34.400.

Special Exception Uses.

Restaurant, gasoline sales.

Section 34.500.

Design Standards.

Design standards for two-acre district limit, 50% limit on total improved area, building area limit of 7,500 sq. ft., off-street parking requirements, loading and refuse disposal, lighting, design of unimproved area, hardscapes, signage are provided.

7. Quarterly Report
8. Other Business
9. Adjourn

**** SCHEDULE OUTLINE**

July 24, 1997 Planning Commission Meeting

- : Text Amendment - "I-R" District (Schramm)
- : Text Amendment - 9th Street Focus Area Overlay Zone

AGENDA: Planning Commission DATE: July 10, 1997
 MINUTES: _____ SENT: July 2, 1997

ZBA

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

PEOPLE

Jim Buford
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 (2 Labels)

Ted T. Corakis
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 32 Labels

PC

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

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- ✓ Marci
- ✓ Lois
- ✓ Ron
- ✓ Tony
- ✓ Jim
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- Index
- ✓ Elaine

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John Van Stratt
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Total

✓ Mike W.



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To: Planning Commission

Meeting Date: 7-10-97

From: Planning/Zoning Department

Agenda Item: #4 (#97-12)

Applicant: Jim Buford
Buford Realtors
3003 West Main
Kalamazoo, MI

Property In Question: Approximately 32 acres located on the east side of North 6th Street, 1540 ft north of West Main - Northwest 1/4 of Section 15.

Reference Vicinity Map

Zoning District: "AG"-Rural District

Request: Site Plan Amendment - Oak Park #1 Site Condominium
(Modification of Street Arrangement)

Ordinance Section(s): Section 82.200/300 - Site Plan Review
Section 82.800 - Criteria For Review
Section 82.925 - Amendment to Site Plan

Planning/Zoning Department Report:

Background Information

- On 2-13-97 the Planning Commission granted Site Plan Approval for Oak Park #1 Site Condominium, Building Sites #1 - #34.

- Site Plan Approval of 2-13-97 included the provision that La Lisa Lane extend to the southern boundary of the subject site, between Building Sites #8 and #9, to make provision for its possible future extension into the adjoining area.

Reference Planning Commission Minutes of 2-13-97

- Applicant proposes a modification of the street arrangement so as to eliminate the southern extension of La Lisa Lane, and incorporate the resulting land into Building Sites #8 and #9.

Reference Application and Site Plan

- Unplatted parcels presently zoned "AG"-Rural District are located adjacent to the south of the Oak Park #1 Site Condominium project.

Parcel #3905-15-180-020 abuts Oak Park #1 to the south at the terminus of La Lisa Lane. This adjoining parcel consists of 33.51 acres with 234 ft of frontage on West Main. The southernmost portion of this parcel is zoned "R-3" Residence District, while the remainder is zoned "AG"-Rural District. A single family residence (7656 West Main) is presently located upon this parcel.

Reference Vicinity Map

Department Review

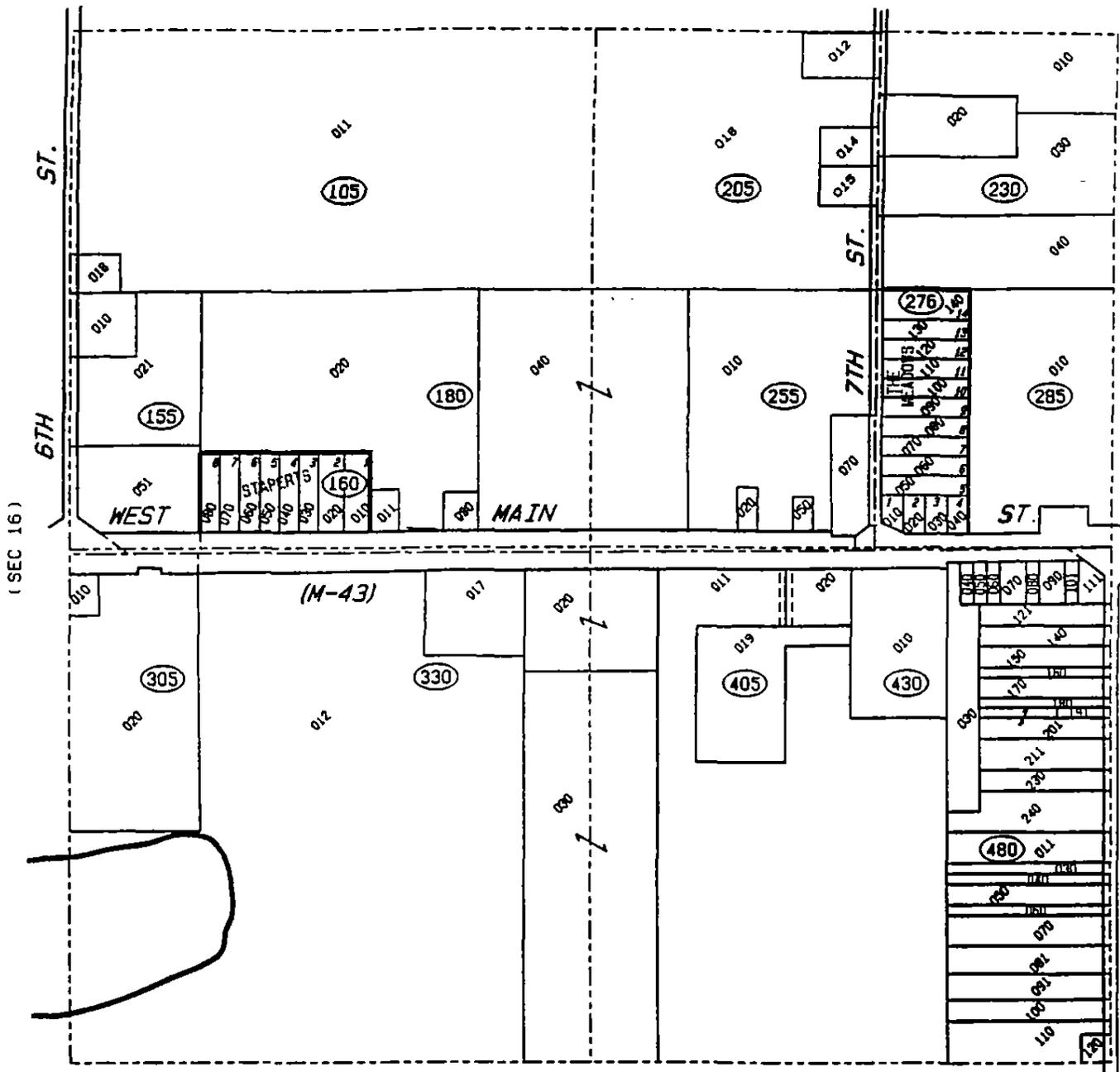
Section 82.800 (a) & (h) - Criteria for Review

- Land Division Ordinance guidelines [Section 2.2 (A)(3)] state that "where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas".
 - : Proposed elimination of the southern extension of La Lisa Lane would be contrary to this recommended road extension guideline.
- Consideration should be given regarding the likelihood that La Lisa Lane may be extended into these adjacent properties for future development.
 - : The adjoining parcel which abuts Oak Park #1 to the south at the existing terminus of La Lisa Lane is a large parcel (33.51 acres) with road frontage limited to West Main (234 ft).

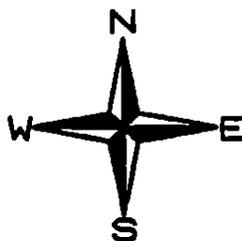
- : Without the ability to connect to La Lisa Lane, proposed future development of this adjoining parcel would require access off West Main.
 - : What potential adverse impacts (local traffic network, health, safety, welfare general character of surrounding area) would result from future development of these adjoining properties, without the ability to connect to La Lisa Lane?
- Goals and objectives of the Access Management Plan should be considered.
- : Will the overall goal of promoting the public health, safety, and general welfare, as defined as the following, be met through elimination of the La Lisa Lane extension? (Page 5, Access Management Plan)
 - 1) Reducing accident frequency and/or severity;
 - 2) Lessening congestion by reducing conflicting traffic movements;
 - 3) Providing reasonable access, a property owner's inherent right;
 - 4) Encouraging orderly development that is conscious of other uses;
 - 5) Addressing energy consumption/air pollution concerns; and
 - 6) Protecting the public investment in the street system.

SECTION 15

(SEC 10)



(SEC 22)



0 400 800 1200 1600

SCALE 1" = 800'

DATE: AUGUST 25, 1993

REVISED DATE: FEB. 27, 1995

PRINTED DATE: MARCH 21, 1995

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

MINUTES OF MEETING HELD FEBRUARY 13, 1997

Agenda

OAK PARK #1 SITE CONDOMINIUM - SITE PLAN REVIEW

BALKEMA - REZONING - AGENDA ITEM

SCHRAMM - TEXT AMENDMENT - AGENDA ITEM

CONVENIENCE CENTER OVERLAY DISTRICTS - TEXT AMENDMENT

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, February 13, 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, Patricia R. Mason, Township Attorney, and three (3) other interested persons.

CALL TO ORDER

The Chairperson called the meeting to order at 7:02 p.m.

AGENDA

The Chairperson suggested adding, under "Other Business," a discussion of the Township Board meeting of February 11, 1997, and a discussion of Planning Commission membership. Ms. Harvey suggested adding a discussion regarding a local workshop. Mr. Loy moved to approve the agenda as amended, and Mr. Heisig seconded the motion. The motion carried unanimously.

MINUTES

The Commission first discussed the minutes of the meeting of January 23, 1997. The Chairperson had a suggested change to the bottom of page 3 to clarify the sentence regarding relocation of the access points to the project. Ms. Meeuwse moved to approve the minutes as amended, and Mr. Corakis seconded the motion. The motion carried unanimously.

The Planning Commission next discussed the minutes of the meeting of January 30, 1997. Mr. Block moved to approve the minutes as submitted, and Mr. Loy seconded the motion. The motion carried unanimously.

OAK PARK #1 SITE CONDOMINIUM - SITE PLAN REVIEW

The next item was the application of Jim Buford for site plan review of a proposed residential site condominium development consisting of approximately 32 acres and proposed to include 35 condominium units (building sites).

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

The Chairperson noted that the Township Board had moved to rescind acceptance of the preliminary plat pursuant to the applicant's request in view of his desire to submit the project to the Planning Commission for site plan review as a site condominium development. The Township Board's rescission of acceptance had occurred at its meeting of February 11, 1997.

The applicant was present and noted that a new plan had been provided to the Township. One change was that the area which was lot 35 had been altered and now was common area which would be the site of a decorative reflective pond. Additionally, the retention pond had been moved to the common area opposite lot 4. Again it was noted that the access points off 6th Street to the project had been relocated pursuant to the Kalamazoo County Road Commission's comments. Only single-family homes were proposed for the project.

The applicant presented a letter from the Kalamazoo County Road Commission indicating that they were reviewing the construction plans for the road. Ms. Harvey reported that the Kalamazoo County Road Commission representative had indicated an awareness that this was a site condominium project and had indicated that they would be approving the road system. However, she felt that approval should be subject to the review and approval of the Kalamazoo County Road Commission.

The Chairperson reviewed for the Commission the letter of February 13, 1997, from JCK Associates, the engineer for the applicant.

There was discussion of the topography in the area of the decorative pond. There was concern that the pond was at a higher elevation than adjacent lots and concern that water runoff would run from this pond onto these lots. Commission members suggested that the Township Engineer, in his review, pay particular attention to this aspect of the plan. The applicant stated he felt that the pond would not cause a drainage problem in that it would be lined. He stated that the Health Department has had a problem with the buildability of lot 35, and therefore it had been converted for use for this decorative element.

In response to questioning by the Chairperson, the applicant stated that there is a stormwater "detention" area, which flows under St. James Street from the retention pond opposite lot 4. Water will flow to the south if the retention basin "gets too full." This flow will go to the common area. The Chairperson expressed concern that the flow of water would run from the common area onto adjacent property. The applicant responded that this was a wetland area.

In response to questioning by Mr. Corakis, the applicant indicated that there would be no sidewalks.

The applicant said that street lighting would be added to the project designed by Consumers Power. Ms. Harvey suggested that the Commission subject approval of the plan to compliance with the Township's Zoning Ordinance lighting standards.

The applicant indicated that the common areas would be owned by a condominium association and would be left open/greenspace with their natural vegetation.

There was discussion of the number of phases of this project. It was clarified that the Planning Commission was considering only Phase I of the project. The applicant was unsure of the boundaries between Phases II and III but said that he planned that Phase II front 6th Street and that Phase III be in the east portion of the site.

The Chairperson again expressed concern that St. James would be overburdened, given the road layout. The applicant indicated that the topography was prohibitive to making Nicholas Circle a through street.

Mr. Block questioned the applicant with regard to the design of the homes which would be placed in the condominium project, and the applicant indicated that there would be an architectural design committee to approve home plans. This committee would be made up of himself and would include ~~Mr. Buford~~ and two other builders. He said that there would be minimum square footage, roof pitch and other design requirements.

Mr. Corakis was concerned about the slope of the street area between lots 5 and 7. The applicant stated that fill would be brought to this area to limit the slope or grade. Mr. Corakis was concerned that, if this area were filled, the topography on lots 5 through 7 would be even more extreme in relationship to the road.

The Chairperson stated that he felt it was important to note for the record the Planning Commission's concern about the buildability of some of the lots in the proposed project. He felt it would be inappropriate for the Zoning Board of Appeals to grant variances to this project in that the lot layout/configuration was created by the developer. The Chairperson could see the potential for variance requests and wanted to make it clear to the developer that the Planning Commission was approving the project based on assurance by the developer and his engineer that the lots were buildable as proposed.

The Chairperson sought public comment, and Andrew Jean had questions for the applicant as to how far the development would occur to the east of the site. The applicant showed Mr. Jean the plan. Mr. Jean expressed concern about possible trespassers from the site condominium project onto his property and concern about maintaining his property as it is now.

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

The Planning Commission proceeded with a review of the project pursuant to Section 82.800.

With regard to lot 1, it was noted that the applicant's engineer had suggested that the lot was buildable on the west side. It was felt it was important to note that there would be no direct access to 6th Street for the lots and that access would be by way of the internal street system. It was recognized that the street layout for Phase I would result in a dead-end street in excess of 660' but that there would be intersections with this street developed in Phases II and III. The Chairperson stated that he was still concerned with the overall street design and felt it should be required that the second access point to 6th Street be established in Phase II.

Again concern was expressed regarding the decorative pool and the desire by the Planning Commission that the engineer should examine this area and the possible need for provision for overflow. The Chairperson again expressed concern about the topography of the property and the possibility of drainage from the common area to adjacent properties. However, the Chairperson expressed that he was pleased to see the topography was retained to a great extent and that the low areas had been reserved as common areas and would remain natural.

