

OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009

July 12th, 2022

Refer to www.oshtemo.org home page for Virtual Meeting Information

REGULAR MEETING
6:00 P.M.
AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Public Comment on Non-Regular Session Items

WORK SESSION ITEMS

4. Discussion on Active Development Site Inspection Quality Assurance Processes
5. Other Updates & Business

BREAK (Time Permitting) – 7:05 P.M.

REGULAR SESSION ITEMS – 7:15 P.M.

6. Consent Agenda
 - a. Approve Minutes – June 28, 2022
 - b. Receipts & Disbursements Report
 - c. Budget Amendments
 - d. Update on Street Light Conversions (Beech Ave)
 - e. Board/Committee Appointments
7. Staff Milestone Anniversaries
8. Consideration of 7441 W KL Ave Parcel Rezoning Request (Drenth, Alphenaar) - First Reading
9. Consideration of South 6th Street Parcels Conditional Rezoning Request (Handley, J&T Real Estate) – First Reaching **(WITHDRAWN)**
10. Consideration of Property Acquisition (Northwest Corner, W Michigan Ave at S 11th St)
11. Public Comment
12. Board Member Comments
13. 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 or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

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. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

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, but it is not required.

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 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 does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 826 6420 8410**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet, or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **826 6420 8410#**

Participant controls in the lower-left corner of the Zoom screen:



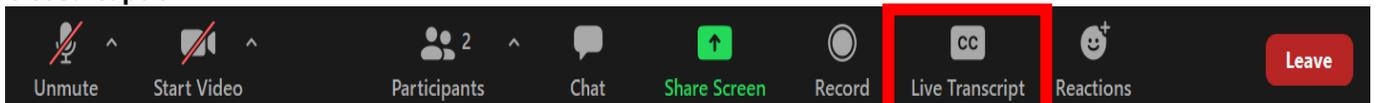
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

Closed Caption:



Turn on Closed Caption:

Using the icons at the bottom of the Zoom screen:

1. Click on the “Live Transcription” button.
2. Then select “Show Subtitle”.

Budget Amendment Requests

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Explanation of Request	Previously Discussed	Within Apprvd Budget
			GL Number	Description	Amount	GL Number	Description	Amount			
6/14/2022	Ron Farr	Fire Operating	206-340-80900	Computer Ops	\$ 17,500.00	206-340-86700	Vehicle Maintenance	\$ 17,500.00	Oshtemo needs to update the emergency reporting software. To have a seamless transition Jan 1, 2023, must start soon, to allow the software company to move all previous records and provide training.	Previous vendor, Yes; change of vendor, No	No
			Total			\$ 17,500.00	Total				

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Explanation of Request	Previously Discussed	Within Apprvd Budget
			GL Number	Description	Amount	GL Number	Description	Amount			
	James Porter	Bldg Department- Contracted Bldg Plan Review	249-371-82400	Bldg Department- Contracted Bldg Plan Review	\$10,000.00	249-001-40100	Carryover	\$10,000.00	Additional funds to pay outside expert (TASA) for review of fire alarm/suppression system at Toba Sushi. Previous budget amendment requests did not cover the 3rd invoice, and additional work has been performed.	Yes	No
			Total			\$ 10,000.00	Total				

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Explanation of Request	Previously Discussed	Within Apprvd Budget
			GL Number	Description	Amount	GL Number	Description	Amount			
	Rick Everett	General Fund	101-218-97600	Capital Outlay	\$ 12,000.00	101-218-97400	Capital Outlay	\$ 12,000.00	Budget Authorization Request. Repairs to Township Offices from fire sprinkler head malfunction water damage 6/14/2022. Request reappropriation of funds to repairs from other projects not yet underway/delayed to future year.	No	Yes
			Total			\$ 12,000.00	Total				

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Explanation of Request	Previously Discussed	Within Apprvd Budget
			GL Number	Description	Amount	GL Number	Description	Amount			
	Anna Horner	Sewer Fund, USDA Sewer Phase 1	492-000-82000	Engineering Fees	\$ 15,000.00	492-000-82000	Engineering Fees	\$ 15,000.00	Budget Authorization Request. Additional fees to Fleis & VandenBrink, for Phase 1 Re-issue of bids (see "Exhibit K" attachment)	Yes	Yes
			Total			\$ 15,000.00	Total				

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Explanation of Request	Previously Discussed	Within Apprvd Budget
			GL Number	Description	Amount	GL Number	Description	Amount			
	Anna Horner	General Fund	101-506-97600.NMSTDM	Non-Motorized Stadium	\$ 3,000.00	101-506-97600	Capital Outlay	\$ 3,000.00	Stadium Dr Sidewalk (TAP project 2021) MDOT/FHWA final documentation submittals for file close-out by P&N.	No	No
			Total			\$ 3,000.00	Total				

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Explanation of Request	Previously Discussed	Within Apprvd Budget
			GL Number	Description	Amount	GL Number	Description	Amount			
	Anna Horner	General Fund	101-506-97600	Capital Outlay	\$ 32,000.00	101-00-40100	Carryover	\$ 32,000.00	Parkview Ave Shared-Use-Path Property Acquistition related work (\$23k market value for easements and contingency \$9k tree replacements)	Yes	No
			Total			\$ 32,000.00	Total				

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Explanation of Request	Previously Discussed	Within Apprvd Budget
			GL Number	Description	Amount	GL Number	Description	Amount			
	Karen High	Parks	107-756-80800	Consultant	\$ 10,100.00	107-751-40100	Carryover	\$ 10,100.00	Funds for field stake survey of Fruit Belt property were approved and budgeted in 2021 but the work was not completed that year.	Yes	No
			Total			\$ 10,100.00	Total				

Grand Total	\$ 99,600.00
Total Added to Budget (Projects not completed/not spent in 2021)	\$ 72,600.00
Total Not Previously Discussed with TB	\$ 32,500.00

REVIEW DATE 7/8/2022

SIGNATURE

This is **EXHIBIT K**, consisting of **[3]** pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [April 11, 2018].

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 2

The Effective Date of this Amendment is: _____.

Background Data

Effective Date of Owner-Engineer Agreement: April 11, 2018

Owner: Oshtemo Township
7275 West Main Street
Kalamazoo, MI 49009

Engineer: Fleis & VandenBrink
4798 Campus Drive
Kalamazoo, MI 49008

Project: Neighborhood Sewer Extension Phase 1

Nature of Amendment:

 X Modifications of payment to Engineer

Description of Modifications:

- **Modification of the budget to C2.01.A.1.c and C2.01.A.d of exhibit C for Final Design Phase and Bidding and Negotiating Phase of the Basic Services by Engineer.**

Neighborhood Sanitary Sewer Extension Phase 1, Contact A was bid on February 21, 2020. Contract B was bid on February 28, 2020. The combined project bids were over budget and negotiations with the contractors for Value Engineering started. In April of 2020, Value Engineering was completed, and recommendations of award were issued for Oshtemo Board approval. The Board approved the construction contracts and issued a notice of award on May 15, 2020.

As the project was moving forward to closing, the Bond Attorney discovered the notice of intent to issue bonds was not printed on a ¼ page because the paper added an additional newspaper add just prior to printing. A new notice of intent was published on June 2, 2020 for the project. On July 14, 2020, the City Clerk received blocking petitions filed to place the project on the ballot for voting.

Fleis and Vandenbrink formally sent letters to the Contractors to indefinitely postpone the contracts while Oshtemo Township finalizes financing of the project.

Oshtemo Township is requesting Fleis and Vandenbrink re-issue bids for both Contract A and Contract B. Additional engineering fees are requested to update the bidding documents to reflect the updated construction schedules and restart the bidding and negotiation phase of the contract based on current engineering rates.

The Bid hold period for Contract A and Contract B has expired. Due to the amount of time between receiving original bids and expected construction start, it is not reasonable to expect the contractors to hold construction prices given the current market conditions. The project will need to be re-bid prior to starting construction.

**Final Design Services: \$1,000
Basic Services: \$14,000**

The Engineering services above will be paid with project contingency funds.

Agreement Summary:

Original agreement amount:	\$ <u>921,000</u>
Net change for prior amendments:	\$ <u>20,000</u>
This amendment amount:	\$ <u>15,000</u>
Adjusted Agreement amount:	\$ <u>956,000</u>

Change in time for services (days or date, as applicable): Final Design: July 15, 2022

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:
Oshtemo Township

ENGINEER:
Fleis & VandenBrink Engineering, Inc.

By: _____
Print Elizabeth Heiny-Cogswell
name: _____
Township Supervisor
Title: _____

By: _____
Print Craig Shumaker, P.E.
name: _____
Sr. Vice President
Title: _____

Date Signed: _____

Date Signed: _____

Memorandum



Date: July 8, 2022
To: Township Board
From: Anna Horner, P.E., Public Works Director
Subject: Update on Street Light Conversions (Beech Ave)

Objective

Update to Board on conversion of existing Streetlights on Beech Avenue to the new LED fixtures.

Background

The Township Board has previously initiated program to use cost savings and surplus revenue from Streetlight special assessment district to pursue additional conversions from High Pressure Sodium (HPS) to new LED fixtures throughout the Township. With this in mind, we are proposing to upgrade the existing lighting on Beech Avenue, after hearing from residents recent safety concerns. Beech Avenue currently has inadequate spacing/quantity of streetlights per Consumer Energy residential standards. This work would convert existing street lighting from High Pressure Sodium (HPS) to the LED streetlights and add additional lights to meet current standards.



