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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Thursday, December 8, 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 – November 10, 2016
6. **PUBLIC HEARING: Conditional Rezoning Request**  
Consideration of an application from Jean Burns for the conditional rezoning of approximately two acres located at 3000 South 11<sup>th</sup> Street from R-2: Residence District to the R-3: Residence District to develop a professional office and similar uses. Parcel No. 3905-25-390-030.
7. **PUBLIC HEARING: Site Condominium Preliminary Plan Review (Step 1)**  
Consideration of an application from Westview Capital, LLC for a Site Condominium Preliminary Plan on approximately 8.8 acres located at 2083 North 9<sup>th</sup> Street within the R-2: Residence District. Parcel No. 3905-11-305-051.
8. **Commercial Planned Unit Development – Westgate**  
Consideration of the application from Westgate 131, LLC to review a Concept Plan that would establish a commercial planned unit development on 86.55 acres north of West Main Street and west of US 131.
9. Old Business
10. Any Other Business
  - a. Kalamazoo Metropolitan County Planning Commission – County Master Plan Initiative
  - b. 2017 Meeting Dates
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 NOVEMBER 10, 2016**

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**Agenda**

**PUBLIC HEARING: REZONING REQUEST**

**CONSIDERATION OF AN APPLICATION FROM ELAINE WHETHAM, ON BEHALF OF GALLUP, SR. TRUST, FOR THE REZONING OF APPROXIMATELY 43 ACRES LOCATED AT 3989 NORTH 3RD STREET FROM AG: AGRICULTURAL DISTRICT TO THE RR: RURAL RESIDENTIAL DISTRICT. PARCEL NO. 3905-05-330-072.**

**Old Business:**

- a. April 28, 2016 Minutes**
- b. Landscape Ordinance Amendments**

**Other Business:**

- a. Food Trucks as a Temporary Use**
  - b. Residential District Changes - Zoning Re-organization**
- 

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

**MEMBERS PRESENT:** Millard Loy, Chair  
Fred Antosz  
Wiley Boulding, Sr.  
Dusty Farmer  
Pam Jackson  
Mary Smith

**MEMBER ABSENT:** Ollie Chambers

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist and approximately 13 other persons.

**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**

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

Hearing none, Chairperson Loy asked for a motion to accept the Agenda as presented.

Mr. Antosz made a motion to accept the agenda. Mr. Boulding, Sr. seconded the motion. The motion passed unanimously.

## **Public Comment on Non-Agenda Items**

Chairperson Loy noted there were no audience members who wished to comment on non-agenda items and proceeded to the next item.

## **Approval of the Minutes of October 13, 2016**

Chairperson Loy asked if there were any additions, deletions or corrections to the minutes of October 13, 2016. Hearing none, he asked for a motion to approve the minutes.

Mr. Antosz made a motion to approve the minutes of October 13, 2016 as presented. Mr. Boulding, Sr. seconded the motion. The motion was approved unanimously.

## **PUBLIC HEARING: REZONING REQUEST CONSIDERATION OF AN APPLICATION FROM ELAINE WHETHAM, ON BEHALF OF GALLUP, SR. TRUST, FOR THE REZONING OF APPROXIMATELY 43 ACRES LOCATED AT 3989 NORTH 3RD STREET FROM AG: AGRICULTURAL DISTRICT TO THE RR: RURAL RESIDENTIAL DISTRICT. PARCEL NO. 3905-05-330-072.**

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the request regarding rezoning 43 acres located at 3989 North 3rd Street from AG: Agricultural District to RR: Rural Residential District.

Ms. Johnston said the applicant requested to have an approximately 43 acre parcel, located north of H Avenue and west of North 3<sup>rd</sup> Street, rezoned from AG: *Agriculture District* to RR: *Rural Residential District*.

She noted the subject property is just north of H Avenue and is partially wooded and partly farmed. It does not appear that any single-family home is located on the site. Per the application, the owner wishes to allow the property to be divided into three separate parcels, each averaging around 15 acres. At this time Township Staff are not

aware of any intentions to develop a subdivision or site condominium on the subject property. Surrounding land uses consist solely of large parcel single-family residences, with some farming occurring to the north of the subject property.

Ms. Johnston said the generally recognized factors that should be deliberated before a rezoning decision is made are:

- **Master Plan Designation.**

She said the subject property is within an area that is intended to change from agricultural use to Rural Residential in the Land Use Plan. The rezoning of the subject property from AG to RR would help to fulfill the future land use plans of the Township to encourage low density residential development in this area.

- **Consistency of the Zoning Classification in the General Area.**

Ms. Johnston indicated Rural Residential zoning surrounds this property on all sides. Some Agricultural zoning does still exist in this general area. A few large parcels are located to the north of subject site and south of G Avenue, which appear to still be farmed, based on 2016 aerial photography. Rezoning this parcel to Rural Residential is consistent and compatible with surrounding zoning.

Ms. Johnston said, based upon the following considerations, Staff recommended the Planning Commission forward the proposed rezoning to the Township Board with a favorable endorsement:

- The proposed rezoning is consistent with Oshtemo Township's future land use map and is supported by the Master Plan.
- The proposed rezoning is compatible with the surrounding land uses and zoning classifications.
- The proposed rezoning will not introduce any potential development patterns not already present in this part of the Township.

She also noted that even if the land is subdivided it would still fall in the parameters for what that should be.

Chairperson Loy asked whether Commissioners had questions for Ms. Johnston. Hearing none, he asked if the applicant had any comments. There were no comments from the applicant, so he moved to the Public Hearing.

Ms. Dana Listing said she lived behind the parcel in question and hopes it will not become a plat. The term "large lot" scares her. She wished it to be zoned RR with large parcels, which is what the neighbors have and are in agreement about what would be best for them. When she bought her land, she divided it with a certain amount of road frontage.

Mr. James Noell, 3531 N. 3rd St., just north of the parcel in question, spoke for him and his wife Sue. He agreed with Ms. Listing, saying he hoped there would not be a large number of houses built. They have five acres, are happy that way and are nervous about a subdivision.

Attorney Porter said he understood the concerns expressed, but that the Commission needs to look at the Master Land Use Plan. What the owner does or does not do with the property in the future is not their concern.

Hearing from no other members of the public, Chairperson Loy closed the public hearing and moved to Board Deliberations.

After commissioners concurred that the request fits the Master Plan Future Land Use provisions and that they were comfortable with the proposal, Chairperson Loy asked for a motion.

Ms. Jackson made a motion to accept the proposal and recommend it to the Township Board with a favorable endorsement. Mr. Boulding, Sr. seconded the motion. The motion passed unanimously.

## **OLD BUSINESS**

### **a. April 28, 2016 Minutes**

Ms. Johnston told Commissioners that on April 28, 2016, the Planning Commission held a public hearing for the Mystic Heights Subdivision. During public comment, a number of citizens spoke against the requested development. After the minutes were approved on May 12, 2016, it was brought to her attention that the comments from Dr. Stephen Malcolm, a member of the public, were not included. The resident who noticed the missed remarks asked the Planning Department to make the necessary corrections and indicated the preferred method was acknowledgement by the Planning Commission of the missed remarks and to approve an amendment to the April 28 minutes to include the comments as an addendum.

Attorney Porter agreed this was the best way to correct the oversight.

Commissioners concurred and Chairperson Loy asked for a motion.

Mr. Boulding, Sr. made a motion to acknowledge the missed comments by Dr. Malcolm, to read them into the record, and include them as an addendum to the April 28, 2016 minutes. Mr. Antosz seconded the motion. The motion passed unanimously.

Ms. Johnston read the following summarization of the remarks made that evening based on her notes of the meeting and indicated they would be included as an addendum to the April 28, 2016 minutes:

*Dr. Stephen Malcolm, Ecologist and Professor with the Department of Biological Sciences, Western Michigan University – It is important for local communities to consider the larger ecosystems in which we live. The difficulty with this subdivision proposal is not just the damage to this particular property, but also its impact on the larger bionetwork of plants and animals, and how they are interrelated. It is important that we consider these relationships and how development of this kind can fragment natural wildlife corridors, disrupting ecosystems.*

## **b. Landscape Ordinance Amendments**

Chairperson Loy asked Ms. Johnston to review progress on proposed Landscape Ordinance Amendments.

Ms. Johnston said she, Karen High and Ben Clark worked on the Landscape Ordinance Amendments and feel they have developed regulations that are ready for Planning Commission review. She provided to Commissioners additional landscaping plans developed by Karen High to illustrate the updated language and the existing Ordinance requirements. Generally they reflect the following:

- As the size of a site reduces, the recommended approach requires much fewer landscape materials over that required by the current ordinance.
- Right of way landscaping is more robust under the recommended language because of the requirement to screen parking lots that face the road.
- The recommended approach requires more square footage of landscaping on larger sites than the current code, but plant materials are relatively similar.
- Opaque screening is required between incompatible uses.

Ms. Johnston walked through the document, pointing out and explaining significant changes such as reducing the number of parking spaces from 100 to 70 for landscape plans required to be sealed by a landscape architect, restrictions on grading or removal of trees, requirements for landscape buffers and lighting concerns, interior site landscaping, native plant materials and provisions for existing sites.

There was discussion of the change from Total Site Landscaping to Interior Landscaping. Ms. Johnston assured Commissioners if it turns out not to be workable, they can go back and change the Ordinance, but Staff is comfortable with the Landscaping section of the Ordinance as refined.

Ms. Smith suggested adding "not on a roadway" to the Interior Site Landscaping (G), #2.

Mr. Loy was concerned about whether the landscaping plans provided as examples allow enough room for snow removed from parking spaces. Ms. Johnston said language could be included requiring a plan for where snow will be put, maybe on the general site plan, noting if it doesn't affect the number of required parking spaces it won't matter.

In a similar vein, Ms. Farmer asked that she also consider the need for ingress and egress of emergency vehicles.

Ms. Johnston said that since we are going into winter and the revised Ordinance will not be in effect soon, maybe this could be incorporated into the Zoning Ordinance re-organization. When that is complete there will be a public hearing on the Ordinance as a whole. Each section will be reviewed individually and incorporated into the project; at this point she just needed a nod of approval to incorporate this piece.

Commissioners concurred with this approach and approved incorporation of the Landscaping Section 75 into the Ordinance re-organization with a public hearing planned after the Ordinance re-organization is complete.

## **ANY OTHER BUSINESS**

### **a. Food Trucks as a Temporary Use**

Chairperson Loy moved to the next item on the agenda.

Ms. Johnston told the Board that following the last Planning Commission meeting, she followed up on their question about a food truck seen in the Township. It appears the owner was operating under the Peddlers' General Ordinance that gives licensed approval to operate specifically in parks. The approval was given a number of years ago and has not been renewed. She did not think it was operating in parks now.

She said if a food truck vendor were allowed a permanent location it would be appropriate to operate under a Peddlers' license, but she is not comfortable with the appropriateness of the location the vendor who inquired was requesting.

Ms. Johnston contacted him and relayed the general feeling of the Board. She told him if he submits a request for a temporary permit maybe a 30 day trial could be approved to see how it goes, but he has not responded. She felt the issue should be dropped until she hears from him.

Commissioners agreed and Chairperson Loy moved to the next item.

### **b. Residential District Changes - Zoning Re-Organization**

Ms. Johnston provided two documents outlining how Planning staff would like to re-organize the seven zoning districts where residential development may occur. The first document showed the deleted script and new language. The second framed how the District would look after the re-organization is complete.

She reviewed discussion from the September 22<sup>nd</sup> meeting; it is the intent of staff to re-organize the Districts in the following way:

- Statement of Purpose
- Permitted Uses
- Conditional Uses
- Special Uses
- Development Standards (if applicable)

Conditional uses will be those that are permitted by right as long as the development can meet the conditions established in the Ordinance. For example, in the current Ordinance, three and four family dwellings have the following conditions:

- Building height shall be restricted to two stories.
- Dwelling unit density is limited to a maximum of four dwelling units per acre.
- Public sanitary sewer facilities are required as part of the development.

She indicated as long as the developer can meet these conditions, they would be permitted to proceed. Special Uses are those that because of their intensity or possible impacts to neighboring uses, require Planning Commission approval. Both Conditional and Special Uses, along with any associated regulations, will be listed in a separate section of the Ordinance. So, if a developer is interested in building a new office building in the R-3 District, they would first look in the District to see if an office use is allowed and how it is permitted. They would determine that a new office building is a Special Use. They would then look to the Special Use section of the Ordinance for any particular conditions that might be associated with that use.

In addition to the allowable uses, some Districts might have a section called Development Standards. This is to address any specific development requirements related only to that District. For example, in the current Ordinance most of the non-residential uses in the R-3 District have the same development requirements. These requirements are initially listed with the first use and then every subsequent use refers back to these regulations. The new Ordinance would place these regulations under the Development Standards. Re-organizing in this way clearly shows that all non-residential uses in the R-3 District must meet these standards.

Ms. Johnston reported besides the re-organization of uses into the three possible categories, some additional changes include:

- Delineating the number of days between Conditional and Special temporary uses. A Conditional temporary use, which can be approved administratively, is five days or less. Anything more than five days requires Planning Commission approval.
- Differentiating between veterinary clinics that provide medical attention to all animals (general clinics) and those that just see small animals. Staff thought it might be appropriate to allow general vet clinics in the Agricultural and Rural Residential Districts where there might be a need for this type of service. Specific regulations will be developed to manage the development of these clinics.
- In the Rural Residential District, staff is suggesting removing “motorized vehicular roadways” from the outdoor recreational uses. The impact of this type of use seems too intense for this district.
- Staff is suggesting adding riding stables to the Rural Residential District as a Special Use so it can be regulated and approved by the Planning Commission.
- Staff is recommending removing beauty and barber shops from the R-3 District and including them in the new Transitional Mixed Use District that is under development. The intensity of the use seems better suited for a district that will allow some commercial uses over the R-3 District, which is more suited to office uses.
- Child care centers were added to the R-4 District as a Special Use.