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

(1) That no direct access be permitted from building site 1 or the proposed decorative pond area to 6th Street. Access for the building sites would be via the internal road system. This prohibition should be included in the master deed and/or bylaws.

(2) That street layout for Phase I would result in a dead-end street in excess of 660' in length; however, the development of future phases would bring the street arrangement into compliance with design guidelines.

(3) That a second access point for the project was required to be developed in Phase II.

(4) That the proposed street arrangement was subject to Kalamazoo County Road Commission review and approval.

(5) That approval was subject to the review and approval of the Township Engineer. It was requested that the Township Engineer pay particular attention to the impact on lots 4 through 7 of the backfilling necessary to bring the road to acceptable grade. The Engineer should also review any impact on lots 31 through 34. The Engineer should pay particular attention to the possibility of "water runoff" from the decorative pond area onto adjacent lots.

(6) That the proposed building sites comply with dimensional requirements for single-family residential building sites, and limitation of the project for single-family development should be noted in the master deed and/or bylaws.

(7) That approval was subject to the review of and approval of the master deed and bylaws by the Township staff and Township Attorney.

(8) That public street lighting should be designed to comply with the intent of Section 78.700 and be in character with the adopted lighting objectives/standards.

(9) That low areas/common areas owned by the condominium association should be noted as such in the master deed and the maintenance of these areas provided for therein.

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

Mr. Loy seconded the motion. After a few questions by Mr. Buford, the motion carried unanimously.

BALKEMA - REZONING - AGENDA ITEM

The Planning Commission next considered, for purposes of scheduling public hearing, the proposed rezoning of approximately 100 acres located on the north side of KL Avenue adjacent to the north and west of Chateau Manor Mobile Home Park from the "R-4" to the "R-5" Residence District Zoning classification. A review/amendment of the 9th Street Focus Area Development Plan contained within the Master Land Use Plan would also be required.



charter township

oshtemo

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

SITE PLAN REVIEW APPLICATION

Date: 6-20-97 Present Zoning: Residential Fee: _____

Land Owner: _____ Including the names & addresses of any officers of a corporation or partners of a partnership. Documentation is required.

Person Making Request: Jim Buford

Address: 3003 W MAIN Phone: 388-8053

Interest in Property: Developer and owner

Size of Property Involved: _____

Legal Description of Property Involved: _____

General Description of the Proposed Development: Amendment TO

Oak Park site development TO Remove road

extension TO La Lisa TO south of said development and add the extension to Lots 8 & 9

List Supporting Documents attached to the application, if any: _____

CHARTER TOWNSHIP OF OSHTEMO

7275 W. MAIN STREET
KALAMAZOO, MI 49009
616-375-4260

6/24/97 JF

053572 SITE PL AMEND/BUFORD 100.00
TOTAL PAID 100.00

THANK YOU

I agree that approval of this site plan constitutes the Charter Township of Oshtemo, that all improvements developed in strict compliance with the approved plans or conditions imposed, and shall be specified under Site Plan Review.

Jim Buford
Owner/Agent

CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Planning Commission of the Charter Township of Oshtemo will conduct a public hearing on Thursday, July 10, 1997, commencing at 7:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street, within the Township, as required under the provisions of the Township Rural Zoning Act and the Zoning Ordinance for the Township.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include, in brief, the following:

1. Consideration of the application of Ted T. Corakis for rezoning of approximately 3½ acres situated in the NW¼ of Land Section 35. The subject property is located on the south side of Stadium Drive, west of 9th Street, and is the rear (southern) portion of 6703 Stadium Drive. The Planning Commission will consider rezoning from the "AG" Agricultural-Rural to the "C" Local Business District Zoning classification.
2. Consideration of a review/amendment of the Village Focus Area Development Plan contained within the Township's Master Land Use Plan regarding the property described in No. 1 above.
3. Such other and further matters as may properly come before the Planning Commission at the public hearing.

Written documents will be received from any interested persons concerning the foregoing application by the Oshtemo Charter Township Clerk at the Township Hall at any time during regular business hours up to the date of the hearing on July 10, 1997, and may be further received by the Planning Commission at said hearing.

By ordinance and statute, said Planning Commission has the right at or following said public hearing to deny, approve, or approve with conditions the foregoing application.

Anyone interested in reviewing the Zoning Ordinance pertinent to the foregoing may examine a copy of the same at the Oshtemo Charter Township Hall during regular business hours of regular business days hereafter until the time of said hearing and may further examine the same at said hearing.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to the Oshtemo Charter Township. Individuals with disabilities requiring auxiliary aids or services should contact the Oshtemo Charter Township by writing or calling the Township.

All interested persons are invited to be present at the aforesaid time and place.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

By: Wilfred Dennie, Chairperson
Oshtemo Charter Township Hall
7275 West Main Street
Kalamazoo, Michigan 49009
Telephone: (616) 375-4260



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

To: Planning Commission

Meeting Date: 7-10-97

From: Planning & Zoning Department

Agenda Item: #5 (#97-13)

Applicant: Ted Corakis
7080 West N Avenue
Kalamazoo, MI 49009

Property In Question: Approximately 3.5 acres located at 6703 Stadium Drive
- Section 35.

Reference Vicinity Map

Existing Zoning: North 600 Ft - "C" Local Business District
Rear (Southern) Portion - "AG"-Rural District

Request: Rezone 'Rear (Southern) Portion' from "AG"-Rural District to "C" Local
Business District.

Existing Land Use: A residential dwelling partially occupied by Livingston's Photo
Studio is located within the commercially-zoned portion of the subject site. The
rear (southern) portion of the site is currently vacant.

Surrounding Zoning/Land Use: Commercial zoning exists along the south side
of Stadium Drive to a depth of 600 ft, extending west from Chime Street to South
8th Street, with the exception of the 8 acre parcel adjacent to the west of the
subject site. The area is occupied by a mix of commercial and residential land
use.

The 8 acre parcel adjacent to the west of the subject site is commercially-zoned
extending from Stadium Drive south to the AT&T right-of-way and is currently
occupied by residential land use.

Commercial zoning exists along the north side of Stadium Drive to a depth of 330 ft extending west to 8th Street. The area is occupied by commercial, multiple family and residential land use and vacant land area.

Master Land Use Plan: The Oshtemo Township Master Land Use Plan locates the area under consideration within the Village Focus Area.

The recently adopted Focus Area Development Plan identifies implementation of the Plan's objectives through the application of a 'village commercial district' proposed to be contained within the Zoning Ordinance.

A 'village commercial district' has not yet been developed; a review of the Village Focus Area Development Plan is in order to determine if the goals and objectives of the Plan can be achieved through the existing commercial district.

Utilities: Public sewer and water facilities service the subject site through extensions along Stadium Drive.

Transportation Network: Stadium Drive is a primary east-west route in the Township providing access to the village area and I-94. Access control through the minimization of curb cuts is recommended. (Pgs 91-92, MLUP)

Environmental Factors: The subject property is not located within a designated wetlands or woodlands area.

History:

In 1991, the commercial zoning of the parcel adjacent to the west was extended south, from a point 600 ft south of Stadium Drive, to the AT&T right-of-way. The rezoning was premised upon a 'General Zoning Plan' and 'Preliminary Street Network Plan' developed for the area.

The following reasons were cited supporting the adopted plans:

- 1- extension of the commercial zoning further to the south of Stadium Drive would eliminate the strip zoning in the area;
- 2- extension of commercial zoning would allow for an internal road system resulting in controlled access;
- 3- extension of commercial zoning would allow for increased setback and green space requirements;
- 4- extension of commercial zoning to the south would provide a rational basis

for removing inappropriately placed commercial zoning in the Township;

- 5- use of rear portions of the parcels in the area would not be incompatible with use of front portions if the commercial zoning were extended south;
- 6- extension of commercial zoning would allow for use of the AT&T right-of-way as a transitional strip and possibly a future access route;
- 7- extension of commercial zoning would provide for more attractive development options by offering larger parcels/area.

* The following material is attached for your reference:

- : General Zoning Plan
- : Preliminary Street Network Plan
- : 12-27-90 Planning Commission (Zoning Board) Minutes
- : 1-10-91 Planning Commission (Zoning Board) Minutes

The plans developed for the area and the reasoning used to support those plans should be reviewed for applicability and consistency with the recently adopted Village Focus Area Development Plan.

The Village Focus Area planning process began in August of 1995. Following a public input session, 3 months of committee work, and public hearings, the Planning Commission recommended approval of the Village Focus Area Development Plan. The Township Board supported that recommendation and adopted the Plan in January of 1996.

The goals and objectives set forth in the Village Focus Area Development Plan, as well as the recommended implementation tools, should be reviewed for applicability and support of the requested rezoning.

Rezoning Request Analysis:

1. Is the proposed zone change supported by the adopted Township Master Land Use Plan?

The subject property is located within the Village Focus Area. The Village Focus Area Development Plan outlines specific goals and objectives for the future of the village area and the Stadium Drive corridor. The development of a 'village commercial district' or 'village area overlay zone' is supported as the primary implementation tool of the Plan; "C" zoning has not been identified as an ideal mechanism for achieving the Plan's goals and objectives. Consider specifically the Land Use, Transportation, and Streetscape Goals & Objectives of the Plan. (Pgs 124-128, MLUP)

Plan support of an expansion of the commercial zoning south on the subject site to the AT&T right-of-way could be based on the following reasoning:

- : 'village commercial district' or 'village area overlay zone' has not yet been developed and is currently not an option;
- : rezoning would constitute 'infill' zoning within the existing village commercial node and would not represent, necessarily, an expansion of the area's commercial zoning west along Stadium Drive;
- : expansion of commercial zoning south to the AT&T right-of-way is consistent with some of the Land Use, Transportation, and Streetscape goals and objectives of the Village Focus Area Plan by promoting:
 - site designs that offer rear parking areas and limited street access
 - site designs that promote physical access between the village area and surrounding land uses
 - an alternate means of access to focus area properties
 - a travel route within the AT&T right-of-way
 - clustered or concentrated development
 - provide land area required to achieve 'community focus' objectives
- : and, rezoning would be consistent with the 'General Zoning Plan' and 'Preliminary Street Network Plan' previously established for the area.

2. *Would the change severely impact traffic, public facilities and the natural characteristics of the area?*

An expansion of the depth of commercial zoning will not result in increased commercial frontage along Stadium Drive, however, an increase in commercial land area will directly impact the level (intensity) and nature of commercial growth in the area.

The Village Focus Area Development Plan sets forth goals and objectives regarding traffic, public facilities, and natural features within the Focus Area. The implementation mechanisms identified in the Plan are envisioned to respond to those adopted goals and objectives through street network and access standards, streetscape guidelines, and mixed use options.

Traffic: A 'village commercial district' is envisioned to address traffic concerns by providing for mixed land uses with compatible traffic generation characteristics, limited access needs, and a receptiveness to shared/cross access and parking arrangements. The same is not necessarily true with regards to the general commercial zoning district.

Utilities: The availability of public utilities and the existing land use pattern supports the proposed rezoning.

Natural Characteristics: The subject area is not located within a designated wetlands area or identified woodlands area. (Pgs 47 & 53, MLUP)

3. *Would the rezoning constitute a 'spot zone', granting a special privilege to one landowner not available to others?*

In 'spot zoning', the 'spotness' is defined as the 'arbitrary and inappropriate nature of the change'.

The rezoning under consideration may be argued as an expansion of existing "C" zoning in the area and therefore not a 'spot'. Further, the rezoning represents infill rather than effectively expanding the boundaries of the commercial zoning west along Stadium Drive.

However, the "C" District is not supported by the Master Land Use Plan (Village Focus Area Development Plan) and could be considered arbitrary or inappropriate in terms of many of the Plan's objectives for the area and the current commercial standards contained within the Ordinance.

4. *Is the change contrary to the established land use pattern?*

The Focus Area planning process occurred as a result of the characteristics and related concern for 'unplanned' growth within the Focus Area, as well as its extension outward from the village core. The process recognized that the Focus Area represented a historic opportunity and a specific direction for the imminent changes was desired.

In growth areas, the direction established in the planning process is generally recognized as a better guide for land use decisions than the 'existing land use pattern'. (Note: It is understood that the 'existing land use pattern' is considered and plays an important role **during** the planning process.)

5. *If the change is approved, what will be the probable effect on stimulating similar zoning requests in the vicinity?*

The southern extension of commercial zoning along the south side of Stadium Drive west from the village area will have a positive effect on stimulating similar rezoning requests in the area.

Until a 'village commercial district' is developed that will effectively achieve the goals and objectives of the Plan, the expansion of commercial zoning within the Focus Area should be considered on a site-specific basis for consistency with Plan directives and boundary impacts.

