OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
DRAFT MINUTES OF A MEETING HELD NOVEMBER 17, 2022

Agenda

PUBLIC HEARING: Speakeasy Golf
SiteCreate/Speakeasy Golf was requesting special exception use approval to operate a year-round indoor golf facility in an existing tenant suite within the commercial building located at 6120 Stadium Drive.

PUBLIC HEARING: Open Space Community, Tournesol
Hinter Properties, on behalf of Kalamazoo Holdings LLC &Rural Republic LLC, was requesting site plan approval of a proposed 49-unit Open Space Community development at 7214 W. N Avenue.

2023 MEETING DATES

WORK SESSION: Draft MU Zoning District Introduction

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, November 17, 2022, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Bruce VanderWeele, Chair
Deb Everett
Micki Maxwell, Vice Chair
Alistair Smith
Chetan Vyas
Anna Versalle

MEMBER ABSENT: Kizzy Bradford

Also present were Iris Lubbert, Planning Director, James Porter, Attorney, Anna Horner, Public Works Director, Martha Coash, Recording Secretary, and Kyle Mucha, McKenna.

In addition, there were approximately 15 guests in attendance.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and those in attendance joined in reciting the Pledge of Allegiance.

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Approval of Agenda

The Chair asked if there were any changes to the agenda. Hearing none, he let the agenda stand as published.

Public Comment on Non-Agenda Items

Chairperson VanderWeele determined no one present wished to address the Commission on non-agenda items and moved to the next agenda item.

Approval of the Minutes of the Meeting of October 27, 2022

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of October 27, 2022.

Hearing none, Chairperson VanderWeele asked for a motion.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of October 27, 2022 as presented. Ms. VerSalle **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next item on the agenda.

PUBLIC HEARING: Speakeasy Golf

SiteCreate/Speakeasy Golf was requesting special exception use approval to operate a year-round indoor golf facility in existing tenant suite B, within the commercial building located at 6120 Stadium Drive. (Parcel 05-26-440-018)

Mr. Kyle Mucha of McKenna said on behalf of the Charter Township of Oshtemo Planning Department, McKenna reviewed the proposed indoor golf facility, which will utilize golf simulators, operating year-round. The applicant proposed to occupy an existing tenant suite within the commercial building located at 6120 Stadium Drive.

He indicated the applicant proposed to operate a year round indoor golf facility, with two simulator units, restroom facilities, office space, and a bar. The proposed facility will occupy an estimated 1,469 square feet of the total 9,158 square feet of commercial space, located at 6120 Stadium Drive. The subject site fronts Stadium Drive, however, provides ingress/egress along Fairgrove Street. The subject site has been zoned C-1, Local Commercial since the commercial building was first proposed in 1997. He noted a variance was granted on October 6, 1997 to permit off-site water retention.

The proposed indoor recreational facility is considered a special land use within the C: Local Commercial Zoning District. Therefore, the review of the proposed project is subject to the regulations as outlined within Oshtemo Township's Zoning Ordinance.

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Due to the applicant proposing to reoccupy an existing commercial site and with no changes to the exterior being proposed, an additional site plan review was determined not to be required at this time.

Mr. Mucha stated the applicant's request meets the requirements of Section 65.30 and, based on McKenna's review recommended the Planning Commission approve the request subject to the following conditions:

1. Full compliance with building and fire safety requirements
2. Approval to operate a beer/wine bar from the Township

Chairperson VanderWeele asked if there were questions from Board members.

Ms. Maxwell asked whether the applicant intended to open the business prior to receiving a liquor license.

The applicant indicated they did intend to open before receiving the license.

Attorney Porter noted the Township Board will consider the license in December.

The Chair opened the public hearing and asked if there were comments from anyone present.

Mr. Steve Humphrey, 2670 Fairgrove, expressed concern about the narrowness of Fairgrove and that you cannot make a right turn onto Stadium Drive; noted the difficulty of turning left with the 60 homes currently there and that another 60 homes will make it very tight there as there are only two lanes. He also noted the storm drain is always plugged and there are potholes that have been there for years. Turning left on Stadium Drive after alcohol consumption will be dangerous.

Ms. Louise Schaner, 2746 Wildemere, concurred with Mr. Humphrey's traffic concerns and expressed a need for fencing. She noted there are 17 acres behind the neighborhood and if buildings allowed there it will add more traffic to both ends. She was opposed to the proposal.

Hearing no further comments, Chairperson VanderWeele moved to Board Deliberation.

Ms. Versalle asked whether the applicant would go ahead with the business if a liquor license were not granted?

The applicant indicated he would go ahead without a liquor license.

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Ms. Maxwell asked if the previous occupant was commercial.