After reviewing the districts and determining which uses should fall into each category, she said Staff then began working on the specific conditions/regulations associated with each Conditional and Special Use.

### R-1 and R-2 Districts

As staff was reviewing the Residential Districts, an idea developed around combining the R-1 and R-2 Districts. This would reduce the number of residential classifications from six to five distinct zoning districts. The only difference between the R-1 and R-2 Districts are the allowable uses. The minimum requirements for lot/parcel area, frontage/width and setbacks is the same for both districts. The following uses are found in the R-2 District, but not R-1:

#### Conditional Uses:

- Two-family dwelling
- Cemeteries

#### Special Uses:

- Golf courses, parks and other passive recreational areas
- Private Schools

She explained there are three clusters of R-1 zoning in the Township, which encompass four developments: Country Club Village, Oshtemo Ridge, Oshtemo Woods and Fairlane subdivisions. Based on the difference in land uses between the R-1 and R-2 Districts, the greatest possible impact would be the inclusion of two-family developments. The current ordinance states that two-family dwellings must have more square footage per lot/building site than single-family.

As a Conditional Use, any two-family dwellings would be required to meet the conditions established by the Planning Commission through the development of the new Ordinance

In addition to the four developments noted above, there are a few parcels zoned R-1 that are large enough that they could be redeveloped to one of the other possible uses that could be included in the R-1 District if the merge occurs. There are two five acre parcels on 11<sup>th</sup> Street, just south of KL Avenue that are single-family residential but have the potential to redevelop. There is approximately 26 acres of property that borders the Oshtemo Ridge and Oshtemo Woods development to the north and west. This property is owned by Consumers Energy for a transmission corridor and is not likely to be redeveloped. Finally, there are four large parcels immediately south of the Country Club Village development that are also being used as single-family residential, which could redevelop.

The biggest impact to the R-1 District is the possible inclusion of the two-family dwelling. Since uses are already established on the larger parcels, the possibility of them being redeveloped is relatively low, with the exception of 11<sup>th</sup> Street. These two five acre parcels are included as part of the Transitional Mixed Use District of the Master Plan. It is very conceivable that they would request rezoning at some future date to allow for more intense uses.

She concluded, saying based on the information provided, the merging of these two districts could be successful if two-family dwellings could be appropriately managed to protect subdivisions from two-family dwellings. She felt this could be done by saying two-family dwellings would only be permitted on unplatted property.

There was extended discussion, beginning with whether combining R1 and R2 with the provisions as described is feasible.

Attorney Porter noted there are some developments in the Township that have a lot line down the middle of the house; the land is subdivided. Some condos are duplexes, for example in Quail Run.

Ms. Johnston said if that's the case the proposal won't work unless there is a way to single out existing single family subdivisions. She felt there must be a way to manage

that, but wondered if it is worth it. Trying to make the Ordinance more effective and streamlined is the goal and combining R-1 and R-2 does make sense, but it is a matter of whether it is worth going through the machinations. She was not sure the cost benefit is high enough.

Attorney Porter agreed it would be nice to be rid of one district and is an admirable goal.

Chairperson Loy said this issue did not need to be decided at this meeting.

Ms. Johnston moved on to Residential Conservation and noted it is not zoned anywhere on the map and she would like to eliminate it. The requirement is 70% of the site as open space. She said if the Township needs access, streets are there for a reason.

She indicated there is a lot of information on the residential district; some temporary use language was added. Administrative approval is limited to less than five days; more would need to be reviewed by the Planning Commission.

She said Special Land Uses makes the distinction between small and large animal veterinary clinics.

Mr. Antosz commented the changes to the process for people to request approval of temporary outdoor events makes the progression logical for people to use and to determine what is and is not allowed.

Attorney Porter was concerned about the language regarding riding stables as residential special uses and that it could lead to commercial farming as a permissible use in RR districts; he felt it should be removed from RR. Agricultural use in RR should be non-commercial.

Ms. Johnston concluded by saying the discussion regarding combining R1 & R2 will continue and felt they should wait to send it to the consultant for inclusion in the re-organization as Staff continues to consider it.

Mr. Boulding, Sr. asked for an update on marijuana dispensaries.

Attorney Porter said legislation to authorize dispensaries/medical marijuana centers cannot go into effect until the end of 2017. The Township Board has already banned them. Currently there is nothing anyone can request. The board would have to affirmatively "hop in." Under the current medical marijuana act, if one wants to grow marijuana in the Township in a confined facility they can file as a primary caregiver. There have been some in the Township in the past but none currently. All requests go through Attorney Porter's office and are kept confidential. It is permissible to dispense in the RR district.

Ms. Johnston indicated there are no meetings scheduled for the rest of November; the December 8 meeting agenda is very full.

Attorney Porter reported the Michigan Supreme Court case continues with supplemental briefs and responses.

### **PLANNING COMMISSIONER COMMENTS**

Ms. Smith thanked the Township for sending her to the Citizen Planner training. She noted she had talked to a lot of people there and found that a lot of other Townships are requiring 50% open space for subdivisions.

Ms. Johnston noted the Oshtemo Township requirement is 40% and that we are working on the Ordinance. The Township Board gave permission to have WMU map Township natural features; that may result in developing an overlay with a little more conservation for areas they consider of importance. The intention is to use the report to support our efforts to preserve important features in a way that is defensible in court.

Ms. Jackson congratulated Ms. Farmer on her re-election to the Township Board.

Ms. Johnston noted the December 8 meeting will be the last for two Commissioners and hoped everyone would be in attendance.

### **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 8:36 p.m.

Minutes prepared:  
November 14, 2016

Minutes approved:  
\_\_\_\_\_, 2016

November 28, 2016



**Mtg Date:** December 8, 2016

**To:** Planning Commission

**From:** Julie Johnston, AICP

**Applicant:** Jean M. Burns

**Owner:** Jean M. Burns

**Property:** 3000 South 11<sup>th</sup> Street (PIN# 3905-25-390-030)

**Zoning:** R-2: Residence District

**Request:** Rezoning to R-3: Residence District with Conditions

**Section(s):** Section 23.000 – R-3: Residence District  
Section 53.000 – Conditional Rezoning

**Project Name:** 3000 South 11<sup>th</sup> Street

## OVERVIEW

The applicant is requesting rezoning of a 2 acre parcel on the west side of 11<sup>th</sup> Street north of Parkview Avenue to the R-3: Residence District to allow for the development of an office use. The applicant has provided specific conditions related to the rezoning request, which are attached to this memo. The parcel is currently located in the R-2: Residence District and has 301 feet of frontage on 11<sup>th</sup> Street.

The unique element to the request is that the property owner has submitted conditions associated with the rezoning application. The conditional rezoning process follows the same procedures as a traditional rezoning request with the exception that the applicant may offer conditions that place additional restrictions on their property. Conditional rezoning is provided as a mechanism to allow an applicant the opportunity to address anticipated concerns that may be raised by the rezoning request. Per Section 53.300.A, the Planning Commission may recommend approval, approval with recommended changes, or denial of the conditional rezoning; provided, however that any recommended changes to the offer of conditions are acceptable to the owner.

## CONDITIONAL REZONING & CONDITIONS

As stated, the applicant is requesting the property be rezoned from the R-2: Residence District to the R-3: Residence District to allow for the possibility of office development. Staff is not aware of any immediate plans for the sale and construction of a new office facility, but rather the applicants desire to maximize the versatility of the property under the Future Land Use designation of Transitional Mixed Use. Staff has

discussed with the applicant the intent to develop a Zoning District which would mirror the objectives of the Transitional Mixed Use District outlined in the Master Plan. However, the time involved to create a new Zoning District is an impediment to the applicant and their desire to sell the subject property.

The offer of conditions is essentially threefold, as follows:

1. Allowed uses: Professional offices and similar uses.
2. Conformance with all other requirements of the R-3 District and Zoning Ordinance.
3. Prohibited uses: 3-4 family dwelling, veterinary office, bank or credit union, child care center, and barber/beauty shop.

As the request for a conditional rezoning is tied to a specific use, the delineation of prohibited uses is not required. It should be noted that approval of the conditional rezoning would limit the marketability of this property to a professional office use. Any residential use would require a reversion of the conditional rezoning, if approved. In addition, since the conditional rezoning is use specific and not tied to any development considerations, conformance with all other aspects of the Zoning Ordinance will be required.

Staff does have some concerns related to the condition of professional office or similar use. The “similar use” terminology gives staff pause due to the open ended nature of the statement. A professional office is defined by the Township Zoning Ordinance as:

“A room, suite of rooms, or building used for executive, administrative, professional, political, informational, research or similar organizations.”

The type of office uses which would be considered under this definition are accountants, architects, medical professionals, insurance agencies, etc. Limiting the rezoning condition to allow “professional offices” is a broad enough term to allow for a use that would be more in keeping with the development changes being experienced on South 11<sup>th</sup> Street. Stipulating “similar uses” seems unnecessary and unnecessarily vague in its application. Staff would recommend the Planning Commission propose a change to the applicant that the conditional rezoning, if approved, only allow a professional office use.

With that in mind, the main concern the Planning Commission must debate is whether the R-3 District restricted to a professional office use is supported by the standards considered when reviewing a rezoning.

## **CONSIDERATIONS**

The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning or conditional rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

## 1. Master Plan Designation

The Future Land Use Plan for this area indicates Transitional Mixed Use District for the first approximately 1700 feet on both sides of South 11<sup>th</sup> Street north of Parkview Avenue. Please see the attached Future Land Use Map. The intent of this district is as follows:

Transitional Mixed Use Parkview Avenue / 11th Street Area:

*“This area currently contains a mix of residential, commercial, and institutional uses with undeveloped space. However, with higher intensity and higher value development occurring to the north, east, and west, redevelopment of this area is envisioned. This Transitional Mixed Use area is envisioned as a location for office use, low intensity commercial to support adjacent development, and/or medium density residential. Because Parkview and 11th Street are not major commercial corridors, site design, layout, building design, signage, lighting, access, parking, and other elements of the layout shall be completed to limit the impacts on the rural character of the area.”*

An office use is specifically delineated in the description of the Transitional Mixed Use District for this area. The Master Plan continues with some specific concerns related to site design and the impact of an office use on the more rural character of the area. As a new office use is a Special Exception Use within the R-3 District, all of the site design requirements outlined in the Zoning Ordinance would apply. These requirements include building square footage and height restrictions, as well as ground coverage limitations and parking lot placement. The R-3 District also provides some allowances to the Planning Commission to impose additional development restrictions if warranted to insure that any noise, odors, traffic and other activities incidental to the new development have minimum impact on the surrounding neighborhood.

## 2. Consistency of the Zoning Classification in the General Area

The zoning pattern along South 11<sup>th</sup> Street from Parkview to Stadium begins with the R-2: Residence District, which is lower density residential to the R-3 and R-4 Districts moving north along 11<sup>th</sup> Street, finally to the C: Local Business District at Stadium Drive.

The zoning classification that surrounds the subject site to the east, west and south is the R-2: Residence District. The uses allowed in this district are primarily residential in nature, allowing single-family, two-family, family daycare homes and places of worship by right, and recreational uses, schools and group homes as special exception uses. Immediately north of the subject site is property zoned R-4: Residence District, which allows multi-family development.

Continuing north along the west side of South 11<sup>th</sup> Street is the conditional rezoning that was approved for the OB-GYN medical office. The conditional rezoning was for a medical office in the R-3 District with a building square footage larger than permitted in the District. The R-3 District continues along both the east and west sides of South 11<sup>th</sup> Street until around Holiday Terrace, where the C: Local Business District begins.

The requested change to the R-3: Residence District with conditions is generally consistent with the surrounding zoning. However, a change to R-3 at this location would be the closest

encroachment into the remaining R-2 zoned and used properties along South 11<sup>th</sup> Street and neighboring lots to the west. The request to limit the site to an office use provides some protections to the surrounding neighborhood as any new development would have to seek Special Exception Use approval from the Planning Commission and comply with the development standards outlined in the Zoning Ordinance.

### 3. Consistency and Compatibility with General Land Use Patterns in the Area

The general land use pattern from the Parkview intersection moving north on South 11<sup>th</sup> Street is:

- Single-family residential until Crystal Lane, then;
- Combination of residential and office uses until Holiday Terrace, then;
- Commercial and office uses until Stadium Drive.

The uses immediately surrounding the subject site are single-family residential in nature. Some transition of uses to office has occurred along South 11<sup>th</sup> Street, but to the north of Crystal Lane, which seems to divide this land use pattern from the residential uses found closer to Parkview.

While the request for a conditional rezoning to allow professional office is compatible with the properties to the north, as stated however, it would be a further encroachment into the remaining single-family uses in this area.

### 4. Utilities and Infrastructure

Both public water and sewer are available to the subject property from South 11<sup>th</sup> Street.

As part of this conditional rezoning request, it is important to consider the intersection of South 11<sup>th</sup> Street and Parkview and the impact additional non-residential development will have on the road system. This intersection is not signalized or designed to handle large volumes of traffic. Placing additional traffic pressure at this intersection may cause traffic flow issues.