6. *Has there been a change in conditions in the area supporting the proposed rezoning?*

The following planning/zoning activity related to the general area should be noted in identifying 'changes in conditions' applicable to the requested rezoning:

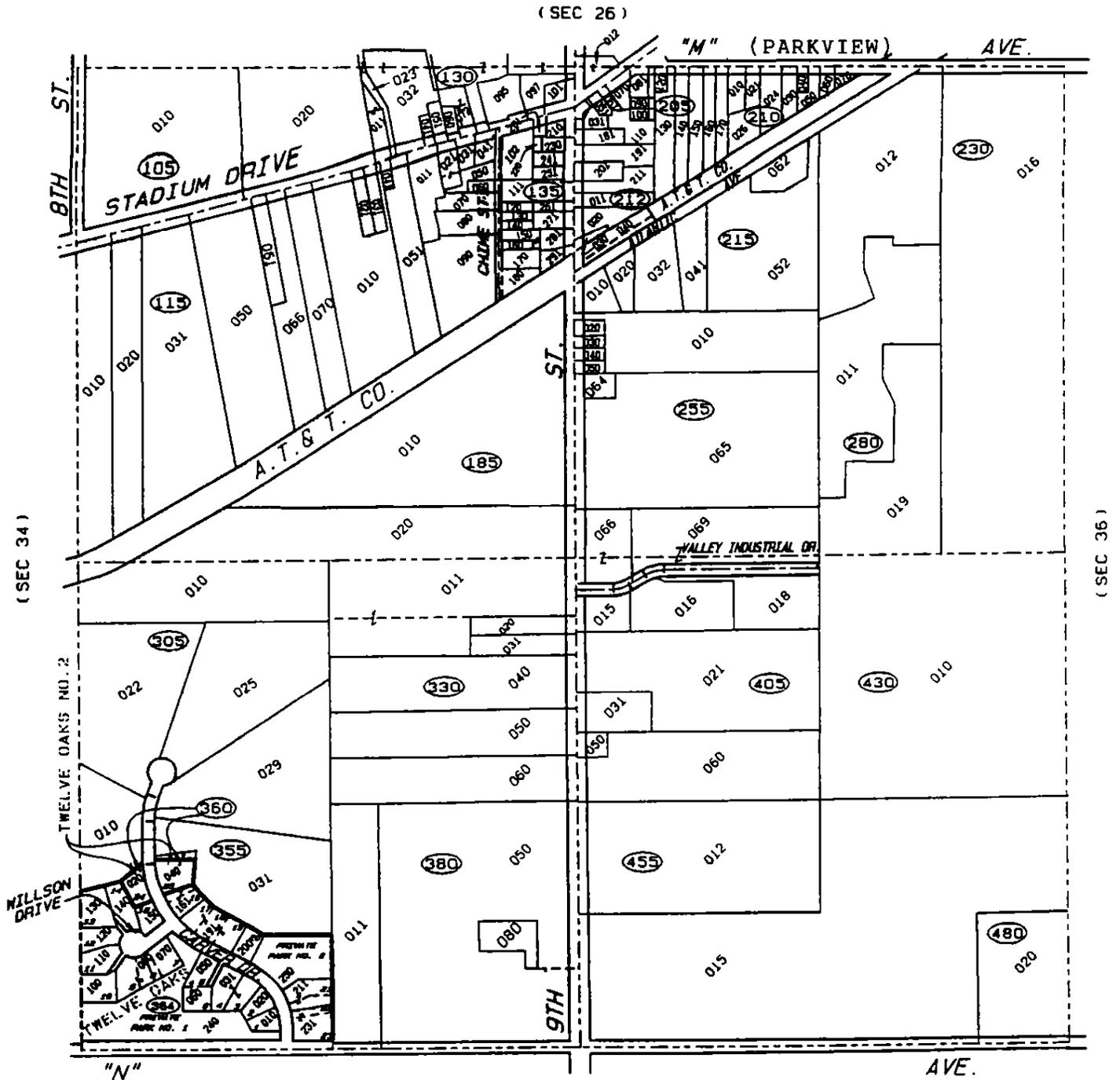
- : Continued development/redevelopment within the larger boundaries of the 'village area' (ie. Migala Law Office, LaSalle Builders Office, Vanderweele Engineering)
- : Approval of 96-unit residential development on "R-4" property opposite the subject site
- : Conversion of 2 residential units within the commercial zoning opposite the subject site to commercial land use (Bultema Salon, Fieldstone Builders)
- : Adoption of Master Land Use Plan (1993)
- : Adoption of the Village Focus Area Development Plan (1996)

7. Are adequate sites properly zoned, available elsewhere to accommodate the proposed use?

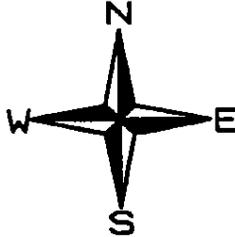
Though generally an important consideration in rezoning requests, the location of the subject property within the village area and the nature of the proposed zone more appropriately requires a review of the objectives for growth and land use along Stadium Drive and within the Village Focus Area.

It should be noted, however, that the General Zoning Plan established in 1991 for the general area specifically noted that the Plan's support of expanded commercial zoning in the subject area would provide a rationale basis for removing inappropriately placed commercial zoning in the Township'.

SECTION 35



(TEXAS 2)



DATE: AUGUST 25, 1993
REVISED DATE: FEBRUARY 29, 1996
PRINTED DATE: MARCH 22, 1996



SCALE 1" = 800'

OSHTEMO CHARTER TOWNSHIP ZONING BOARD

MINUTES OF DECEMBER 27, 1990

A regular meeting was conducted by the Oshtemo Charter Township Zoning Board on Thursday, December 27, 1990, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

Members present: George Vuicich
William Miller
Fred Johnson
Marcia Morris
Michael Blied

Members absent: Donna Klobucher
Ted Gruizenga

Also present were James W. Porter, Township Attorney, and approximately five (5) other interested persons.

CALL TO ORDER

The Chairman called the meeting to order at 7:05 p.m.

APPROVAL OF MINUTES

The Chairman said the first item on the Agenda was the approval of the December 6th minutes. The Chairman suggested that since there were few items to be considered that approval of the minutes be put off until the end of the meeting and the Board concurred.

REZONING KL AVENUE.

The Chairman stated that the next item on the Agenda was the consideration of the application for rezoning of Merrill Jr. and Roxanne Dalton. However, since the applicants had withdrawn their application the chairman said it need not be considered.

REZONING ON STADIUM DRIVE.

The Chairman stated that the next item was the consideration of the rezoning of all that portion of the Northwest one-half of land Section 35 and of the Northeast one-quarter of land Section 34 lying northerly of the AT&T right-of-way, which is presently zoned in the "AG" agricultural/rural zoning district classification; rezoning from the "AG" to the "C" local business district classification. The Chairman said the Board must consider a proposed amendment to the Township Land Use Plan which would change the classification of the property described in the zoning request from rural residential/agricultural to the commercial

classification.

The Chairman declared the public hearing portion of the meeting open and asked to hear from the applicants. Mark Manning an attorney from Paw Paw, Michigan indicated that he would be representing Mr. Geresy and Mr. Pete Van Putten. Mr. Manning told the Zoning Board that Mr. Geresy was the owner of the property and that Mr. Van Putten was an interested purchaser of the property.

Mr. Manning described, using the Zoning Map, the area requested for rezoning. Mr. Manning said the property in question consisted of eight acres extending 800 feet back from Stadium Drive. Mr. Manning told the Zoning Board the applicant wanted a rezoning from ~~commercial~~ ^{agricultural} to ~~agricultural~~ ^{commercial} in order initially to develop the property for Wolverine Lawn and Garden. The applicant's attorney said the remaining portion of the property would be developed for other commercial businesses off Stadium Drive.

Mr. Manning indicated that the property would be developed in a two stage process. Phase 1 ^{initially} being the development of Wolverine Lawn and Gardens' establishment and then later Phase 2 ^{being to} ~~develop~~ ^{develop} the rear portion, furthest from Stadium Drive, with other commercial businesses. Mr. Manning indicated that the Applicant envisioned having one main access off Stadium Drive with the possibility of a service drive in the rear portion of the property to relieve traffic congestion. Mr. Manning said he did not believe the agricultural zoning was appropriate for the rear portion of this property since all the property bordering Stadium Drive was zoned "C" commercial. Mr. Manning asked the Zoning Board if they had any questions.

Mr. Vuicich asked if Mr. Manning knew all the uses that were allowed within the agricultural zone. Mr. Manning said that he knew many of the uses allowed in the "AG" zone but that he had not reviewed them recently. However Mr. Manning stated that he did not want to propose any development of the property which was not consistent with the established zoning in the area.

Mr. Geresy told the Zoning Board he envisioned putting a 66 foot road to the south of the property off Stadium Drive in order to service the entire parcel. The Chairman asked if the development of the rear portion of the property was viable if the businesses were not visible from Stadium Drive. Mr. Manning said he felt that the businesses would be viable on the southern portion of the property and that the Applicant had a number of people who had expressed interest in developing there if they were allowed proper signage. The Chairman said she was glad to hear that businesses were now considering developing along a single access point so as not to create excessive curb cuts. Mr. Manning said the reduction of curb cuts would reduce liability and make it easier to access businesses off the main thoroughfare.

The Chairman asked if there were any further comments and hearing none closed the public portion of the meeting.

The Chairman told the parties in attendance, as well as the Zoning Board, that there was a slight problem in that the Zoning administrator was out of town and that the Zoning Board did not have her report. The Chairman said that she was reluctant to consider the rezoning application until she had seen a full work-up done by Ms. Harvey.

Mr. Manning asked the Zoning Board if it wasn't ^{their} ~~there~~ job to merely make a recommendation to the Township Board and that the Township Board would make the final determination. The Chairman indicated Mr. Manning was correct. However Mr. Miller added that the Zoning Board liked to review Ms. Harvey's reports because they were well researched and put it in a format that assisted them in making their recommendation. Mr. Miller stated he would prefer to have Ms. Harvey's report before making any finding.

Mr. Manning asked when this matter might be ^{recommended} ~~adjourned~~-to and the Chairman said either January 10 or January 24. There was a brief discussion regarding timing and the Chairman said that the Zoning Board would do its best to consider the applicant's request on January 10. Mr. Johnson said he felt that they should drop other issues if necessary to expedite the matter.

The Chairman called for further discussion. The Board renewed its discussion by asking why the Township would want to extend the commercial zone further south of Stadium Drive. The Chairman said that if an access road were developed opening up the southern portion of the applicant's property that it would coincide with the Township's access management plan. The Chairman asked whether the Zoning Board wished to develop the southern portion of the property off Stadium Drive.

Mr. Vuicich said he was very interested in the idea of a service drive either running parallel with Stadium or running parallel or along the AT&T access corridor. Mr. Vuicich said he would not be interested in seeing the commercial zone deepened or extended to the south unless there was some way to have a service drive. Mr. Vuicich explained to the applicant that the Township was in the process of working on an access management plan which had not yet been ~~implemented~~ by the Township.

The Chairman asked the other ^{adapted} members of the Zoning Board if it wouldn't be impractical to ^{operate} ~~operate~~ the southern portion of the subject property without a service drive. Mr. Vuicich said providing a 66 foot wide public road to each existing parcel would still create as many curb cuts as if each parcel had a single drive onto Stadium Drive. He said the only solution was to create some type of service drive parallel to Stadium Drive and in turn reduce

the number of curb cuts to Stadium Drive.

Mr. Johnson asked how much frontage the subject parcel had on Stadium Drive and the applicant indicated approximately 330 feet. Mr. Johnson then asked how deep the property was and Mr. Vuicich indicated it was approximately 1100 feet deep with the first 600 feet on Stadium Drive zoned commercial and the remaining 550 feet to the south zoned agricultural.

Mr. Vuicich said perhaps a service drive on the rear portion of the property would be possible. Mr. Van Putten asked Mr. Vuicich if Mr. Vuicich thought access should be gained onto 9th Street. Mr. Vuicich said perhaps an access point could be gained at 9th Street or perhaps a service road running along the Northern or Southern portion of the property could be used to provide access.

Mr. Geresy asked the Zoning Board why it had allowed for a single road directly onto 9th Street to service five facilities. He asked the Zoning Board why he was being treated differently. The Chairman said that the Zoning Board had nothing to do with the development Mr. Geresy was referring to since that development had come before the Zoning Board of Appeals. Mr. Vuicich concurred with the Chairman.

Mr. Manning said that whatever the Zoning Board could do to minimize curb cuts would certainly be helpful to everyone in the community whether done by providing a service drive toward the front or the rear of the subject parcel.

Mr. Vuicich asked what would happen to the area south of the area proposed to be rezoned commercial but north of the R-4 zoned property. The Chairman indicated that was the AT&T right-of-way. Mr. Johnson asked if the right-of-way was actually owned by AT&T and the Chairman said that the Board would know better at the next meeting when it had Ms. Harvey's report.

The Chairman said that there were existing lots along Stadium Drive which had pre-existing drives which might complicate the implementation of a Service Drive. She indicated that she would like to see an extension of 8th Street to help relieve the traffic in the area. Mr. Vuicich said he would be reluctant to extend the commercial zoning to the south unless there was some agreement to utilize a service drive in order to relieve traffic pressures and the need for excessive curb cuts.

Mr. Ted Corakis, an owner of property within the area being considered for rezoning, told the Zoning Board that the only way to get to 9th Street was to use the AT&T right-of-way otherwise one would run into the Chime School. At this point a discussion ensued with Mr. Corakis during which Mr. Corakis and the Zoning Board reviewed various Zoning Maps. Mr. Corakis expressed a concern that

a service drive would cut his property in half and make it less usable. Again the Zoning Board and Mr. Corakis continued their discussion over the Zoning Maps.

After the discussion with Mr. Corakis stopped the Chairman asked that the Board return their discussion to Mr. Geresy's property. The Chairman asked how the Zoning Board would respond to Mr. Geresy putting a 66 foot road in on his property and using it as a "T" service drive. The Chairman also added that perhaps the Zoning Board should consider rezoning only Mr. Geresy's property and not the surrounding property. The Chairman stated that perhaps that in so doing they could review other property to be rezoned in order to discuss a service drive for the surrounding property.

Mr. Corakis asked if the Zoning Board was going to rezone some or all of the property. The Chairman said the Zoning Board had noticed the area surrounding the applicant's property but that they could rezone some or all of the property noticed for hearing. Mr. Corakis told the Zoning Board that he felt there was a need for a service road in the area. The Chairman told Mr. Corakis that the Zoning Board could not legally require a service road. Mr. Corakis asked whether or not a service road would be allowed if all the neighbors agreed to it. The Chairman indicated that it certainly would be desirable.

The Chairman asked if there were any further questions. Mr. Miller said he felt the Zoning Board had gone as far as it could for the evening. Mr. Miller said he would like to see an access road for complete development of the property.

Paula Stahl said she was concerned about the Zoning Board requiring a service road near Stadium Drive because there were existing structures which would interfere with such a road. She asked what would happen to the existing structures. The Chairman told Ms. Stahl that the Township could not require the service drive at this point and certainly would not condemn any buildings to do so. The Chairman said the Access Management Plan which was being developed would give the Township guidelines but that the Township could not require compliance with the Access Plan at this time. The Chairman said in the past certain sites were required to have a service drive in order to receive a special exception use permit and that this was done during site plan review.

Mr. Miller again stated that the Zoning Board would need more input from Ms. Harvey but that the Zoning Board would proceed with this matter as fast as possible. Mr. Johnson said he felt the Board should consider this matter again on January 10. Mr. Miller then made a motion to table this matter until January 10, it was seconded by Mr. Johnson, the Chairman called for the vote and the motion passed unanimously.

REGULATION OF LANDFILL SITES BY ZONING ORDINANCE.

The Chairman said the next item on the Agenda was the consideration of proposed language by attorney Pat Mason regarding regulation of landfills within the Township. The Chairman stated that as with the other matters on the Agenda she would like to see Ms. Harvey's report before they considered taking any action on this proposal. Mr. Vuicich suggested the Board proceed with a brief review in order to better familiarize themselves with the proposed ordinance language.

Mr. Vuicich made the suggestion that all references to the Zoning Board be amended to refer to Planning Commission if, in fact, the Planning Commission is established by the Township Board.

Mr. Vuicich then asked, referring to page two of the proposed text, why the screening requirements could not track the same as the screening requirements provided for in Section 11.540(1).

Mr. Vuicich asked what current Ordinances the Township had regarding noise. Mr. Vuicich referred to Section 60.330 of the Township Zoning Ordinance regarding noise abatement and wondered if this Section should not be referred to in the proposed Ordinance. Mr. Vuicich also referred to Subsection (c) on page 3 and said that he would like to see a requirement for sharp cut off lights as provided elsewhere in the zoning Ordinance.