The Chair said offices and an engineering firm are there currently.

Ms. Lubbert noted the Township intends to conduct a traffic study to explore this and the surrounding area of Stadium Drive in the near future.

Ms. VerSalle **made a motion** to approve the SiteCreate/Speakeasy Golf request for special exception use approval to operate a year-round indoor golf facility in existing tenant suite B, within the commercial building located at 6120 Stadium Drive. (Parcel 05-26-440-018) as requested, with the following conditions recommended by McKenna:

1. Full compliance with building and fire safety requirements
2. Approval to operate a beer/wine bar from the Township

Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously.

Chairperson VanderWeele moved to the next agenda item.

PUBLIC HEARING: Open Space Community, Tournesol
Hinter Properties, on behalf of Kalamazoo Holdings LLC & Rural Republic LLC, was requesting site plan approval of a proposed 49-unit Open Space Community development at 7214 W. N Avenue.

Mr. Kyle Mucha reported that on behalf of the Charter Township of Oshtemo Planning Department, McKenna reviewed the Tournesol Open Space Community Site Plan submission for a proposed 49-unit residential development and offers the following comments and findings for your consideration. This review was based on the submitted site plan received on October 24th, 2022.

He said the proposed development site is approximately 60.5-acres and is located on the north side of West N Avenue, east of 6th Street and west of 9th Street. The site is primarily wooded with one (1) existing residential dwelling (unit #1) located on the southeast corner of the proposed development site. The applicant proposes to construct 48 residential dwellings (units) and associated public water and public sewer. A private storm-sewer and road network is also proposed to be constructed.

Further, the applicant has requested the buildout of the proposed project occur in two phases: phase 1 will include units 1-18 and 39-49, with phase 2 being units 19-38. The applicant has not indicated when phase II will be constructed. The following review is conducted for the entire project.

During the April 28, 2022 Planning Commission meeting, the Planning Commission granted conceptual approval, subject to conditions. The applicant submitted an updated site plan for consideration by the Township review team. Some

items are outstanding and still need to be addressed which Mr. Mucha reviewed as he addressed the proposal regarding the following sections:

- Open Space Community Provisions (§43.30)
- Development Provisions (§43.40)
- Design Standards (§43.50)
- Open Space Community – Application Procedure/Approval Process (§43.60)
- Site Plan Review (§64.60)
- Subdivision/Site Condominium Design (§290.008.)
- Special Uses (§65.30)

Mr. Mucha said while acknowledging the applicant continues to make alterations to the proposed site plan in order to address ongoing concerns raised by members of the Oshtemo Township reviewing team, there are still items that have not been addressed. However, staff believes these items can be addressed administratively. McKenna finds that the site plan can be approved by the Planning Commission, subject to the following conditions being met:

1. Amend, submit for review by Township Legal Counsel, and record the approved Master Deed and Bylaws, prior to building permit issuance.
    a. Language shall be included in the Master Deed and Bylaws indicating that common elements are to be properly and adequately maintained and that failure to do so will permit the Township to intervene, make the necessary improvements and ensure adequate maintenance, through an assessment to property owners.
2. All applicable easements regarding utilities and street connections are recorded with the County Register of Deeds prior to building permit issuance.
3. Site grading plans submitted for review by the Township with each individual building permit application.
4. Submission of a landscaping plan to show existing and proposed tree plantings on all lots prior to any building permit issuance.
5. Access drive from Unit #1 onto the proposed private street to be approved by the Road Commission of Kalamazoo County.
6. Final approval for site access from the Road Commission of Kalamazoo County prior to any issuance of a building permit.
7. Final hydrant location to be coordinated with Fire Department prior to any building permit issuance.
8. Phase II shall be commenced within 24 months after the first building permit for a single-family home is issued within phase I. If construction of phase II is not commenced within this approved time, plan approval for phase II shall become null and void. The applicant may apply for a 12-month extension administratively before the 24 month deadline lapses.