### 5. Reasonable Use under Current Zoning Classification

The property could be reasonably used for a residential purpose. However, because the current parcel only has 300 feet of frontage, it could not be split to allow for more than one home. In addition, only one duplex structure could be allowed because of frontage requirements. Finally, the parcel could be subdivided or developed as site condominium. Based on the area requirements for a platted subdivision or site condo and the need for infrastructure, approximately four to five homes may be able to be developed.

### 6. Effects on Surrounding Property

As stated, this is a further encroachment of non-residential uses within the area of South 11<sup>th</sup> Street which has retained more of its residential use and character. Non-residential use often have site needs not experienced by residential uses, like parking lot and building lighting, which

can negatively affect adjacent uses. If the Planning Commission chooses to forward a recommendation of approval to the Township Board, the development standards outlined in the R-3 District will need to be closely reviewed and enforced at the time of development to reduce the impacts on neighboring properties.

## CONCLUSIONS

An argument could be made that the continued advance of non-residential uses on South 11<sup>th</sup> Street from the north indicates a market demand for a land use pattern change in this area. However, staff does see some advantage to utilizing Crystal Lane as the dividing line between non-residential and residential uses or between a Transitional Mixed Use and Residential District on the Future Land Use Map. Stopping the Transitional Mixed Use District at this location creates a clear delineation down South 11<sup>th</sup> Street from commercial uses between Stadium and Holiday Terrace, to a mix of office and residential uses from Holiday Terrace to Crystal Lane and then residential uses from Crystal Lane to Parkview. However, the current Future Land Use Map does not make this distinction.

The Planning Commission has three possible options when considering this request, as follows:

- A. Recommend a conditional rezoning to the R-3 District to the Township Board with the condition presented by the applicant that would allow professional office and similar uses.
- B. Request the applicant consider changing their application to the R-3 District, limiting the use only to professional office and forwarding this recommendation to the Township Board.
- C. Deny the request.

Based on the considerations noted above, staff would recommend that the Planning Commission consider a conditional rezoning to the R-3 District with the revised condition. The request is in keeping with the current Master Plan for the Township and the developmental restrictions of the R-3 District should assist with compatibility to neighboring properties.

Respectfully submitted,



Julie Johnston, AICP  
Planning Director

Attachments: Application  
Proposed Conditions  
Aerial Map  
Existing Zoning Map  
Future Land Use Map



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

**PLEASE PRINT**

**PROJECT NAME & ADDRESS** \_\_\_\_\_

**PLANNING & ZONING APPLICATION**

Applicant Name : Owner  
Company \_\_\_\_\_  
Address \_\_\_\_\_  
E-mail \_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
Interest in Property \_\_\_\_\_

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

Received From: MILLER JOHNSON  
Date: 1 /01/2016 Time: 2:13:50 PM  
Receipt 127704  
Cashier AMCMILLON

ITEM REFERENCE	AMOUNT
1091 APP - REZONING/ZONING	
APP - REZONING/ZONING	\$650.00
TOTAL	\$650.00
CHECK 2 551	\$650.00
Total Tendered:	\$650.00
Change:	\$0.00

**OWNER\*:**

Name Jean M. Burns  
Address 3000 S. 11th Street  
Kalamazoo, Michigan 49009  
Email jmbtherapist@live.com  
Phone & Fax 269 375-6567

**NATURE OF THE REQUEST:** (Please check the appropriate item(s))

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: \_\_\_\_\_

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): \_\_\_\_\_

REZONE from R-2 to R-3

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

SEE Attached

PARCEL NUMBER: 3905- 05-25-390-030

ADDRESS OF PROPERTY: 3000 S. 11th Street Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Residential

PRESENT ZONING R-2 SIZE OF PROPERTY 2 acres

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS  
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)	Address(es)
<u>Sean M. Burns</u>	<u>3000 S. 11th Street</u>
_____	_____

**SIGNATURES**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.*

Sean M. Burns  
Owner's Signature (\* If different from Applicant)

10/1/2016  
Date

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney -1
- Assessor -1
- Planning Secretary - Original

\*\*\*\*  
**PLEASE ATTACH ALL REQUIRED DOCUMENTS**



# Schedule C

## Commitment for Title Insurance

ISSUED BY

**First American Title Insurance Company**

File No.: 4003-15816

The land referred to in this Commitment, situated in the County of Kalamazoo, Township of Oshtemo, State of Michigan, is described as follows:

SITUATED IN THE TOWNSHIP OF OSHTEMO, COUNTY OF KALAMAZOO, AND STATE OF MICHIGAN:  
COMMENCING AT A POINT ON THE NORTH AND SOUTH QUARTER LINE OF SECTION 25, TOWN 2  
SOUTH, RANGE 12 WEST, 452.56 FEET NORTH OF THE SOUTH QUARTER POST OF SAID SECTION;  
THENCE WEST 288.75 FEET; THENCE NORTH 301.7 FEET; THENCE EAST 288.75 FEET TO THE NORTH  
AND SOUTH QUARTER LINE OF SAID SECTION 25; THENCE SOUTH THEREON 301.7 FEET TO THE  
PLACE OF BEGINNING.

## OFFER OF CONDITIONAL REZONING

This offer to allow conditions to be placed on the rezoning of certain real estate is made by **Jean M. Burns**, whose address is 3000 South 11<sup>th</sup> Street, Kalamazoo, Michigan 49009 (“**Applicant**”). MCL 123.3405 allows an owner of land to voluntarily offer, in writing, certain use and development of specific land as a condition to a rezoning of the land or an amendment to a zoning map. The Applicant now makes this offer pursuant to the above cited Act.

### RECITALS

1. The Applicant owns the following described real estate located in Oshtemo Township, Kalamazoo County, Michigan:

SITUATED IN THE TOWNSHIP OF OSHTEMO, COUNTY OF KALAMAZOO, AND STATE OF MICHIGAN:  
COMMENCING AT A POINT ON THE NORTH AND SOUTH QUARTER LINE OF SECTION 25, TOWN 2  
SOUTH, RANGE 12 WEST, 452.56 FEET NORTH OF THE SOUTH QUARTER POST OF SAID SECTION;  
THENCE WEST 288.75 FEET; THENCE NORTH 301.7 FEET; THENCE EAST 288.75 FEET TO THE NORTH  
AND SOUTH QUARTER LINE OF SAID SECTION 25; THENCE SOUTH THEREON 301.7 FEET TO THE  
PLACE OF BEGINNING.

(“**Applicant Parcel**”)

2. The Applicant Parcel is currently zoned R-2;

3. The Applicant desires to sell the Applicant Parcel for development and use as professional offices and similar uses and, therefore, seeks a rezoning of the Applicant Parcel from R-2 to R-3.

### ARTICLE I RESTRICTIONS ON DEVELOPMENT AND USE OF SUBJECT LAND

The Applicant proposes to limit the use and development of the Applicant Parcel and to professional offices and similar uses, as permitted by the Oshtemo Township Zoning Ordinance with the restrictions set forth below.

1. **Conformance with Zoning Ordinances.** The Applicant Parcel shall not be used nor shall any structure be built on the Applicant Parcel unless the use thereof and location thereon satisfies the requirements of the applicable zoning ordinance in effect at the time of a contemplated use or the construction of the contemplated building, unless a variance is obtained from the appropriate zoning authority.

2. **Prohibited Uses.** The following uses will not be permitted on the Applicant Parcel:

- **3-4 family dwellings;**
- **A veterinary small animal clinic;**

- A bank, credit union, or savings and loan offices;
- A child care center; and
- A beauty parlor or barber shop.

**ARTICLE II**  
**TOWNSHIP APPROVAL OF OFFER OF CONDITIONS FOR REZONING**

1. If the Township finds the Rezoning Request and Offer of Conditional Rezoning acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the Applicant and conforming in form to the provisions of this Offer of Conditional Rezoning. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township to accomplish the requested rezoning.

2. The Statement of Conditions shall:

- a. Be in a form recordable with the Register of Deeds of Kalamazoo County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the Applicant giving notice of the Statement of Conditions in a manner acceptable to the Township;
- b. Contain the legal description of the Applicant Parcel to which it pertains;
- c. Contain a statement acknowledging that the Statement of Conditions runs with the Applicant Parcel and is binding upon successor owners of the Applicant Parcel;
- d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the Applicant that are necessary to implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined;
- e. Contain a statement acknowledging that the Statement of Conditions, or an Affidavit or Memorandum giving notice thereof, may be recorded by the Township with the Register of Deeds for Kalamazoo County; and
- f. Contain the notarized signatures of all of the owners of the Applicant Parcel, preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. The Approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds for Kalamazoo County. The Township shall have authority to waive this requirement if it determines that given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such document would be of no material benefit to the Township or to any subsequent owner of the Applicant Parcel.

4. Upon the rezoning taking effect, the use of the Applicant Parcel so rezoned shall conform thereafter to all of the requirements, regulated use and development within the new zoning district as modified by the more restrictive provisions contained in the Statement of Conditions.

### **ARTICLE III** **COMPLIANCE WITH CONDITIONS**

1. Any person who establishes a development or commences a use upon the Applicant Parcel that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of the Oshtemo Township Zoning Ordinance and be punishable, accordingly,

2. No permit or approval shall be granted under the Oshtemo Township Zoning Ordinance for any use or development that is contrary to the Statement of Conditions.

### **ARTICLE IV** **REVERSION OF ZONING**

In the event any use of the Applicant Parcel does not conform to these restrictions, then the Applicant Parcel shall revert to its former classification as set forth in the MCL 125.3405. The reversion process shall be initiated by the Township requesting that the Planning Commission proceed with consideration of rezoning of the Applicant Parcel to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

### **ARTICLE V** **SUBSEQUENT REZONING OF LAND**

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as the result of a reversion of zoning pursuant to Article IV above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds for Kalamazoo County a notice that the Statement of Conditions is no longer in effect.

**ARTICLE VI**  
**TOWNSHIP'S RIGHT TO REZONE**

Nothing in the Statement of Conditions nor in the provisions of this Offer of Conditional Rezoning shall be deemed to prohibit the Township from subsequently rezoning to another zoning classification all or any part of the Applicant Parcel or to approve a special use thereon. Any subsequent rezoning shall be conducted in compliance with the Oshtemo Township Zoning Ordinances and the Michigan Zoning Enabling Act.

**ARTICLE VII**  
**SPECIAL LAND USE**

Any use proposed other than those uses identified above shall require application and approval by Oshtemo Township as a Special Land Use in accordance with the provisions of the Oshtemo Township Zoning Ordinances.

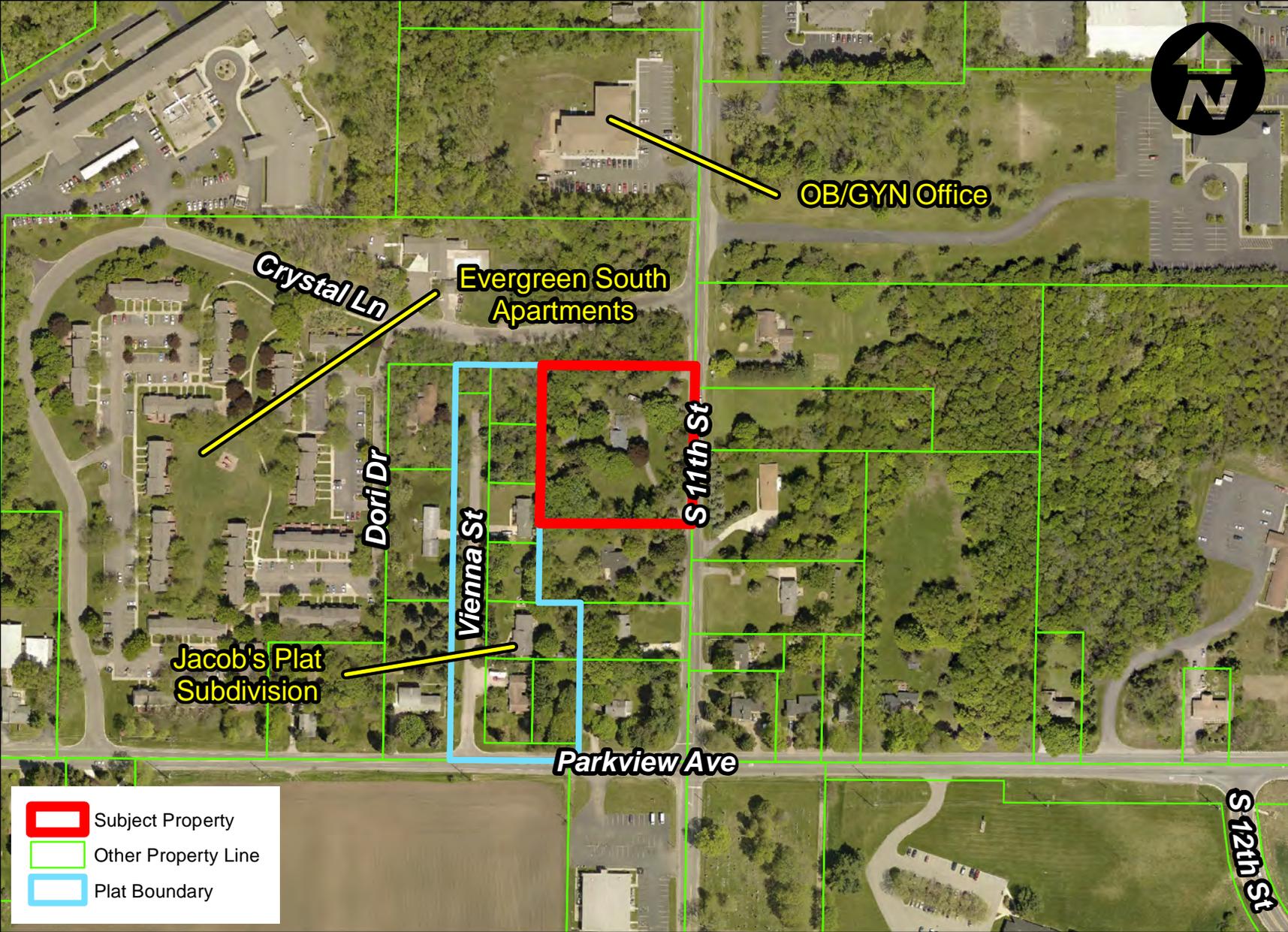
**ARTICLE VIII**  
**VERIFICATION OF OWNERSHIP**

Those persons executing this Offer of Conditional Rezoning verify and certify that they have authority to bind the owner of the Applicant Parcel, and they acknowledge that Oshtemo Township is relying upon this certification.