Mr. Vuicich and Mr. Miller both asked, referring to Subsection G, what a complete chemical analysis was. Mr. Porter said the provisions of Act 641 would most likely define what would be required in a complete chemical analysis.

Referring to page 4 section 4 of the proposed text amendment several members of the Zoning Board said they felt signs should be placed at any ingress to the facility and not the entrance only. The Chairman said the reference to personnel being required on the property at all times should be revised to refer only to those times when the landfill was open.

Mr. Vuicich, referring to page 5, Section 7a, Subsection 6, asked why ground water and water table mapping information could not also be made available.

Referring to page 6 the Board discussed the required monies to be placed into a Trust Fund. Attorney Porter said in addition to monies for a Trust Fund there was new legislation which might allow the Township to require a ten cent per cubic yard tipping fee. The Attorney said the new legislation also provided for a larger sum if agreed to by the Waste Disposal company. He said perhaps the Ordinance could be amended to reflect the new statutory authorization for a tipping fee.

The Chairman, referring back to page 5, said she felt that the last sentence on page 5 should have a comma after the word "used."

The Chairman said she believed the language in the last sentence of page 5 and going over onto page 6 was somewhat unclear.

The Chairman referring to the first sentence of the last paragraph on page 6 said she felt residence should be plural to coincide with farms or businesses. The Chairman also indicated that reasonably suspected was very awkward diction and wondered whether or not this could be worded more properly.

Mr. Vuicich said there was a blank space in the first full paragraph on page 7 and he believed the spacing should be adjusted.

The Zoning Board indicated it did not want to take any action on the proposed language until they had received a report from Ms. Harvey. They also asked that the attorney review some of the proposed revisions to the Ordinance before they considered the Amendment fully.

APPROVAL OF MINUTES.

The Chairman indicated that the next item of the Agenda was the consideration of the minutes of December 6, 1990. The Zoning Board, reviewing a copy of the Minutes with Ms. Harvey's proposed changes, completed a revised copy of the minutes of December 6, 1990. The amended minutes are attached hereto and incorporated by reference into the present minutes. All changes made in the amended minutes of December 6, 1990 have been underlined for reference purposes. Mr. Miller made a motion to approve the minutes as corrected, the motion was seconded by Mr. Johnson, the Chairman called for the vote and the motion passed unanimously.

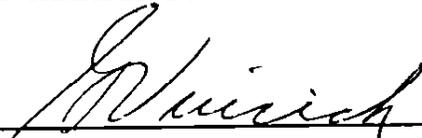
YEAR END REPORT.

The Chairman said the last item on the Agenda was consideration of the year-end report. The Chairman provided a year-end report for the Oshtemo Township Zoning Board showing the number of Zoning Board meetings, request processed, documents considered, and planning studies conducted. The Chairman asked if there were any comments on the report and hearing none asked if there was further business to come before the Zoning Board.

ADJOURNMENT

Hearing no further business the Chairman adjourned the meeting at approximately 10:10 p.m.

OSHTEMO CHARTER TOWNSHIP ZONING BOARD

BY: 

Minutes prepared:
January 2, 1991

Minutes approved:
1991.01.24

OSHTEMO CHARTER TOWNSHIP ZONING BOARD

MINUTES OF JANUARY 10, 1991

A regular meeting was conducted by the Oshtemo Charter Township Zoning Board on Thursday, January 10, 1991, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

Members present: Donna Klobucher, Acting Chairman
Ted Gruizenga
Fred Johnson
William Miller
George Vuicich

Members absent: Marsha Morris
Michael Blied

Also present Rebecca Harvey, Planning and Zoning Department, Patricia Mason, Township Attorney, and three other interested persons.

CALL TO ORDER

The meeting was called to order at 7:05 p.m.

ELECTIONS OF CHAIRMAN AND SECRETARY

The Board first considered the election of a Chairman for the 1991 calendar year. Mr. Johnson nominated Marsha Morris. The nomination was seconded by Mr. Gruizenga. Upon a vote, Ms. Morris was elected unanimously. As to the election of a secretary for the calendar year 1991, Mr. Miller nominated George Vuicich. The nomination was seconded by Mr. Johnson. Upon a vote, the Board unanimously elected Mr. Vuicich.

1991 MEETING DATES.

The Board next discussed the proposed meeting dates for 1991. It was noted that a meeting was proposed for December 26, 1991. It was suggested that this meeting date be changed to December 19, 1991. Mr. Gruizenga moved to adopt the suggested meeting dates with a change in the date of the meeting of 12-26-91 to 12-19-91. The motion was seconded by Mr. Miller. The motion carried unanimously.

MINUTES

The Board considered the Minutes of the meeting of November 8, 1990. Mr. Vuicich moved to approve the Minutes as submitted. Mr. Miller seconded the motion. The motion carried unanimously.

REZONING - STADIUM DRIVE - SECTIONS 34 AND 35

The Board next considered rezoning all that portion of the northwest quarter of land Section 35 and of the northeast quarter of land Section 34 lying northerly of the AT&T right-of-way, which is presently zoned in the "AG" Agricultural/Rural zoning district classification; rezoning from the "AG" to the "C" Local Business zoning district classification was to be considered. Further, the Board would consider the proposed amendment of the Township's Land Use Plan so as to change classification of the property described from the Rural Residential/Agricultural to the Commercial classification. It was noted that the item had been tabled from the meeting of December 27, 1990.

Ms. Harvey reminded the Board that the applicant, Mr. Geresy, had made a request for rezoning as to his parcel at 6745 Stadium Drive alone. The Board had expanded the area under consideration. Ms. Harvey submitted handouts to the Board which included a map of the area and a list of parcels. The area in question consisted of 14 parcels. Ms. Harvey reminded the Board that it had done a review of the entire corridor in 1988. Also in 1988, commercial zoning was approved for the area south of Stadium Drive to a depth of 600 feet.

Ms. Harvey summarized her report concerning the item which report is incorporated herein by reference. She emphasized that consideration of an extension of the present commercial zoning further to the south would or could respond to the previous concerns of the Zoning Board expressed in 1988. Extension of the commercial to the south would: (1) Eliminate the strip zoning pattern in the area, (2) allow for an internal road system resulting in controlled access, (3) allow for increased setback and green space requirements, (4) provide a rational basis for removing inappropriately placed commercial zoning in the Township, (5) eliminate the possibility that use of rear portions of parcels would not be compatible with the use of front portions, (6) allow for use of the AT&T right-of-way as a transition strip and possibly as a future access route, and (7) provide more attractive development options by offering larger parcels/area.

Ms. Harvey suggested that the Board consider developing a General Zoning Plan for the entire area and incorporate that plan into the updated Land Use Plan of the Township which was currently in the process of being adopted. As a basis for the General Zoning Plan, the Board should also consider creating a Conceptual Street Network for the area. Further, Ms. Harvey suggested that the Board take action only on the requested rezoning and incorporate the General Zoning Plan in the Land Use Plan at a later date. Further, finalization of the Street Network Plan could be pursued and finalized in a timely fashion after the Board's action on the requested rezoning.

As to a possible Conceptual Street Plan (which could be reviewed by KATS and other road agencies), Ms. Harvey noted that she had designated a possible network on the map (provided in her report) with dashed lines. It was proposed that a major north to south street (intersecting with 8th Street) and a major east to west street paralleling Stadium Drive, at a depth of approximately 600 feet from Stadium Drive, should be created. The proposed street network could intersect with 7th Street and Chime Street. Other roads in the network would develop according to the development of the individual parcels.

The public hearing was reopened. The applicant, Mr. Geresy, was present but had no comment. There was no other public comment and the public hearing was reclosed.

Mr. Miller expressed his feeling that expanding the commercial zoning to the south would give a greater opportunity to the Township for control in the area. He further noted that at the last meeting, the applicant had appeared to be in favor of the internal road system. Mr. Miller also felt that the expansion, which would allow for increased setbacks and green space, would benefit the Township. He opined that the expansion would allow the Township to remove inappropriately placed commercial zoning.

Ms. Klobucher, by contrast, was concerned about increasing the amount of commercial zoning in the area. She noted that the Zoning Board had felt, in 1988, that commercial zoning was inappropriate in the area. Mr. Miller responded that since commercial zoning was in place, the expansion would be favorable for the Township in that it would eliminate the "strip zone".

Mr. Vuicich indicated he has some of the same concerns which troubled Ms. Klobucher, however, he felt that if the "C" zoning were increased the Board would have more justification for rezoning inappropriately placed commercial zoning in the Township. He said that this would be a positive effect in his opinion.

Mr. Gruizenga opined that the uses in the area were so mixed that it was doubtful that owners of the parcels in question would utilize them for agricultural purposes. Therefore, a change to commercial zoning was reasonable. He felt that expansion would make a bad situation better.

Mr. Johnson commented that this area was one of the most logical places for commercial zoning and for the proposed road network.

The Board attempted to reach a general consensus.

After some further discussion, Mr. Vuicich moved to adopt the following General Zoning Plan for the area in question:

(1) That the area as outlined in yellow on the map attached hereto should be commercially zoned but that for that portion west of 8th Street, transitional zoning may be considered;

(2) That this General Zoning Plan be coordinated with the plan for zoning in the area north of Stadium Drive.

The following reasons were cited for the General Zoning Plan:

(a) Extension of commercial zoning further to the south of Stadium Drive would eliminate the strip zoning in the area;

(b) Extension of commercial zoning would allow for an internal road system resulting in controlled access;

(c) Extension of commercial zoning would allow for increased setback and green space requirements;

(d) Extension of commercial zoning to the south would provide a rational basis for removing inappropriately placed commercial zoning in the Township;

(e) Use of rear portions of the parcels in the area would not be incompatible with use of front portions if the commercial zoning were extended south;

(f) Extension of commercial zoning would allow for use of the AT&T right-of-way as a transitional strip and possibly a future access route;

(g) Extension of commercial zoning would provide for more attractive development options by offering larger parcels/area.

Mr. Vuicich's motion was seconded by Mr. Miller. The motion carried unanimously.

Mr. Vuicich moved to adopt the Preliminary Street Network Plan as proposed on the map attached hereto (and designated with the dotted lines). He further moved that the Preliminary Street Network Plan be reviewed by Kalamazoo Area Transport Studies and other road agencies. He moved that the road agencies also review and coordinate the Preliminary Street Network Plan with the Street Network Plan for the area north of Stadium Drive. The motion was seconded by Mr. Miller. The motion carried unanimously.

As to the zoning of the applicant's parcel, Mr. Gruizenga moved to recommend rezoning of the rear portion of the parcel (i.e., that portion from a line 600 feet south of Stadium Drive to the AT&T right-of-way) from the "AG" to the "C" zoning district classification. Mr. Gruizenga further moved to recommend amendment

of the Land Use Plan so as to reclassify the real property in question from the Rural/Residential-Agricultural to the Commercial classification. Mr. Gruizenga cited as the basis for his recommendation the General Zoning Plan and the Preliminary Street Network Plan for the area. The motion was seconded by Mr. Johnson. The motion carried unanimously.

TEXT AMENDMENT - SIGNAGE PROVISIONS OF SECTION 76.125 - 76.140 - 76.145, 76.150, 76.146 AND AMENDMENT OF DEFINITION IN SECTION 11.555 OF THE ZONING ORDINANCE

The Zoning Board next considered amendments to the following sections of the zoning ordinance: Section 76.125, 11.555, 76.140, 76.145, 76.150 and 76.146. The Notices regarding Zoning Public Hearing for January 10, 1991, and for November 8, 1990, are incorporated herein by reference.

There was no public present and the Acting Chairman closed the public hearing.

Mr. Miller moved to recommend the following amendments to the Township Zoning Ordinance Text:

1. The proposed amendment of Section 76.125 of the Zoning Ordinance to replace the second paragraph thereof so as to provide as to signage in a "C" or "C-1" District:

"On a parcel of land on which a shopping center is located, one sign not exceeding 100 square feet and having a height no greater than 25 feet above the grade of the abutting street or highway may be constructed. The sign may not be located less than 10 feet from the sideline of the property nor closer than one-half the required building setback distance from the abutting street or highway. The sign may not be less than 11 feet above any sidewalk or passway for pedestrians or vehicles beneath the same."

2. The proposed amendment of Section 11.555 of the Zoning Ordinance to state:

"A shopping center is an architecturally integrated group of three or more commercial establishments which are planned, developed, owned and/or managed as one unit, and which have a minimum of 50,000 square feet of gross floor area."

3. The proposed amendment of Section 76.140 of the Zoning Ordinance to permit:

"One temporary real estate sign advertising land or buildings for sale or lease, not exceeding 6 square feet in area for

residential real estate signs, 16 square feet in area for non-residential real estate signs, and having a height no greater than 8 feet above the grade of the abutting street or highway shall be allowed in any zoning classification for each 500 feet of frontage of a parcel upon a public highway or street. One temporary real estate sign advertising land for sale or lease in a subdivision is permitted for a period of two years from the issuance of the sign permit, said sign not to exceed 16 square feet in area and having a height not to exceed 8 feet above the grade of the abutting street or highway. All temporary real estate signs shall be located no closer to the front, side or rear property line than one-half of the distance of the required building setback. No temporary real estate sign shall be illuminated."

4. The proposed amendment of Section 76.145 of the Zoning Ordinance to state:

"A temporary sign advertising new buildings, offices, rooms or apartments for present or future occupancy may be erected in an "R-3", "R-4", "R-5", "C", "C-1", "I-R", "I-1", "I-2", "I-3" zoning district on the site of the property for a period of two years from the beginning of construction, or two months after completion of the last unit thereof, whichever first occurs. Said sign shall not exceed 16 square feet in area and shall have a height no greater than 8 feet above the grade of the abutting street or highway."

5. The proposed amendment of Section 76.150 of the Zoning Ordinance to provide:

"Temporary signs advertising building contractors and professional persons may be located at the site of a building under construction provided that the total area for all such signs at any construction site shall be limited to 16 square feet and that the height of such signs shall be no greater than 8 feet above the grade of the abutting street or highway."

6. The proposed amendment of the Zoning Ordinance to add as Section 76.146 the following:

"Residential Subdivisions

For platted land, which is situated within any Residential or Agricultural Zoning District, a sign may be located at each entrance of a subdivision, to identify the subdivision, which sign does not exceed 30 square feet in area and which does not exceed 8 feet above the grade of the abutting street or highway. The sign(s) shall be located no closer to any property line than one-half of the required building setback."

The motion was seconded by Mr. Gruizenga. The motion carried unanimously.

