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NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Thursday,
March 24, 2016
7:00 p.m.
AGENDA

1. Call to Order

2. Pledge of Allegiance

3. Approval of Agenda

4. Public Comment on Non-Agenda Items

5. Approval of Minutes – March 10, 2016

6. **PUBLIC HEARING: Site Plan Review Ordinance**
   Planning Commission to review proposed amendments to Chapter 82 of the Township Zoning Ordinance regarding Site Plan Review.

7. **PUBLIC HEARING: Area Requirements**
   Planning Commission to review proposed amendments to Chapter 66 of the Township Zoning Ordinance regarding Area Requirements, Dwelling Standards and Residential Occupancy, specifically Section 66.200: Dimensional requirements for parcels, lots and buildings sites in the RR: Rural Residential District.

8. **PUBLIC HEARING: Historic Overlay Zone**
   Planning Commission to review proposed amendments to Chapter 54 of the Township Zoning Ordinance regarding the Historic Overlay Zone, specifically Section 54.200: Permitted Uses.

9. Old Business

10. Any Other Business
    a. Village Form-Based Code Overlay Zone – Section 34.670: Signs
    b. Nonconforming Uses, Structures and Parcels/Lots
    c. Off-Street Parking – Section 68.300: Requirements for parking spaces and lots

11. Planning Commissioner Comments

12. Adjournment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD MARCH 10, 2016

Agenda

<u>PUBLIC HEARING: SPECIAL EXCEPTION USE – CORNER@DRAKE B, LLC</u>
CONSIDERATION OF THE APPLICATION OF CORNER@DRAKE B, LLC FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO CONSTRUCT THE CORNER SHOPPES WITH DRIVE-THROUGH LANES, PURSUANT TO SECTION 30.407, AND TO INCLUDE THE CORNER SHOPPES AS PART OF A PLANNED UNIT DEVELOPMENT, PURSUANT TO SECTION 60.420. THE SUBJECT PROPERTY IS VACANT LAND LOCATED ON DRAKE ROAD, NORTH OF CENTURY AVENUE, KALAMAZOO, MI, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-25-240-009

<u>PUBLIC HEARING: SPECIAL EXCEPTION USE – CORNER@DRAKE PLANNED UNIT DEVELOPMENT</u>
CONSIDERATION OF THE APPLICATION OF GESMUNDO, LLC TO INCLUDE THE FOLLOWING THREE PROPERTIES IN THE CORNER@DRAKE COMMERCIAL PLANNED UNIT DEVELOPMENT:

- **CONSUMERS CREDIT UNION, 1900 SOUTH DRAKE ROAD, PARCEL NO. 3905-25-240-008**
- **KELLOGG COMMUNITY FEDERAL CREDIT UNION, 1700 SOUTH DRAKE ROAD, PARCEL NO. 3905-25-240-008**
- **FIELD & STREAM, 5215 CENTURY AVENUE, PARCEL NO. 3905-25-240-010.**

<u>PUBLIC HEARING: SPECIAL EXCEPTION USE – FIELD & STREAM</u>
CONSIDERATION OF THE APPLICATION FROMFIELD & STREAM FOR A SPECIAL EXCEPTION USE, PURSUANT TO SECTION 30.415 OF THE ZONING ORDINANCE, FOR A GRAND OPENING CELEBRATION ON APRIL 1ST, 2ND, AND 3RD, 2016. THE SUBJECT PROPERTY IS LOCATED AT 5215 CENTURY AVENUE, KALAMAZOO, MI WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-25-240-010

<u>PUBLIC HEARING: SPECIAL EXCEPTION USE – ADAM GARLAND CONSTRUCTION</u>
CONSIDERATION OF THE APPLICATION FROM ADAM GARLAND CONSTRUCTION ON BEHALF OF MOLLY GARLAND FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR AN ADDITION TO AN EXISTING RESIDENTIAL STRUCTURE FOR COMMERCIAL USE IN THE VILLAGE COMMERCIAL DISTRICT AND VILLAGE FORM-BASED CODE OVERLAY DISTRICT, PURSUANT TO SECTION 33.301 OF THE ZONING

ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT 6825 STADIUM DRIVE, KALAMAZOO, MI, PARCEL NO. 3905-35-115-066.

PUBLIC HEARING: ZONING REQUEST – WEST MAIN PROPERTIES, LLC
CONSIDERATION OF THE REZONING REQUEST FROM WARNER NORCROSS & JUDD, LLP, ON BEHALF OF WEST MAIN PROPERTIES, LLC OF APPROXIMATELY 30 ACRES CONSISTING OF THE NORTHERN PORTIONS OF PARCEL NOS. 3905-16-180-047 AND 3905-16-255-014 FROM RR: RURAL RESIDENTIAL TO C: LOCAL BUSINESS DISTRICT LOCATED AT 8500 WEST MAIN STREET.

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, March 10, 2016, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS WERE PRESENT: Millard Loy, Chair
Fred Antosz
Kimberly Avery
Wiley Boulding Sr.
Dusty Farmer
Pam Jackson
Mary Smith

Also present were Julie Johnston, Planning Director, James Porter, Attorney, and Martha Coash, Meeting Transcriptionist. 10 other persons were in attendance.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Loy at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

Agenda

Chairperson Loy asked if there were any additions, deletions or corrections to the Agenda.

Hearing none, the Chairperson called for a motion to approve the Agenda as presented.

Mr. Antosz made a motion to approve the revised agenda as requested. Mr. Boulding, Sr. supported the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Loy called for public comment on non-agenda items. Hearing none, he moved to the next item on the agenda.

Approval of the Minutes of February 25, 2016

The Chairperson asked if there were any additions, deletions or corrections to the minutes of February 25, 2016.

Ms. Farmer noted under “Planning Commissioner Comments” the amount the Township Board committed to the Drake Farmstead should read $150,000 rather than the $50,000 stated.

Chairperson Loy asked for a motion to approve the minutes as corrected.

Mr. Antosz made a motion to approve the minutes of February 25, 2016 as corrected. Ms. Avery supported the motion. The motion was approved unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE – CORNER@DRAKE B, LLC CONSIDERATION OF THE APPLICATION OF CORNER@DRAKE B, LLC FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO CONSTRUCT THE CORNER SHOPPES WITH DRIVE-THROUGH LANES, PURSUANT TO SECTION 30.407, AND TO INCLUDE THE CORNER SHOPPES AS PART OF A PLANNED UNIT DEVELOPMENT, PURSUANT TO SECTION 60.420. THE SUBJECT PROPERTY IS VACANT LAND LOCATED ON DRAKE ROAD, NORTH OF CENTURY AVENUE, KALAMAZOO, MI, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-25-240-009

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the application for a Special Exception Use and site plan review and to include to construct the Corner Shoppes with drive-through lanes and to include the Corner Shoppes as part of a PUD.

Ms. Johnston noted the applicant was seeking site plan approval and Special Exception Use permission for two new multi-tenant retail buildings with drive-through accommodations, to be located on parcel number 05-25-240-002 along Drake Road within the Corner @ Drake commercial PUD in Oshtemo Township.