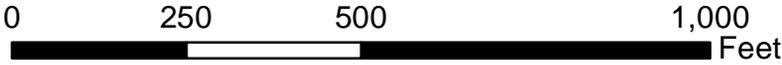
This Offer of Conditions has been executed as of the 26<sup>th</sup> day of October, 2016.

  
\_\_\_\_\_  
Jean M. Burns

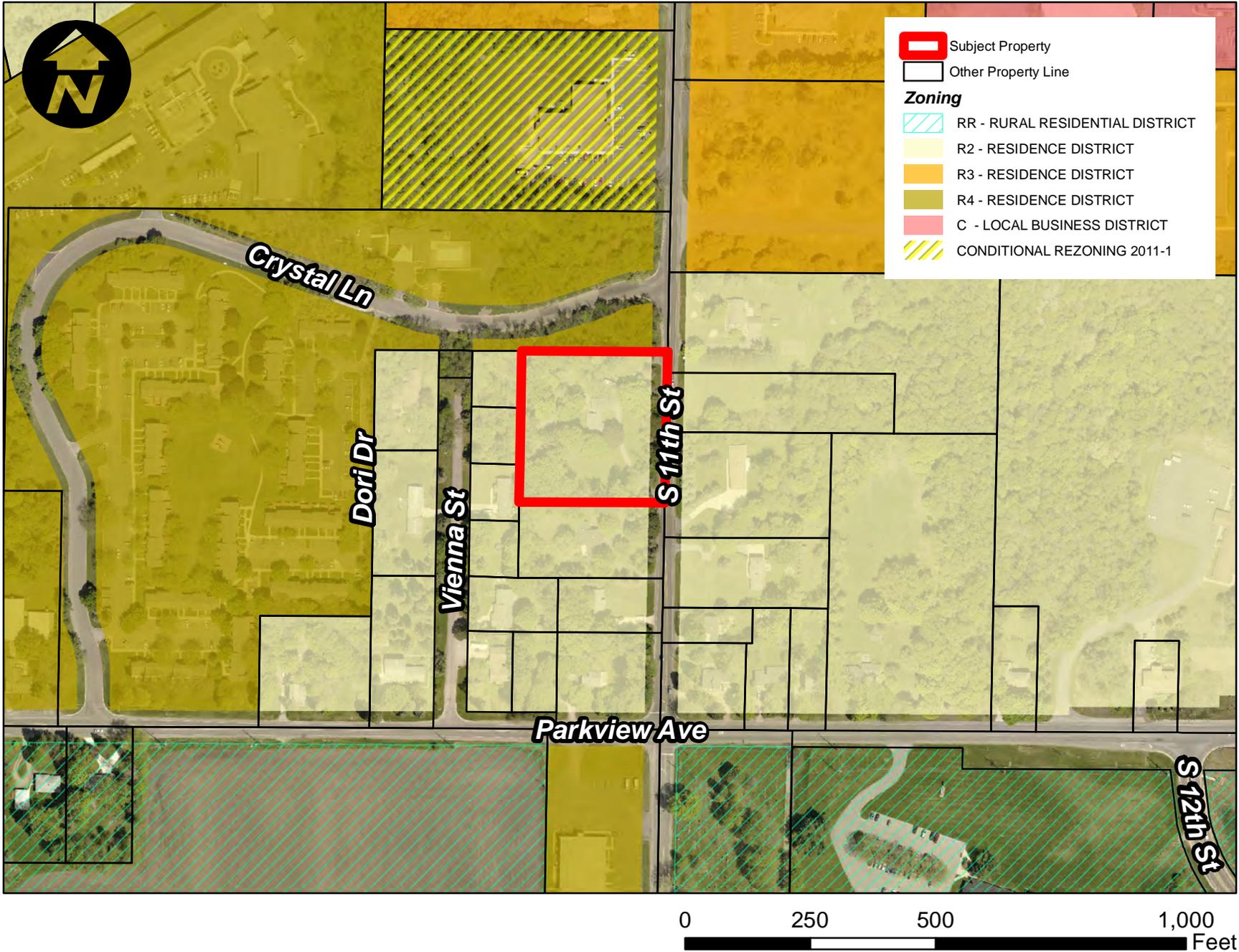
# 3000 South 11th Street Aerial Map



-  Subject Property
-  Other Property Line
-  Plat Boundary

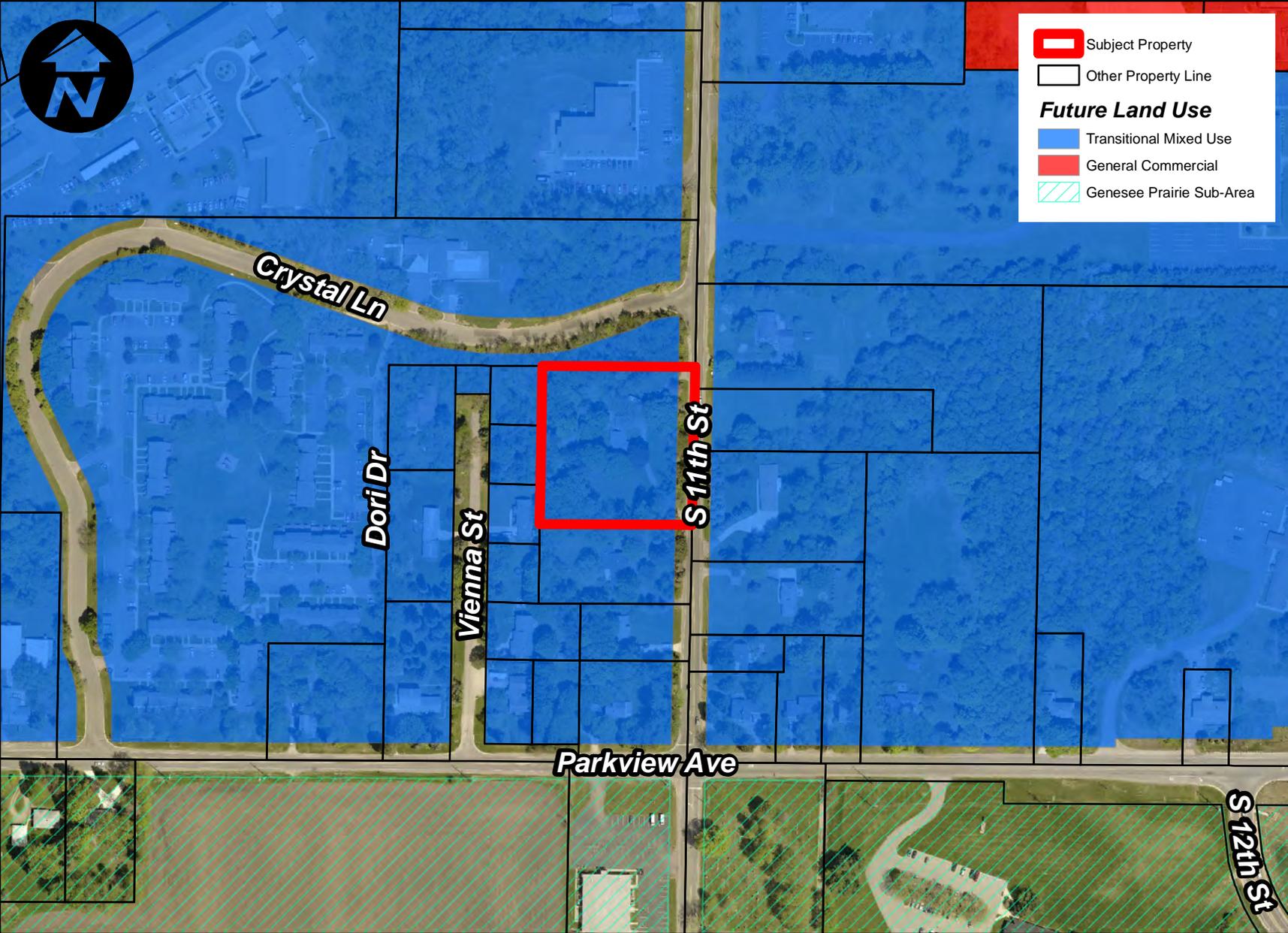


# 3000 South 11th Street Current Area Zoning



# 3000 South 11th Street

## Future Land Use Plan



November 28<sup>th</sup>, 2016



**Meeting Date:** December 8<sup>th</sup>, 2016

**To:** Planning Commission

**From:** Ben Clark, Zoning Administrator

**Applicant:** Westview Capital, LLC

**Owner:** Glenn J Vlietstra Trust

**Property:** 2083 North 9<sup>th</sup> Street, parcel number 05-11-305-051

**Zoning:** R-2: Residence District

**Request:** Tentative approval of condominium project plan and recommendation (step one approval)

**Section(s):** 290.005 of the General Ordinance: *Condominium projects*

**Project Name:** Autumn Grove

## **OVERVIEW**

The applicant is seeking a recommendation for approval from the Planning Commission to the Township Board for a new 18 single-family home site condominium, proposed to be located at 2083 North 9<sup>th</sup> Street, in Oshtemo Township. For step one review, the Planning Commission will be evaluating general project elements such as the arrangement, size, and shape of the constituent condominium sites; the design of the internal street and pedestrian networks; and also external factors, such as motorized connections to the greater road network and how this project relates to other land uses in this particular portion of the Township. Upon review of the presented plan, the Planning Commission will then determine whether or not to recommend approval to the Township Board, the body which determines whether the project is to be granted Tentative (step one) approval.

## **PROJECT SUMMARY**

An approximately 8.8 acre parcel with 80 feet of frontage on North 9<sup>th</sup> Street, the subject property is located on the west side of the road, around 300 feet north of the intersection of Wyndham and North 9<sup>th</sup>. The property is currently being used as farmland, and is flanked to the west by the Country Trail Homesites subdivision, to the east by the Wyndham Wood subdivision and a few unplatted parcels, and by long, narrow unplatted parcels to the north and south. Largely devoid of trees, a mature fence row is present at the north and west boundaries of the subject property. There are no water features, wetlands, significant woodlands, or extreme slopes present on the property.

Within the parent parcel, which extends west approximately 1,300 feet from North 9<sup>th</sup> Street, the applicant is proposing one main east-west road (tentatively named *Autumn Grove Trail*), terminating in a cul-de-sac 125 feet from the west property line, and two stub streets that spur off from Autumn Grove Trail, one to the north, and one to the south. Building sites within the proposed development are

equally distributed along the north and south sides of Autumn Grove Trail, with the single drainage basin located between sites seven and six. The applicant has stated that the roads are to be public, and each site within the development is to be served by public water and sanitary sewer.

## ORDINANCE COMPLIANCE

- **Site Size:** Section 66.200 of the Zoning Ordinance, *Dimensional requirements for parcels, lots and building sites*, dictates that any single-family building site located within a condominium development in the R-2 zoning district and served by public sewer and water must be at least 10,560 square feet in size. The presented plan meets this requirement, with the smallest site being 12,220 square feet in area and the largest at 20,087. The average site size is approximately 14,523 square feet, and all sites are at least 100 feet wide at the front building setback line.
- **Motorized and pedestrian circulation:** Proposed to be served by a three-element public road network, all 18 building sites will have frontage on Autumn Grove Trail, which terminates at its west end in a cul-de-sac. Streets A and B, per the Township's condominium development requirements, will stub out at the parent parcel's north and south boundaries, respectively. These two proposed stub streets are meant to facilitate future interconnection, should either of the adjacent properties ever be subdivided or condominiumized. Autumn Grove Trail will connect to North 9<sup>th</sup> Street approximately 300 feet north of the latter's intersection with Wyndham Drive to the east. This design is in compliance with Township standards, which require at least 200 feet of spacing in such arrangements. Dead end street and block lengths within the development are acceptable, with the centerline measurement from Street B to the Autumn Grove Trail cul-de-sac being 621 linear feet, where a maximum of 660 feet is allowed. The applicant has also submitted the proposed street layout to the Road Commission of Kalamazoo County, and preliminary feedback from that agency has been incorporated into the proposed plan presented for Planning Commission consideration.