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9. An amended landscaping plan that clearly shows, but not limited to, the following:
    a. Show where existing trees are to remain.
    b. Provide a 20' (twenty-foot) buffer from the edge of the right-of-way into the property along "N" Avenue.
    c. Provide a note on the landscaping plan that new vegetation which is to be provided shall be planted in accordance with the Landscaping regulations of the Township Zoning Ordinance.
    d. Add a note on the landscaping plan that shows fencing to be installed around the critical root system of existing trees.
    e. Deciduous trees be used for street trees.
    f. A dedicated preservation area be added to lot 25.
10. Engineering Comments/Requirements as follows and shall be addressed prior to building permit issuance:
    a. Provide 15' soil borings for the northwest basin.
    b. Update plan documents so that the basin naming are consistent.
    c. All storm basins must be fully constructed and operational before any building permits are issued.
    d. A 20' public utility easement will be required for the water main.
    e. Hydrants and service connections must meet City of Kalamazoo specifications.
    f. Provide hydrant and service connection details on plans.
    g. The proposed connection shall be coordinated with the City of Kalamazoo Department of Public Services – Debbie Jung (269) 337-8558. Once the water plans are reviewed and approved by the City of Kalamazoo provide approval and final plans to Oshtemo Township. Note this on the plans.
    h. Provide EGLE permit once obtain.
    i. Show utility separation in plan and profile view.
    j. Provide detail for drop manhole as it relates to the 8" sanitary sewer proposal.
    k. A public utility easement will be required regarding the sanitary sewer.
    l. Submission of a Soil Erosion and Sediment Control Plan (SESC).

Chairperson VanderWeele asked if there were questions from Commissioners.

Mr. Smith asked if the plan includes sidewalks on both sides of the far east end development access road.

Mr. Mucha indicated that it did.

Chairperson VanderWeele asked if the applicant wished to speak; he declined so the Chair opened the public hearing.

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Mr. Mike Corfman, 7225 W. N Ave., said he was concerned about the roadway location and wondered if there were other options. He doubted the Road Commission would approve it as is.

Ms. Lubbert said the roadway has received preliminary approval from the Road Commission; they are working on the final plan to be approved.

Mr. Corfman noted the 45 mile an hour speed limit there is not abided by and that traffic comes through very fast. The hills allow limited sight distance and there is a lot of heavy commercial equipment traffic. He sees issues with the design of the road and increased traffic and felt the road should be to the north or the west.

Attorney Porter read a letter from Greg Kempfer who indicated opposition to the request citing traffic, loss of front lawns and privacy, as well as the obtrusive nature of the development in and around some of the Consumers Power easements. (Letter attached to these minutes)

Mr. Greg Keebler, 7280 W. N Ave., was concerned about hazardous waste on current property being in the ground water, traffic congestion, felt access should be from Stadium Drive (5 lanes) instead of N Ave (2 lanes). He also cited trespassing problems by owners of the property. He noted he had brought these issues up on the 28th of April but had received no response.

Ms. Susan Kebler, 7280 W. N Ave., does not want to lose privacy, and feels walking trails and roads will be impacted, and wildlife lost. Her 10 acres were purchased for those reasons and feels like others she will be pushed out. She also mentioned an increase in traffic and crime.

Hearing no further comments, Chairperson VanderWeele closed the public hearing and moved to Board Deliberations. Hearing no comments, he asked for a motion.

Mr. Smith **made a motion** to approve the request from Hinter Properties, on behalf of Kalamazoo Holdings LLC &Rural Republic LLC, for site plan approval of Tournesol, a proposed 49-unit Open Space Community development at 7214 W. N Avenue as presented subject to the conditions outlined by McKenna and listed below to be addressed administratively by Staff:

1. Amend, submit for review by Township Legal Counsel, and record the approved Master Deed and Bylaws, prior to building permit issuance.
    a. Language shall be included in the Master Deed and Bylaws indicating that common elements are to be properly and adequately maintained and that failure to do so will permit the Township to intervene, make the necessary improvements and ensure adequate maintenance, through an assessment to property owners.

2. All applicable easements regarding utilities and street connections are recorded with the County Register of Deeds prior to building permit issuance.
3. Site grading plans submitted for review by the Township with each individual building permit application.
4. Submission of a landscaping plan to show existing and proposed tree plantings on all lots prior to any building permit issuance.
5. Access drive from Unit #1 onto the proposed private street to be approved by the Road Commission of Kalamazoo County.
6. Final approval for site access from the Road Commission of Kalamazoo County prior to any issuance of a building permit.
7. Final hydrant location to be coordinated with Fire Department prior to any building permit issuance.
8. Phase II shall be commenced within 24 months after the first building permit for a single-family home is issued within phase I. If construction of phase II is not commenced within this approved time, plan approval for phase II shall become null and void. The applicant may apply for a 12-month extension administratively before the 24 month deadline lapses.
9. An amended landscaping plan that clearly shows, but not limited to, the following:
    a. Show where existing trees are to remain.
    b. Provide a 20' (twenty-foot) buffer from the edge of the right-of-way into the property along "N" Avenue.
    c. Provide a note on the landscaping plan that new vegetation which is to be provided shall be planted in accordance with the Landscaping regulations of the Township Zoning Ordinance.
    d. Add a note on the landscaping plan that shows fencing to be installed around the critical root system of existing trees.
    e. Deciduous trees be used for street trees.
    f. A dedicated preservation area be added to lot 25.
10. Engineering Comments/Requirements as follows and shall be addressed prior to building permit issuance:
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water plans are reviewed and approved by the City of Kalamazoo provide approval and final plans to Oshtemo Township. Note this on the plans.

h. Provide EGLE permit once obtain.
i. Show utility separation in plan and profile view.
j. Provide detail for drop manhole as it relates to the 8" sanitary sewer proposal.
k. A public utility easement will be required regarding the sanitary sewer.
l. Submission of a Soil Erosion and Sediment Control Plan (SESC).