She said the project site is located to the south of the recently approved Kellogg Community Federal Credit Union and to the north of Consumers Credit Union. Consisting of two 10,000 square foot buildings to be oriented along Drake Road, the Corner Shoppes @ Drake will also incorporate three drive-through lanes—one at the north end of the development, one at the south end, and one between the two structures. The Corner Shoppes will have motorized connections to CCU to the south, the private service road to the west, and a driveway to the north that is shared with KCFCU. No direct vehicle access to Drake Road is proposed. She noted entrance would be from the south to the east side, one-way north to the back drive, moving back south one-way so the drive through windows will work effectively. Pedestrian connections to CCU as well as Drake Road have also been indicated on the site plan.

Ms. Johnston said the Corner Shoppes will also include a large patio in the space between the buildings for uses such as outdoor seating. A portion of this area is intended to accommodate a dedicated pedestrian path, linking the parking area behind the two buildings to the front entrances along Drake Road.

She explained the proposed project is in compliance with all relevant sections of Oshtemo Township's Zoning Ordinance, including building setbacks, site lighting photometrics, parking area layout and dimensions, and landscaping. The site plan has also been developed in accordance with the overall concept plan for the Corner @ Drake commercial PUD, which was approved by the Planning Commission at its February 11th, 2016 meeting.

Ms. Johnston said Staff was comfortable recommending approval of the site plan and Special Exception Use requests for the Corner Shoppes @ Drake, but suggested the following conditions, to be administratively evaluated prior to the issuance of a building permit.

1. A revised site plan is to be submitted to the Township, indicating all necessary ADA pedestrian ramps to meet ADA standards
2. The south circulation aisle adjacent to the building is to be converted to a one-way flow or the drive-through and circulation lane will be separated by a physical barrier if the two-way flow is to be maintained.
3. Any outstanding engineering concerns, as identified by the Township Engineer, be satisfactorily corrected on a revised site plan.

Chairperson Loy asked if there were questions for Ms. Johnston from Board Members.

Ms. Johnston clarified for Commissioners the traffic pattern combining one and two-way traffic.

There were no further questions for Ms. Johnston. Chairperson Loy asked the applicant to speak.

Mr. Curt Aardema, 4200 W. Centre Ave., Portage, Corner @ Drake B LLC, said the architectural theme for the project fits the profile of the overall Class A Corner @ Drake development. He addressed Staff concerns saying they thought they could make the site plan work with the recommended change regarding one-way traffic, and they would implement the recommendation regarding ADA ramps. He also explained the patio would service the adjacent retail spaces and that the south building would likely have a fenced in area to separate the patio from public space. Finally, he assured the Board the stormwater plan is mostly completed is designed for 100 year events and complies with the Master Plan. Remaining details are being worked through.

Ms. Smith expressed concerns regarding the traffic flow and navigation regarding the drive through between the two buildings.

Mr. Aardema said they had worked with consultants and Township staff on the traffic pattern and felt it would be workable.

Chairperson Loy asked for public comment. There was none; he moved to Board Deliberations.

Ms. Jackson said she recognized Ms. Smith's concerns regarding traffic flow and navigation, but liked the plan.

Ms. Smith reiterated her concern and felt it would be easier to navigate if all access was designated one-way.

Ms. Jackson and Mr. Loy felt clear signage would make navigation reasonable.

Ms. Avery felt designating direction of traffic on the pavement would be helpful.

Chairperson Loy asked if there was a motion for approval.

Ms. Jackson made a motion to approve the application for Special Exception Use and site plan approval as presented including the three staff recommendations. Mr. Boulding, Sr. supported the motion. The motion passed unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE – CORNER@DRAKE PUD

CONSIDERATION OF THE APPLICATION OF GESMUNDO, LLC TO INCLUDE THE FOLLOWING THREE PROPERTIES IN THE CORNER@DRAKE COMMERCIAL PLANNED UNIT DEVELOPMENT:

-CONSUMERS CREDIT UNION, 1900 SOUTH DRAKE ROAD, PARCEL NO. 3905-25-240-008

-KELLOGG COMMUNITY FEDERAL CREDIT UNION, 1700 SOUTH DRAKE ROAD, PARCEL NO. 3905-25-240-008

-FIELD & STREAM, 5215 CENTURY AVENUE, PARCEL NO. 3905-25-240-010

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to walk through the application for the special exception use requested by Corner @ Drake Planned Unit Development for the three listed properties.

Ms. Johnston said at its February 11th, 2016 meeting, the Planning Commission granted approval to the concept plan presented for the Corner @ Drake commercial planned unit development, located at the northwest corner of Drake Road and Stadium Drive in Oshtemo. Per section 60.420 of the Zoning Ordinance, all subsequent projects located within the PUD must obtain Special Exception Use status from the Planning

Commission. The three projects included in this request, CCU, KCFCU, and Field & Stream, were granted site plan approval by the Planning Commission before the PUD was in place, and must now be retroactively reviewed for compliance with the approved concept plan before they may be formally made a part of the larger development.

She said given that the approved concept plan for the Corner @ Drake commercial PUD was created after CCU, KCFCU, and Field & Stream had already gone through site plan review, the developer, AVB, was able to ensure that all three pre-existing projects were accurately depicted on the document. This being said, she indicated Staff recommended the Planning Commission approve their inclusion into the PUD, as they are in full compliance with the accepted concept plan and all other ordinance requirements.

After determining there no questions from Commissioners, no comments from the public and no Board deliberations comments, Chairperson Loy asked for a motion.

Ms. Jackson made a motion to approve the Special Exception Use to include Consumers Credit Union, Kellogg Community Federal Credit union and Field & Stream into the recently established Corner @ Drake commercial PUD as recommended. Mr. Boulding, Sr. supported the motion. The motion carried unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE – FIELD & STREAM CONSIDERATION OF THE APPLICATION OF FIELD & STREAM FOR A SPECIAL EXCEPTION USE, PURSUANT TO SECTION 30.415 OF THE ZONING ORDINANCE, FOR A GRAND OPENING CELEBRATION ON APRIL 1ST, 2ND, AND 3RD, 2016. THE SUBJECT PROPERTY IS LOCATED AT 5215 CENTURY AVENUE, KALAMAZOO, MI WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-25-240-010.

Chairperson Loy moved to the next item on the agenda, a Special Exception Use request from Field and Stream for a grand opening celebration.

Ms. Johnston explained outdoor events longer than one day require Special Exception Use approval. Field & Stream, located at 5215 Century Avenue in the Corner@Drake Planned Unit Development, will be officially opening on April 1, 2016. The requested Special Exception Use is to allow for a three day outdoor event to celebrate the opening of the store. The event will include a total of four tents, two near the front of the building to provide coverage for patrons if queue lines are needed when the store opens, and two in the parking lot for special events and/or celebrity appearances.

She explained the application meets all Standards for Approval requirements; however, the placement of the larger tents at the northwest corner of the parking lot interrupts the drive-aisle directly in front of the building, so Staff would recommend the applicant introduce some additional traffic guidance measures in order to ensure adequate circulation.

Staff recommended the Planning Commission approve the Special Exception Use request with the following conditions of approval:

1. A temporary drive aisle should be created between the northern drive aisle and the next available drive aisle to the south to avoid vehicular traffic getting trapped at the location of the tents in the northwest corner of the parking lot. Four parking spaces close to the tents between the two drive aisles should be temporarily posted as "No Parking" to allow cars the ability to move to the next drive aisle. Four parking spaces would allow for a 20 foot drive aisle, allowing two-way traffic movements.