The Board next discussed, in particular, the highway signage provision, which it had discussed, and for which it had determined to recommend denial, on November 8, 1990. It was noted that no one was present on behalf of Budgetel Inn, the applicant.

Mr. Miller moved to recommend denial of the following amendment to Section 76.125 of the zoning ordinance as to highway signage:

1. The proposed amendment of Section 76.125 of the Zoning Ordinance to provide as to highway signage in a "C" or "C-1" District:

"In those instances in which a parcel abuts two public streets (including highways), one freestanding sign per street of, 25 to 40 feet in height, 100 square feet to 150 square feet in area, is permitted provided that each sign is located so as to primarily serve traffic along a different street.

Or in the alternative to provide:

"In those instances in which a parcel abuts two public streets (including highways) two free standing signs and one wall sign are permitted. The height of said signs is limited to 25 feet to 40 feet. The signs (freestanding and wall) shall not exceed 100 to 150 square feet in total area; said area may be divided between the signs in any way."

Mr. Miller ^cited as his reasons the Board discussion and reasoning set forth in the Minutes of November 8, 1990, which Minutes are incorporated herein by reference. The motion was seconded by Mr. Gruizenga. The motion carried unanimously.

TEXT AMENDMENT - LANDFILL SITE REGULATION - SCHEDULING OF PUBLIC HEARING.

Mr. Gruizenga moved to schedule a public hearing for February 14, 1991, at 7:00 p.m., for the following proposed text amendments:

1. Consideration of an amendment to the Oshtemo Charter Township Zoning Ordinance to add Section 43.304, regarding special exception use in the "I-3" Industrial District:

Section 43.304:

Sanitary landfill or solid waste disposal facility subject to the following:

Prior to approval by the Zoning Board of a special exception use permit for a sanitary landfill or solid waste disposal facility, as herein defined, in any area of the Township, said board shall be certain that the following limitations and conditions are or shall be strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance, or in any other Township ordinance controlling such operations. The following rules and regulations shall apply specifically to each landfill area or disposal facility, unless county or state regulations on any particular requirement are more restrictive, and then such more restrictive regulation shall apply.

1. Location:

- (a) All such operations shall be located on a state highway or county primary road, as defined by the County Road Commission of Kalamazoo, for ingress and egress thereto, and on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Zoning Board may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations, as a condition of such operation, and for the purpose of routing traffic around residential areas. A stop sign shall be erected and maintained by the owner/operator at all egress roads of the disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicants' property which are within 150 feet of any residence.
- (b) Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such disposal area shall be permitted closer than 100 feet from the interior boundary lines. In addition, no disposal areas shall be permitted closer than 300 feet to any domicile, or within 300 feet of any residential districts. No such disposal areas shall be permitted closer than 100 feet to adjacent public right-of-way, property lines or lakes and streams. Such disposal areas shall at no time be permitted where adjoining lateral support for the maintenance for adjoining land is not maintained.
- (c) Any permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior boundary lines. In addition, if

located within 1,000 feet of a residence, it shall be obscured by a suitable barrier, not less than 10 feet high, with screening, of a type to be decided on an individual basis, by the Zoning Board at the time of application. Where practicable, the processing plant shall be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus, nor to the stockpiling or loading and transportation equipment.

- (d) No such disposal area shall interfere with the established natural flow of surface waters, to the detriment or damage to adjoining public or private properties. The Zoning Board shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial sediment may be carried into any nearby watercourse.
- (e) Any sanitary landfill area or solid waste disposal facility, located within the boundaries of the Township, whether publicly or privately owned, shall be open to Township residents, property owners and businesses, during established business hours, at a rate competitive with other disposal areas in Southwestern Michigan. Other persons or parties may also be granted access to a public facility, subject to paying charges as determined by the public body having jurisdiction. Private waste disposal areas shall provide service to all persons and businesses, regardless of where located. Special handling fees may be charged for bulky or difficult to process items. Hazardous materials, as defined in P.A. 64 of 1978 for the State of Michigan and defined by the Department of Natural Resources in its Hazardous Waste Management Rules, Sections R299.630 through R 299.6317 inclusive, containing Rules 301-317 exclusively, and dated February 5, 1981, are prohibited.
- (f) Greater isolation distances may be required by the Zoning Board if the sanitary landfill or solid waste disposal area being proposed, is adjacent to special quiet zones, as designated by local or state government.

2. Sight Barriers and Fencing:

- (a) Sight barriers shall be provided along all setback lines of the sites which lack natural screening conditions through existing contours or evergreen

growth. Such barriers shall consist of the following: A berm of at least 10 feet in height and plantings of evergreen trees, not more than 10 feet apart, or shrubbery not more than 5 feet apart, in staggered rows, on the berm, parallel to the boundaries of the property. Evergreens shall be at least 2-year transplants at the time of planting, and shall grow to not less than 10 feet in height, and shall be sufficiently spaced to provide effective sight barriers when 10 feet in height. Trees or shrubs which die must be replaced.

The requirements for screening by means of a berm and plantings may be reduced or eliminated by the Zoning Board if the particular site and terrain of the subject property (with screening of a reduced height), will afford adequate sight barriers for adjoining property owners, residents or passers-by.

- (b) The sanitary landfill area is to be fenced with an eight-foot high chain link fence with three strands of barbed wire, angled 45° toward the outside of the premises on the top. Such fence shall be located inside of any berms or screening following the exterior boundaries.

The entrance to the sanitary or solid waste disposal landfill area shall have a gate which shall be closed and locked at all times that the landfill is not open.

3. Nuisance Abatement:

- (a) Air pollution, noise and vibration, and their effect upon adjacent properties shall be minimized by the utilization of adequate soundproofed equipment and buildings designed to accomplish such minimization, and by the proper use of berms, walls and natural planting screens. Interior and adjoining roads used in the solid waste disposal operations, shall have their surfaces treated to minimize any condition.
- (b) Rodent traps, if needed, shall be placed every 100 yards, around the perimeter of the sanitary landfill area, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.
- (c) Any security lighting deemed necessary by the owner/operator shall be of the sodium vapor type and shall be aligned so that no part of the

illuminated field shall fall on any adjoining residential property.

- (d) Every sanitary landfill facility, which accepts refuse, shall have adequate water supply and facilities for quick delivery of water to any part of the property, for the purpose of extinguishing fires. Capacity shall be such that at least 50 gallons of water per minute can be applied to any fire, continuously, for at least 10 hours. The source of the water supply and the facilities to provide for the delivery of the water shall be indicated on the plans submitted for approval by the Zoning Board.
- (e) All litter shall be collected from the sanitary landfill site by the end of each working day and either placed in the fill, compacted and covered that day, or stored in a covered container.
- (f) In winter operations, snow and ice shall be removed before any material, either refuse or earth cover, is placed on the fill. A supply of unfrozen earth cover material shall be maintained and available, either in protected stockpiles or in a natural bank protected from, or not subject to freezing. Frozen cover materials shall not be placed on the fill.
- (g) Prior to the commencement of the construction of any landfill within the Township the owner/operator of the proposed landfill shall obtain from each lake, stream, creek, watercourse and private, residential agricultural and commercial water well a water sample for complete chemical analysis. These water samples shall be taken from each of the aforementioned water sources within a mile radius of the exterior boundaries of the property acquired for the construction of the landfill. These samples shall contain the exact location from which they were obtained, the name and address of the property owner who owns the land from which the water sample was taken, and the name and address of principle user of the water well, if different from the owner of the property upon which the well is located. The owner/operator of the proposed landfill shall turn these samples over to a properly accredited laboratory for complete analysis. The results of the individual analysis shall be certified by the laboratory, and then filed with the Township Clerk, for the purpose of future reference, should there at some later date be suspected groundwater contamination. In addition, copies of the quarterly

monitoring text well results shall be delivered to the Township promptly upon receipt by the owner/operator.

4. Time Limits:

All operations, other than the maintenance of equipment within a fully enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 7:00 a.m. and 3:00 p.m. on Saturdays and legal holidays. A sign stating the hours and prohibiting dumping at other times shall be placed in a conspicuous location at the entrance.

Keys for admittance to the disposal area shall be given to the Township Clerk. Disposal facilities shall have qualified personnel on duty at all times to direct the dumping, spreading, compaction and covering of materials.

5. Liability Insurance:

All applicants shall be required to carry personal injury and property damage insurance, in addition to any and all bonds required by state statute, while any open or unrehabilitated area exists. Such insurance shall be in the amount of not less than \$1,000,000 for each person injured or property damaged, or for any injury or damage to more than one person or one person's property, arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operation, as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk, and shall be maintained in effect for a period of not less than twenty years following final closure and termination of sanitary landfill activities. The deductible written into the insurance policy shall not exceed five percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this section shall include the provisions that the insurer shall notify the Township 30 days prior to the cancellation of the insurance for any reason.

6. Closure of Disposal Areas:

Reclamation or rehabilitation of sanitary landfill or solid waste disposal areas shall be accomplished as soon as practicable following the completion of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with facility's operations. Substantial completion of reclamation and rehabilitation

shall be effected within two years after the termination of the waste disposal facility. Inactivity for 12 consecutive months shall constitute, for this purpose, termination of disposal activities. Technical standards which shall control the final reclamation and rehabilitation of the site, and the post-closure monitoring of the site shall be the rules and regulations written by the Department of Natural Resources, Resource Recovery Division, Solid Waste Management for the State of Michigan pursuant to Public Act 641 of 1978, as amended, being Section 299.401, et seq., of the Michigan Compiled Laws and known as the Solid Waste Management Act, or other similar acts which may provide such regulation hereafter.

7. Submission of Operational and Closure Plans:

- (a) No sanitary landfill activities shall be allowed or commenced until a plan has been submitted to the Township Zoning Board, disclosing compliance with all of the provisions within this ordinance, or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - (1) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, and whether or not the same are on state or county primary roads, additional roads, if any, to be constructed and the location and nature of abutting improvements of adjoining properties.
 - (2) The number of acres and the location of the same, proposed to be operated upon within the following 12-month period after commencement of operations.
 - (3) The type of sanitary landfill or solid waste disposal area proposed to be constructed, the nature of the equipment to be used and the materials to be accepted.
 - (4) A survey by a registered surveyor, showing the location of the principal disposal site and the distance of any proposed operations, and the boundaries of the site.
 - (5) A map disclosing the approximate final grade and the levels to be established following completion of the disposal areas, including

the proposed uses being contemplated for the future use of the land, and other such matters as may evidence the bona fide nature of the rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed waste disposal area.

(6) A map disclosing the location of all lakes, streams, creeks, watercourses and public, private, residential, agricultural and commercial waterwells from which the samples will be taken for analysis, as stipulated in 3(g) of this section.

(7) A written agreement, signed by the owner/operator of the proposed disposal area, agreeing to abide by the following plan for solutions to groundwater contamination, should such contamination occur as a result, or suspected result of his disposal operations.

8. Impact Fees:

The owner or operator shall pay to the municipality an impact fee of 10 cents (or a sum greater than 10 cents if an agreement with regard to same has been reached between the owner or operator and the Township) per cubic yard on solid waste disposed of in a landfill.

The impact fee shall be collected by the owner or operator and paid to the municipality quarterly by the thirtieth day after the end of each calendar quarter.

9. A Trust Fund for the Mitigation of Landfill Problems:

(a) A trust fund shall be established at a convenient bank, within the County, chosen by the Township Board. The impact fees shall be paid into this trust fund for the life of the sanitary landfill or solid waste disposal facility. Expenditures from the trust fund are to be approved by a Board of Trustees consisting of one citizen appointed by the Township Board, the Township Supervisor, and one representative of the owner/operator. Board members shall serve for terms of two years. Trust fund monies may be expended pursuant to a majority vote of the Board of Trustees for any purpose that promotes the public health, safety and welfare.

(b) The mitigation of environmental degradation shall be accomplished by limiting the amount of new leachate produced; steps shall be taken which

restrict the movement of existing pollutants in the water. When domestic, agricultural or commercial wells lie in the path of a contaminated plume, one of the following possible solutions to the problems of public health, hazard and environmental degradation shall, at the discretion of the Township be required of the owner/operator of the landfill.

- (1) Immediate purging of the groundwater. Studies must be conducted, at the expense of the owner/operator of the waste disposal area, to determine the extent of the groundwater contamination, cleanup required, and the timetable by which the cleanup will proceed.
- (2) Provision of an alternate water supply. This shall include, but not be limited to:
 - (a) Locating uncontaminated groundwater.
 - (b) Providing bottled water. This shall be a temporary measure, designed to prevent health hazards until another system can be prepared. This service should be terminated once a permanent water supply system becomes operational.
 - (c) Hooking into an existing municipal water supply system.

Owner/operator of a sanitary landfill reasonably suspected of contamination of the groundwater for residence, farms or businesses, shall guarantee the cost of the construction of the extension of a municipal water line to the affected area, and the cost of the hookup to this water supply. The Township shall pay for any oversizing of the line to permit the extension of service to areas not affected by the leachate. The owner/operator of the sanitary landfill may make an unrestricted cash payment to the Township to carry out its responsibility to the residents in obtaining for them uncontaminated water. This option shall be at the discretion of the proper authority. If the water is available to the residents of the affected area, it will assume sole responsibility for establishing water rates, assessments and connection charges, and for the granting of waivers of any of these charges to residents whose water supply is endangered by the leachate and for policies

governing the system operation and waiver policy.

If the Township does not agree to make water available to its residents, the entire issue shall revert back to the landfill owner/operator's responsibility. The Township shall assume no responsibility or liability for any injuries or property damage resulting from the sanitary landfill operations.

10. Financial Guarantee:

Financial guarantee shall be given the Township, insuring the proper closure and rehabilitation of the solid waste disposal area. The amount of the guarantee shall not be less than \$5,000 per acre of disposal area, but not less than \$20,000 nor more than \$200,000 for the area proposed to be licensed by the State, or which has previously been operated upon during any preceding period and which has not been reclaimed or rehabilitated. All such financial guarantees shall be reviewed annually on or about the anniversary date of the sanitary landfill construction permit, for adjustment in compliance of the foregoing requirements by the Zoning Inspector of the Township or other such official as may be designated by the Township Board. In this regard, the amount of the financial guarantee may be increased or decreased, based upon the cost of living index, promulgated by the U.S. Department of Labor, using the effective date of this ordinance amendment as the base period for the \$5,000 per acre amount. Such financial guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit or a corporate bond of a licensed insurance company, eligible to insure disposal facilities in Michigan. The corporate bond, if it is used, shall be a performance bond which shall be filed with the Township Clerk governing all portions of the sanitary landfill operation required to be maintained in accordance with these regulations, guaranteeing the satisfactory performance of these regulations. The bond shall not be cancellable for nonpayment of premium on disposal areas already worked, and shall continue in force for one year after closure and reclamation of the sanitary landfill facility.