Ms. VerSalle seconded the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

2023 MEETING DATES

Ms. Lubbert provided a draft schedule for Planning Commission meetings for 2023 for consideration and approval:

Planning Commission

Second and Fourth Thursdays of every month @ 6PM

Proposed 2023 Meeting Dates

2nd Thursday of the Month	*4th Thursday of the Month*
1/12	1/26
2/9	2/23
3/9	3/23
4/13	4/27
5/11	5/25
6/8	6/22
7/13	7/27
8/10	8/24
9/14	9/28
10/12	10/26
11/16*	No meeting
12/14	No meeting
1/11/2024	1/25/2024

*Dates shifted to avoid holidays or for consistency with the Development Schedule of Applications.

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Ms. VerSalle **made a motion** to approve the 2023 Planning Commission Meeting Schedule as presented. Ms. Everett **seconded the motion**. The **motion was approved** unanimously.

Chairperson VanderWeele moved to the next agenda item.

WORK SESSION: Draft MU Zoning District Introduction

ARTICLE 30 – MU: MIXED USE DISTRICT

Contents:
30.10 STATEMENT OF PURPOSE
30.20 ESTABLISHING A MIXED USE DISTRICT
30.30 DEVELOPING WITHIN A MIXED USE DISTRICT

Ms. Lubbert presented a draft of a Mixed Use Zoning District document. She noted it had been begun in 2018 by her predecessor and she was trying to make it as inclusive as possible to be able to include other sub-areas in addition to Maple Hill, acknowledging this has delayed the process. She indicated a letter was received from Mr. Aardema of AVB, regarding the draft and including questions generated from the MU proposed language. (Letter attached to these minutes)

She walked the group through the document, answered questions, and noted suggestions for changes to the text from Commissioners.

Ms. Horner, Public Works Director, answered questions regarding a traffic impact study and its possible timing.

Timing regarding moving an approved document to the Township Board for consideration was discussed.

Mr. Rich MacDonald, of Hinman Co., said he had understood that the changes to the document done earlier consisted of formatting only. He wanted to honor the work that was already done on this issue. He said he was looking at how the language relates to the AVB/Hinman Prairies project and is distressed at continued delay in being able to proceed. He suggested for expediency that a special Planning Commission meeting be held to move the Mixed Use draft to conclusion. Hinman and AVB have waited a long time and followed the process set forth in the very beginning in 2018.

He noted it is important to get this right from the beginning to be consistent with other Township documents. There is a lot in the proposed document they can work with but there are some questions to be answered. They are in for the long haul but want to move the process along and provide solutions.

Mr. MacDonald suggested they be allowed to take the draft document and put it in red line format to show where they have concerns and to provide options and have a dialog about that with the Commission. They would be able to submit the red lined

document to Ms. Lubbert two weeks before the next PC meeting for the Commission to provide a productive meeting.

Mr. Curt Aardema, AVB, also spoke for the need to align the new document with the overlay and sub-area plan. He was concerned that six month's-worth of meetings on this subject which has been a long, several year process seemed to be coming down to squeezing changes into two meetings. He hopes to get to the point where everyone is comfortable while still providing an expedient process.

Ms. Lubbert said it was not her intent to run this through in two meetings; she anticipated additional discussion and amendments.

Mr. MacDonald said they are behind schedule on the Prairies, that they are a zoning request, and have been working with the Township for four years, but they keep getting pushed back. They'd like to be put at the front of the agenda.

It was decided to accept the offer of a red line document from AVB for comparison, that a special meeting of the Planning Commission will be held December 8 at 6:00 p.m. to work through that document and that it would be provided to Ms. Lubbert ahead of that meeting no later than November 29th.

Mr. Vyas stated the Commission's purpose is not to be for or against any company, but to seek the convergence of interests to result in the greater good for the community.

Mr. Joe Gesmundo, AVB, said he had been dedicated to making legacy developments for 55 years and that it is a 2-way street with municipalities. Communication is important. Oshtemo staff feels it is inappropriate to communicate directly with developers, but communication is the key to success; it will shorten the time period it takes to get these things done and result in a better project. He hoped Staff would consider an open dialog.