2. At least one fire extinguisher rated a minimum of 2A 10 BC must be in each tent.

Ms. Johnston noted there is a preview event planned for March 29 and though not included in the request, suggested approval be extended to that day.

Chairperson Loy determined there were no members of the public wishing to address the Board on this matter and moved to Board Deliberations.

After brief discussion, it was agreed the temporary drive aisle should include six parking spaces to ensure egress for fire department vehicles in case of an emergency.

Mr. Boulding, Sr. made a motion to approve the Special Exception Use for the Field & Stream grand opening celebration on March 29 and April 1 – 3, to include the two staff conditions, with the increase to the "No Parking" temporary drive aisle from four to six parking spaces. Ms. Avery supported the motion. The motion carried unanimously.

Ms. Johnston noted the next item on the agenda, an application from Adam Garland Construction for a Special Exception Use, required some changes based on the Zoning Ordinance regulations. Since neither a revised site plan nor elevation drawings were received prior to the meeting, this agenda item needed to be postponed until such time that the applicant provides the revised documents.

Ms. Farmer made a motion to postpone the hearing on the Special Exception Use from Adam Garland Construction until its meeting scheduled for April 14. Ms. Smith supported the motion. The motion carried unanimously.

PUBLIC HEARING: ZONING REQUEST – WEST MAIN PROPERTIES, LLC CONSIDERATION OF THE REZONING REQUEST FROM WARNER NORCROSS & JUDD, LLP, ON BEHALF OF WEST MAIN PROPERTIES, LLC OF APPROXIMATELY 30 ACRES CONSISTING OF THE NORTHERN PORTIONS OF PARCEL NOS. 3905-16-180-047 AND 3905-16-255-014 FROM RR: RURAL RESIDENTIAL TO C: LOCAL BUSINESS DISTRICT LOCATED AT 8500 WEST MAIN STREET.

Chairperson Loy asked Ms. Johnston to review the application for the Board.

Ms. Johnston said the applicant, West Main Properties, LLC, requested rezoning of the RR: Rural Residential portion of their property to C: Local Business District to allow for Leaders Marine expansion located at 8500 West Main Street. The parcels are currently zoned C: Local Business from West Main Street north 660 feet and then RR: Rural Residential for the remainder of the property, which is approximately 500 feet for parcel 05-16-180-047 and 1,875 feet for parcel 05-16-255-014.

She said the two subject parcels total approximately 30 acres. Parcel 05-16-180-047 is roughly 17 acres and is squarer in shape, while parcel 05-16-255-014 is almost 13 acres and is a long narrow parcel. The property has four existing buildings: the main retail showroom that also includes offices, storage, a place for deliveries and service; a building for pre-owned sales; and two storage buildings. There is also outside storage of boats and trailers on the site. The request for the rezoning is to allow the storage buildings to be relocated and for the expansion of the outside boat/trailer storage area. Making these adjustments to the site would allow room for new construction, which may include a warehouse and an expansion of the existing showroom. The requested use of the site, retail sales and indoor and outdoor storage, is not allowed in that portion of the property zoned RR: Rural Residential.

Ms. Johnston explained the Future Land Use Plan indicates a neighborhood commercial node should be located in close proximity to and designated to primarily serve nearby residential neighborhoods and also be compatible with adjacent land uses in building site scale.

She spoke about general land use patterns, saying land uses in in the area are predominantly low density residential and that commercial uses are found in the immediate vicinity of the property. Some large scale uses, Handley Tree Service and D & R Sports, are located just east of the property. She noted recent rezonings include D & R Sports, who received an additional 440 feet of C: Local Business zoning for a total of 1,100 feet from the right-of-way in 2005, and Halli's Auto, who received additional C: Local Business zoning for the entire parcel.

Ms. Johnston said the Planning Commission had three possible options when considering this request:

1. Recommend approval to the Township Board.

2. Recommend a portion of the site be rezoned.

3. Deny the request.

Ms. Johnston said based on the considerations noted above, Staff's recommendation was that the Planning Commission consider rezoning a section of the subject site to allow for some flexibility to the existing use. A portion of the property

could be rezoned to commercial that would allow for the expansion of the existing business but would provide protection for the adjacent property owners and be supported by the rezoning approved for the D & R property.

She said their original recommendation was to allow the C: Local Business District to extend to the north an additional 440 feet for a total of 1,100 feet and to the west a total of 876 feet from the eastern property line. This proposal would provide a border of RR: Rural Residential property to north and west, providing a buffer to the adjacent residential uses from the encroachment of commercial development.

However, she said, the applicant had suggested an alternative approach: to approve the rezoning of 8500 West Main Street from RR:Rural Residential to C: Local Business to the rear property line of parcel no. 05-16-180-047 and measured along this same line (approximately 514 feet to the north from the existing C zoning) for parcel no. 05-16-255-014.)

Ms. Johnston said this approach would allow commercial zoning to go to the north property line of the smaller of the two parcels in length to allow a squaring off. This would be a little more than what was approved for D & R and provides a better buffer for the property to the west. With enhanced setbacks for RR, the benefit of an 85 foot setback will be achieved, close to the Staff recommendation. She felt this approach improved on the original Staff plan and recommended moving forward with this revision.

Chairperson Loy asked if Board Members had questions for Ms. Johnston.

In answer to a question from Mr. Antosz, Mr. Johnston said the D & R property goes back 1100 linear feet from West Main to the north property line. The revised approach for this rezoning would include 1250 linear feet from West Main to the north property line.

There were no further questions. Chairperson Loy asked if there were any comments from the applicant.

Mr. Tom Emmon, 111 Lyon Street, Grand Rapids, spoke on behalf of the applicant, saying after reviewing the Staff recommendation they submitted the alternative recommendation and are comfortable with it. They will eventually submit an application for the site plan. He noted the awkwardly shaped parcel, the large power lines on the property, the heavily wooded area that abuts Handley's, and that there is substantial elevation change on the property.

Chairperson Loy thanked Mr. Emmon and asked if there was anyone from the public who wished to comment.

Mr. Ron Whitmire, 110 North 5th Street, said the property being considered for rezoning is directly east of his property and heavily wooded. He was concerned about the possible negative effect on wildlife, future property value, and diminished quality of life if boats and storage facilities are visible from his picture window.

Mr. Jim Fry, 1260 N. 5th Street, said he owns the t-shaped parcel the rezoned property would back up to and would prefer that the zoning for D & R be duplicated to gain additional buffering. He said there are not many instances of zoning businesses from the street along the West Main corridor.

Mr. David Handley, 8342 West Main Street, and owner of Handley's Tree Service, said he had no objection to the rezoning and noted no one would want to build by the big power lines on the affected property; he felt this was the best use for it.

Mr. Whitmire asked if the revised recommendation would provide more of a buffer for his property than the original plan.

Attorney Porter confirmed the revised plan would provide a 330 foot buffer from his property line.

Hearing no further public comment, Chairperson Loy moved to Board Deliberations.

Ms. Farmer and Mr. Loy felt this was a good example of Planning Department Staff working with an applicant to come to agreement while complying with the Land Use Plan to achieve a better result than what was originally recommended.

In answer to a question from Ms. Smith about tree cutting within the 330 foot buffer zone, Attorney Porter indicated this would be an Ordinance compliance issue.