Green dots are existing power poles. Yellow highlights indicate existing streetlight locations of five (5) HPS fixtures.

There are currently five (5), 100 watt, HPS lights on Beech Ave and an additional seven (7) new LED Cobraheads are proposed. We have received the following cost estimate from Consumers Energy for this work:

New LED Cobraheads: 7 Each @ \$100 plus any conductor footages over 350' per light
Conversion existing HPS to LED: 5 Each @ \$756
Total project cost: \$4,780.00

Total savings with conversion per month: \$9.50
Total savings with conversion per year: \$114.00
Conversion Payback estimate: 33.2 years

The current 2022 approved budget includes \$50,000 for Capital Outlay in the Streetlight Fund. This project would be covered by this item.

Memorandum

Date: 08 July 2022
To: Township Board
From: Fire Department
Subject: Proposed Ad Hoc Fire Department Strategic Planning Committee



Objective

Township Board consideration to form ad hoc committee for fire department strategic planning.

Background

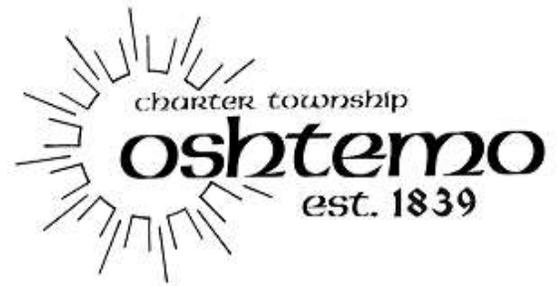
The Board is aware the Fire Department has worked for several years, and continues to work, on the Standards of Cover study. The work is helpful to fire operations and planning. The Fire Department requests formation of an ad hoc committee to continue discussion for the long term operational needs.

Discussion on July 8th between Interim Fire Chief, Deputy Fire Chief, and Supervisor included membership proposal for the Fire Department Strategic Planning Committee as follows:

- Interim Fire Chief (Ron Farr)
- Oshtemo Fire Chief (when new Chief hired; temporary appointment of Deputy Chief Greg McComb until hire)
- Captain (Eric Burghardt, lead staff Standards of Cover study)
- Township Board Member
- Township Board Member
- Township Board Member (Libby Heiny-Cogswell, Ex Officio Member all Committees per State Statute)
- Oshtemo Resident
- Oshtemo Resident
- Oshtemo Business Owner

Township Board members are asked to communicate their interest in serving on this committee to the Supervisor, either at the meeting Tuesday or at any other time. If Board approves formation of the Committee, work will continue to identify members.

June 29, 2022



Mtg Date: July 12, 2022

To: Oshtemo Charter Township Board

From: Colten Hutson, Zoning Administrator

Applicant: Steven Drenth

Owner: Stanley Alphenaar

Property: 7441 W KL Avenue, Parcel Number 05-22-405-010

Zoning: I-1: Industrial District

Request: Rezone to RR: Rural Residential District – First Reading

Section(s): Section 5 - RR: Rural Residential District
Section 27 - I-1: Industrial District

OBJECTIVE:

Consideration to rezone 7441 W KL Avenue from I-1: Industrial District to RR: Rural Residential District, for first reading.

PROPOSAL:

The applicant, Steven Drenth, on behalf of the property owner, Stanley Alphenaar, is requesting to rezone 7441 W KL Avenue from I-1: Industrial District to RR: Rural Residential District. The parcel under consideration is outlined in light blue on the map to the right. The subject site has a property area of approximately 14 acres and has over 800 feet of road frontage. 7441 W KL Avenue currently serves a residential land use.

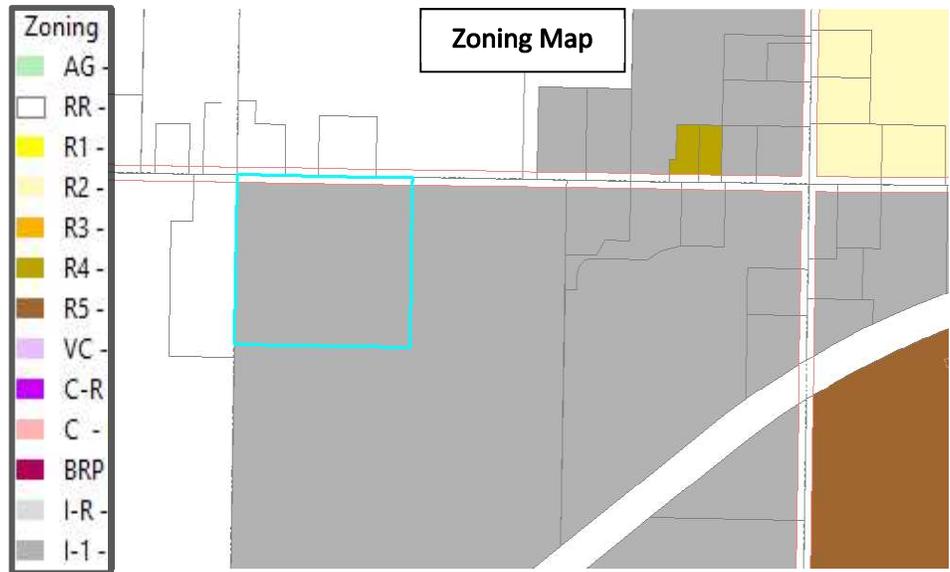
Although the zoning of the property is I-1: Industrial District, a single-family home has occupied the property since 1948. As such, the existing single-family home at this location is categorized as a legal nonconforming use since the zoning of the property no longer permits such. The requested rezoning of 7441 W KL Avenue would make the existing single-family dwelling a legal conforming use. It should be



noted that the applicant has indicated an interest in dividing the property in the future and build a single-family dwelling on the newly created parcel, east of the existing home. Staff completed a preliminary review of the land division and determined it would meet Township requirements for newly created parcels located within the RR: Rural Residential zoning classification; however, since the request is for a rezoning, such material shall be considered at time the applicant submits a land division application and building permit application for Township review and approval.

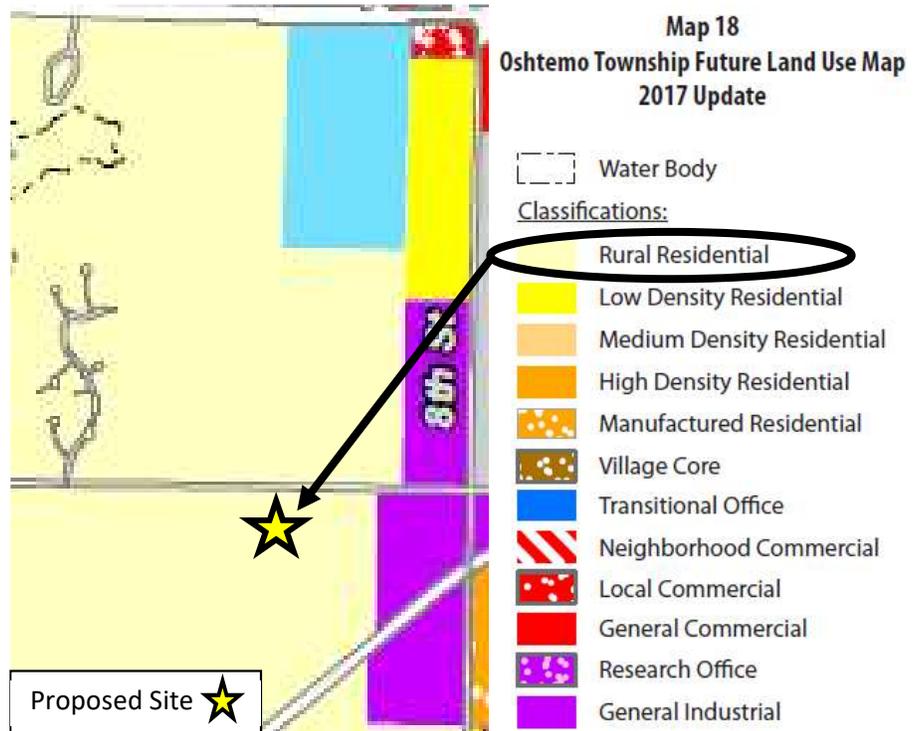
OVERVIEW:

Currently zoned I-1: Industrial District, the subject property is located on the south side of KL Avenue, between 8th Street and 4th Street. Properties immediately surrounding the site currently possess of agricultural and residential land uses. I-1: Industrial District zoning abuts the subject site to the east and south. Properties adjacent to the west and north are zoned Rural Residential District. A single-family dwelling, a handful of detached structures, and dense vegetation currently occupy the site. The subject property in question is outlined in light blue in the Zoning Map directly above.



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 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 Township's Future Land Use Plan categorizes this area – east of 8th Street, west of 4th Street – as *Rural Residential*. According to the Township's Master Plan, Rural Residential includes developments such as low-density housing on scattered sites. The Future Land Use Map identifies that the subject property is within an area that is intended to transition to Rural Residential from its present industrial zoning. Single-family dwellings are a permitted use by right within the RR: Rural Residential zoning classification. The proposed rezoning would be consistent with the site's current activity, Future Land Use Map, and the Township's Zoning Ordinance. Should approval for the rezoning be granted, it would follow the Township's vision in terms of land use for this area.