Per Township requirements, the developer is proposing public sidewalks on both sides of all public rights-of-way. At this time only one pedestrian crossing is planned across Autumn Grove Trail at its intersection with Street B, with no such similar accommodations proposed at the Street A intersection. Staff would like to see crossing points on Autumn Grove Trail on both sides of Streets A and B. Although such a request may seem excessive given the proposed site condominium's relative isolation from other developments, staff feels that if adjacent properties are ever developed, then having a more robust non-motorized network *already* in place helps to ensure that future public health, safety, and general welfare are considered. On the submitted plan, four foot wide sidewalks are indicated. Township standards dictate a minimum of five feet of width, so the proposed facilities will need to be widened.

- **Treatment of natural features:** Although there are no significant wooded areas on the parent property, which is currently being used as a field, some trees are present, and the applicant is required to indicate any trees on the property larger than 12 inches on the step one plan. While this information has yet to be incorporated into the document, the applicant does intend to do so, pending the completion of a field survey of the property. While Section 290.005 of the Township's General Ordinance, *Condominium projects*, lacks strict language with regards to the protection of natural features, stating that they "should be preserved insofar as possible", staff

nevertheless urges the applicant to keep as many trees on site as is feasible. One reason being that the preservation of the existing fence row will act as at least partial screening between this development and adjacent properties. Aside from the aforementioned trees, there are no other known areas of ecological sensitivity on the subject property, as the land has long since been cleared for agricultural use—any slopes are fairly gentle and no regulated wetlands, water bodies, or streams are present.

As a part of this development, the applicant will have to plant at least one canopy tree per 50 feet of road frontage on each building site. While no such plantings are graphically illustrated on the proposed plan, intention to comply with this requirement is explicitly spelled out in a text note on both pages one and two of the document.

- **Miscellaneous items:** Although such features are not required to be shown on the condominium plan until step two review, the applicant does intend to install street lights at Autumn Grove, and has provided the Township with the necessary documentation, indicating their willingness to have the development included in the street lighting special assessment district.

## RECOMMENDATION

Although some additional minor amendments are necessary in order for the Autumn Grove site condominium preliminary plan to be in full compliance with the Township's General Ordinance, the project is generally acceptable, and staff feels that the Planning Commission has sufficient grounds to render a recommendation of step one approval to the Township Board. If inclined to grant such, staff would also suggest the following conditions of referral, to be corrected prior to Board step one approval:

1. Any trees present on the property measuring 12 inches or greater in diameter four feet above grade shall be shown on the revised preliminary plan. In general, staff encourages the applicant to preserve as many existing trees and vegetation as possible, regardless of size.
2. The proposed sidewalks shall be widened to five feet.
3. At least one pedestrian crossing shall be indicated across Autumn Grove Trail where it meets Street A, but Township staff would prefer to see such crossing points on *both* sides of Streets A and B.

Respectfully Submitted,



Ben Clark  
Zoning Administrator

Attachments: Application, preliminary condominium plan, aerial maps, property photographs



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

**PLEASE PRINT**

PROJECT NAME & ADDRESS AUTUMN GROVE, 2083 N. 9TH ST.

**PLANNING & ZONING APPLICATION**

Applicant Name : WESTVIEW CAPITAL, LLC

Company \_\_\_\_\_

Address 2186 EAST CENTRE AVE  
PORTAGE, MI 49002

E-mail \_\_\_\_\_

Telephone 269-321-2610 Fax \_\_\_\_\_

Interest in Property \_\_\_\_\_

THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY

**OWNER\*:**

Name WESTVIEW CAPITAL, LLC

Address 2186 EAST CENTRE AVE  
PORTAGE, MI 49002

Email \_\_\_\_\_

Phone & Fax 269-321-2610 \_\_\_\_\_

Fee Amount \_\_\_\_\_

Escrow Amount \_\_\_\_\_

**NATURE OF THE REQUEST:** (Please check the appropriate item(s))

- Planning Escrow-1042 \$1,000
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084 \$200
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: \_\_\_\_\_

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): \_\_\_\_\_

OBTAIN TENTATIVE APPROVAL OF AUTUMN GROVE CONDOMINIUM

\_\_\_\_\_  
\_\_\_\_\_

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

ON PLAN

**PARCEL NUMBER:** 3905- 05-11-305-051

**ADDRESS OF PROPERTY:** 2083 N. 9TH STREET

**PRESENT USE OF THE PROPERTY:** AGRICULTURAL FIELD

**PRESENT ZONING** R-2 **SIZE OF PROPERTY** 8.8 ± ACRES

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

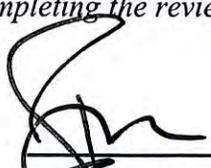
**Name(s)**

**Address(es)**

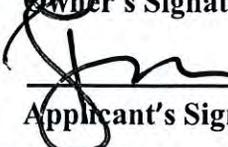
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURES**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.*

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

13 OCT 16  
**Date**

  
**Applicant's Signature**

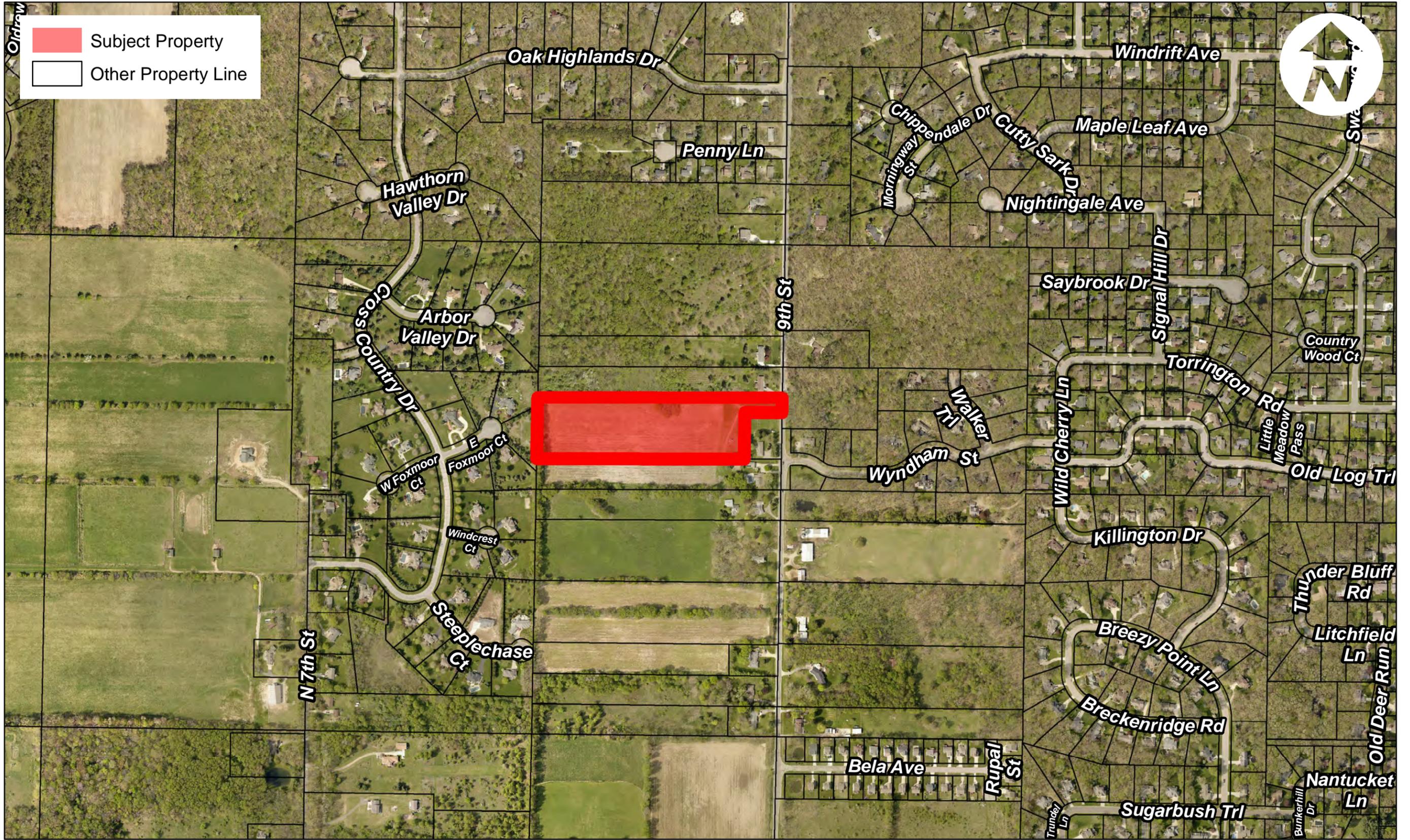
13 OCT 16  
**Date**

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

# Autumn Grove Site Condominium Proposed Location



# Autumn Grove Site Condominium Subject Property



0 125 250 500 Feet



**Looking east towards 9th Street**



**Looking west towards property boundary**



## Stand of trees near north property boundary



**Existing AT&T utility building near 9th Street**



November 29, 2016



**Mtg Date:** December 8, 2016

**To:** Planning Commission

**From:** Julie Johnston, AICP

**Applicant/Owner:** Westgate 131, LLC

**Property:** 86.55 acres west of Maple Hill Drive

**Zoning:** C: Local Business District

**Request:** Conceptual Plan Approval for a Commercial Planned Unit Development

**Section(s):** Section 60.420 – Commercial Planned Unit Development

**Project Name:** Westgate

#### **PROJECT OVERVIEW**

The applicant requests the approval of a Commercial Planned Unit Development (PUD) on approximately 86.55 acres of mostly vacant land located north of West Main Street, between US-131 and Maple Hill Drive. The property is zoned C: Local Business District which allows for the development of commercial PUDs. One existing restaurant, Friday's, is located on the property. Per the applicant, the plan is to construct a new building for the Friday's restaurant and demolish their existing structure.

The beginning process for the approval of a Commercial PUD is the review of a concept plan. The intent is to provide enough detail to understand the general layout of the project as a guide for the separate site plans that will follow. It affords the Planning Commission with an opportunity to discuss and resolve any potential issues or concerns with the property owner or developer before individual site plans are submitted. The conceptual plan is not required to be publicly noticed for a hearing. However, public hearings will be required for the site plans included within the PUD per Section 60.4450.B.3.

#### **PROPERTY BACKGROUND**

The Westgate PUD is planned between US-131 and the high density residential development found adjacent to Maple Hill Drive, which includes the Evergreen North Apartment, Summer Ridge Apartments and The Fountains at Bronson Place. From a 2010 Future Land Use Map, this property was previously planned for commercial, high density residential and medium density residential. Moving north from West Main Street, the commercial designation totaled approximately five acres, then high density residential was another 20 acres, and continuing north the median density residential which was approximately 60 acres.

During the Master Plan update of 2011/2012, the Future Land Use designation for this area was changed to General Commercial for all of the subject property. In January of 2013, the Planning Commission approved a rezoning of 60 acres from the R-3 and R-4 Residence Districts to the C: Local Business District

designation. Based on the minutes from that meeting, no residents spoke for or against the rezoning request. With the zoning in place for the full 86.55 acres, the applicant was able to plan for the proposed Westgate Commercial PUD.

## **CONCEPT PLAN**

The concept plan includes four restaurant, three hotels, one medical center and five large retail pads. Per the requirements of Section 60.450.D, a concept plan is required to include the following:

### **1. Street System**

At this time, the concept plan shows a road that loops from West Main Street at the existing drive for the Friday's restaurant north where it will curve to the east and then continue south to connect to Maple Hill Drive. The property owner has not yet determined if this road will be a private drive or a public road. Staff, however, would request that if the developer decides to keep the drive private, that the portion that continues Maple Hill Drive be designed and dedicated as a public road. Connecting a public road to a private drive in a continuous fashion (not at an intersection), could cause confusion in the future. In addition, there may one day be a need to extend Maple Hill Drive farther north, which would likely necessitate a public road.

With that said, staff would either recommend the Planning Commission consider a change to the concept plan or ask the developer to provide written consent that the east/west drive connect to Maple Hill at an intersection as opposed to looping the road. When development occurs to the north, having a clear intersection at this location will better promote the safety of vehicular traffic.

### **2. Pedestrian and Vehicular Circulation**

The developer has provided a robust pedestrian circulation system that connects the PUD both internally and to the external road system. A pedestrian connection is provided along the roadway and along the western boundary of the restaurant/hotel area to connect to retail stores to their north. This additional pedestrian connection also provides opportunities for the residents who live in the three high density residential developments along Maple Hill Drive to access the new PUD. This was an important component to staff as many of the residents of these complexes likely do not have access to an automobile.

Staff had requested a sidewalk be placed on both sides of the planned east/west connector road to Maple Hill Drive. The concept plan shows sidewalk only along the southern side of this drive. As residential development exists on both sides of the connector, we continue to believe in the importance of providing a sidewalk on both sides of the roadway.

Staff had requested some additional connections between buildings, which were not all shown on the concept plan. The developer indicated a desire to allow some flexibility so the individual user could plan the connections to their neighbors. Staff is comfortable with allowing any additional internal pedestrian connections be designed as part of the site plan review process.

Vehicular circulation is also well planned, particularly given the access limitations to local roads. Once access point is provided from West Main Street, which as stated, loops back to Maple Hill

Drive. An additional access point is provided from Maple Hill Drive moving west through the PUD to the drive planned along the western portion of the site. Internal circulation between sites is also provided. Dedicated north/south drives are planned along each segment of the PUD (restaurants, hotels and retail) on both the east and west sides of the development. Finally, an additional east/west drive is planned between the larger retail pads of the development.