Mr. Antosz said he appreciated having been supplied with the D & R minutes that set precedent for this request; he was satisfied with the 85 feet and enhanced buffer.

Mr. Antosz made a motion to approve the rezoning according to the revised plan. Ms. Jackson supported the motion. The motion carried unanimously.

Old Business

Ms. Johnston noted there would be recommendations for three Ordinance changes at the March 24 meeting.

Mr. Boulding, Sr. and Ms. Jackson both reminded the Board they would be absent from the meeting of the 24th.

Any Other Business

There was no other business..

PLANNING COMMISSIONER COMMENTS

Mr. Loy reminded Board Members of the April 17 open house at the Drake House, commended the Township Board for its $150,000 contribution to the endowment, noted an additional $100,000 has been pledged or received, and the capital campaign is underway for another $250,000. He commended Ms. Karen High for her work on the fundraising effort. Online contributions can be made and matching programs are available at Hardings with a donation card.

Ms. Farmer told Commissioners the annual Rotary pancake breakfast to support Prairie Ridge School, polio eradication and the Township's parks will be held at Ted & Marie's on March 20.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting.

The Planning Commission meeting was adjourned at approximately 8:15 p.m.

Minutes prepared:
March 12, 2016

Minutes approved:
_____, 2016

March 17, 2016

Mtg Date: March 24, 2016

To: Planning Commission

From: Julie Johnston, AICP

Subject: Zoning Ordinance Amendments – Public Hearings

The three ordinances included on the Agenda for public hearings held are:

Section 82: Site Plan Review
Section 66.200: Dimensional Requirements for parcels, lots and building sites
Section 54.200: Permitted uses in the Historical Overlay Zone

Included with this packet is all of the background information provided to the Planning Commission at earlier meetings. In addition, the amendments have been provided by the Township's Attorney's Office in the official format needed for the public hearings.

The requested amended language to the Site Plan Review Ordinance and Dimensional Requirement changes to the RR: Rural Residential District have been already been reviewed by the Planning Commission. The actual amendment to the Historic Overlay Zone has not yet been reviewed by the Planning Commission, but the requested change was discussed at the February 25, 2016 meeting. The requested amendment to the Permitted Uses for the Overlay Zone is as follows:

54.000 HISTORICAL OVERLAY ZONE

54.200 Permitted uses.

Any permitted use in the underlying zoning.

Any use significant to the historical purpose or characteristics of the property.

The Planning Commission will have an opportunity to make any final changes to the requested amendments at the public hearing. Staff would request that the amendments be forwarded to the Township Board with a recommendation of approval.

Thank You

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____, 2016

Effective: _____, 2016

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance by the amendment of Section 54.000 Historical Overlay Zone, Subsection 54.200 Permitted Uses; Section 66.000 Area Requirements, Dwelling Standards and Residential Occupancy, Subsection 66.200 Dimensional Requirements for parcels, lots and building sites, Subsection 66.201 Schedule of Area, Frontage, and/or Width Requirements and the amendment of Section 82.000 Site Plan Review. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED SECTION 54.000 HISTORICAL OVERLAY ZONE, SUBSECTION 54.200 PERMITTED USES. Section 54.000 Historical Overlay Zone, Subsection 54.200 Permitted Uses is amended to read as follows:

54.000 HISTORICAL OVERLAY ZONE

54.200 Permitted uses.

Any permitted use in the underlying zoning.

Any use significant to the historical purpose or characteristics of the property.

SECTION II. AMENDMENT OF ZONING ORDINANCE COMPILED SECTION 66.000 AREA REQUIREMENTS, DWELLING STANDARDS AND RESIDENTIAL OCCUPANCY, SUBSECTION 66.200 DIMENSIONAL REQUIREMENTS FOR PARCELS, LOTS AND BUILDING SITES, SUBSECTION 66.201 SCHEDULE OF AREA, FRONTAGE, AND/OR WIDTH REQUIREMENTS. Section 66.000 Area Requirements, Dwelling Standards and Residential Occupancy, Subsection 66.200 Dimensional Requirements for parcels, lots and building sites, Subsection 66.201 Schedule of Area, Frontage, and/or Width Requirements for the "RR" Rural Residential District is amended to read as follows:

66.201 SCHEDULE OF AREA, FRONTAGE, AND/OR WIDTH REQUIREMENTS

District	**Area/Frontage**	Dimensional Requirements
RR	Parcels, **lots and building sites**	
	Area Requirements:	1.5 acres
	Minimum Frontage:	200 feet
	Lot, building sites **within an Open Space Community:**	
	Area Requirements:	**Density of 1.5 dwelling units per acre**
	~~with water:~~	~~density of 1.5 dwelling units per acre~~
	~~without water:~~	~~density of 1.0 dwelling unit per acre~~
	Minimum ~~Width~~ **Frontage:**	~~100~~ **120** feet

SECTION III. AMENDMENT OF ZONING ORDINANCE COMPILED SECTION 82.000 SITE PLAN REVIEW. Section 82.000 Site Plan Review is hereby amended to read as follows:

82.000 SITE PLAN REVIEW

82.100 Purpose.

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

82.200 **Applicability.** ~~Scope~~

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

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

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

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

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

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

(g) **Single-family and two-family dwellings are exempt from these requirements.**

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

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

Activity/Use	Administrative Review	Zoning Board of Appeals	Planning Commission	Township Board
Construction, relocation or erection of signs, screening walls, fences, waste receptacles, sidewalks, lights, and poles	**Approve**			
Modifications to comply with accessibility requirements	**Approve**			

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

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

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

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

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

~~(d) Mobile home parks.~~

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

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

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

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

~~82.300 Review by Township Planning Commission.~~

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

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

~~Condominium projects~~, **Open space** and planned unit developments involving **site** condominium**s** ~~units~~ **or subdivisions** shall require final approval by the Township Board following ~~site~~ **preliminary/conceptual** plan review and approval ~~of~~ **by** the Planning Commission. **Open space and planned unit developments involving site condominiums or subdivisions shall follow both the requirements of their respective Zoning Ordinance regulations, as well as the requirements of Part 290 of the General Ordinances, including the plan development requirements. The site plan review requirements of section 82.600 herein shall not govern the review process for open space or planned unit developments that include site condominiums or subdivisions.**

~~Following final approval by the Township Board and before a Certificate of Occupancy may be issued, the applicant shall furnish the Township~~

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

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

82.400 ~~Building and Zoning Official referral~~. Reserved for future use.

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

82.500 Optional Sketch Plan Review.

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

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

(b) A legal description of the property.

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

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

82.600 Application Procedure.

Requests for Site Plan Review shall be made by filing with the Township Planning Department. The following information shall be required:

(a) **Application:**

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

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

A. The name and address of the applicant.

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

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

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

E. A general description of the proposed development.

F. The environmental permits checklist.

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

(3) Copies of the proposed site plan, the number of which to be determined by the Township Planning Department.

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

(1) Review the site plan application for completeness.

(2) Forward the site plan application and all supporting data to the Fire Department, Parks Department,

Township Engineer and Township Legal Counsel who shall review the materials and return written comments to the Planning Department.

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

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

(5) The Planning Director shall schedule the final application and plan on the next available Planning Commission or Zoning Board of Appeals meeting. Members of the reviewing body shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than 60 days following the date of the receipt of the plans and application by the Planning Department.