PUBLIC COMMENT

There were no public comments.

OTHER UPDATES AND BUSINESS

There was no further business.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:02 p.m.

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Minutes prepared:
November 19, 2022

Minutes approved:
_____, 2022

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Ms. Lubbert, et al;
(missing w/ no e-mail ID found: Bruce Vanderweele, Micki Maxwell, Kizzy Bradford, Deb Everett, Alistair Smith, Anna Versalle, Chetan Vyas, Kyle Mucha, Paul Lippens)

Regarding the Consideration of the application of Hinter Properties, LLC for special exemption use and site plan under article 65;

I would like to request these attached opposing comments be read during this 17Nov2022 Planning Commission meeting and placed into the record.

Name: Gregg Kebler
Address: 7280 West N Ave, Kalamazoo, MI 49009

It saddens and troubles me that the Planning Commission is still considering and moving forward with this Hinter project.

I remain against this project moving forward for the following reasons:

1) With Verndon Trail coming out on West N Ave, there will be a major increase in West N Ave and Beatrice Dr traffic, at an intersection that is already dangerous at current traffic flow patterns and speeds. Motorcycles, cars, trucks and even Semi's use West N Ave and Beatrice Dr; many as drag strips, trash (and beer/alcohol) dumps and shooting galleries on a regular basis. Police can easily fill their speeding ticket quota in a day. Add another 98 more vehicles minimum onto this intersection and drag-strip, the entire length of West N Ave. is going to be a less peaceful and safe area to walk, bike and jog along.
NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.

2) With that entrance, both sides of West N Ave will have to be widened 16 more feet for 200 feet both sides of the entrance, At least one neighbor to the east of 7214 West N Ave on the same side will lose more of their front lawns. At least Three neighbors to the east of 7214 West N Ave on the south/Texas Township side will lose more of their front lawns. They all will still be paying taxes on 'their' property, eventhough it won't be theirs anymore. Doesn't' seem fair does it?
NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.

3) Loss of privacy. We bought this property for peace, quiet, privacy and hunting, this project borders my north property line. I have heard nonsense re: this project does not affect me since I'm 9 acres away along West N Ave. I think I may have already dispelled this myth – as this couldn't be further from the truth. I regularly enjoy ALL my 10 acres;

for peace and quiet, for hunting, for security buffer. These will absolutely be lost because of this project; especially since Verdon Trail will border right next to my north property line, not to mention Oshtemo township has a ‘proposed trail’ running through Consumer’s Easement and along my entire East property line. Again, my security and safety will be significantly destroyed because of this project.

I have routinely had people trespass on my property already, including my back property line, homeless sleeping in my woods, quad runners tearing up my side of the CE easement and across my CE road frontage on West N Ave, including the current owner or friends of 7214 West N Ave. Surveyors hired by Hinter Properties, LLC. have trespassed onto my property as well as violated my surveyed posts. Many of these folks (that I could catch trespassing) I have had to stop and politely inform them they were on posted and staked private property and they left with no issues. My trail cams have caught trucks and Jeeps driving back there at all hours of the day and night, winter/summer to get high, scout/poach/whatever. This trespassing will significantly increase – in both directions, as will the calls to local law enforcement (and associated workload); workload which is already stretched well past providing safety/security for our community, not to mention the 2 mile Fruitbelt bike trail to nowhere.

Oshtemo Township and this project will ruin the uncongested peace, quiet and safety that made this area attractive for families like mine to move here and into the community, in the first place. Oshtemo Township may very well lose as many families as they hope to gain by this project.

NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission nor Hinter Properties, LLC.

4) During the Developer's presentation 28Apr2022 he made sure to use all the appropriate flowery PC/environmental words and design descriptions so as to promote this project (lipstick on a pig). There were a couple design 'features/descriptions' that were ridiculous and stuck out to me; "Unobtrusive to the Neighbors" and "Preserving Greenspace".

Again, I am unsure how a 49 unit development can be anything other than "Obtrusive to the Neighbors"

Our peace, security, safety, privacy as well as our hunting rights which allow us to help feed our families will now be destroyed with this development.

We have already discussed this before when regarding the "Beautiful bike trail through the woods and wildlife".

This is the same trail that was vehemently and fiercely fought tooth and nail against by a majority of Oshtemo's citizens, including the Miller family - who now are tearfully in love with the Township and this Hinter project. It is amazing how quickly that sentiment reversed with the right amount of $. I recall the township hall overflowing with people voicing overwhelming opposition to this boondoggle to nowhere, yet a mere 5 mins later many included in this email voted to approve it anyway,- against it's citizen's (and we your employers') voiced disapproval and rejection.