2. Consistency of the Zoning Classification in the General Area

Rezoning 7441 W KL Avenue from I-1: Industrial District to RR: Rural Residential District would be consistent with current zoning in nearby parcels. The site is currently adjacent to several other properties which serve low density land uses. These uses of land include single-family dwellings as well as areas used for farmland.

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

A pattern already exists less than a quarter mile west of 8th Street on both the north and south sides of W KL Avenue, where numerous residences or farmlands have been established, increasing in consistency traveling westbound while approaching 4th Street. With the request being consistent and compatible with land use patterns in the area, and this use being in accordance with the Future Land Use map, the rezoning will allow the property to match the established character of the area.

4. Utilities and Infrastructure

Municipal water is available adjacent to the subject site along W KL Avenue. Municipal sewer currently does not exist adjacent to the subject property. The existing home on-site is currently serviced by a private drinking well and private septic system. It should be noted that if any future development on the subject site requires such public infrastructure needs, such build will be mandated to connect to the available municipal system prior to a certificate of occupancy. Regarding the transportation network, the intersection to the east at W KL Avenue and 8th Street is well controlled by a traffic signal. The next intersection to the west where W KL Avenue crosses 4th Street is a 4-way stop. The stretch of W KL Avenue between 4th Street and 8th Street supports a handful of industrial uses near 8th Street and numerous residential uses thereafter. Staff is of the opinion that if this rezoning is approved, it will not negatively affect the area.

5. Reasonable Use under Current Zoning Classification

The current zoning classification of I-1: Industrial District allows for more diversity of uses than experienced by neighboring properties; however, it is important to note that this property has enjoyed this residential use for over 70 years. Through the rezoning, the applicant is making efforts to eliminate the legal non-conforming use and make the site comply with the Township's Zoning Ordinance and Future Land Use Plan. The rezoning achieves the Township's goals for this area and also fits the applicant's vision for the site.

6. Effects on Surrounding Property

Staff do not foresee any negative impacts occurring onto surrounding properties if the subject site is rezoned to the RR: Rural Residential District. All properties adjacent to the subject site share

a common theme as each property consists of an existing primary residence, farmland, or a combination thereof. The present residential use of the property is not changing and is harmonious with the rural character surrounding the site today. With there being an existing pattern of rural character and uses in the area, the rezoning would complement adjacent zoning districts and their present land uses.

RECOMMENDATION:

The Planning Commission and Planning Department recommend that the Township Board approve the request to rezone 7441 W KL Avenue from the I-1: Industrial District to the RR: Rural Residential District.

Attachments: Application, Letter of Intent, Map, and Draft 6-23-3033 PC Minutes Excerpt



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

PLEASE PRINT

PROJECT NAME & ADDRESS

Drenth 7441 WKL Ave.

PLANNING & ZONING APPLICATION

Applicant Name : Steven Drenth

Company _____

Address 7071 W N Ave.
Kalamazoo MI 49009

E-mail sdrenth427@gmail.com

Telephone 269 929 7310 Fax _____

Interest in Property Building a home

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name Stanley Alphenaar

Address 7441 WKL Ave
Kalamazoo MI 49009

Email _____

Phone & Fax 269 744 5587

Fee Amount _____

Escrow Amount _____

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):

We would like to

rezone the property to RR: Residence District and then
divide the property to build a single-family home.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

SEC 22-2-12 BEG AT NW COR SE 1/4 SEC 22 TH S ALG W LI SE 1/4 SD

SEC 752 FT THE PAR WITH N LI SD SE 1/4 806 FT TH N PAR WITH W LI SD SE 1/4 752 FT

TO E & W 1/4 LI SD SEC TH W THEREON 806 FT TO BEG (H22-1-2)

PARCEL NUMBER: 3905- 05-22-405-010

ADDRESS OF PROPERTY: 7441 W KL Ave, Kalamazoo MI

PRESENT USE OF THE PROPERTY: Occupied by residential use

PRESENT ZONING I-1: Industrial **SIZE OF PROPERTY** 13.91 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.

Stanley Alphenaar
Owner's Signature (* If different from Applicant)

4-28-22
Date

Stacy Smith
Applicant's Signature

4-28-22
Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Letter of Intent for Rezoning and Division

Property: 7441 W KL Ave. Kalamazoo, MI 49009

I (Stanley Alphenaar) am requesting that my property (listed above) be rezoned from I-1: Industrial District to RR: Residential District. I request that the property can then be divided as shown in the site plan sketch. The divided piece of property would consist of 5.179 acres with 300 ft of road frontage.

I am requesting this with intent to then sell the newly divided portion of property to my daughter and son in law to build a single family home.

Owners Signature: Stan Alphenaar

Date: 4-29-22



Dobson (p.5), and that he wished that to be corrected. She also said Mr. MacDonald said the fourth line of the first paragraph on p.4 should read “subjective” rather than “suggestive” and the second paragraph on p. 4, line 4, should indicate “*He can understand the uncomfourt of this Commission and the Planning Director*” rather than “*He was uncomfourtable.*” The Chair asked for a motion.

Ms. Versalle **made a motion** to approve the Minutes of the Meeting of June 9, 2022, as presented with the corrections requested. Ms. Bradford **seconded the motion**. The **motion was approved unanimously**.

Chairperson VanderWeele moved to the next agenda item.

PUBLIC HEARING: REZONING, 7441 W. KL AVENUE

Steven Drenth, on behalf of Stanley Alphenaar, was requesting to rezone the property located at 7441 W. KL Avenue from an I-1: Industrial, Manufacturing/Servicing District to a RR: Rural Residential District.

Mr. Hutson indicated the applicant, Steven Drenth, on behalf of the property owner, Stanley Alphenaar, was requesting to rezone 7441 W KL Avenue from I-1: Industrial District to RR: Rural Residential District. Parcel no. 05-22-405-010 The subject site has a property area of approximately 14 acres and has over 800 feet of road frontage. 7441 W KL Avenue currently serves a residential land use.

Although the zoning of the property is I-1: Industrial District, a single-family home has occupied the property since 1948. As such, the existing single-family home at this location is categorized as a legal nonconforming use since the zoning of the property no longer permits such. The requested rezoning of 7441 W KL Avenue would make the existing single-family dwelling a legal conforming use. It should be noted that the applicant has indicated an interest in dividing the property in the future and build a single-family dwelling on the newly created parcel, east of the existing home. Staff completed a preliminary review of the land division and determined it would meet Township requirements for newly created parcels located within the RR: Rural Residential zoning classification. However, since the request is for a rezoning, such material shall be considered at time the applicant submits a land division application and building permit application for Township review and approval.

Currently zoned I-1: Industrial District, the subject property is located on the south side of KL Avenue, between 8th and 4th Streets. Properties immediately surrounding the site currently possess agricultural and residential land uses. I-1: Industrial District zoning abuts the subject site to the east and south. Properties adjacent to the west and north are zoned Rural Residential District. A single-family dwelling, a handful of detached structures, and dense vegetation currently occupy the site.

Mr. Hutson said 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 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 Township's Future Land Use Plan categorizes this area – east of 8th Street, west of 4th Street – as *Rural Residential*. According to the Township's Master Plan, Rural Residential includes developments such as low-density housing on scattered sites. The Future Land Use Map identifies that the subject property is within an area that is intended to transition to Rural Residential from its present industrial zoning. Single-family dwellings are a permitted use by right within the RR: Rural Residential zoning classification. The proposed rezoning would be consistent with the site's current activity, Future Land Use Map, and the Township's Zoning Ordinance. Should approval for the rezoning be granted, it would follow the Township's vision in terms of land use for this area.

2. Consistency of the Zoning Classification in the General Area

Rezoning 7441 W KL Avenue from I-1: Industrial District to RR: Rural Residential District would be consistent with current zoning in nearby parcels. The site is currently adjacent to several other properties which serve low density land uses. These land uses include single-family dwellings and areas used for farmland.

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

A pattern already exists less than a quarter mile west of 8th Street on both the north and south sides of W KL Avenue, where numerous residences or farmlands have been established, increasing in consistency traveling westbound while approaching 4th Street. With the request being consistent and compatible with land use patterns in the area, and this use being in accordance with the Future Land Use map, the rezoning will allow the property to match the established character of the area.

4. Utilities and Infrastructure

Municipal water is available adjacent to the subject site along W KL Avenue. Municipal sewer currently does not exist adjacent to the subject property. The existing home on-site is currently serviced by a private drinking well and private septic system. If any future development on the subject site requires such public infrastructure needs, it will be mandated to connect to the available municipal system prior to a certificate of occupancy. Regarding the transportation network, the intersection to the east at W KL Avenue and 8th Street is well controlled by a traffic signal. The next intersection to the west where W KL Avenue crosses 4th Street is a 4-way stop. The stretch of W KL Avenue between 4th Street and 8th Street supports a handful of industrial uses near 8th Street and numerous residential uses thereafter. Staff believes if this rezoning is approved, it will not negatively affect the area.

5. Reasonable Use under Current Zoning Classification

The current zoning classification of I-1: Industrial District allows for more diversity of uses than experienced by neighboring properties; however, it is important to note that this property has enjoyed this residential use for over 70 years. Through the rezoning, the applicant is making efforts to eliminate the legal non-conforming use and make the site comply with the Township's Zoning Ordinance and Future Land Use Plan. The rezoning achieves the Township's goals for this area and also fits the applicant's vision for the site.