### 3. Parking Facilities

The project contains a total of 3,285 parking spaces in total. This is within the 110 percent allowance permitted by the Zoning Ordinance. Staff did an exhaustive analysis of the parking for this PUD and is satisfied that the current configuration meets the requirements of Section 68: Off-Street Parking of Motor Vehicles.

Per the provision of Section 68.300.A, the developer is requesting Planning Commission approval to reduce the dimensions of 25 percent of the parking spaces provided. It is expected these requested spaces will be nine feet by 18 feet as opposed to the required 10 feet by 20 feet outlined in the Off-Street Parking ordinance. If the Planning Commission grants the request, 821 spaces will be of a reduced size. Staff would urge the Planning Commission to approve this request. The reduction in required asphalt for 821 spaces is 31,198 square feet.

### 4. Interior Open Space

Section 60.423: Open Space requires that five percent of the site be dedicated to open space. This equates to 4.3 acres on an 86.55 acre site. The applicant has indicated on the Pedestrian Circulation and Open Space plan that 12.6 acres of the site is dedicated to open space. The ordinance indicates the following:

*Designated open space shall be set aside as common land and either retained in an essentially undeveloped or unimproved state or improved as a central "public gathering place" to serve the following purposes:*

1. *conservation of land and its resources,*
2. *ecological protection,*
3. *provide for parkland and passive recreation (which preserve the natural features),*
4. *protect historic and/or scenic features,*
5. *shaping and guiding the planned unit development,*
6. *enhancement of values and safety,*
7. *provides opportunities for social interaction, and/or*
8. *provides active recreational opportunities on a neighborhood scale.*

Per the plan provided, it appears that the land surrounding all of the pedestrian connections have been counted towards the open space calculation. Some of these area may not technically meet the definition provided above. The parking lot islands and landscaping around the buildings should not be included in this calculation. However, Planning staff believes the following features do meet the ordinance requirements and can be counted towards the five percent open space:

- The large open area planned to the west of the medical center. This open area provides opportunities for passive recreation and social interaction within the PUD.
- The pedestrian connections and the landscaped buffer zones that surround these connections along the eastern portion of the restaurant and hotel area of the PUD. These are outstanding connections that will add value to the neighboring residential developments.
- The continued pedestrian connection from the area noted above through the middle of the retail component of the PUD to the medical office. This connection again offers opportunities for the residents who live to the east the ability to walk from the connector drive off Maple Hill to the retail and medical office uses within the PUD.

Based on our rough estimate of the square footage of these areas, approximately five acres can be calculated, which would exceed the ordinance regulations. And as required, the developer has indicated in their narrative that the open space will be owned and maintained by a common association.

#### 5. Proposed Landscaping

Due to the size of the requested PUD, staff did not request the applicant provided a definitive landscape plan. At this scale, landscape material counts would be next to impossible. However, staff did request the developer try and determine if any departures from the landscaping ordinance would be needed. These request could be reviewed as part of the concept plan. The expectation would be that each individual site plan would meet the landscaping ordinance requirements except for those specifically requested as part of the concept plan approval.

At this time, the developer is requesting two departures from Section 75: Landscaping, which are a reduction in greenspace between buildings and reduced greenspace along the western frontage drive. The request for zero greenspace between buildings is predominately found in the restaurant/hotel area. Greenspace is provided between most of the retail spaces.

The request for a reduction in greenspace along the western frontage drive is complicated by the undetermined nature of the road. Section 75 requires the following:

1. If the drive becomes a dedicated public road, a 20-foot landscape buffer will be required along the eastern side of the 66-foot right-of-way. Landscaping is not required on the western side of the drive as the right-of-way line will likely mirror the western property line.
2. If the drive becomes a dedicated private road, a 15-foot landscape buffer will be required along the eastern side of the 66-foot right-of-way. Similarly to a public road, the right-of-way will follow the western property line.
3. If the drive stays just an access drive for the development and is not dedicated as either public or private, a 10-foot landscape buffer will be required on both sides of the drive.

The difficulty with determining if a departure from the ordinance is actually needed for the landscaping buffer is in defining whether a 66-foot right-of-way is required and where it will be located. If the drive is dedicated as public or private, it is likely that the 66-foot right-of-way easement will encroach into the planned greenspace buffer currently shown along the east side of the drive. The landscaping ordinance requires the buffer to be outside of the dedicated right-of-way.

If the drive is not dedicated, the planned landscape buffer on the eastern side of the drive will meet ordinance requirements, but the western side will not. Reducing or eliminating the buffer along the west side, adjacent to the power lines and US 131, does not concern staff. Since no development will occur within the power line easement, greenspace is ostensibly being provided

To best serve the development moving forward, staff would recommend the Planning Commission consider the following language to describe the requested departure from the ordinance:

If the planned western frontage road is intended to be dedicated as either public or private, the eastern landscape buffer must be at least 20-feet in width from edge of pavement. If the planned western frontage road remains an access drive and is not dedicated, the required 10-foot landscape buffer along the western side of the drive shall be exempted.

#### 6. Storm Water and Utilities

Due to the scale of the PUD, staff recommended the developer create an overall storm water management plan for the development. The concept plan shows some strategic drainage basins, but not the overall system to manage storm water. Per Section 78.520: Storm Water Management Standards, all storm water must either be managed by a public system or handled through on-site facilities. We would again strongly recommend the developer design an overall storm water management plan that can be reviewed by the Township Public Works Director.

Public water and sewer will be available from both West Main Street and adjacent properties to the east.

### **STANDARDS FOR APPROVAL**

According to Section 60.440: Review Criteria, the Planning Commission should consider the following when reviewing a commercial PUD concept plan:

*60.441: The overall design and land uses proposed in connection with a planned unit development shall be consistent with the intent of the planned unit development concept and the specific design standards set forth herein.*

The uses planned within the PUD are retail, office, hotel and restaurant uses. These are all compatible with a commercial PUD or commercial "center." The PUD also meets the guidelines for development outlined in Section 60:430 Design Standards. Overall, the uses and design of the PUD are supported by the Zoning Ordinance.

*60.442: The proposed planned unit development shall be consistent with the goals, objectives, and development principles identified in the Township Master Plan including applicable Sub-Area Plan contained in the Master Plan.*

The proposed PUD is located within an area master planned for commercial development. In addition, it is the intent of the Master Plan to focus commercial development within the eastern 1/3<sup>rd</sup> of the Township. The proposed PUD meets this intent.

*60.443: The proposed planned unit development shall be serviced by the necessary public facilities to ensure the public health, safety, and welfare of the residents and users of the development.*

The PUD is served by both public water and sanitary sewer. It has not yet been determined if public facilities will manage storm water runoff from the site.

*60.444: The proposed planned unit development shall be designed to minimize the impact on traffic generated by the development on the surrounding land uses and road network.*

When this project is complete, traffic impacts to West Main Street and Maple Hill Drive will be significant. Staff understands the developer is working with the Road Commission of Kalamazoo County and the Michigan Department of Transportation to discuss traffic flow. We would encourage the developer to continue these discussions with the Township's support in working towards a resolution regarding traffic safety where the frontage road connects with West Main Street. A final determination on this intersection is crucial to the Township's concern regarding public welfare.

*60.445: The proposed planned unit development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.*

As this is the area of the Township where large commercial and residential development has occurred, the bulk and location of buildings should fit into the character of the area. In addition, the developer has made efforts within the plan to integrate the development with the surrounding area through pedestrian connections. The landscaped buffer zones along the eastern portion of the development will also provide some relief to the existing residential development.

*60.446: The proposed planned unit development shall be designed and constructed so as to preserve the integrity of the existing on- and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.*

Staff is not aware of any significant natural features in this area. If possible, staff would suggest allowing some of the wooded areas within the eastern buffer zones to remain. This would preserve some of the natural features on site and reduce the amount of required landscape materials that would have to be planted to meet the buffer zone requirements between commercial and residential uses.

*60.447: The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.*

The designated open space within the PUD is primarily designed for access and the safety and enjoyment of the PUD by pedestrians, as well as the visual impact it provides while moving through the development. The function of a commercial center does not lend itself to the other open space opportunities outlined in Section 60.447.

*60.448: The proposed planned unit development shall comply with all applicable Federal, State, and local regulations.*

Staff will ensure all proper permits are obtained and kept on file at the Township.

## **ZONING ORDINANCE DEPARTURES**

The scale of this PUD development is unprecedented in Oshtemo Township. The developer's decision to utilize the PUD tool will result in a more cohesive development and will allow for some flexibility within the Zoning Ordinance. If the Planning Commission approves the PUD Concept Plan, the following departures from the Zoning Ordinance will occur:

1. Relief from 0.1 foot candle light limit between sites and at the western property boundary to ensure proper lighting of the frontage drive. Photometric plans to be reviewed and approved as part of the site plan review process.
2. Relief from necessary landscape buffer widths:
  - a. Allow no buffers between some uses as shown on the concept plan.
  - b. If the planned western frontage road is intended to be dedicated as either public or private, the eastern landscape buffer must be at least 20-feet in width from edge of pavement. If the planned western frontage road remains an access drive and is not dedicated, the required 10-foot landscape buffer along the western side of the drive shall be exempted.

## **RECCOMENDATION**

Planning staff recommends approval of the Westgate PUD Concept Plan with the following conditions:

1. The extension of Maple Hill Drive will remain public and an intersection will be developed where the frontage road meets Maple Hill Drive.
2. All requirements of Section 75: Landscaping will be met when each individual site is developed except for the departures from the Ordinance approved with this concept plan.
3. Additional pedestrian connections that link individual sites will be provided when site plans are presented for approval.

4. An overall storm water management plan or language to the effect that each site will manage their own storm water will be provided to the Public Works Director for review prior to the start of individual site plan submittals.
5. A resolution to the traffic safety concerns at the intersection of the frontage drive and West Main Street will be coordinated with MDOT prior to the development of the large retail stores planned within the Westgate PUD.
6. Allow 821 parking spaces to be dimensioned at 9' x 18' as opposed to the 10' x 20' generally required.
7. Allow the following departures from the Zoning Ordinance:
  - a. Relief from 0.1 foot candle light limit between sites and at the western property boundary. Photometric plans to be reviewed and approved as part of the site plan review process.
  - b. Relief from necessary landscape buffer widths:
    - i. Allow no buffers between some uses as shown on the concept plan.
    - ii. If the planned western frontage road is intended to be dedicated as either public or private, the eastern landscape buffer must be at least 20-feet in width from edge of pavement. If the planned western frontage road remains an access drive and is not dedicated, the required 10-foot landscape buffer along the western side of the drive shall be exempted.

Respectfully Submitted,



Julie Johnston, AICP  
Planning Director

Attachments: Application  
Project Narrative  
Aerial  
Concept Plans



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

PLEASE PRINT

PROJECT NAME & ADDRESS WESTGATE (W. MAIN & US-131)

**PLANNING & ZONING APPLICATION**

Applicant Name : \_\_\_\_\_

Company WESTGATE 131, LLC

Address 4200 W. CENTRE AVE.  
PORTAGE, MI 49024

E-mail caardema@aubinc.com

Telephone 269-323-2022 Fax \_\_\_\_\_

Interest in Property OWNER

**OWNER\*:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Phone & Fax \_\_\_\_\_

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

Received From: WESTGATE 131  
Date: 1/04/2016 Time: 12:06:54 PM  
Receipt 127711  
Cashier LPOTOK

ITEM REFERENCE	AMOUNT
1079 PLANNING SERVICES	
PLANNING SERVICES	\$400.00
TOTAL	\$400.00
CHECK 1169	\$328.00
CHECK 1165	\$72.00
Total Tendered:	\$400.00
Change:	\$0.00

**NATURE OF THE REQUEST:** (Please check the appropriate item(s))

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: PUD Application

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): \_\_\_\_\_

PLEASE SEE ATTACHED DESCRIPTION

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

PLEASE SEE ATTACHED LEGAL DESCRIPTIONS

**PARCEL NUMBER:** 3905- PLEASE SEE ATTACHED LIST

**ADDRESS OF PROPERTY:** NEAR NEC OF WEST MAIN AND US-131

**PRESENT USE OF THE PROPERTY:** RESTAURANT AND VACANT LAND

**PRESENT ZONING** C - COMMERCIAL **SIZE OF PROPERTY** 86.68 ACRES

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS  
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

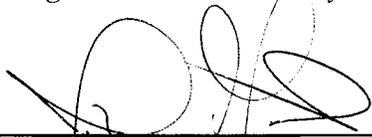
**Name(s)**

**Address(es)**

\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURES**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.*



**Owner's Signature** \*If different from Applicant)

11/3/16

**Date**

**Applicant's Signature**

**Date**

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney -1
- Assessor -1
- Planning Secretary - Original

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

List of Parcel Numbers

05-13-180-029

05-13-180-039

05-13-130-021

05-12-380-010

## Legal Descriptions

SEC 13-2-12 BEG SW COR E1/2 E1/2 NW1/4 TH S 88DEG02MIN39SEC W ALG E & W1/4 LI 49.25FT TH N 17DEG10MIN50SEC W 638.11FT TH N 28DEG38MIN10SEC W 401.94FT TH N 88DEG02MIN39SEC E PAR WITH E & W1/4 LI TO W LI E1/2 E1/2 NW1/4 TH S THEREON 403FT TH N 88DEG00MIN33SEC E 66.04FT TH S 00DEG01MIN55SEC E 572FT TO E & W 1/4 LI TH W 66.04FT TO BEG \* \*\*12-97 1997 COMBINATION OF 13-180-025, 13-180-028 & 13-180-034