Now we have this 49 townhouse unit project squeezed into the neighborhood like a size 10 foot into a size 7 shoe - destroying 'Greenspace" the developer claims he is preserving, as well as causing a safety hazard for anyone living, biking, walking or driving on West N Ave. and Beatrice Dr.

What attracted us and most of my neighbors to this area was that this was a peaceful safe community; sadly because of the decision noted here - it is no longer that community.

NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.

5) The Township or the developer will have to contact the EPA or WHMD re: the possible (personally observed) dumping of hazardous oil and other waste in the large trash pile/dump located back in the woods on the 7214 West N Ave property. According to the current development map many of the 1st few units will be built right over the top of that contaminated soil.
I would hope that Oshtemo Township will look into this real threat to our community's groundwater and environmental contamination with the same diligence and enthusiasm as it has with their years' long demand to force 'mandatory' Septic system replacement; eventhough most of our homes have perfectly functioning systems.
Please advise what the Township's next action will be regarding this potential environmental hazard.

NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.

6) As per Consumer's Energy legally signed and filed document for this easement specifically denying Buildings/Structures on this easement:
"Owner agrees not to build, create, construct, or permit to be built, created, or constructed, any obstruction, building, septic system, drain field, fuel tank, pond, swimming pool, lake, pit, well, foundation, engineering works, installation or any other type of structure within 20 feet of the centerline as described in Exhibit D, whether temporary or permanent, natural or man-made."

I am curious regarding what discussions have been made with Consumers Energy to allow these easement terms to be legally violated or waved or compensated for – specifically for the city sewer and lift station, the road in across the easement, 'proposed walking trail' as well as under the powerlines, as well as all 'engineering works'.
ALL Three of these are considered "Buildings/Structures".
I am confused how the Township has received approval to put a walking trail on that easement, yet I as a property owner would be in legal liability with Consumers Energy if I put up a fence in the middle of this easement to protect my property and privacy from that walking trail and potential increased number of trespassers onto my property. I would also be sued by Consumers Energy if I put a pedestrian trail on my side

of the easement; as it would clearly obstruct access, safety and maintenance of the easement, powerlines and bordering trees as this proposed trail and road will do.
NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.

Since Consumers Energy just gave Oshtemo Township $150K for the bike path to nowhere, I'm sure these easement legal issues are or most likely were a mere speed bump in the road for this project.

I will reach out to my attorneys and Consumers Energy to discuss legal clarification and enforcement of this filed document.

7) I question the Kalamazoo County Road Commission decision (Thom Brennan?) which thought it was best to force an additional 100 vehicle traffic load onto a very busy 2-Lane obstructed view West N Ave as it is a traffic safety hazard at current traffic flow patterns and numbers; especially with the added rush traffic from Beatrice Drive, versus:
extending 7th Street a couple 100 feet south across the bike trail and into the north side of this development. 7th Street comes out onto Stadium Drive/Red Arrow highway; which is already 2.5 times wider with 4 traffic lanes and a center turn lane. This road is significantly more than capable to handle this additional traffic flow, as well as unobstructed views from the East and West; both of which support this route as the more common sense traffic pattern, not to mention much safer for the citizens of Oshtemo; which everyone receiving this e-mail is supposed to protect, safeguard and represent.

Common sense would have two (2) separated traffic flows/entrances/exits for a project this large.

NOTE: I brought this up 7 months ago (28Apr2022), and have not seen this issue addressed, resolved nor have I received a response from this Commission.

Please enter these revised concerns and next actions into the record for this project, **as well as my continued objection to this project moving forward,**

Thank you for your time,
Gregg Kebler
17Nov2022

PRAIRIES

15 November 2022

Iris Lubbert, Planning Director
Charter Township of Oshtemo
7275 W. Main Street
Kalamazoo, MI 49009

RE: Mixed-Use Zoning District – Proposed Language

Dear Ms. Lubbert:

Thank you for taking the time to draft a Mixed-Use Zoning District for Oshtemo Township. While a Mixed-Use District is important for the Township to consider, the proposed language has generated some questions that I've attached to this letter.

As we have stated over the past five years, our team is ready and eager to begin the process of implementing the Township's vision set forth in the Maple Hill South Sub-Area Plan. We have participated alongside the Planning Commissioners, the Township Board members, the neighbors, and the public since the beginning of the Township's visioning activities for our property back in 2017. We hope that the difficult work that has already been invested into the Sub-Area Plan, the original Maple Hill South Overlay, and numerous public meetings is respected and incorporated into the final approved language for a new zoning district linked to the Prairies property.