(6) The applicant shall be notified of the date, time and place of the hearing not less than one week prior to such date.

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

(1) General Requirements:

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

B. Project title;

C. Location map with the north point indicated;

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

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

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

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

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

A. Public and private easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned;

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

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

D. Location and width of sidewalks.

(3) Buildings and Structures:

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

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

C. Dwelling unit density where pertinent;

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

E. Location of signs, if determined;

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

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

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

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

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

ii. Sanitary sewer facilities;

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

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

v. Easements;

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

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

A. Lines demarcating the limits of land clearing on a site. Land clearing shall be limited to that needed for the construction of buildings, structures, parking lots, street right(s)-of-way, drainage and utility areas, other site

improvements, and any grading necessary to accommodate such construction;

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

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

D. Pedestrian walks, malls and recreation areas;

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

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

G. Method of irrigation, if applicable.

(6) Lighting Plan

A. Location and detail of on-site illumination;

B. Elevation details of proposed light fixtures, including height;

C. Photometric plan.

(7) Any additional material information necessary to consider the impact of the project upon adjacent properties, the general public, and the environment, as may be demanded by the Planning Department, Planning Commission or the Zoning Board of Appeals.

82.700 Action on Application and Plans.

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

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

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

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

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

82.800 Criteria for Review.

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

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

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

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

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

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

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

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

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

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

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

82.900 Conformity to approved Site Plan.

(a) Approval of the Site Plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the Site Plan approval shall become void and new approval obtained before any construction or earth change is commenced upon the site. **Extensions may be granted by the approving body if requested prior to the expiration of the one year validity period.**

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

(c) The Township may, upon proper application by the developer and in accordance with the procedure established in this ordinance,

approve a modification to the Site Plan to coincide with the developer's construction, provided such construction satisfies the criteria placed upon the previously granted Site Plan approval and the Zoning Ordinance.

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

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

82.925 Amendment to Site Plan.

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

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

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

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

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

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

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

(e) Slight modification of sign placement.

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

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

SECTION IV. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this amendment are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DEBORAH L. EVERETT, CLERK
OSHTEMO CHARTER TOWNSHIP

February 18, 2016

Mtg Date: February 25, 2016

To: Planning Commission

From: Julie Johnston, AICP

Subject: Proposed Site Plan Review Ordinance Amendments

At the January 28, 2016 Planning Commission meeting there was some final discussion about the proposed Ordinance amendments. The review of the recommended changes are as follows:

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

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

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

   The section in question is located in the General Requirements of the Site Plan ordinance and indicates what the applicant must provide on the site plan for review. Adding the requirement to include exterior building colors was an attempt to provide the Planning Commission and Zoning Board of Appeals with a clear picture of how the structure will look when it is built, but not to direct what those colors should be. Currently, the site plan review ordinance does not require elevations of building structures, though they are often included in the plan set. The requested amended language is as follows:

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

   The Planning Commission did not indicate a desire to remove this from the language at the January meeting so it continues to be included. However, it can still be easily removed from the amendments if the Planning Commission feels it is too burdensome.

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

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

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

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

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

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

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

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

   ii. Sanitary sewer facilities;

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

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

   v. Easements;

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

5. Finally, there was a concern about the legality of requiring professional seals for work those professionals did not personally perform. The seal indicates that a plan was prepared by or under the personal supervision of a professional. For example, the engineer assumes responsibility for the plan and is answerable for the quality of the work. Engineers, architects, surveyors and landscape architects all have the ability to be licensed with the State of Michigan to sign plans. To address the issue of a professional signing for work they did not complete, the language was altered to include the following:

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

6. The final changes from the original amendments submitted to the Planning Commission in December of 2015 include the following:

   82.200.g. Single-family and two-family dwellings are exempt from these requirements.

   82.700.a. Extensions may be granted by the approving body if requested prior to the expiration of the one year validity period.

These changes have been incorporated into the amended Site Plan Review ordinance language. If the Planning Commission wants to include any additional changes, we can incorporate them after discussion at the February 25th meeting. I look forward to continuing our review of the section of Zoning Ordinance.

Attachments: December 10, 2015 meeting staff memo
January 28, 2016 meeting staff memo
Site Plan Review Ordinance amendments

January 20, 2016

Mtg Date: January 28, 2016

To: Planning Commission

From: Julie Johnston, AICP

Subject: Proposed Site Plan Review Ordinance Amendments

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

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

   The original suggested amendment was as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

iv. Easements;

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

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

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

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

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

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

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

vi. Sanitary sewer facilities;

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

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

ix. Easements;

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

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

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

78.720(h): A site lighting plan for uses requiring site plan review shall be submitted and shall provide the following information:

(1) Proposed location on premises of all outdoor light fixture(s).
(2) Description of illumination devices, fixtures, lamps, supports, reflectors and other devices (e.g., fixture type, mounting height, wattage).
(3) Photometric data of illumination cast on horizontal surfaces. Vertical photometric data may be required.
(4) Illumination level data for all building, vertical architectural and landscaping lighting proposed.

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

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

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

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

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

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

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

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

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

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

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

November 25, 2015

Mtg Date: December 10, 2015

To: Planning Commission

From: Julie Johnston, AICP

Subject: Proposed Site Plan Review Ordinance Amendments

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

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

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

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

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

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

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

January 20, 2016

Mtg Date: January 28, 2016

To: Planning Commission

From: Julie Johnston, AICP

Subject: RR: Rural Residential District
Density Calculations

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

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

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

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

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

Desired Future Development Pattern:

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

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

66.201

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

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

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

66.201

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

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

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

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

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

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

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

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

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

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

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

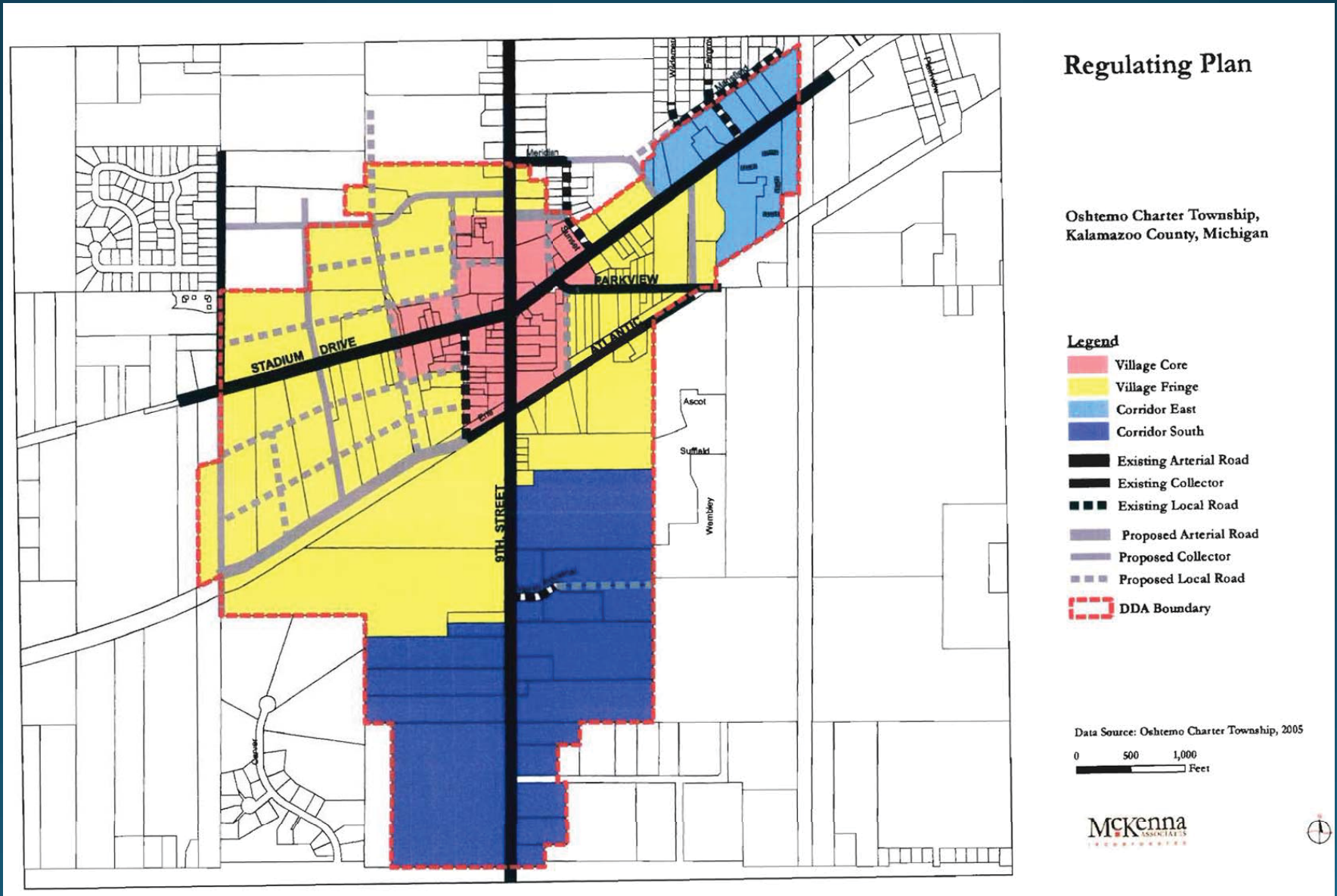
Net density is recommended as a way to reduce the total number of lots developed on a site and hopefully allow for more of the natural environment to be preserved.

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

Village FBC Overlay

- Signs:
  - Section 34.670.B.4: Internally lit plastic letters or plastic box signs shall be prohibited.
  - Part of Village Form-Based Code Architectural Design Standards.

Village FBC Overlay



Village FBC Overlay

Village FBC Overlay

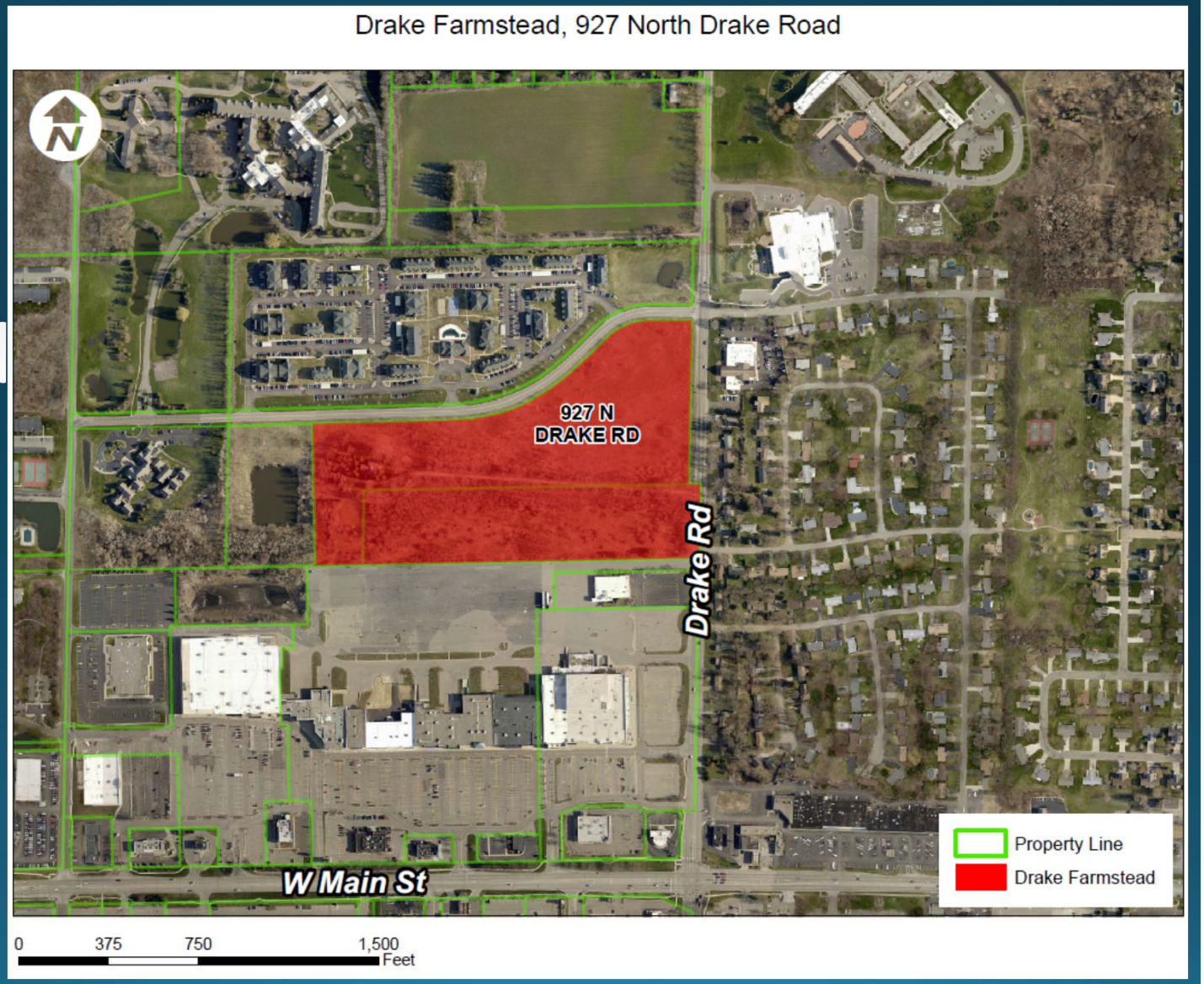
Reverse Channel Illumination

Historic Overlay Zone

- Drake Farmstead:
  - Commercial farming is not allowed in the underlying zoning district, which is zoned C: Commercial and R-3: Residential.
  - The Overlay Zone does not cover the entire farm.