SEC 13-2-12 COM IN N&S1/4 LI 570 FT N OF C1/4 POST TH S 88DEG00MIN33SEC W 33.02 FT FOR PL BEG TH CONT S 88DEG 00MIN33SEC W 626.04 FT TH N 0DEG01MIN55SEC W ALG W LI E1/2 E1/2 NW1/4 33.02 FT TH N 88DEG00MIN3ESEC E 626.06 FT TO W LI MAPLE HILL DR TH S 33.02 FT TO BEG \* \*86-87 1987 SPLIT FROM 13-180-032

SEC 13-2-12 S 66FT E1/2 NE1/4 NW1/4 ALSO W3/4 NW1/4 LYING E OF FOLL DESCRIBED LI BEG IN E & W1/4 LI 704.17FT WLY OF C1/4 POST TH N 17DEG19SEC50 MIN W 638.11FT TH N 28DEG38MIN10SEC W 819.22FT TH N 00DEG59MIN W 1350FT TO N SEC LI AND PT OF ENDING EXC S 975FT ALSO EXCEPT BEG NE COR W1/2 NE1/4 NW1/4 TH S 00DEG01MIN50SEC E ALG E LI THEREOF 1250.51FT TH S 87DEG56MIN0SEC W PAR N1/8 LI 130.08FT TH N 00DEG01MIN50SEC W 1250.77FT TO N SEC LI TH N 88DEG02MIN50SEC E 130.07FT TO BEG \* \*\*12-97 1997 SPLIT FROM 13-180-023 & 13-130-019

SEC 12-2-12 S 60ACRES E 1/2 SW 1/4 SUBJ TO AN EASEMENT GRANTED TO CONSUMERS POWER CO OVER W 69FT OF ABOVE DESC \* (12-4-6-7-10&11)

## Project Narrative - Westgate

Over the past few years, AVB has had the opportunity to work with Oshtemo Township to bring some of the nation's top retailers to the Kalamazoo region. Included among these retailers are Costco and Field & Stream. Since opening, both stores have found great success in the township and consistently draw new people and resources to the community. Overall, the Corner @ Drake development, which is home to Costco and Field & Stream, not only represents a significant investment within the community, but also serves as a strong gateway for the township and the entire Kalamazoo region. None of this success, however, would have been possible without close coordination between AVB and Oshtemo Township. Moreover, this application represents another opportunity to partner on a landmark project that will help to ensure the continued success of the community.

Located at the northeast quadrant of US-131 and West Main, the Westgate project features an 86.55 acre master-planned development. As depicted on the attached Concept Plan, the development will include a mix of uses, including restaurant, retail, and potential medical/office facilities. Similar to Corner @ Drake, the Westgate project will feature high-quality landscaping, site design, and building architecture. While final details will be determined as the project progresses, the Concept Plan provides a good representation of the planned layout for the project.

As with Corner @ Drake and our Trade Centre development in Portage, Westgate will front along one of our community's primary thoroughfares. With great visibility from US-131, the project will serve as another gateway to Oshtemo Township and the Kalamazoo region. In addition, a project of this scope and nature will provide the opportunity to attract new national retailers and restaurants to the community.

Through this application process, Westgate is intended to become the township's second commercial Planned Unit Development project. The first was our aforementioned Corner @ Drake development along Stadium Drive and Drake Road. In planning the Westgate project, we intend to build upon the success of the Corner @ Drake Planned Unit Development.

As shown on the concept plan, we are excited about the potential for pedestrian trails and connectivity throughout the development. Large greens areas with an interconnected trail system have been incorporated within Westgate, which helps to link the project with the community. In addition, the trails help to activate the greenspace and open areas of the development. When totaled, the open space provided on the current plan reaches 12.6 acres, while only 4.3 acres are required by township ordinance.

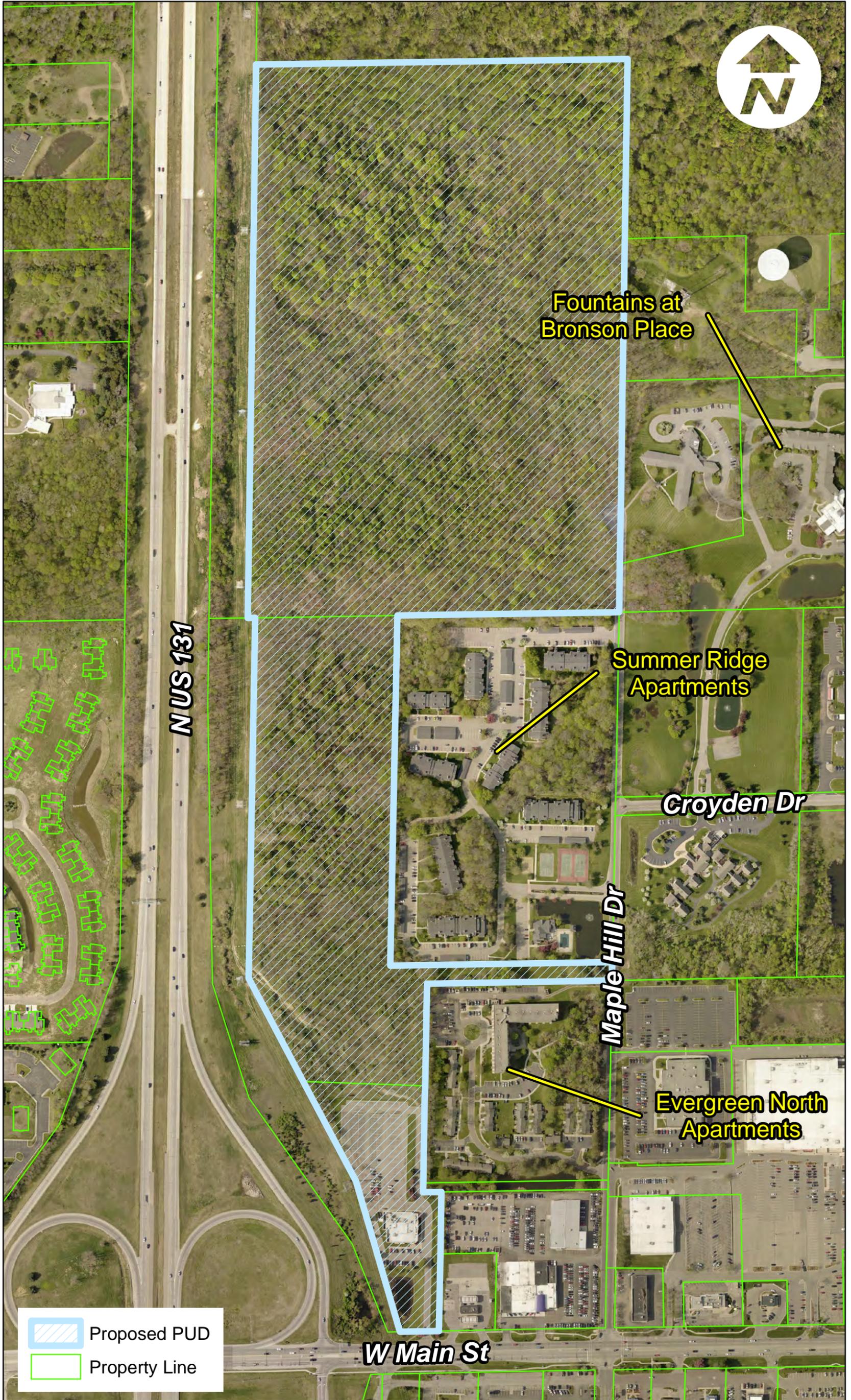
Due to the overall scope of this Planned Unit Development, Westgate will require a few departures from the standard ordinance language. As with Corner @ Drake, we would like to request zero greenspace buffer between parcels internal to the development, as the greenspace will instead be allocated to larger open areas incorporated throughout the project. This concept helps to create larger and more comprehensive green areas shared throughout the development. The larger green areas will be owned and maintained by a common association representing the overall development.

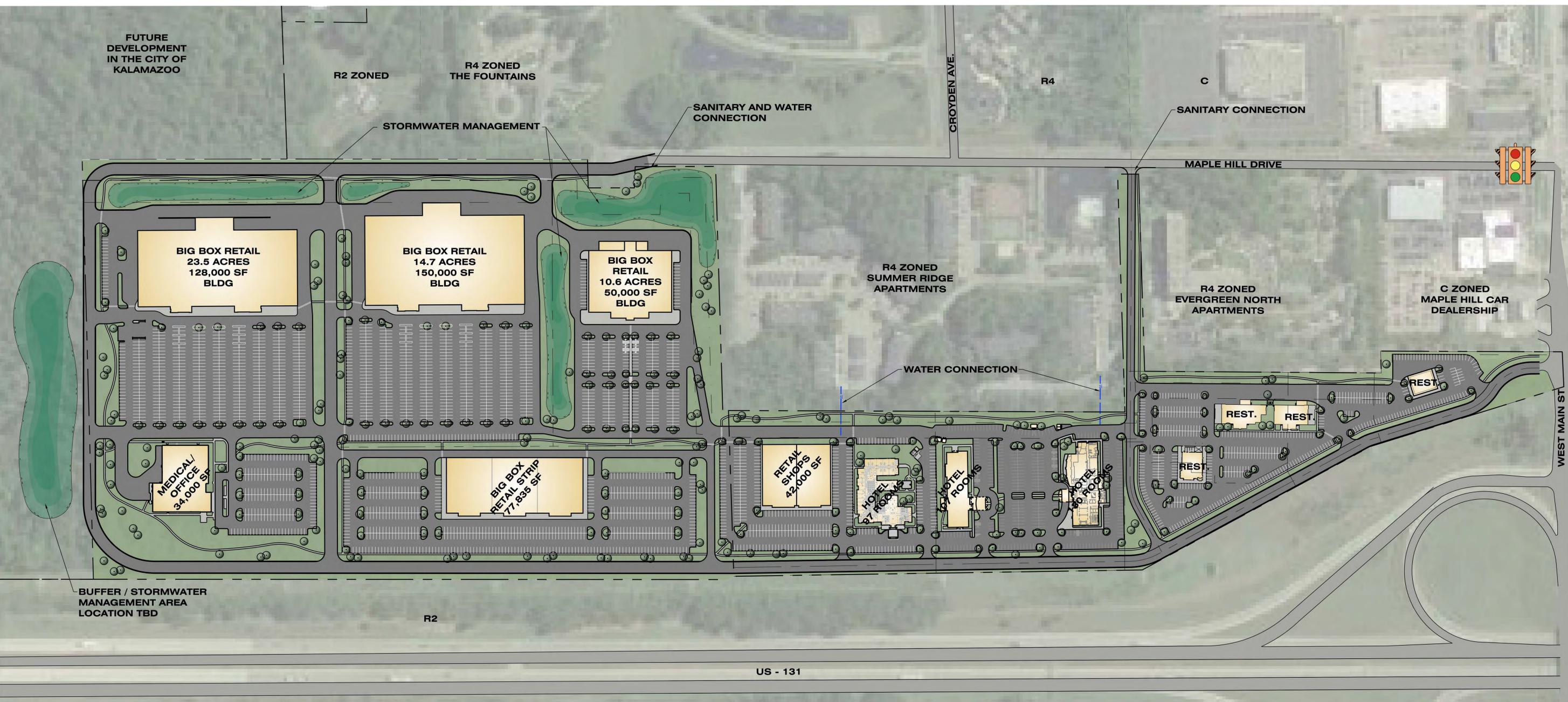
In addition, we would like to request reduced greenspace along the west edge of the frontage road, as it parallels the Consumers Energy/ITC power lines and US-131. Both have ample greenspace, and neither will be built upon in the foreseeable future. By moving the road to the west edge of the property, additional greenspace can be allocated to the east boundary, which helps to buffer the neighboring residential apartments. Moreover, we've shifted the entire development west in order to maximize the greenspace buffer along the east property line, but need to reduce the greenspace fronting US-131 in order to make this shift viable. Beyond these requests, we don't anticipate additional departures, but the project is still in concept stage and may require minor changes as planning and development advances.

In regard to parking, the concept plan indicates a total of 3,285 parking spaces to service the overall development. With the mix of uses currently proposed in the concept plan, a total of 3,039 parking spaces are required by township ordinance, according to our calculations. By providing 3,285 parking spaces, we're able to meet the needs of the prospective businesses within the development, and remain within the 110% cap on parking spaces required by the ordinance for large parking areas. As permitted by ordinance, approximately 25% of the total parking spaces will be slightly smaller than the township standard size.

Our planning process for Westgate and other projects has been partially driven by the township's desire to concentrate new development east of US-131. In order to achieve this goal, land east of US-131 must be utilized in its most efficient and productive application. As such, we intend to provide new opportunities for restaurants, retailers, and other businesses to invest in the township, yet remain east of US-131 within the Westgate development. Overall, the Westgate project is designed to add another high-quality gateway project to the Oshtemo Township community.