6. Effects on Surrounding Property

Staff do not foresee any negative impacts for surrounding properties if the subject site is rezoned to the RR: Rural Residential District. All adjacent properties share a common theme as each property consists of an existing primary residence, farmland, or a combination thereof. The present residential use of the property is not changing and is harmonious with the rural character surrounding the site today. With the existing pattern of rural character and uses in the area, the rezoning would complement adjacent zoning districts and their present land uses.

As all six criteria were met, Mr. Hutson recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject property from the I-1: Industrial District to the RR: Rural Residential District. He indicated it would be on the agenda for the July 12 Township Board meeting.

There were no questions for Mr. Hutson from Commissioners, and the applicant was not present for comment.

Chairperson VanderWeele opened a public hearing.

A resident residing at 3274 S. 6th Street asked if the request was for parceling the property or just rezoning.

Ms. Lubbert said it is just for rezoning.

Ms. Nancy DeVries, 7388 W. KL Ave., said she has been concerned about the site line from her driveway since the speed limit was raised.

Hearing no further comments, the Chair closed the hearing. He determined there were no comments from Commissioners and asked for a motion.

Ms. Versalle **made a motion** to approve forwarding a recommendation of approval to the Township Board for the rezoning of the subject property from the I-1: Industrial District to the RR: Rural Residential District as requested. Ms. Bradford **seconded the motion**. The **motion was approved** unanimously.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON JUNE 23, 2022

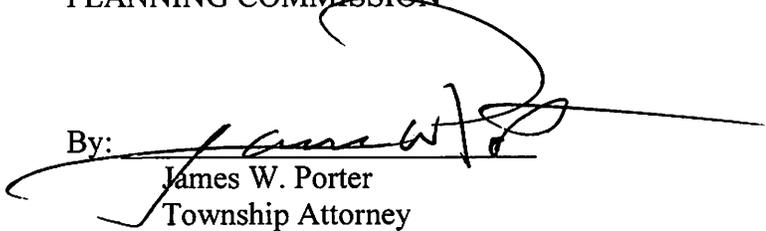
The Oshtemo Charter Township Planning Commission hereby recommends Approval of the rezoning of the subject property, from an I-1: Industrial, Manufacturing/Service District to a RR: Rural Residential District of the Oshtemo Charter Township Zoning Ordinance, in conformance with the current residential use of the property. The subject property is located at 7441 W KL Avenue, Parcel No. 3905-22-405-010, and is more particularly described as follows:

SEC 22-2-12 BEG AT NW COR SE1/4 SEC 22 TH S ALG W LI SE1/4 SD SEC 752 FT TH E PAR WITH N LI SD SE1/4 806 FT TH N PAR WITH W LI SD SE1/4 752 FT TO E&W1/4 LI SD SEC TH W THEREON 806 FT TO BEG * (H 22-1-2)

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Date: June 30, 2022

By:


James W. Porter
Township Attorney

Final Action by Oshtemo Charter Township Board

_____ APPROVED _____

_____ DENIED _____

_____ REFERRED BACK TO PLANNING COMMISSION

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____, 2022

Effective: _____, 2022

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance by the rezoning of the following property from an I-1: Industrial, Manufacturing/Service District to a RR: Rural Residential District within the Oshtemo Charter Township Zoning Ordinance. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I.

AMENDMENT OF LAND SECTION 22. The Oshtemo Charter Township Zoning Ordinance is hereby amended to rezone the subject property in conformance with the current use of the property. The subject property is located at 7441 W KL Avenue, Parcel No. 3905-22-405-010, and is more particularly described as follows:

SEC 22-2-12 BEG AT NW COR SE1/4 SEC 22 TH S ALG W
LI SE1/4 SD SEC 752 FT TH E PAR WITH N LI SD SE1/4
806 FT TH N PAR WITH W LI SD SE1/4 752 FT TO E&W1/4
LI SD SEC TH W THEREON 806 FT TO BEG * (H 22-1-2)

SECTION II.

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

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

June 29, 2022

Meeting Date: July 12, 2022

To: Oshtemo Charter Township Board

From: Iris Lubbert, Planning Director

Applicant: Jeff Triemstra, Handley's Tree Service

Owner: J&T Real Estate

Property: 3265 S 6th Street, Parcel Numbers 05-34-130-017 and 05-34-130-018
3393 S 6th Street, Parcel Number 05-34-130-042

Zoning: I-1: Industrial District, Manufacturing/Service

Request: Conditional Rezoning to I-2: Industrial District, Manufacturing/Service – First Reading

Section(s): Article 27 — I-1: Industrial District, Manufacturing/Service
Article 28 — I-2: Industrial District, Manufacturing/Service
Article 66 — Conditional Rezoning



OBJECTIVE

Consideration to conditionally rezone approximately 50,000 sqft of land located at 3265 S 6th Street and 3393 S 6th Street from I-1: Industrial District, Manufacturing/Service to the I-2: Industrial District, Manufacturing/Service, for first reading.

OVERVIEW

Handley's Tree Service is requesting to conditionally rezone approximately 50,000 sqft of land located at 3265 S 6th Street and 3393 S 6th Street from I-1: Industrial District, Manufacturing/Service to the I-2: Industrial District, Manufacturing/Service. The properties under consideration are outlined in yellow on the map excerpt to the right; the proposed conditional rezoning area is highlighted in red. The applicant will be combining parcels 05-34-130-017 and 05-34-130-018. If the conditional rezoning is approved, the portion identified on 3393 S 6th Street, Parcel Number 05-34-130-042 will be transferred to 3265 S 6th Street.



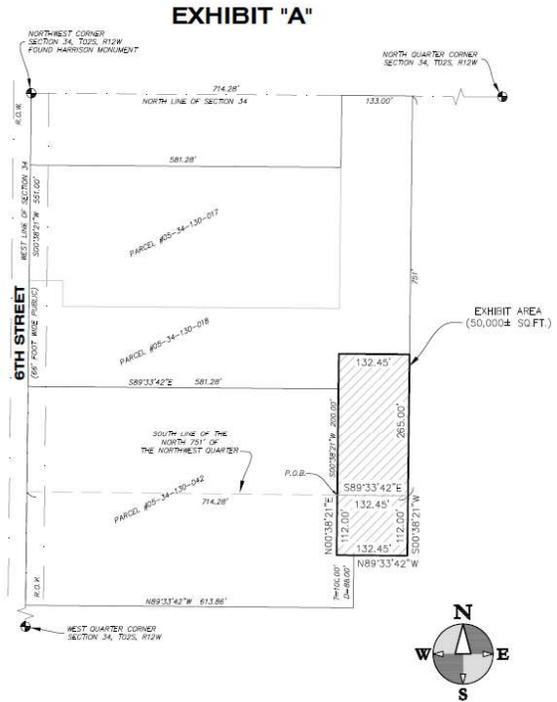
SUBJECT PROPERTY

Currently located in the I-1, Industrial District, Manufacturing/Service, 3265 S 6th Street (comprised of parcels 05-34-130-017 and 05-34-130-018) has approximately 400 feet of frontage on S 6th Street. Neighboring to the north and west are residential properties. Neighboring to the south and east are industrial properties.

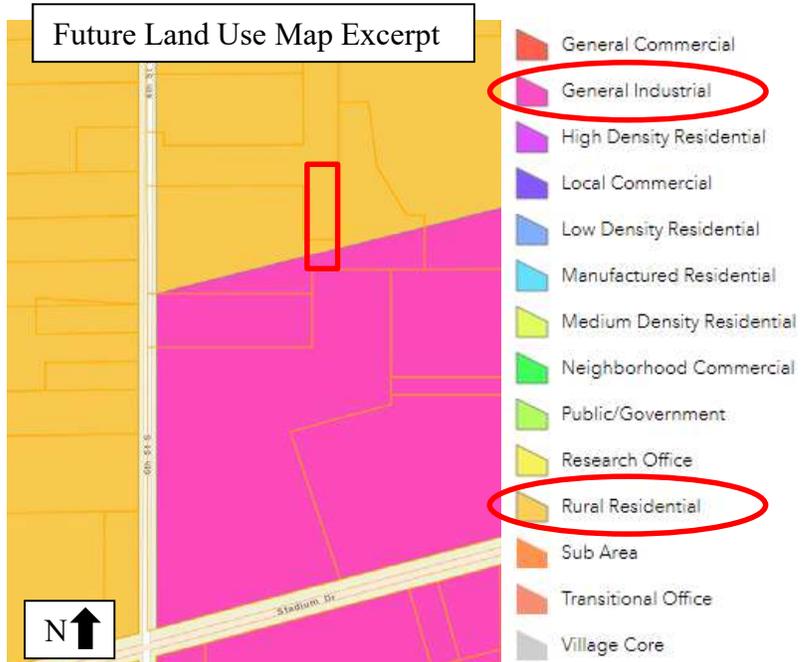
CONDITIONAL REZONING CONSIDERATIONS

The applicant is requesting a conditional rezoning. This means that Handley's Tree Service has offered conditions as part of the request for the rezoning. These conditions are summarized below. The conditional rezoning statement of conditions submitted by the applicant is attached to this staff report.