The attached list of questions was generated after a review of the proposed Mixed-Use District language, which we located inside of the Planning Commission's meeting packet. I'd like to request that these questions be shared with the Planning Commission prior to the November 17th meeting. We look forward to a robust and productive conversation at that meeting.

Sincerely,

Curt Aardema

30.10 Statement of Purpose

30.10 In the case of the Maple Hill South (Prairies) area, will the Planning Commission-approved Sub-Area Plan continue to serve as the guide for future development of those parcels? Will the Sub-Area Plan take precedence if conflicts arise with the proposed Mixed-Use zoning language? If the Mixed-Use ordinance prevails, is the only opportunity for changes through the ZBA? How likely would a change going the route of ZBA be with new construction, given the parameters the ZBA requires you to meet?

30.20 Establishing a Mixed-Use District

30.20 A - Could you please provide background on the rationale for selecting 20 acres as the minimum parcel size for the Mixed-Use zoning eligibility? Could multiple contiguous or adjacent 20-acre sites be developed as independent Mixed-Use projects? The original Overlay document indicated that "In order to ensure that the intent of this Overlay District is accomplished, projects must be of a sufficient size. A minimum development size of 80 acres of contiguous land shall be required, which may be developed in phases."

30.20 B - Could you please provide clarity on the request for common ownership information? Does this apply to separate LLC entities? It's common for sections of large projects to be broken into multiple LLC entities. Also, it's possible that different "phases" of a project could be developed by multiple ownership groups---how would this be accommodated in the proposed language? Committing to develop a large property in mixes of uses and committing that the initial plan will be completed in its entirety is not realistic.

Will an existing concept plan approval be terminated if the ownership changes during the project? For reference, many large projects take decades to complete. Another example is Costco. In the case of that project, the original developer had to sell land to get Costco to commit to the site which allowed the other uses to occur. Does it really matter the ownership provided it complies with the requirements? The Maple Hill South Sub-Area Plan actually overlaps two ownership groups, and most Sub-Area Plans overlap a collection of properties owned by different entities.

30.20 C

30.20 C (1)

30.20 C (2)

30.20 C (3)

30.20. C (4) - How will flexibility in road designs be accommodated within the proposed language? We've learned that creative transportation network options are key to mixed-use developments---on-street parking, bike lanes, etc. How will these be accomplished if typical RCKC/MDOT standards are required? Will proposed non-motorized improvements be owned, maintained, and insured by Oshtemo Township? The Sub-Area Plan calls for a "safe, efficient, and balanced multi-modal transportation

network" for the Prairies. Given the limitations of RCKC design standards, this objective may be difficult to achieve without the use of private roadways. The original Overlay language addressed this concern by simply stating that "the development shall be serviced by an interior street system, which may be public, private, or a combination of both."

30.20 C (5) – Will existing businesses and properties be liable for mitigating current traffic issues generated by their establishments, as proposed in the Mixed-Use District? It seems unfair for the developer to be obligated to resolve traffic failures that currently exist or that wouldn't be required of the developer under the current zoning. We would request that the mitigation measures be limited only to the increased decline in service above the situation that currently exists and assumed the current zoning use was developed at its highest proposed use. Further, if the Township requires connection to an adjacent development or roadway system, and such connection causes an increase in decline in service compared to if that connection had not been made, then mitigation measures will be waived.

Development of the Prairies could potentially have a positive impact of traffic flow by connecting several isolated pockets of the surrounding neighborhood. The Sub-Area Plan specifically suggests that "local connections to adjacent development should also be established." If existing traffic issues are mitigated by the creation of a new roadway network at the Prairies, will the developer be compensated for such improvements by the adjacent property owners or the Township?

30.20 C (6) - How will the proposed "Design Standards" be established? Will Staff, Planning Commission, Township Board, and others all need to agree on the proposed "Design" of a development within the Mixed-Use District? Will the property owner be permitted to propose the initial design concepts? The Sub-Area Plan suggests that "standards must be flexible enough to allow for various aesthetic interpretations."

30.20 C (7)

30.20 C (8) i – The planning commission previously went through great lengths in discussing residential density and arrived at a definition of "Net Acreage." The Planning Commission decided during Planning Commission meetings in June-Oct of 2019 that "net acreage shall be defined as the gross acreage of the proposed development, minus public/private right-of-way and stormwater detention areas."

The proposed mixed-use definition in this section further excludes areas within the development that are developed as commercial thereby reducing the residential density.

It is our request that the last sentence in (i) be removed. This will allow more housing to be developed consistent with the regional goals for creating more housing. We also request that the word "reasonably" be inserted in the first sentence before the word "match".