Westgate Commercial PUD  
Proposed Location

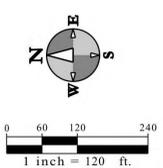




BUFFER / STORMWATER MANAGEMENT AREA LOCATION TBD

R2

US - 131



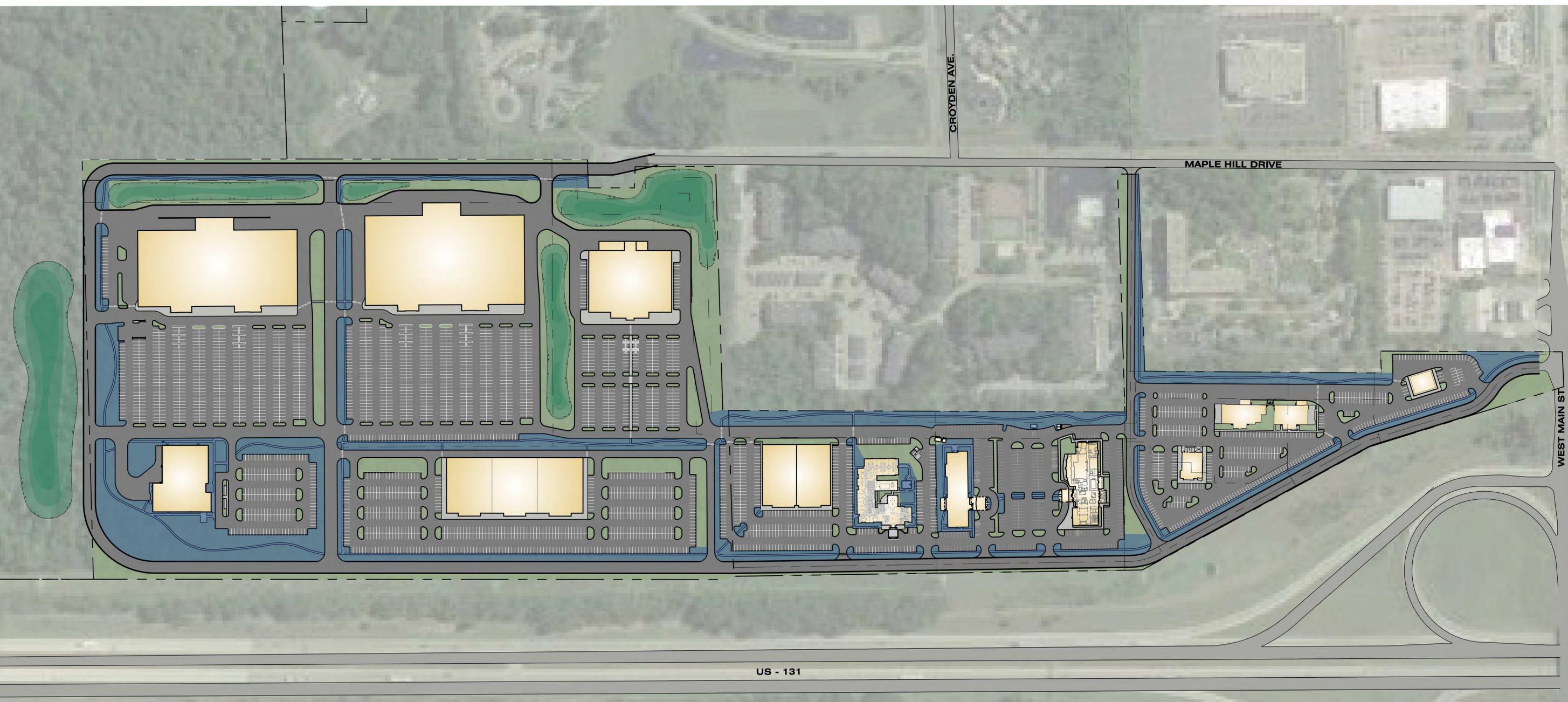
VICINITY MAP  
NOT TO SCALE



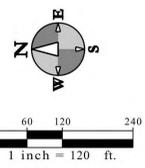
**3,295 TOTAL PARKING SPACES**  
**823 SPACES (25%) ARE PROPOSED TO BE SMALLER THAN 10' X 20'**  
**OPEN SPACE REQUIRED 5% OF SITE = 4.3 ACRES**  
**OPEN SPACE PROVIDED ON CURRENT PLAN = 12.0 ACRES**  
**ENTIRE SITE TO BE SERVICED BY PUBLIC WATER AND PUBLIC SANITARY**

# RETAIL, HOSPITALITY, AND RESTAURANT DEVELOPMENT 86.55 ACRES - PUD CONCEPT PLAN

## WESTGATE



US - 131



KALAMAZOO/OSHTEMO, MI



VICINITY MAP  
NOT TO SCALE

OPEN SPACE REQUIRED 5% OF SITE = 4.3 ACRES  
 OPEN SPACE PROVIDED ON CURRENT PLAN = 12.0 ACRES  
 (OPEN SPACE SHOWN IN BLUE)

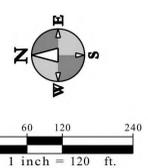
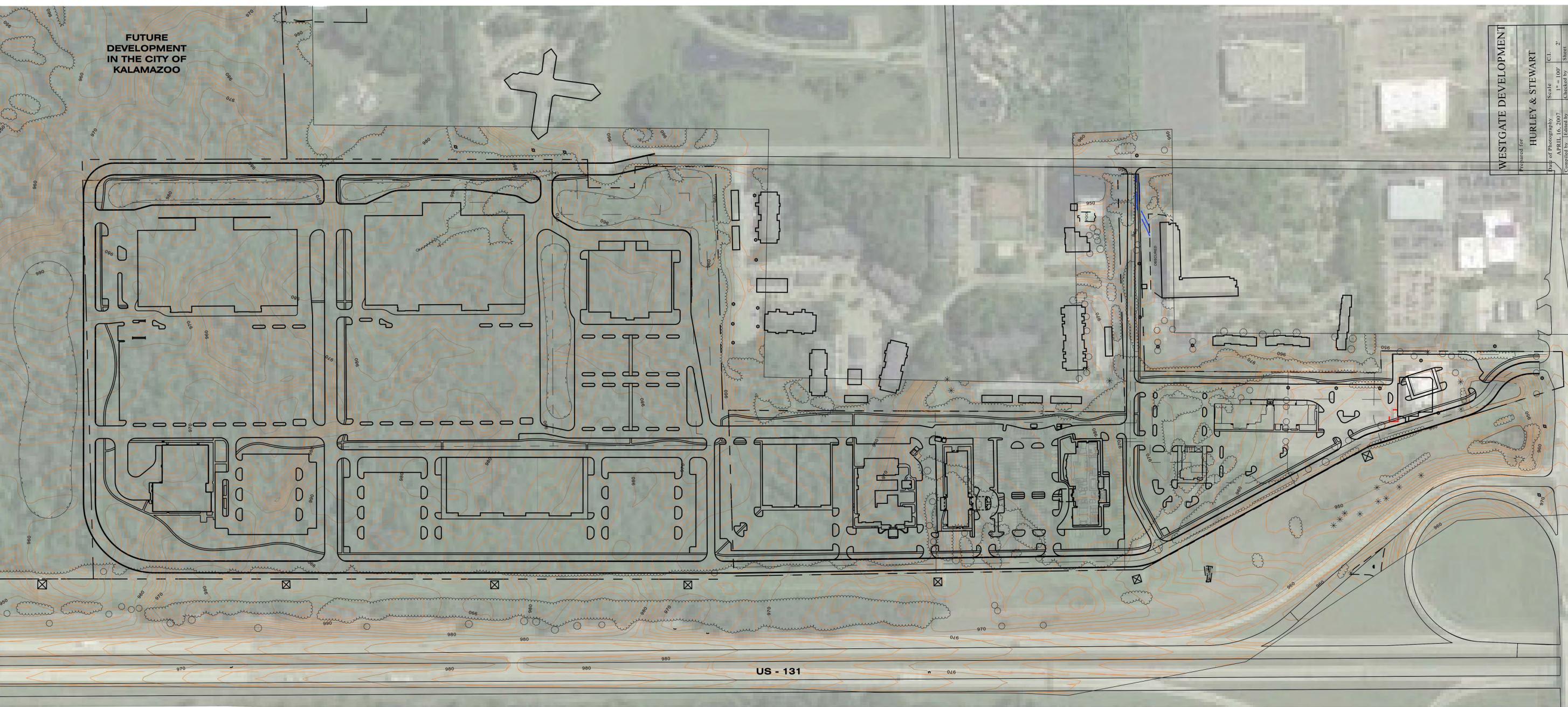
## PEDESTRIAN CIRCULATION AND OPEN SPACE PLAN

# WESTGATE



FUTURE  
DEVELOPMENT  
IN THE CITY OF  
KALAMAZOO

WESTGATE DEVELOPMENT  
Prepared for  
**HURLEY & STEWART**  
Date of Photography: 11/11/10  
Scale: 1" = 100'  
Checked by: [Signature]  
C.I.: 2'  
Compiled by: [Signature]  
Edited by: [Signature]  
Sheet



VICINITY MAP  
NOT TO SCALE

**86.55 ACRES - EXISTING TOPOGRAPHY**

# WESTGATE



NOVEMBER 30, 2016

## Kalamazoo Metropolitan County Planning Commission County Master Plan Initiative

The Kalamazoo Metropolitan County Planning Commission is undertaking an exciting new initiative to adopt a **Countywide Master Plan** pursuant to Public Act 33 of 2008, the Michigan Planning Enabling Act. Since municipal collaboration is often difficult at such a scale, it requires a significant course of action and tremendous communication among all municipalities involved. The end result can then be used as a public policy document and integrated into local unit of government master plans. **And distinctly, this plan will function as an extension of planning material for municipalities, not a competing master plan with overarching authority.**

The process will rely on local planning commissions and municipal input. It will provide one direct source for all Master Plans within the County through the project website at [www.kalcountymasterplan.org](http://www.kalcountymasterplan.org). Each of the four cities, five villages, and fifteen townships within the County will be involved in reviewing, summarizing, and affirming their community's information during on-site visits by members of the Kalamazoo Metropolitan County Planning Commission (KMPC) and the consultant team from Beckett & Raeder. In this bottom-up approach, the County will assess the various local government master plans, frame recurring themes and land use goals, and present the information to each local planning commission for comment and approval. The information will then be pooled together to consolidate the common themes, establish areas of focus, and prepare a final report.

Despite the variations among urban, suburban, and rural communities, common themes will be derived and aggregated from the similarities in underlying geography and County trends. The Plan will incorporate elements of a land development transect model, helping to focus common themes through the lens of development intensity, ranging from natural areas to urban cores. The County Plan will integrate aspects of the Southwest Michigan Prosperity Region and incorporate data from its *5-Year Prosperity Plan*, parallel to similar undertakings in the Grand Traverse County Region. Strategy Areas categorized as Preservation, Enhancement, Redevelopment, and Transformation will help to identify and determine areas within the County which are best suited for growth and investment, rural and agricultural production, brownfield redevelopment, and preservation of natural and sensitive areas.

**The end result will become a guide and foundation for local land use policies, to be used as a complementary document and vital source of data-driven information.** The aim will be to unify and join commonalities among the communities and provide an additional resource for information and data. It will enhance, not overshadow, the current Master Plans and planning initiatives underway in each community. The Plan will be truly reflective of common goals, objectives, and themes, enriching the body of planning documentation within the County, and providing a generalized framework for leaders and decision-makers within the greater Kalamazoo area.

## Kalamazoo Metropolitan County Planning Commission Oshtemo Township Master Plan Summary, 2011

### Key Characteristics and Trends:

Between 2000-2010, Oshtemo Township experienced the second highest growth in population in Kalamazoo County. Like many communities, the population is aging, but there was also growth in the 15-24 age group. There has also been an increase in the percent of African-Americans moving into Oshtemo from 7.1% in 1990 to 12.2% in 2010.

### Goals, Objectives, and Policies

Oshtemo Township's goals fall into six major categories (and sub-area plans not included in this summary):

- **Community Character:** The Master Plan aims to protect its rural character and natural features. To do so, the Township recommends preserving open space and protecting natural features, especially surface water and groundwater from the negative impacts of development.
- **Housing:** The housing goals are to protect and expand single family neighborhoods, and direct their growth to areas supported by public utilities. Accomplishing this means avoiding "leapfrog" development of vacant land. The Plan also aspires to promote a diverse range of housing options. The objectives include rehabilitating older multiple-family housing and allowing manufactured homes in designated areas.
- **Office and Commercial Development:** The Township hopes to direct new commercial development to appropriate areas, and also to encourage innovative design. The Master Plan suggests that new development should be planned as an extension of existing commercial development. To respect residential areas, the Township will transition to small-scale commercial land uses near neighborhoods.
- **Industrial Development:** Oshtemo Township wants to encourage high-tech, life sciences, and knowledge-based industry through land use policies. The plan proposes identifying and promoting areas where industry should be located. It later states that industrial expansion should be an extension of existing industry.
- **Motorized:** These goals aim to promote connectivity and efficient design of the local street network as well as improve the link between land use and transportation. This means designing streets within new developments that are cost-effective and provide residents with infrastructure. Moreover, the plan mentions reducing the negative impacts of truck traffic on land uses and residents.
- **Non-motorized transportation:** The Township would like to preserve roadways for all users by continuing to implement the Access Management Plan and to enforce its guidelines. Secondly, the goal is to increase the quality and accessibility of the non motorized network. One way to do this is to extend bike paths and increase connectivity between residential and commercial areas.

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

***2017 MEETING DATES  
Second and Fourth Thursday of the month***

Submitted December 8, 2016

<b><i>Month</i></b>	<b><i>1st meeting</i></b>	<b><i>2nd meeting</i></b>
January	12	26
February	9	23 – Master Plan Public Workshop
March	9	23
April	13	27
May	11	25
June	8	22
July	13	27
August	10	24
September	14	28
October	12	26
November	9	*
December	14	*

**JOINT MEETINGS (tentative)**

February 21  
May 16  
September 19