1. The proposed I-2 zoned area will only be used for "sawmill" activities limited to active processing of trees into recycled wood products/wood chips on site.
2. These activities will be limited to Wednesdays and Thursdays between 8AM and 5PM.
3. Truck traffic will utilize the site's driveway on 6th Street. Truck operation will vary throughout the week but in general will be limited to Monday through Friday between 8am and 5PM.
4. The owner will perform a land division and combinations to establish a contiguous zoning district.
5. The existing earthen berm and vegetation, identified in Exhibit B, will remain to reduce the sound impact of the described activities on neighboring properties.



Article 66 of the Township Zoning Ordinance outlines the process for a conditional rezoning to be considered, which is consistent with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. 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 request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations



along with staff's analysis, incorporating the applicants' proposed conditions, are outlined below and in the following pages.

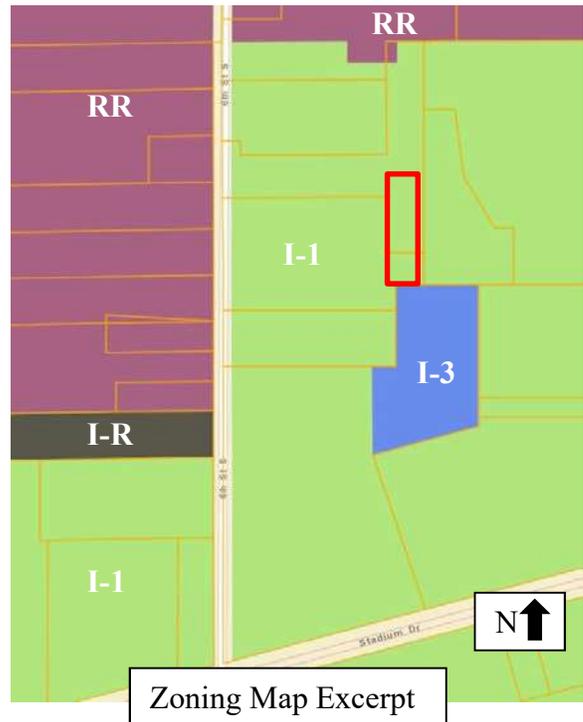
1. Master Plan Designation

The Township's Future Land Use Map primarily designates the proposed rezoning area, outlined in red, as Rural Residential. A small portion of the proposed rezoning is within the General Industrial Designation. The Rural Residential designation calls for low density residential development that utilizes rural character preservation strategies. The General Industrial designation calls for industrial development at a low or moderate intensity that is consistent with the surrounding character, heavy commercial such as contractor yards with generous setback to maintain rural character, sufficient buffers and screening to prevent impacts on neighboring property owners, and coordinated development and application of access management standards for large parcels with multiple uses (recommends PUD technique).

The proposed conditional rezoning would create an intense industrial district within the designated rural residential designation, expanding well outside of the identified General Industrial area. Although the property is currently zoned I-1, Industrial District, Manufacturing/Service, by rezoning a portion of the property to I-2, Industrial District, Manufacturing/Service, it brings this site further away from the Township's adopted vision for the area.

2. Consistency of the Zoning Classification in the General Area

The proposed rezoning area is located within an I-1: Industrial District, Manufacturing/Service with a bubble of I-3: Industrial District Special directly to the south, see excerpt of the Township's Zoning Map to the right. Best planning practice is for there to be a transition from higher intensity uses to lower intensity uses. The proposed I-2 zoned property is an appropriate transition from an I-3 zone and is buffered from the neighboring residential uses by I-1 zoning. There would be approximately 600 feet between the proposed I-2 zoned property and the RR zoning district to the west. However, it should be noted that it is bad planning practice to rezone portions of a property as it creates conflicts and inconsistencies for not only that property but neighboring. For example, all heavy equipment that will utilize this proposed I-2 zoning designation will travel through an I-1 property whose entrance on S 6th street is directly adjacent to residential. By rezoning a piece of an I-1 property to I-2, the remaining I-1 property also increases in intensity automatically by transference.



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

The predominate land use pattern along Stadium Drive in this area is industrial. For a certain distance along 6th Street north of Stadium Drive is also industrial or government uses. At the northwest

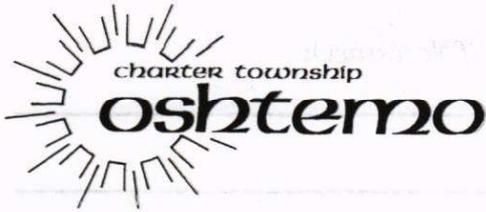
to reduce the sound impacts of the described I-2 activities on neighboring properties is identified as '#3' in their Exhibit B attached, see excerpt on the previous page. For reference the approximate rezoning area under consideration is outlined in red. Based on the minimal proposed landscaping/berms and the current state of the remainder of the property (see attached aerial), the proposal will do very little to reduce the sound that would be generated by the proposed I-2 uses.

In addition, it should be noted that the Township's ordinance enforcement receives regular complaints from multiple residents along this section of S 6th Street. There is already an established concern about the noises and smells generated by Handley's Tree Service and the neighboring industrial uses. Increasing the intensity of Handley's Tree Service, a property adjacent to these residential properties, to permit a 'sawmill' will only increase the external effects on the neighboring residents.

RECOMMENDATION

The Planning Commission and Planning Department recommend that the Township Board deny the request to conditionally rezone the approximately 50,000 sqft of land located at 3265 S 6th Street and 3393 S 6th Street from I-1: Industrial District, Manufacturing/Service to the I-2: Industrial District, Manufacturing/Service.

Attachments: Application, Conditional Rezoning Statement of Conditions and Exhibits, 2022 aerial image of the property, Draft 6-23-2022 PC Minutes Excerpt



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

PLEASE PRINT

PROJECT NAME & ADDRESS HANDLEYS 3265 S 6TH STREET

PLANNING & ZONING APPLICATION

Applicant Name: JEFF TRIEMSTRA
Company HANDLEYS TREE SERVICE
Address 3265 S 6TH STREET
KALAMAZOO MI 49009
E-mail jttriemstra@stlawnservice.com
Telephone 269 375 0334 Fax _____
Interest in Property OWNER

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name J+T REAL ESTATE
Address 3393 S 6TH STREET
KALAMAZOO MI 49009
Email jttriemstra@stlawnservice.com
Phone & Fax 269 375 0334

Fee Amount _____
Escrow Amount _____

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

- | | |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input checked="" type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

SEE ATTACHED

PARCEL NUMBER: 3905- _____

ADDRESS OF PROPERTY: _____

PRESENT USE OF THE PROPERTY: _____

PRESENT ZONING I-1

SIZE OF PROPERTY 7.83 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)

6/7/21
Date

Applicant's Signature

6/7/21
Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

CONDITIONAL REZONING AGREEMENT

THIS CONDITIONAL REZONING AGREEMENT, dated _____, 2021 (“Agreement”), is between J&T REAL ESTATE, LLC, a Michigan Limited Liability Company whose address is 3393 S 6th St. Kalamazoo, MI 49009 and CHARTER TOWNSHIP OF OSHTEMO, whose address is 7275 West Main Street (“Township”) and is as follows:

RECITALS

- A. J&T Real Estate is the owner of certain real property located at 3265/3393 South 6th Street, within Charter Township of Oshtemo, Kalamazoo County, Michigan (Parcel Nos. 05-34-130-017/05-34-130-018) and more fully described as follows (the “Property”):

LAND SITUATED IN THE TOWNSHIP OF OSHTEMO, COUNTY OF KALAMAZOO, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

PARCEL B:

THE NORTH 751 FEET OF THE WEST 714.28 FEET OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 2 SOUTH, RANGE 12 WEST, EXCEPT THE SOUTH 200 FEET OF THE WEST 581.28 FEET THEREOF. ALSO, EXCEPT THE NORTH 401 FEET OF THE WEST 581.28 FEET.

ALSO, THE SOUTH 50 FEET OF THE NORTH 401 FEET OF THE WEST 63 FEET OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 2 SOUTH, RANGE 12 WEST.

PARCEL C:

THE SOUTH 265 FEET OF THE NORTH 401 FEET OF THE WEST 581.28 FEET OF THE NORTHWEST QUARTER OF SECTION 34, TOWN 2 SOUTH, RANGE 12 WEST, EXCEPT THE SOUTH 50 FEET OF THE WEST 63 FEET THEREOF.