For all sanitary landfill areas, the minimum financial guarantee shall be at least \$20,000, provided to the Township, if less than five acres are required to be covered by the financial guarantee at any time. The bond shall be filed with the Township before the permit is issued, and on or before the first of each year,

thereafter.

Approval by the Zoning Board shall be based upon the criteria set forth within said ordinance and shall be based, in addition, on a consideration of the following:

- (a) The most advantageous use of the land, resources and property.
- (b) The character of the area in question and its particular suitability, if any, for the particular use.
- (c) Conservation of property values as well as natural resources and the general appropriate trend and character of development in the subject area.
- (d) The protection and preservation of the general health, safety and welfare of the Township.
- (e) The scarcity or value of waste disposal areas as compared with the effect upon adjacent communities near the proposed operation. The Zoning Board may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same.

11. Existing Sanitary Landfill Operations:

All licensed sanitary landfill operations existing on the effective date of this ordinance shall be subject to the within regulations with regard to future operations; however, such pre-existing disposal areas shall be allowed to continue in operation on its then existing land. A Special Exception Use shall not be required therefor.

The motion was seconded by Mr. Vuicich. The motion carried unanimously.

TEXT AMENDMENT - CREMATORIES - SCHEDULING OF PUBLIC HEARING

Mr. Vuicich moved to schedule a public hearing for February 14, 1991, at 7:00 p.m., for the following proposed text amendment:

1. Consideration of an amendment to the Oshtemo Charter Township Zoning Ordinance to provide these definitions:

11.242 Cemetery

1 or a combination of more than 1 of the following:

- (a) A burial ground for earth interments.
- (b) A mausoleum for crypt entombments.
- (c) A crematory for the cremation of human remains.
- (d) A columbarium for the deposit of cremated remains.

11.246 Crematory

A building or structure, within which the remains of deceased persons are or are intended to be cremated.

11.305 Funeral Home

A place of business used in the case of preparation for burial or transportation of a dead human body.

2. Consideration of an amendment to the Oshtemo Charter Township Zoning Ordinance regarding permitted uses in the "R-4" District to provide:

24.205 Funeral Homes

24.208 Crematories

24.209 Accessory buildings and uses customarily incidental to the foregoing.

3. Consideration of an amendment to the Oshtemo Charter Township Zoning Ordinance regarding special exception uses in the "C" District to provide:

30.410 Crematories

4. Consideration of an amendment to the Oshtemo Charter Township Zoning Ordinance as to special exception uses in a "C-1" District to provide:

31.406 Crematories

5. Consideration of an amendment to the Oshtemo Charter Township Zoning Ordinance regarding permitted uses in the "AG" District to provide:

20.207 Cemeteries, excluding crematories

6. Consideration of an amendment to the Oshtemo Charter

Township Zoning Ordinance regarding permitted uses in the "R-2" District to provide:

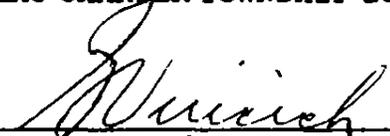
22.206 Cemeteries, excluding crematories

The motion was seconded by Mr. Johnson. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

OSHTEMO CHARTER TOWNSHIP ZONING BOARD

BY: 
George Vuicich, Secretary

Minutes prepared:
January 15, 1991

Minutes approved:
February 28, 1991

CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Planning Commission of the Charter Township of Oshtemo will conduct a public hearing on Thursday, July 10, 1997, commencing at 7:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street, within the Township, as required under the provisions of the Township Rural Zoning Act and the Zoning Ordinance for the Township.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include, in brief, the following:

1. Consideration of amendment to the Master Land Use Plan of the Township. Pages 61 and 78 would be amended to refer to Residential and Rural Residential Convenience Center Districts. The Locational Standards for each District are described.

2. Consideration of the amendment of the Oshtemo Charter Township Zoning Ordinance to add Section 33.000 "RC" Residential Convenience Center Overlay District to provide in summary as follows:

Section 33.100. Statement of Purpose.

Accommodate limited Neighborhood Commercial businesses and services convenient to adjacent residential areas. The District will typically be located within the eastern portion of the Township.

Section 33.200. Permitted Uses.

Convenience grocery sales (1,200-3,000 sq. ft.), drugstore, video rental, drop-off drycleaning facility, ice cream/coffee shop, hardware store, limited banking service, hair salon/barber shop.

Section 33.400. Special Exception Use.

Gasoline sales, retail laundry, restaurants (up to 1,500 sq. ft.), pet care.

Section 33.500. Design Standards.

Design standards for two-acre district limit, 50% limit on total improved area, building area limit of 10,000 sq. ft., off-street parking requirements, loading and refuse disposal, lighting, design of unimproved area, hardscapes, signage are provided.

3. Consideration of the amendment of the Oshtemo Charter Township Zoning Ordinance to add Section 34.000 "RRC" Rural Residential Convenience Center Overlay District to provide in summary as follows:

Section 33.100. Statement of Purpose.

Accommodate limited Neighborhood Commercial businesses and services convenient to adjacent residential areas. The District will typically be located within the western portion of the Township.

Section 34.200. Permitted Uses.

Convenience grocery sales (1,200-3,000 sq. ft.)

Section 34.400. Special Exception Uses.

Restaurant, gasoline sales.

Section 34.500. Design Standards.

Design standards for two-acre district limit, 50% limit on total improved area, building area limit of 7,500 sq. ft., off-street parking requirements, loading and refuse disposal, lighting, design of unimproved area, hardscapes, signage are provided.

4. Such other and further matters as may properly come before the Planning Commission at the public hearing.

Written documents will be received from any interested persons concerning the foregoing application by the Oshtemo Charter Township Clerk at the Township Hall at any time during regular business hours up to the date of the hearing on July 10, 1997, and may be further received by the Planning Commission at said hearing.

By ordinance and statute, said Planning Commission has the right at or following said public hearing to deny, approve, or approve with conditions the foregoing application.

Anyone interested in reviewing the Zoning Ordinance pertinent to the foregoing may examine a copy of the same at the Oshtemo Charter Township Hall during regular business hours of regular business days hereafter until the time of said hearing and may further examine the same at said hearing.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/ hearing upon seven (7) days' notice to the Oshtemo Charter Township. Individuals with disabilities requiring auxiliary aids or services should contact the Oshtemo Charter Township by writing or calling the Township.

All interested persons are invited to be present at the aforesaid time and place.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION
By: Wilfred Dennie, Chairperson
Oshtemo Charter Township Hall
7275 West Main Street
Kalamazoo, Michigan 49009
Telephone: (616) 375-4260

July 10, 1997
Draft #4

"RC" Residential Convenience Center Overlay District

Statement of Purpose

This overlay district is intended to accommodate neighborhood related businesses and services reserved for and designed to meet the frequent shopping needs of the area. A Residential Convenience Center area is designed to provide limited goods and services in a manner convenient to adjacent residential areas. These regulations are specifically intended to provide standards of use and design that ensure compatibility of size and appearance with adjacent land use and nearby residential neighborhoods, as well as a sensitivity to the environment of the site. This district is limited to developed residential areas served by public utilities and typically located within the eastern portions of the Township.

Permitted Uses

1. Convenience grocery sales (1200 sq ft to 3000 sq ft)
2. Drugstore
3. Video Rental
4. Drop-off dry-cleaning facility
5. Ice cream shop/coffee shop
6. Hardware store
7. Limited banking service
8. Hair salon/barber shop

Special Exception Uses

1. Gasoline sales
2. Retail laundry, when served by public sanitary sewer facilities
3. Restaurants, without drive-up window (up to 1500 sq ft)
4. Pet care facility, providing pet food and grooming services

Design Standards

- a) Each residential convenience center overlay district shall consist of no more than 2 contiguous acres.
- b) To achieve compatibility with adjacent residential neighborhood and overall *aesthetic objectives*, the total improved area shall not occupy more than 50% of the development site.
- c) The scale of buildings shall be appropriate in relationship to the surrounding residential area, including the size and design of canopies. The total building area shall not exceed 10,000 sq ft.
- d) Off-street parking shall be provided at 4 parking spaces for each 1000 sq ft of retail area.

Parking lot layouts shall be designed to accommodate any potential cross-access and/or cross-parking arrangements.

- e) On-site parking and circulation shall be designed to facilitate pedestrian travel. On-site pedestrian walkways shall be oriented to off-site pedestrian routes.
- f) Loading and refuse disposal areas shall be located to the side/rear of the building and hidden from view.
- g) Exterior site lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 78.700.
- h) The unimproved area shall be designed and located to achieve the following:
 - : provide screening of undesirable views
 - : compliment building form
 - : define walkways and traffic circulation
 - : soften impact of paved areas
 - : provide adequate treatment within setback areas
 - : mitigate impacts from noise and lighting
 - : landscaped in character with the area
- i) The incorporation of hardscapes, such as patios, outdoor seating, special paving materials, site furniture, etc., into the development scheme shall be encouraged.
- j) A ground-mounted sign not exceeding 30 sq ft in area may be established per parcel provided it is located no closer to the front, side or rear property line than ½ of the required building setback. Wall signage shall not be permitted. All signs shall be of a subdued nature commensurate with the residential character of the area and visually related to the site and building design.

July 10, 1997
Draft #4

"RRC" Rural Residential Convenience Center Overlay District

Statement of Purpose

This overlay district is intended to accommodate neighborhood related businesses and services reserved for and designed to meet the frequent shopping needs of the area. A Rural Convenience Center area is designed to provide limited goods and services in a manner convenient to nearby residential areas. These regulations are specifically intended to provide standards of use and design that ensure compatibility of size and appearance with the rural character of the area, as well as a sensitivity to the environment of the site. This district is limited to rural residential areas typically located within the western portions of the Township.

Permitted Uses

1. Convenience grocery sales (1200 sq ft to 3000 sq ft)

Special Exception Uses

1. Restaurant, without drive-up window
2. Gasoline sales

Design Standards

- a) Each rural convenience center overlay district shall consist of no more than 2 contiguous acres.
- b) To maintain the rural character of the area and achieve overall aesthetic objectives, the total improved area shall not occupy more than 50% of the development site.
- c) The scale of buildings shall be appropriate in relationship to the surrounding area, including the size and design of canopies. The total building area shall not exceed 7500 sq ft.
- d) Off-street parking shall be provided at 4 parking spaces for each 1000 sq ft of retail area.

Parking lot layouts shall be designed to accommodate any potential cross-access and/or cross-parking arrangements and oriented to compliment the character of the area and the abutting corridor(s).

- e) Loading and refuse disposal areas shall be located to the side/rear of the building and hidden from view.
- f) Exterior site lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 78.700.
- g) The unimproved area shall be designed and located to achieve the following:
 - : provide screening of undesirable views
 - : compliment building form
 - : soften impact of paved areas
 - : provide adequate treatment within setback areas
 - : mitigate impacts from noise and lighting
 - : maintain the rural character of the area and the abutting corridor(s)
- h) A ground-mounted sign not exceeding 30 sq ft in area may be established per parcel provided it is located no closer to the front, side or rear property line than $\frac{1}{2}$ of the required building setback. Wall signage shall not be permitted. All signs shall be of a subdued nature commensurate with the rural character of the area and visually related to the site and building design.

July 10, 1997
Draft #3

**Master Land Use Plan Amendment: *Residential Convenience Center*
 Rural Convenience Center
 *Land Use and Locational Policies***

Pg. 61 - Commercial Land Use Policies

- * The Plan provides for the location of neighborhood related businesses and services within residential areas of the Township. These uses are reserved for and designed to meet the frequent shopping needs of nearby residents and are compatible in size and appearance with adjacent land use and nearby residential neighborhoods, as well as sensitive to the environment of the site.

Specific neighborhood commercial sites have been identified in recognition of existing/planned neighborhood and community commercial development . Additional locations will be permitted only when consistent with the applicable Neighborhood Commercial Location Standards.

Standards of use and design will be established to ensure compatibility with the character of the area. Rural Convenience Centers located within the rural portions of the Township will provide limited services and be located and designed to maintain the rural character of the area. Residential Convenience Centers located within the developed portions of the Township will provide services and be located and designed commensurate with higher density development and pedestrian activity.

Pg. 78 - Neighborhood Commercial Location Standards

Residential Convenience Center

1. Be located at an intersection of an arterial street and neighborhood collector, providing access only from the collector.
2. Be located in close proximity to high-density residential land use.
3. Be located within easy walking distance of existing or planned residential areas.
4. Be located a minimum of 1 mile from existing/planned residential convenience centers.
5. Be served by public utilities.

-
6. Limited to developed residential areas and typically located within the eastern portions of the Township.

Rural Convenience Center

1. Be located at an intersection of an arterial street and collector, providing access only from the collector.
2. Be located a minimum of 3 miles from existing/planned rural convenience centers.
3. Limited to rural areas and typically located within the western portions of the Township.



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**OSHTEMO TOWNSHIP PLANNING COMMISSION
1997 WORK PROGRAM SCHEDULE**

- 3RD QUARTER -

- July* : Neighborhood Commercial District
- Public Hearing
- : 9th Street Focus Area Overlay Zone
- Board Review - Draft #2
 - Schedule Public Hearing
- : "I-R" District - Industrial/Office Park
- Board Review - Draft #1
- August* : "I-R" District - Industrial/Office Park
- Board Review - Draft #2
 - Schedule Public Hearing
- : Village Commercial District
- Board Review - Draft Outline
- September* : 9th Street Focus Area Overlay Zone
- Public Hearing
- : Village Commercial District
- Board Review - Draft #1

** Access Management Plan Update - in progress per consultant review schedule*

MOST SEVERE FARMLAND THREATS IN THE MIDWEST

The American Farmland Trust

Recently, the American Farmland Trust released "Farming on the Edge: High Quality Farmland in the Path of Development". It was prepared by A. Ann Sorenson, Richard P. Greene and Karen Russ for the American Farmland Trust at the Center for Agriculture in the Environment at Northern Illinois University in DeKalb. Following are excerpts that focus on some of the report's key findings. Four of the top 20 threatened areas in the U.S. are in the midwest. These Major Land Resource Areas (MLRA's as the report calls them), are ranked number 3, 7, 14 and 20 respectively. The text describing these areas is reproduced in its entirety (footnotes have been omitted). The table on page 18 only presents data for these four threatened areas. The Map on page 17 presents the midwest portion of the national map AFT produced for this report. As is evident from the map, large parts of Michigan have high quality farmland and high development activity.

For the complete text of the report and maps, contact the American Farmland Trust at 1920 N. Street, NW, Suite 400, Washington, D.C. 20036; (202/659-5170), <http://www.farmland.org>.