30.20 C (8) ii - The Planning Commission at its 10/19/24 meeting "decided a 'sliding' density bonus would be established for densities between 10 and 16 (units per acre) with the inclusion of amenities." The proposed density in the new Mixed-Use language abruptly changes the low end of the density range to 4 units per acre.

30.20 C (8) ii. f) – We would request the possible points for this section be increased to 1-4 points as determined by the Planning Commission.

30.20 C (9)

30.20 C (10)

Table 30.20.1 – This table is confusing when we are trying to relate it specifically to the Prairies. The zoning section is mixed use in a highly developed area. Please clarify that that initial density for all of the Prairies is intended to be "High" and not "Agriculture, Low, or Medium Transitional." Development of a mixed-use district in an agricultural zone seems unlikely and distracts from the goal of the Sub-Area Plan to establish "a mix of uses, complementing the commercial character of the area while respecting adjacent residential development."

Table 30.20.1 – The planning commission previously indicated its willingness to permit 8 units per net acreage of development with the ability to go up to 16 units per acre. We would request the table be updated to reflect the lengthy conversations that the planning commission had previously on this topic. These density amounts were discussed thoroughly and decided at the Planning Commission's 10/24/19 meeting, as noted in the meeting minutes.

30.20 C (11) – Will the proposed 85' buffer from residential districts apply to proposed residential development within the Mixed-Use district? Does this exist elsewhere in the Township---Residential with a buffer for Residential development?

30.20 C (11) I – Can we identify some examples of would be acceptable in this category? For example, the Sub-Area plan suggests a vegetative screen may be acceptable.

30.20 C (11) II – For our project, please confirm that if we developed residential in the scale and format currently allowed under the current zoning, that would be an acceptable waiver. The current zoning allows us to develop duplex buildings along the southern property line and the current zoning allows quadplex buildings to be developed along the east property line of the thumb that orients further south.

30.20 C (12) - How was the 15% Open Space requirement selected? Is this based on best practices? Does it continue to limit land available for new housing in the township? The Planning Commission's 12/14/17 minutes note that "The recommendations in the Sub-Area plan are based on the community outreach and careful consideration of the Planning Commission with regard to the uniqueness of this area and its location in that portion of the Township slated for more intense development." How can the development be "intense" at the Maple Hill South Sub-Area with a blanket 15% open space requirement? The last section requires all open space be irrevocably conveyed….is this legal and what is intended by this objective?

30.20 D - With the proposed staff review of all site plans inside of an approved comprehensive plan, will the applicant be permitted an opportunity to "present" their project and answer questions---similar to a traditional PC Public Hearing? If the Planning Commission and Township Board wanted additional flexibilities knowing that large scale developments like the Prairies may evolve over decades, is there additional language you could offer that would give flexibility as the Sub-Area plan suggests?

30.20 E – We assume "same manner as originally required" means the manner set forth in D? Can you confirm?

30.30 Developing within the Mixed-Use District

30.30 A - The proposed completion of all infrastructure before building construction could create dated and worn infrastructure by overall development completion. For example, building roadways, sidewalks, and street lighting for future phases that might not be occupied for several decades could create a situation where the infrastructure is non-functional when the phase is occupied and populated. A master plan for all infrastructure is practical, but installation at the beginning could create challenges.

The Sub-Area Plan specifically addresses this concern by noting that "The vision is forward-looking, anticipating that development or redevelopment will not occur immediately, but rather, will occur in line with the market demand over a longer period of time."

30.30 D 1) and 2) – These sections are confusing in the context of Mixed Use. Please help us understand how these might be applied in Mixed Use zoning district.

30.30 D 4) iv – We would request the minimum dwelling unit size to be 400 square feet which is what the Planning Commission previously decided after lengthy discussion and noted in the original Overlay draft document.

30.30 D 4) vi - The proposed language notes a maximum height of 2 stories unless otherwise specifically permitted in an approved comprehensive plan. What items will be considered to explore additional stories---nearby building heights, architectural design, etc.? If the objective is to keep buildings shorter, won't the 12' first floor minimum artificially make the buildings taller? If mixed-use is truly desired, a building will typically need 4 to 5 stories to become economically viable.

Also, shouldn't this link back to the Sub-Area Plan, which notes that "Building design shall be elevated with varied building heights?" How can the area be varied with only 1 and 2 story structures? The Sub Area Plan further suggests that massing and building scale could be more intense adjacent to established commercial areas along West Main and US-131, or with a small downtown feel in other areas.

30.30 D 4) viii – This seems to be a new standard which may be impossible to meet. Please clarify what is intended here.

30.30 E – If seems that if there is a denial by the Planning Department because of "interpretation" implementation or other subjective matters, that matter should be appealed to the Planning Commission or Township Board. The ZBA is the venue for variances.