- B. J&T Real Estate has requested that a portion of the Property as described in Exhibit “A” be rezoned from the I-1 Industrial District, Manufacturing/Service Zoning District Classification to the I-2 Industrial District, Manufacturing/Service Zoning District Classification. J&T Real Estate has voluntarily offered in writing to the Township certain conditions to be placed on the property if the rezoning is approved.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and covenants set forth in this Agreement, the Township and J&T Real Estate agree that if the Property is rezoned to the I-2 Industrial District Special Zoning District Classification, the following conditions will apply to the Property:

1. The portion of the Property as described in Exhibit "A" shall be used for "Sawmill" activities as allowed under Article 28 of the Oshetmo Township Zoning Ordinance. More specifically, said portion of property shall only be used for active processing of trees into recycled wood products/wood chips on site and will be limited to Wednesday and Thursday between the hours of 8:00 AM and 5:00 PM.
2. J&T Real Estate will limit truck traffic entering and exiting the existing driveway as depicted on Exhibit "B" of the Property. Truck operations will vary throughout the week but in general be limited to Monday through Friday between the hours of 8:00 AM and 5:00 PM.
3. J&T Real Estate shall perform a Land Divisions and Combination of parcel #'s 05-34-130-018 and 05-34-130-042, to establish a contiguous zoning district with other I2 Industrial District as depicted in Exhibit "A".
4. Existing earthen berms and vegetation as depicted on Exhibit "B" created to reduce sound impact on neighboring properties shall not be removed.
5. This Agreement shall be governed by the following miscellaneous provisions:
 - A. A copy of this Agreement shall be recorded with the Kalamazoo County Register of Deeds.
 - B. This Agreement shall run with the land and be binding on any successor owners of the land.
 - C. Any failure to comply with this Agreement shall constitute a violation of the Charter Township of Oshtemo Zoning Ordinance and be punishable accordingly.
 - D. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - E. This Agreement does not authorize any violation of Township Ordinances and any current violations on the Property may be enforced.
 - F. This is the entire agreement between the parties with respect to its subject matter. It supersedes and replaces all other agreements, whether express or implied, written or verbal. There are no other agreements. Each party had the advice of legal counsel and was able to participate in its creation, so it shall be construed as

mutually drafted. More than one copy may be signed, but it shall constitute only one agreement. It was drafted in Kalamazoo County, Michigan and is to be interpreted in accordance with Michigan law. The interpretation of this Agreement shall not be affected by any course of dealing between the parties.

- G. The parties agree to execute such other documents that any one of them may reasonably request to fully implement this Agreement.
- H. This Agreement may only be amended in writing, signed by all parties, and must be recorded with the Kalamazoo County Register of Deeds in order to become effective.

J&T Real Estate, LLC

By: _____
Jeffrey R. Triemstra
Its: Member

STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

Before me, a Notary Public in and for said County and State, personally appeared Jeffrey Triemstra of J&T Real Estate, LLC, who acknowledged the execution of the foregoing Conditional Rezoning Agreement.

), Notary Public
) County, Michigan
My Commission Expires: _____

CHARTER TOWNSHIP OF OSHTEMO

By: _____
Its: Supervisor

By: _____
Its: Clerk

STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

Before me, a Notary Public in and for said County and State, personally appeared _____ the Supervisor and Clerk of Charter Township of Oshtemo respectively, who acknowledged the execution of the foregoing Conditional Rezoning Agreement.

, Notary Public
_____ County, Michigan
My Commission Expires: _____

Drafted by:
Gregory G. St. Arnauld
Lewis, Reed & Allen, P.C.
136 E. Michigan Avenue, Suite 800
Kalamazoo, Michigan 49007
Phone: (269) 553-1422

When recorded return to:
Charter Township of Oshtemo Clerk
Charter Township of Oshtemo

EXHIBIT "A"

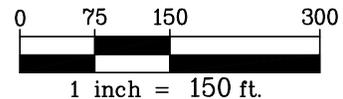
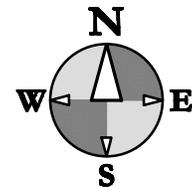
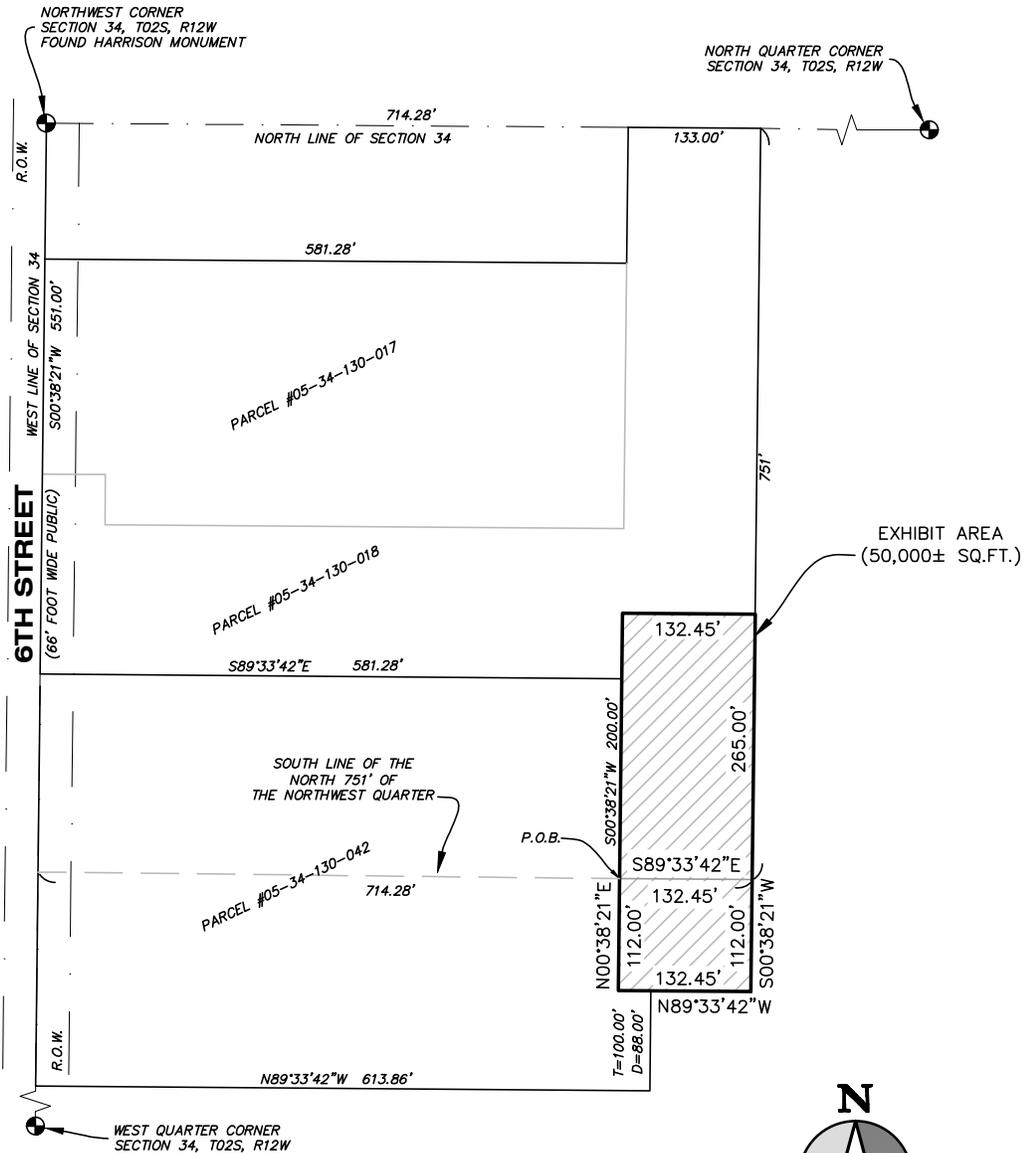


EXHIBIT DESCRIPTION:

LAND SITUATED IN THE TOWNSHIP OF OSHEMTO, COUNTY OF KALAMAZOO, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, TOWN 02 SOUTH RANGE 12, WEST; THENCE ALONG THE WEST LINE OF SAID SECTION S00°38'21"W 551.00 FEET; THENCE S89°33'42"E 581.28 FEET; THENCE S00°38'21"W 200.00 FEET, TO THE SOUTH LINE OF THE NORTH 751 FEET OF THE NORTHWEST ONE QUARTER OF SAID SECTION AND THE POINT OF BEGINNING; THENCE ALONG SAID LINE S89°33'42"E 132.45 FEET; THENCE S00°38'21"W 112.00 FEET; THENCE N89°33'42"W 132.45 FEET; THENCE N00°38'21"E 112.00 FEET, TO THE SOUTH LINE OF THE NORTH 751 FEET AND THE POINT OF BEGINNING.

ALSO,

THE SOUTH 265 FEET OF THE NORTH 751 FEET OF THE WEST 714.28 FEET OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 02 SOUTH, RANGE 12 WEST, EXCEPT THE WEST 581.28 FEET OF THE NORTH 751 FEET OF THE WEST 714.28 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 34.

EXHIBIT CONTAINS 50,000 SQUARE FEET (1.15± ACRES).

NOTE: THIS IS NOT A BOUNDARY SURVEY.

Drawing No.