American Farmland Trust's analysis shows that between 1982 and 1992, every state lost prime or unique farmland to urban development. Texas lost more prime and unique farmland than any other state (489,000 acres), accounting for 11.5 percent of the total U.S. loss. Other leading states for farmland lost to urban development were North Carolina, Ohio, Georgia, Louisiana, Florida, Illinois, Tennessee, Indiana and California. When AFT analyzed the country's 181 geographic regions known as Major Land Resource Areas, 70 percent had high quality farmland in the same areas where rapid development was occurring. The greatest loss of prime or unique farmland occurred in 20 MLRAs representing 7 percent of the nation's total prime and unique farmland base. Twenty-one percent of the prime or unique farmland conversion that took place occurred within these areas.

The long-term implications are troubling. In 50 years, the population in the United States could increase 50 percent to more than 390 million with farmers and ranchers having to make do with 13 percent fewer acres of high quality farmland. In the worst case scenario, within the next 60 years, the U.S. could become a net food importer instead of a net food exporter. Regardless of whether this is true, the loss of open space, wildlife habitat, groundwater recharge areas and other benefits attribut-

able to farmland are reason enough for our country to develop its land in a more efficient manner, directing urban development onto land less suitable for growing food and fiber.

American Farmland Trust concludes the following:

- America is destroying farmland in every state.
- The U.S. is squandering its best quality and often irreplaceable farmland.
- The patterns of urban development are scattered and fragmented, thereby increasing the pressures on farmland beyond those acres actually lost.
- By converting some of its best farmland to urban uses, the U.S. is limiting future options to deal with social, economic, food security and environmental problems.
- Efforts in the U.S. to manage land have, for the most part, failed to protect farmland.
- To date, the vast land resources in the U.S. have masked the most negative effects of farmland destruction.
- Conflicts are now escalating over varied uses of the nation's land resources.

To address these concerns, AFT recommends the following steps:

Research and Information Needs

- Federal agencies should quantify the impact of farmland conversion on key environmental measures such as water quality, air quality, wildlife populations, rural economic health and regional food security.
- The U.S. Department of Agriculture should take the lead in defining farmland by its importance and vulnerability to development as a means of targeting policy and programs at the federal level and assist states to do the same, including better quantification of farmland of statewide and local importance.
- States should develop similar inventories and systems for tracking the fate of farmland
- The benefits of working landscapes beyond the production of food and fiber should be defined and measured.

Federal Policies

- The Farmland Protection Policy Act and Farmland Protection Program should be strengthened, expanded and enforced.
- All levels of government should review policies affecting land use decisions of land owners and eliminate those that discourage the retention of quality farmland.

- Federal and state estate taxes should be revised to help keep agricultural land in the hands of farm families committed to continue farming.
- Federal legislation should be written to take advantage of the benefits farmland protection can provide the public

State and Local Programs

- Every state with land in one of the top 20 threatened MLRAs should take specific measures to protect farmland including a statewide inventory and tracking system, a FPPA-type law to promote review and reconciliation of state policies and technical and financial assistance to local communities.
- Local communities should undertake a land inventory and analysis of development trends and risks, agree on which farmland to save, determine which policies adversely affect farmland and implement policy reforms.
- A process of dialogue and debate should be initiated in each locality where development of farmland is significant to develop long-term objectives for the land and mechanisms to share responsibility to protect it.
- Urban planners should look more closely at the principles of compact growth including building homes at optimal density, renewing inner cities and using existing infrastructure.

Following are excerpts from the four, top twenty at risk Major Land Resource Areas in the midwest:

3. Southern Wisconsin and Northern Illinois Drift Plain (parts of Illinois and Wisconsin)

More than 80 percent of the 11,020 square miles in this MLRA are in farms. Feed gains and forage for livestock are the chief crops but cash-grain farming, (corn and soybeans) is also significant. Canning crops, potatoes, fruit and other specialty crops are important, especially around the urban areas in the south and east. On the map on page 17, 67 percent of this MLRA is blue. Because the suburbs of Milwaukee-Racine, Janesville-Beloit, Madison, Rockford and Chicago are expanding rapidly and half the soils in this MLRA are prime or unique, some of the best farmland in this MLRA is being used for urban development. About 15 percent of the land is now urbanized. Our analysis concluded that 59 percent of development was occurring on prime or unique soils. The fastest growing county in the MLRA is McHenry County, Ill., just north of Chicago. Between 1980 and

Farming on the Edge

Farmland in the Path of Development



The Top Major Land Resource Areas (MLRAs)

MLRA (rankings are among the 127 MLRAs threatened by some development)	% Blue on Map	Size in Square Miles	Total Market Value (rank)	Market Value per Acre (rank)	Acreage prime + Unique Developed (rank)	% Land that is prime + Unique (rank)	% Developed Land that was Prime + Unique
So. Wis. No. Ill Drift	67%	11,020	24	21	11	18	59%
Eastern Ohio Till	47%	5,800	72	25	19	31	57%
SW Michigan	78%	2,300	100	18	84	32	27%
Western Michigan	58%	4,110	111	50	84	69	27%

Source *Farming on the Edge: High Quality Farmland in the Path of Development*, American Farmland Trust, February 1996

1992, the county's population grew by 35 percent. Other rapidly growing counties are Boone County near Rockford, Ill., Dane County where Madison, Wis. is located and Waukesha, Washington and Ozaukee counties bordering Milwaukee.

7. Eastern Ohio Till Plain (primarily parts of Ohio)

About 73 percent of the 5,800 square miles in this MLRA are in farms. 23 percent is urbanized and the remainder is used for other purposes. About 35 percent of the Eastern Ohio Till Plain is in cropland. Feed grains and forage for dairy cattle are the main crops in the west. In the east, many part-time farms and rural residences also

raise feed grains. About 26 percent of the area is hardwood forest, mainly in farm woodlots. Wildlife habitat and recreation are important land uses. Our map shows 47 percent of this MLRA in blue. The metropolitan areas of Cleveland-Akron, Youngstown-Warren and Canton-Massillon all influence this MLRA. According to the Ohio Department of Development Office of Strategic Research, between 1990 and 1994, 23.4 percent of the farmland around the Cleveland-Akron area was lost, and 11.5 percent was lost around the cities of Youngstown-Warren. Counties with the highest rate of growth were along a northeast-southwest line along Interstate 71 which leads from Cleveland, in Cuyahoga County,

through Columbus to Cincinnati. The county in this MLRA primarily affected by that growth was Medina County, which grew by 13.6 percent between 1980 and 1992. During this period, Holmes, Geauga, Portage, Wayne and Carroll counties also increased in population by 14.7, 11.8, 7.6, 6.7 and 6.3 percent. In late October 1996, Ohio took a significant first step in protecting its farmland by creating the Ohio Farmland Preservation Task Force to study the feasibility of balancing farmland preservation with development

14. Southwestern Michigan Fruit and Truck Belt (southwestern Michigan)

Nearly 80 percent of the 2,300 square

RECIPIENTS OF AWARDS ARE HONORED

Great American Main Street Award

This past April, Holland was one of five communities honored with a *Great American Main Street Award* by the National Trust for Historic Preservation. The \$5,000 award is given to cities and towns that have turned boarded-up, fading downtowns into economically prosperous Main Street Districts. According to the *Grand Rapids Press*, (April 28, 1997), Holland Mayor Al McGeehan applauded the citizens of Holland for this award by stating "What an affirmation for the individuals who for 13 years have spent so much time and have invested so many dollars in our downtown." Since 1984, more than \$100 million has been invested into the expanding downtown. (See PZN, May 1995, p.5-9.)

1997 ASCP Sustainable Planning Award

The American Society of Consulting Planners (ASCP) awarded the *Sustainable Planning Award* in the Governmental Consulting Category to Beckett and Raeder, Inc. of Ann Arbor, in conjunction with the Resource Management Group of Big Rapids, Michigan, and Gourdie/Fraser, Inc., of Traverse City, Michigan, for preparation of the *Mitchell Creek Watershed Protection Strategy*. The *Protection Strategy* is a planning study commissioned by Grand Traverse County in conjunction with the City of Traverse City, East Bay, Garfield, and

Blair Townships, and the state of Michigan Department of Natural Resources. The ASCP awards the *Sustainable Planning Award* to projects reflecting the highest quality of sustainable planning standards utilizing new and innovative approaches to multi-regional planning projects.

1997 National Wetlands Award

Wilfred Cwikiel, of the Tip of the Mitt Watershed Council, has been chosen as the winner of the *1997 National Wetlands Award* for education and outreach. "Wil has been a major force in promoting wetland protection in Michigan and across the Great Lakes Basin" said Jessica Bennet, Director of the National Wetlands Awards Program. "He works to help people understand that wetlands are indispensable ecological components of the landscape." The *National Wetlands Award*, sponsored by the Environmental Law Institute and the U.S. Environmental Protection Agency, is designed to honor individuals who have demonstrated excellence and dedication in the field of wetlands protection through programs or projects at the regional, state, and local level.

APA Presidential Award

Earvin "Magic" Johnson, former NBA and MSU basketball star, is the winner of the *American Planning Association's (APA) 1997 Presidential Award*. Magic Johnson

believed in a movie theater in a minority neighborhood in a big city. He believed it could succeed and that it would bring success to its surrounding. In June 1995, the Johnson Development Corporation, working with Sony Theaters, opened a 12-screen movie complex in the Baldwin Hills Crenshaw Plaza mall in the heart of Los Angeles which has turned into a successful venture. This award is given to an individual or organization whose efforts during the past year have resulted in the elevation of planning principles, greater awareness of the value of planning, and an improved quality of life in one or more communities.

American Consulting Engineers Council Installs New Officers

During their annual convention on May 12, 1997, the American Consulting Engineers Council installed Donald R. Trim, Chief Executive Officer of the Wade-Trim Group in Detroit, Michigan, as President-elect. Trim will hold this position for 1997-1999. The American Consulting Engineers Council (ACEC) is a national professional association representing the business interests of more than 5,500 private-practice consulting engineering firms. ACEC members, who employ some 200,000 engineers, scientists and technicians, annually design more than \$100 billion in constructed public and private works. □

miles of this MLRA are in farms with about 45 percent in cropland. Fruits, especially peaches and grapes, are grown extensively near the shores of Lake Michigan. Many other fruits, vegetables and melons are also grown. Forage and feed grains for dairy cattle and other livestock are important crops. The market value per acre produced within this MLRA ranks it as 18 out of 127 MLRAs threatened by some development. Seventy-eight percent of this MLRA is shaded blue on our map with low density development spreading out from Benton Harbor, Kalamazoo and Battle Creek. About 14 percent of the area is now urbanized, up from about 5 percent in 1981. Michigan expects to house an additional 1.1 million people in the next 30 years and, if present land development and density trends persist, this 11.8 percent increase in the population will result in 63 to 87 percent more parking lots, buildings, roads and other development. In other words, it will take nearly as much land to accommodate 1.1 million new people and 900,000 new jobs over the next three decades as served 9 million people and 3.5 million jobs in 1978.

20 Western Michigan Fruit and Truck Belt (parts of Michigan and Wisconsin)

With 4,110 square miles stretching over two states, it is the development threat to unique farmland along Lake Michigan that catapulted this MLRA into the top 20. The counties of Antrim, Benzie, Grand Traverse and Leelanau enjoy a unique microclimate that supports numerous fruit orchards and most of the tart cherry production in the United States. Areas in all four of these counties are shaded blue on our map, covering 58 percent of this MLRA. Between 1982 and 1992, these counties lost more than 14 percent of their farmland. Benzie and Antrim counties lost 20 and 17 percent of their farmland, respectively. Leelanau, Grand Traverse and Antrim counties experienced rapid population growth between 1980 and 1992, increasing in numbers by 23.5, 22.6 and 16.7 percent, respectively. Michigan's farmland loss has been greater and more rapid than any other state in the Great Lakes Region. Most of this loss is due to the large demand for second homes and retirement homes in Michigan and fragmentation of land caused by low density developments. Michigan has the largest number of second homes in the nation and ranks second in the nation in the number of golf courses. A task force report to Governor Engler in December 1994 points to an increase in housing lot sizes, which has greatly accelerated the consumption of rural land. Population projections show a 10 percent population increase for Michigan in the next 20 years resulting in a loss of 18 percent of Michigan's farmland if current land use trends continue. □

LAND DIVISION ACT LEGISLATIVE ALERT

The Senate passed changes to PA 591 of 1996, the Land Division Act on June 12. SB 345, substitute S-3 is the version headed to the House. A similar bill, HB 4737, substitute H-4 went to second reading in the House on June 18. Changes in SB 345 supported by local governments include:

- increasing the review and approval time for land divisions from 30 to 45 days,
- allowing municipalities under 2,500 in population to enter into an agreement with a county to transfer authority to review divisions,
- providing a mechanism for tracking transfers of division rights from parent parcels,
- providing a mechanism for a fee schedule

Changes in SB 345 opposed by local governments include part of Section 109(5) which could be interpreted as severely limiting local regulation of land divisions by indirectly eliminating many common local zoning regulations that otherwise would apply - even though it does more clearly allow local regulations than PA 591 does. The same provision is in HB 4737, Section 109(4).

Controversial changes relate to

- removing pre-approval for on-site water/sewer,
- a new provision mandating parcels less than 62,500 sq ft must obtain local health department approval for on-site water and sewer before acquiring a building permit. DEQ rules on sewage disposal would still apply (the size threshold is 1 acre in HB 4737),
- giving immunity to municipalities which approve a land division and the land sold does not subsequently qualify for on-site water/sewer,
- allowing "exempt splits" within property currently being used in forestry use to not have to comply with "accessible" requirements

Editors Note. If you have an opinion on these proposed changes don't wait to act on them (you saw what happened last time). Take the following steps immediately:

1. Call or fax Senator Stille's office (517-373-1635, FAX 517-373-3300) and get a copy of SB 345, substitute S-3
2. Call or fax Rep. Alley's office (517-373-3817, FAX 517-373-5495) and get a copy of HB 4737, substitute H-4 or the most current substitute
3. Call representative Wetters office (517-373-0158, FAX 517-373-5175) and get a copy of HB 4381 as it passed the House
4. Decide what you like and don't like in each Bill and fire off a letter to Senator

Stille, Rep. Alley, and Rep. Wetters ASAP. Ask to be put on a mailing list to receive notices of future changes and committee meetings. Send a copy to your state organization (MTA, MML or MAC). Also, send a copy of your correspondence to your state Senator and Representative.

5. Follow-up with a call in a week if you have received no reply

When looking at SB 345, HB 4737 and HB 4381 note Section 109(5) in SB 345 (109(4) in HB 4737). This is a very dangerous provision unless it explicitly allows other local standards not in conflict with the Land Division Act. It should also allow land division regulations to be included in the zoning ordinance. HB 4381 includes important technical and substantive amendments to clear up interpretation questions, reduce the number of and size of divisions exempt from platting (especially the first 10 years), and provides penalties for violating the land division requirements. These are all important changes which deserve enactment, especially the violation provisions.