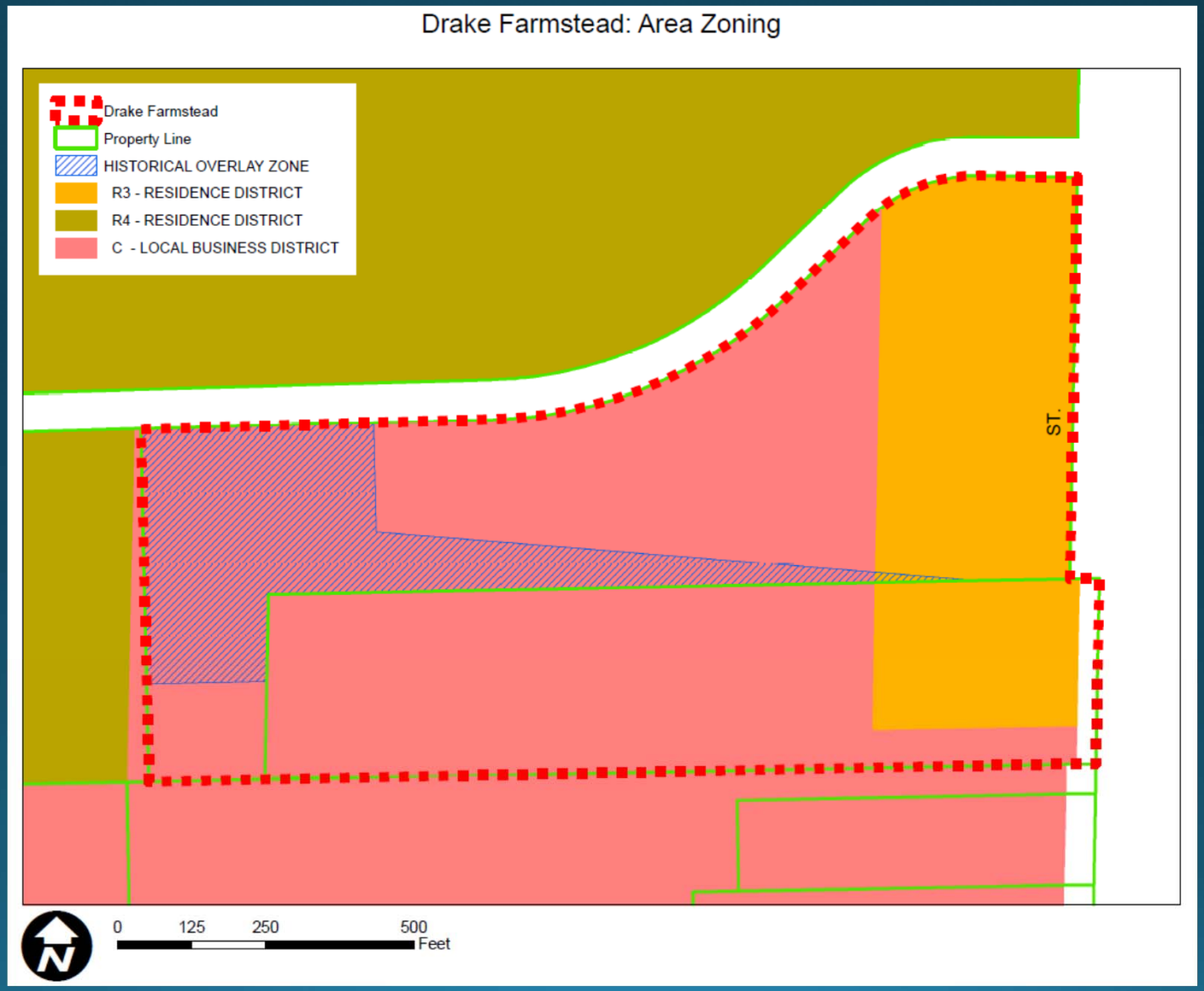
Historic Overlay Zone

- Location of Drake Farmstead



Historic Overlay Zone

- Zoning and Overlay District



Historic Overlay Zone

- Consider changing Permitted Uses in the Overlay to allow those uses that are significant to the historic nature of the use.
- Consider placing the Overlay Zone along the entire site.

March 16, 2016

Mtg Date: March 24, 2016

To: Planning Commission

From: Julie Johnston, AICP

Subject: Agenda Item 10 – Ordinance Amendments

There are a number of minor Zoning Ordinance amendments that the Planning Department would like to review with the Planning Commission as the language is developed. The Planning Department has been keeping a list of ordinance concerns that often arise when completing site plan review, discussing possible development options with property owners, or difficulties the Zoning Administrator encounters when administering the Code. While not included in the list of amendments the Planning Commission discussed at the end of 2015, we believe these requested changes will improve the administration of the Zoning Ordinance.

Existing Signs in the Village Form-Based Code Overlay District

As presented to the Planning Commission at the February 11, 2016 meeting, the signage requirements included in the Architectural Standards of the Village Form-Based Code Overlay District does not allow for internally lit plastic letter or plastic box signs, but many of these types of signs exist in the District. The Township often receives requests to allow a panel change to these box signs when there is a tenant change in a building. Technically, the Overlay District would require the replacement of a new sign that is in compliance with the Architectural Standards.

Staff has recommended language within *Section 34.670: Signage* that would allow the continuation of otherwise prohibited signs on nonconforming buildings in accordance with *Section 76.000* until such time as the structure comes into compliance with the Architectural Standards of the Overlay District. Essentially, signs on existing structures that currently do not conform to the Architectural Standards would be allowed to continue, including changing out panels for internally lit box signs, until such time that the building is renovated and comes into compliance with all of the requirements of the Overlay District. The requested Ordinance amendment is attached.

Nonconforming Uses, Structures and Parcels/Lots

Currently, *Section 62: Nonconforming Uses* does not address parcels or lots that were lawfully recorded but no longer meet our Zoning Ordinance requirements. Instead, these nonconforming lots are regulated by *Section 66.200: Dimensional requirements for parcels, lots and building sites* found in *Section 66.000: Area Requirements*, as follows:

> *No building permit shall be issued therefore, and no buildings constructed, placed, or moved upon any parcel, lot, or building site less than the area and frontage requirements as specified in this Section; nor where the same would be located upon a parcel, lot, or building site of land with an*

> *area of ten acres or less having a depth of greater than four times the width of said parcel, lot or building site.*

Often these parcels or lots do not meet the width requirements for frontage on a public right-of-way, making them nonconforming and unbuildable. Many communities provide language within their zoning ordinance to address these types of parcels or lots. In some instances, denying the use of a lawfully recorded property could be considered a "taking." Staff is recommending language be added to this Section to address these types of properties.

In addition, the Section has been reorganized to address more clearly all of the different types of nonconformity: land, uses and structures. The revised language is attached for your consideration.

Off-Street Parking Spaces

The current Off-Street Parking Ordinance does not address the number of stacking spaces a drive through window should provide. With the number of facilities the Township has recently reviewed requesting drive through facilities, Planning staff feels that some regulatory control over drive through lanes should be considered. The suggested amendment is to require five stacking spaces for each drive through window, each space measuring 10 feet by 20 feet. The Ordinance amendment language is attached.

Parking Lot Drive Lanes

While not currently included in the attached amendments, the Fire Chief has made a request to the Planning Department to consider amending the parking lot standards to require all drive lanes to be 24 feet. The request stems from the size of their fire truck and the attached equipment when it is completely installed. At this time, Planning staff wanted to bring the request to the Planning Commission's attention with more detailed information to come.

From our research, we have determined the total width of the fire equipment utilized by the Oshtemo Fire Department to be 18 feet. The current one-way width permitted in the Zoning Ordinance is 20 feet. At this time, staff is not prepared to make a recommendation as we are currently reviewing the drive lane requirements of other communities similar to Oshtemo. However, we see three possible outcomes the Planning Commission could consider, as follows:

1. Maintain the current 20-foot requirements for one-way traffic lanes.
2. Approve the request and require all traffic lanes to be a minimum of 24 feet.
3. Require site plans delineate a fire lane, which would be maintained at 24 feet.