1

1 OF 1

Title:

Project:

Client:

EXHIBIT "A"
HANDLEYS
S&T

Job No.: 21-067
Date: 12/22/21
Scale: AS NOTED
P.M.: TAK
DfI: ALC
QA/QC: 12/22/21

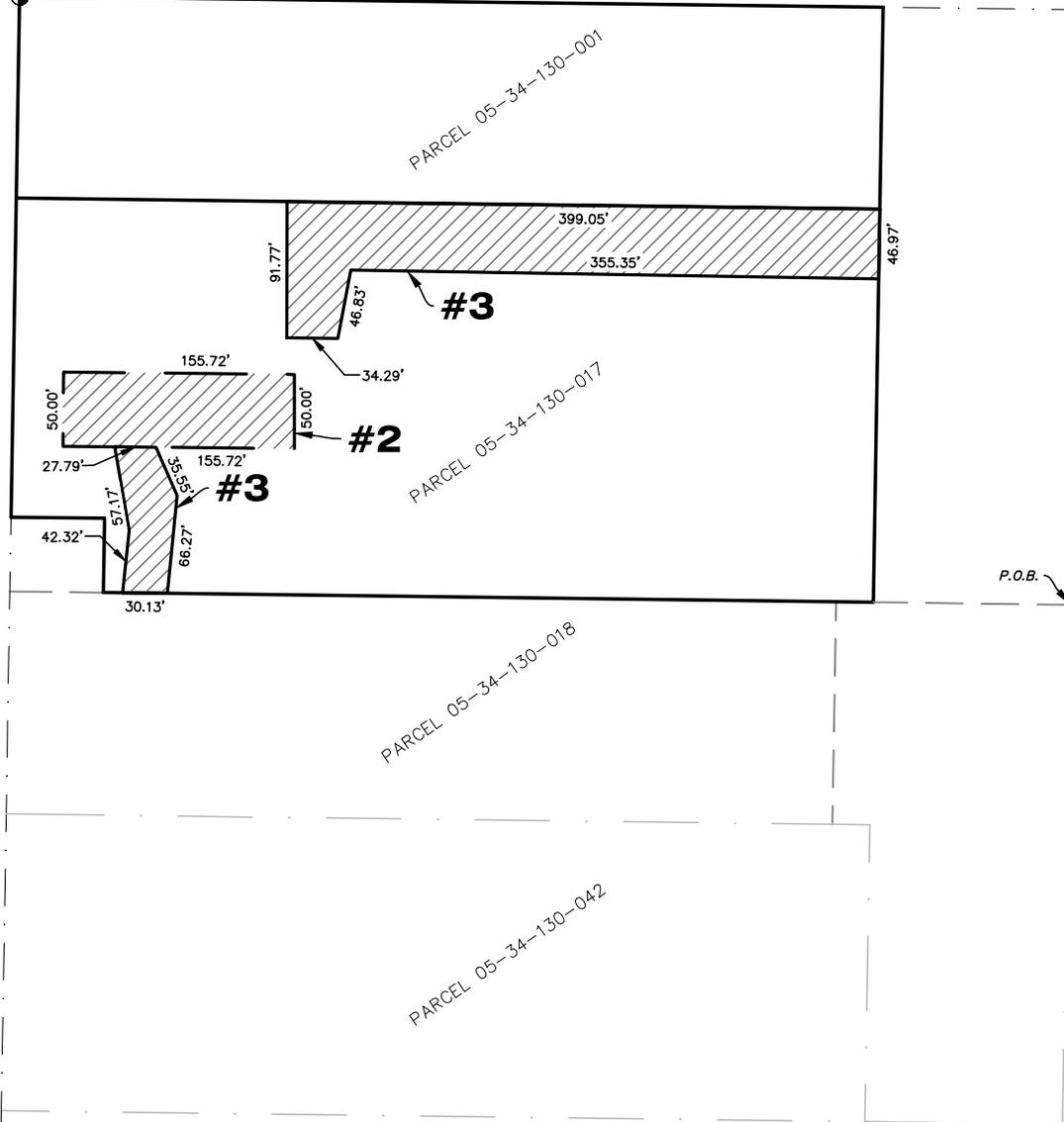


hurley & stewart, llc
2800 s. 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

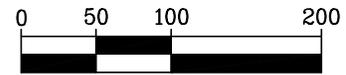
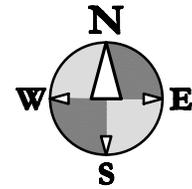
EXHIBIT "B"

NORTHWEST SECTION CORNER
SECTION 34, T02S, R12W
FOUND HARRISON MONUMENT

NORTH QUARTER CORNER
SECTION 34, T02S, R12W



WEST QUARTER CORNER
SECTION 34, T02S, R12W



1 inch = 100 ft.

LEGEND

2 J&T REAL ESTATE WILL LIMIT TRUCK TRAFFIC ENTERING AND EXITING THE EXISTING DRIVEWAY AS OF THE PROPERTY. TRUCK OPERATIONS WILL VARY THROUGHOUT THE WEEK BUT IN GENERAL BE LIMITED TO MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 AM AND 5:00 PM.

3 EXISTING EARTHEN BERMS AND VEGETATION CREATED TO REDUCE SOUND IMPACT ON NEIGHBORING PROPERTIES SHALL NOT BE REMOVED.

Drawing No.

1

Title:

Project:

Client:

EXHIBIT "B"
HANDLEYS SITE PLAN
S&T LAWN SERVICE

Job No.: 21-067
Date: 05/23/22
Scale: AS NOTED
P.M.: TAK
Df: BDE
QA/QC: 09/29/21



hurley & stewart, llc
2800 s. 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON JUNE 23, 2022

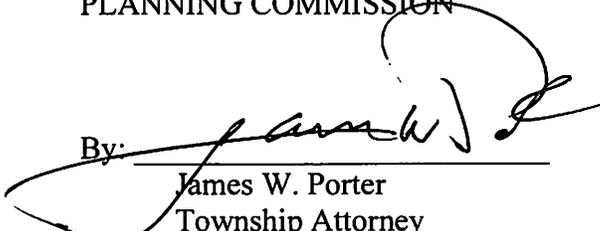
The Oshtemo Charter Township Planning Commission hereby recommends denial of the rezoning of the subject property, from an I-1: Industrial District, Manufacturing/Service District to I-2: Industrial District, Manufacturing/Service District of the Oshtemo Charter Township Zoning Ordinance, in order to conduct "sawmill" activities (for active processing of trees into recycled wood products/wood chips) on-site. The subject property is located at 3265 S 6th Street, Parcel No(s). 3905-34-130-017, 05-34-130-018 and 05-34-130-042, and is more particularly described as follows:

SEE ATTACHMENT

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Date: June 30, 2022

By: _____


James W. Porter
Township Attorney

Final Action by Oshtemo Charter Township Board

_____ APPROVED _____

_____ DENIED _____

_____ REFERRED BACK TO PLANNING COMMISSION

EXHIBIT "A"

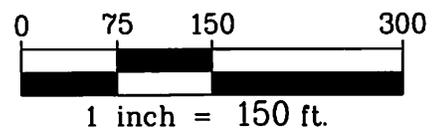
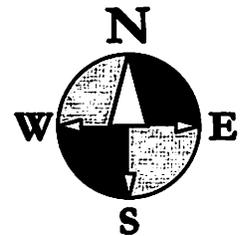
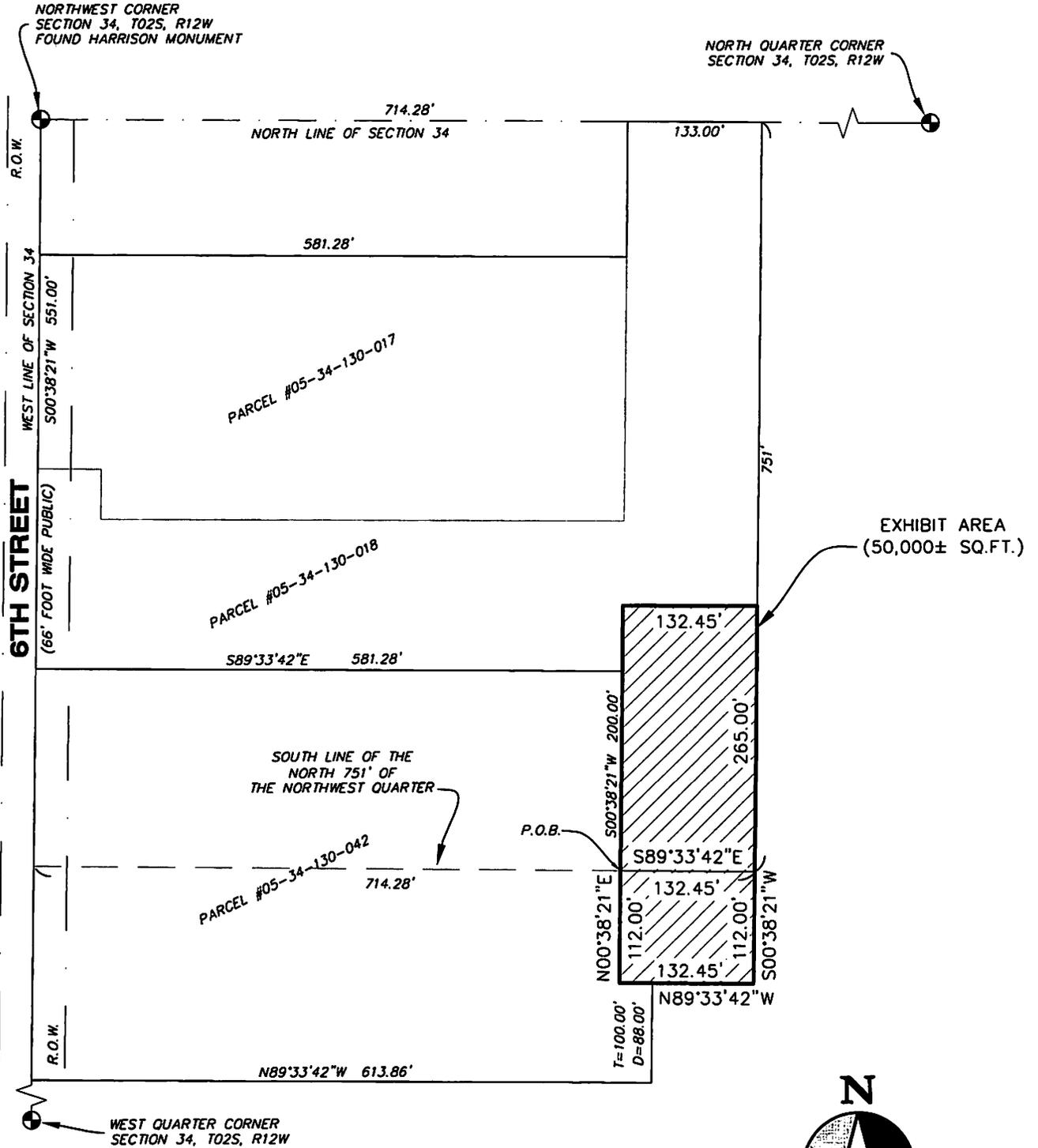