Unless there is a strong effort by Michigan's local government officials very quickly, either SB 345, HB 4737 or HB 4381 may become law. None does everything that is needed and may seriously impede appropriate local regulation of land divisions.

If you don't get involved now, you are likely to find you are a victim of inaction at best and at worst, a victim of the legislature's action. Don't delay, either bill could be acted on yet this summer. □

WANTED—EXAMPLES OF PUBLIC SCHOOL BUILDINGS IN CONFLICT WITH LOCAL ZONING

PZN is working on a story for publication later this summer that documents examples of public school buildings (including accessory uses like bus storage and repair facilities, stadiums, etc.) that are in conflict with local zoning requirements and which have created serious nuisance and/or public health and safety problems. The situations are becoming more numerous because of a large amount of school construction activity and because of the current exemption of public schools from local site plan review procedures. Call 517-886-0555 or FAX 517-886-0564 your example(s) within the next four weeks. Thanks for your assistance. □

**REED,
STOVER &
O'CONNOR, P.C.**
Attorneys At Law

May 23, 1997

Robert C. Engels
Gould Fox
Patricia R. Mason
Willy Nordwind, Jr
Michael D. O'Connor
Cynthia P. Ortega
Michael B. Ortega
James W. Porter
Richard D. Reed
Carolyn W. Schott
Michael A. Shields
Gregg E. Stover

Of Counsel
Richard H. Morris
Edward P. Thompson

**Elaine Schultz
Kalamazoo Gazette
401 S. Burdick
Kalamazoo, MI 49007**

VIA FACIMILE

**Re: Charter Township of Oshtemo
Notice of Public Hearing re
Rezoning in Land Section 35 (Corakis request)**

Dear Elaine:

Enclosed is a Notice of Public Hearing. Please publish this as a legal notice in the Gazette on:

**June 10, 1997 and
July 2, 1997**

Please forward one Affidavit of Publication to our office and one Affidavit of Publication along with your bill to: Elaine J. Branch, Oshtemo Charter Township Hall, 7275 West Main Street, Kalamazoo, MI 49009.

Thank you for your attention to this matter.

Very truly yours,

REED, STOVER & O'CONNOR, P.C.


Patricia R. Mason

PRM/jrd

Encl.

C Oshtemo Charter Township

151 S. Rose Street
800 Comerica Building
Kalamazoo, Michigan
49007-4731

Telephone 616-381-3600

Fax 616-381-8550

OSHTEMO CHARTER TOWNSHIP

KALAMAZOO COUNTY, MICHIGAN

AFFIDAVIT OF SERVICE OF NOTICE UPON
UTILITIES AND RAILROAD

STATE OF MICHIGAN)
 : ss
COUNTY OF KALAMAZOO)

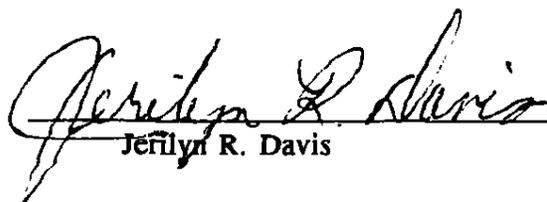
I, JERILYN R. DAVIS, being first duly sworn, depose and say that I served a true and correct copy of the attached Notice of Zoning Public Hearing set for July 10, 1997, (regarding rezoning in Land Section 35 [Corakis]) upon the following named utilities and railroads, as directed by the Clerk of Oshtemo Charter Township, Kalamazoo County, Michigan:

1. Consumers Power Company
 Attention: Right-of-Way Dept.
 2500 East Cork Street
 Kalamazoo, MI 49001

2. Edward M. O'Donoghue, MCR
 Ameritech Real Estate - Equis
 425 West Randolph, 9th Street
 Chicago, IL 60606

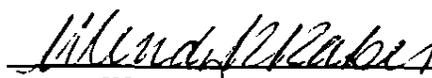
3. Conrail
 75 Mills Street
 Kalamazoo, MI 49001

by placing the same in sealed envelopes, properly addressed to said companies, with postage prepaid thereon, and by mailing the same by first-class mail, from a United States Post Office box in Kalamazoo, Michigan, on May 27, 1997.



Jerilyn R. Davis

Subscribed and sworn to before me this 27th day of May, 1997.



Wendy R. Raber, Notary Public
Kalamazoo County, Michigan
My commission expires: 4/12/99

**REED,
STOVER &
O'CONNOR, P.C.**
Attorneys At Law

May 23, 1997

Robert C. Engels
Gould Fox
Patricia R. Mason
Willy Nordwind, Jr.
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Edward P. Thompson

**Elaine Schultz
Kalamazoo Gazette
401 S. Burdick
Kalamazoo, MI 49007**

VIA FACIMILE

**Re: Charter Township of Oshtemo
Notice of Public Hearing re
"RC" and "RRC" Convenience Center Overlay Districts**

Dear Elaine:

Enclosed is a Notice of Public Hearing. Please publish this as a legal notice in the Gazette on:

**June 10, 1997 and
July 2, 1997**

Please forward one Affidavit of Publication to our office and one Affidavit of Publication along with your bill to: Elaine J. Branch, Oshtemo Charter Township Hall, 7275 West Main Street, Kalamazoo, MI 49009.

Thank you for your attention to this matter.

Very truly yours,

REED, STOVER & O'CONNOR, P.C.



Patricia R. Mason

PRM/jrd

Encl.

C Oshtemo Charter Township

151 S. Rose Street
800 Comerica Building
Kalamazoo, Michigan
49007-4731

Telephone 616-381-3600

Fax 616-381-8550



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9337
616-375-4260 FAX 375-7180 TDD 375-7191

SITE PLAN REVIEW APPLICATION

Date: 6-20-97 Present Zoning: Residential Fee: _____

Land Owner: _____ Including the names & addresses of any officers of a corporation or partners of a partnership. Documentation is required.

Person Making Request: Jim Buford

Address: 3003 W. MAIN Phone: 388-8053

Interest in Property: Developer and owner

Size of Property Involved: _____

Legal Description of Property Involved: _____

General Description of the Proposed Development: Amendment to

Oak Park site development to remove road

extension to La Lisa to south of said development and add the extension to Lots 8 & 9

List Supporting Documents attached to the application, if any: _____

**CHARTER TOWNSHIP
OF OSHTEMO**
7275 W. MAIN STREET
KALAMAZOO, MI 49009
616-375-4260

6/24/97 JF

I agree that approval of this site plan constitutes
for Township of Oshtemo, that all improvements
developed in strict compliance with the approved
terms or conditions imposed, and shall be
decided under Site Plan Review.

053572 SITE PL AMEND/BUFORD 100.00
TOTAL PAID 100.00

THANK YOU

Jim Buford
Owner/Agent

Jem Buford

3905-15-105-011

Brinkman Trust

15-105-018

Danek

15-155-010

Arnold

021

Schaser

15-180-020

Johnson

040

Jan

15-205-018

Lorham

15-280-030

Applegate

09-480-020

Van Hout

10-355-051

Bourner, B

059

"

, H

10-330 010

Lorham (Dup.)

No 0

10-455-011

Mar Bo

Mr. Jim Buford
3003 West Main
Kalamazoo, MI 49006

15-105-011
AMERICAN NATIONAL BANK
JIM BRINKMAN - TRUST DEPT
P O BOX 4019
KALAMAZOO MI 49003

15-105-018
DANEK JUDITH A
1220 NORTH 6TH STREET
KALAMAZOO MI 49009

15-155-010
ARNOLD OLIN J & EVE YN
1116 NORTH 6TH STREET
KALAMAZOO MI 49009

15-155-021
SCHASER ROBERT J
1052 NORTH 6TH STREET
KALAMAZOO MI 49009

15-180-020
JOHNSON FRED TRUSTEE
7656 WEST MAIN
KALAMAZOO MI 49009

15-180-040
JEAN ANDREW & BARBARA
7616 WEST MAIN
KALAMAZOO MI 49009

15-205-018
GORHAM MARION F & ROBERT M
7250 WEST MAIN
KALAMAZOO MI 49009

16-280-030
APPLEGATE ROBERT L & RUTH D
977 NORTH 6TH STREET
KALAMAZOO MI 49009

09-480-020
VANHOUT PETER & ALBERTA
1659 NORTH 6TH STREET
KALAMAZOO MI 49009

10-355-051
BOURNER BRUCE
2090 NORTH 6TH STREET
KALAMAZOO MI 49009

10-355-059
BOURNER HAROLD W/JEAN/BRUCE
2090 NORTH 6TH STREET
KALAMAZOO MI 49009

10-455-011
MAR BO INVESTMENTS
7292 WEST MAIN
KALAMAZOO MI 49009

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

APPLICATION FOR REZONING

Date MAY 8 / 1997

Applicant Name TED T CORIAKIS

Address 6703 STADIUM DR. Phone 375-1057

Section or Plat 35 - parcel 51

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.

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

*600 feet front
ground*
7000 sq ft
6703 Stadium Dr
west

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

(over)

IV. Nature of applicant's interest in the property (deed holder, option, land contract purchaser, tenant, other).

OWNER -

V. If applicant's interest is other than deed holder, does the deed holder know of this application and consent thereto?

Yes _____ No _____

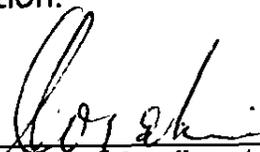
VI. The following private plan or deed restrictions encumber the property. (If none, so state; otherwise list such restrictions or attach a copy of the same).

NONE

VII. The purpose of the rezoning is to use the property as follows: (Describe operations and construction if any).

VIII. It is hereby requested that the foregoing described property be rezoned from R 1 ? Zone to C Zone.

IX. Enclosed herewith is the application fee of _____ payable to the Charter Township of Oshtemo to help defray a portion of the cost of the consideration of the foregoing application.



Signature of Applicant

**CHARTER TOWNSHIP
OF OSHTEMO**
7275 W. MAIN STREET
KALAMAZOO, MI 49009
616-375-4260

5/09/97 JF

052996 REZON APP/CORAKIS 300.00
TOTAL PAID 300.00

THANK YOU

Ted Corakis

3905-35-132-051 Corakis

35-132-010 Gersy/Dommet
021 Wikel
031 Ludlow
041 Bennet

35-105-020 Lanting

35-135-011 Spigelmyer
021 Goodhen
031 Rose
050 Siegel
060 Douglas/Siegel
070 Hayward
080 Esman
090 Kal Public Schools

No 0
0

35-130-011 Oisten
023 Kal Co. Rd. Comm.
032 Fieldstone
041 Besteman
051 Bultema
060 Green
072

35-185-010 Jung.

35-132-051
CORAKIS THEODORE & MARIA
P O BOX 312
OSHTENO MI 49077

35-105-020
LANTING RONALD & LORENE
6690 LIMONITE FRONTAGE ROAD
RIVERSIDE CA 92509

35-132-051
OCCUPANT
6703 STADIUM DRIVE
KALAMAZOO, MI 49009

35-105-020
OCCUPANT *Returned*
6794 STADIUM DRIVE
KALAMAZOO, MI 49009

35-132-010
GERESY STEVE
DOMMERT D/AZZAM R/DOMMERT C
7166 WEST B AVENUE
KALAMAZOO MI 49009

35-135-011
SPIGELMYER CV&DL&RC&BM
2216 OAKLAND DRIVE
KALAMAZOO MI 49008

35-132-010
OCCUPANT *Returned*
6745 STADIUM DRIVE
KALAMAZOO, MI 49009

35-135-011
OCCUPANT *Returned*
6667 STADIUM DRIVE
KALAMAZOO, MI 49009

35-132-021
WIKEL VIRGINIA/LINDA/CHRISTINA
PO BOX 104
OSHTENO MI 49077

35-135-021
GOODHEW ROSE & ROSS DELORES
P O BOX 52
PORTAGE MI 49081

35-132-021
OCCUPANT *Returned*
6731 STADIUM DRIVE
KALAMAZOO, MI 49009

35-135-021
OCCUPANT
6641 STADIUM DRIVE
KALAMAZOO, MI 49009

35-132-031
LUDLOW HERMAN L & SARAH
P O BOX 115
OSHTENO MI 49077

35-135-031
ROSE JAMES III & DEBRA
6619 STADIUM DRIVE
KALAMAZOO MI 49009

35-132-031
OCCUPANT *Returned*
6719 STADIUM DRIVE
KALAMAZOO, MI 49009

35-135-060
DOUGLAS WILLIAM A
SIEGEL JACK L & GLORIA J
7354 WEST ML AVENUE
KALAMAZOO MI 49009

35-132-041
BENNET LENA & OVERACKER FRED
P O BOX 155
OSHTENO MI 49077

35-135-060
OCCUPANT
3384 CHIME STREET
KALAMAZOO, MI 49009

35-132-041
OCCUPANT *Returned*
6709 STADIUM DRIVE
KALAMAZOO, MI 49009

35-135-070
HAYWARD CARL G & EUGENIA H
HAYWARD SUSAN
3418 CHIME STREET
KALAMAZOO MI 49009

35-135-080
ESMAN HENRY & MARJORIE
3464 CHIME STREET
KALAMAZOO MI 49009

35-130-041
BESTEMAN CARL & JOYCE
5826 NORTH 7TH STREET
KALAMAZOO MI 49009

35-135-090
KALAMAZOO PUBLIC SCHOOLS
1220 HOWARD STREET
KALAMAZOO MI 49007

35-130-041
OCCUPANT
6656 STADIUM DRIVE
KALAMAZOO, MI 49009

35-135-090
OCCUPANT
6750 CHIME STREET
KALAMAZOO, MI 49009

35-130-051
BULTEMA JOHN F & BRENDA A
1219 GRAND AVENUE
KALAMAZOO MI 49006

35-130-011
OISTEN SHARON L
6710 STADIUM DRIVE
KALAMAZOO MI 49009

35-130-051
OCCUPANT
6638 STADIUM DRIVE
KALAMAZOO, MI 49009

35-130-022
KALAMAZOO COUNTY ROAD COMM
3801 EAST KILGORE ROAD
KALAMAZOO MI 49001

35-130-060
GREEN CRAIG M/HERMANNS K A
6628 STADIUM DRIVE
KALAMAZOO MI 49009

35-130-032
FIELDSTONE BUILDING GROUP
7215 SOUTH WESTNEDGE AVENUE
PORTAGE MI 49002 *Returned*

35-130-032
OCCUPANT
6672 STADIUM DRIVE
KALAMAZOO, MI 49009