One concern we do have with this request is that not all drive lanes on a site would be utilized by the Fire Department and we would therefore be requiring additional asphalt in areas where it may not be needed. More detailed information will be available at the April 28th Planning Commission meeting. We will also ask Chief Barnes if he wishes to address the Commission regarding his request.

Landscape Ordinance

Planning staff has completed the recommended amendments to *Section 75: Landscaping*. Staff has also authored an alternate approach to landscaping for the Planning Commission's consideration. These two amendments are not included in this packet of information because staff wanted an opportunity to create a landscaping plan utilizing both approaches to compare and contrast the options. Also, the creation of a landscape plan will help to provide a visual outcome of the Ordinance regulations. It is my hope that the new Ordinance language and plans can be presented at the April 28th Planning Commission meeting. My intent with this update is to let the Planning Commission know that their request to review this Ordinance is still a top priority, it has just taken longer to complete the amendments than anticipated.

Thank you.

34.000 Village Form-Based Code Overlay Zone

34.670 - Signage.

34.670.J – Exempt Signs

Signs located on nonconforming structures shall be exempt from these requirements until such time as the nonconforming structure comes into compliance with Architectural Standards of Section 34.000. Signs on nonconforming structures within the Village Form-Based Code Overlay Zone shall be regulated by Section 76.000 – Signs and Billboards.

SECTION 62

62.000 - NON-CONFORMING USES**, STRUCTURES AND PARCELS/LOTS**

62.150 – ~~Regulations~~ **Intent**.

Upon the adoption of this Ordinance or subsequent amendments, there may exist lots, buildings, structures and uses of land which were lawful prior to the enactment of this ordinance, but which are not in conformance with the provisions of this article, or amendment thereto. It is the intent of this ordinance to permit such non-conformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Because nonconforming lots, structures and uses, so long as they exist, prevent the full realization of the goals and objectives of the Township Master Plan, the spirit of this article is to reduce, rather than increase, such nonconformance.

The following regulations shall control lawful non-conforming uses in existence at the time of passage of this Ordinance.

62.151 – Nonconforming lots or parcels.

In any zoning district, notwithstanding limitations imposed by other provisions of this Ordinance, where a nonconforming lot of record, lawful at the time of its creation, fails to meet the requirements for minimum lot area, minimum lot width, or both, such lot may be used for the permitted uses of the zoning district, provided that all other applicable minimum requirements are met.

62.152 – Nonconforming uses of land or structure.

The use of any land or structure, existing and lawful at the time the use commenced, may be continued, even though such use does not conform to the provisions of this Ordinance, or amendment hereto, subject to the following provisions:

1. **No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land or structure.**

2. **No nonconforming use shall be moved in whole or in part to any other portion of the land or structure occupied by such use.**

3. **If any nonconforming use of land or structure ceases for any reason for a period of more than 12 months, any subsequent use of such land or structure shall conform to the requirements of this Ordinance.**

4. **If a nonconforming use of land or structure is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming less restrictive use.**

62.153 – Nonconforming structures.

Structures which are existing and lawful at the time of construction may be continued, even though such structure does not conform to the provisions of this Ordinance, or amendment thereto, subject to the following provisions:

1. **No nonconforming structure may be enlarged or altered in a way which increases its nonconformity.**

2. **If any nonconforming structure is damaged, by any means or in any manner, to the extent that the cost of reconstruction or restoration exceeds one-half the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, such reconstruction or restoration shall only be permitted in conformity with the provisions of this Ordinance.**

3. **If any nonconforming structure is damaged, by any means or in any manner, to the extent that the cost of reconstruction or restoration is equal to or less than one-half the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, such reconstruction or restoration shall be permitted, provided a building permit for such reconstruction or restoration is issued within one year of the occurrence of such damage.**

4. **If a nonconforming structure is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.**

62.154 – Single-family and two-family dwellings.

Notwithstanding the foregoing, a single-family or two-family dwelling located in a zoning district, which does not permit the same, may be altered, expanded and/or rebuilt. In addition, one accessory building not exceeding 600 square feet in area may be erected for a nonconforming single-family or two-family dwelling lacking an existing accessory building.

62.155 – Change of tenancy or ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance.

~~62.151 Lawful non-conforming uses or structures in existence at the time of passage of this Ordinance may be continued but shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this Ordinance.~~

~~62.152 If the cost of repair or replacement of a non-conforming use or structure which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy exceeds 50~~

~~percent of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this Ordinance.~~

~~62.153 If the non-conforming use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be re-established and any future use of land and structure shall be in conformity with this ordinance.~~

~~62.154 If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.~~

~~62.155 Notwithstanding the foregoing, a single-family or two-family dwelling located in a Zoning District which does not permit the same may be altered, expanded and/or rebuilt. In addition, one accessory building not exceeding 600 square feet in area may be erected for a nonconforming single-family or two-family dwelling lacking an existing accessory building.~~

68.300 - Requirements for parking spaces**,** ~~and~~ parking lots **and drive-through windows**.

Requirements for all parking spaces and parking lots (except those for single- and two-family dwellings, for mobile homes or single- or two-family dwellings in a mobile home subdivision, or for farms) **and drive-through windows** shall be as follows:

A. Space size. Each automobile parking space shall not be less than 200 square feet nor less than ten feet wide exclusive of driveway and aisle space. For parking lots with over 100 spaces, minor adjustments of the dimensions prescribed in this Section may be authorized by the reviewing body for up to 25 percent of the required spaces, provided the design remains consistent with generally recognized design standards for off-street parking facilities.

B. Aisle width. Aisles shall be 24 feet wide for two-way traffic and 20 feet wide for one-way traffic. Consideration will be given to alternate widths for one-way aisles in conjunction with angled parking other than 75 to 90 degrees.

C. Pavement. All off-street parking facilities, including private drives thereto, shall be constructed of materials which will have a paved surface resistant to erosion. Use of pervious pavement is encouraged.

D. Drainage. Drainage shall be provided in accordance with section 78.500.

E. Lighting. Lighting shall be designed in compliance with the lighting objectives and standards set forth in section 78.700.

F. Landscape. Landscaping shall be provided in accordance with section 75.000.

G. Drive through windows. **A minimum of five 10 foot by 20 foot s**tacking space for vehicles awaiting service shall be on-site and designed and located so as not to block or impede pedestrian and/or vehicle circulation on the site or on any adjacent sidewalk or street. Stacking spaces shall not be considered parking spaces.

H. Backing into or from a street is prohibited. All trucks and vehicles shall enter and exit the lot, parcel, or site using forward movement from and to the abutting street.

I. Shared access reduction schedule. Reduction of required spaces is permitted in accordance with section 67.600.

J. Bicycle parking. Provision of parking facilities for bicycles is encouraged and may be required.

K. Maximum number of spaces. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of stormwater runoff, no parking lot shall have parking spaces totaling more than 110% of the minimum parking space requirements except as may be approved by the reviewing body.

In granting any additional space, the reviewing body shall determine that the parking is necessary, based upon documented evidence of actual use and demand provided by the applicant. The

reviewing body shall also consider impacts on the property and surrounding properties including any natural features thereon. Use of pervious pavement is encouraged.

The foregoing shall apply only to those parcels, lots or building sites with a minimum of 50 parking spaces as required by Sections 68.302 and 68.400.