EXHIBIT DESCRIPTION:

LAND SITUATED IN THE TOWNSHIP OF OSHTEMO, COUNTY OF KALAMAZOO, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, TOWN 02 SOUTH RANGE 12, WEST; THENCE ALONG THE WEST LINE OF SAID SECTION S00°38'21"W 551.00 FEET; THENCE S89°33'42"E 581.28 FEET; THENCE



Handley's Tree Service

3265 S 6th St,
Kalamazoo, MI 49009

S 6th St

S & T Lawn Services

Advance Poured Walls

Google

Imagery ©2022 Maxar Technologies, USDA/FPAC/GEO, Map data ©2022

PUBLIC HEARING: CONDITIONAL REZONING, HANDLEY'S TREE SERVICE

Jeff Triemstra of Handley's Tree Service was requesting to conditionally rezone approximately 50,000 sq. ft. of property located at 3265 S. 6th Street and 3393 S. 6th Street, from an I-1: Industrial District, Manufacturing/Service District to an I-2: Industrial District, Manufacturing/Service District.

Ms. Lubbert told Commissioners the applicant will be combining parcels 05-34-130-017 and 05-34-130-018. If the conditional rezoning is approved, the portion identified on 3393 S 6th Street, Parcel Number 05-34-130-042 will be transferred to 3265 S 6th Street.

SUBJECT PROPERTY

Currently located in the I-1, Industrial District, Manufacturing/Service, 3265 S 6th Street (comprised of parcels 05-34-130-017 and 05-34-130-018) has approximately 400 feet of frontage on S 6th Street. Neighboring to the north and west are residential properties. Neighboring to the south and east are industrial properties.

CONDITIONAL REZONING CONSIDERATIONS

The applicant requested a conditional rezoning, meaning that Handley's Tree Service has offered conditions as part of the request for the rezoning. Ms. Lubbert summarized the conditions as listed below and noted the conditional rezoning statement of conditions submitted by the applicant was attached to the staff report.

1. The proposed I-2 zoned area will only be used for "sawmill" activities limited to active processing of trees into recycled wood products/wood chips on site.
2. These activities will be limited to Wednesdays and Thursdays between 8AM and 5PM.
3. Truck traffic will utilize the site's driveway on 6th Street. Truck operation will vary throughout the week but in general will be limited to Monday through Friday between 8am and 5PM.
4. The owner will perform a land division and combinations to establish a contiguous zoning district.
5. The existing earthen berm and vegetation, identified in Exhibit B, will remain to reduce the sound impact of the described activities on neighboring properties.

Ms. Lubbert described the generally recognized factors that should be deliberated before a rezoning decision is made and provided the staff's analysis, incorporating the applicants' proposed conditions as outlined below:

1. Master Plan Designation

The Township's Future Land Use Map primarily designates the proposed rezoning area as Rural Residential. A small portion of the proposed rezoning is within the General Industrial Designation. The Rural Residential designation calls for low density residential development that utilizes rural character preservation strategies. The General Industrial designation calls for industrial development at a low or moderate intensity that is consistent with the surrounding character,

heavy commercial such as contractor yards with generous setback to maintain rural character, sufficient buffers and screening to prevent impacts on neighboring property owners, and coordinated development and application of access management standards for large parcels with multiple uses (recommends PUD technique).

The proposed conditional rezoning would create an intense industrial district within the designated rural residential designation, expanding well outside of the identified General Industrial area. Although the property is currently zoned I-1, Industrial District, Manufacturing/Service, by rezoning a portion of the property to I-2, Industrial District, Manufacturing/Service, it brings this site further away from the Township's adopted vision for the area. **Factor not met.**

2. Consistency of the Zoning Classification in the General Area

The proposed rezoning area is located within an I-1: Industrial District, Manufacturing/Service with a bubble of I-3: Industrial District Special directly to the south. Best planning practice is for there to be a transition from higher intensity uses to lower intensity uses. The proposed I-2 zoned property is an appropriate transition from an I-3 zone and is buffered from the neighboring residential uses by I-1 zoning. There would be approximately 600 feet between the proposed I-2 zoned property and the RR zoning district to the west. However, it should be noted that it is bad planning practice to rezone portions of a property as it creates conflicts and inconsistencies for not only that property but neighboring properties. For example, all heavy equipment that will utilize this proposed I-2 zoning designation will travel through an I-1 property whose entrance on S 6th street is directly adjacent to residential. By rezoning a piece of an I-1 property to I-2, the remaining I-1 property also increases in intensity automatically by transference. **Factor partially met.**

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

The predominant land use pattern along Stadium Drive in this area is industrial. For a certain distance along 6th Street north of Stadium Drive is also industrial or government uses. At the northwest corner of Stadium and 6th Street is the Spartan Paperboard Company. Immediately north of that facility is Oshtemo Fire Station 2 and then the large ITC electrical easement, which is around 200 linear feet in width. At this point on the west side of 6th Street, the residential land uses begin. On the east side of 6th Street moving north is Advanced Poured Walls, S&T Lawn Service, and then Handley's Tree Service. At that point, land uses change to residential.

Generally, the uses established along S 6th street heading north from Stadium Drive decrease in intensity which is appropriate as the zoning abuts residential. Approving a rezoning to I-2 for Handley's Tree Service, the north most industrial property, directly across from and next to established single family homes, goes against the general land use pattern. **Factor not met.**

4. Utilities and Infrastructure

Utilities and infrastructure are considered in a request for rezoning to ensure that public facilities can service any possible development that would occur on the site. Public water is available along 6th Street and sanitary sewer is currently available on 6th for approximately 500 feet from Stadium Drive. **Factor met.**

5. Reasonable Use under Current Zoning Classification

3265 S 6th Street is currently zoned I-1; Handley's Tree Service operates as a landscaping/tree service contractor which is a permitted use by right within the I-1 district. Contractor services have been in operation at this location since the 1960's. There is reasonable use under the current I-1 zoning classification. It is the applicant's desire to expand their business to include "sawmill" activities, specifically the active processing of trees into recycled wood products/wood chips on site, that has triggered this I-2 rezoning request. **Factor not met.**

6. Effects on Surrounding Property

Section 27.10 of the Ordinance outlines the initial intent of the I-1 district: "The (I-1) district is designed to provide land for industries of a manufacturing and servicing nature in which all work is carried on within a fully enclosed building and which produces little external effect of an objectionable nature to the surrounding properties". I-1 zoning permits limited outdoor storage. The proposed 'sawmill' activity does not meet these requirements and rightfully is restricted to I-2 zoning which is described in Section 28.10 of the Ordinance: "This district (I-2) is designed to accommodate those industrial activities requiring greater outdoor storage and which, accordingly, require larger sites and may have a greater adverse effect on adjacent commercial or industrial uses". There is no limit to outdoor storage in I-2.

The proposed earthen berm and vegetation that the applicant notes will remain in place to reduce the sound impacts of the described I-2 activities on neighboring properties is identified as '#3' in their Exhibit B. Based on the minimal proposed landscaping/berms and the current state of the remainder of the property, the proposal will do very little to reduce the sound that would be generated by the proposed I-2 uses.

In addition, the Township's ordinance enforcement receives regular complaints from multiple residents along this section of S 6th Street. There is already an established concern about noises and smells generated by Handley's Tree Service and neighboring industrial uses. Increasing the intensity of Handley's Tree Service, a property adjacent to these residential properties, to permit a 'sawmill' will only increase the external effects on the neighboring residents. **Factor not met.**

RECOMMENDATION

Ms. Lubbert said she recommended the Planning Commission forward a recommend to deny the request to conditionally rezone the approximately 50,000 sqft of

land located at 3265 S 6th Street and 3393 S 6th Street from I-1: Industrial District, Manufacturing/Service to the I-2: Industrial District, Manufacturing/Service to the Township Board.

As there were no questions for Ms. Lubbert from Commissioners, Chairperson VanderWeele asked if the applicant wished to speak.

Mr. Jeff Triemstra, Handley's Tree Service, said his was a 20-year company with many projects and that having worked with the Township for a year. He felt they have a very good plan.

Mr. Alex Phelan, with Hurley & Stewart on 11th Street, said he had worked over 10 years in project management and was representing Mr. Triemstra at his request. He walked through four of the six factors for consideration presented by Ms. Lubbert:

1. Master Plan Designation: He noted a full blown sawmill is not being requested. The current zoning designation cuts through property lines which is not good planning practice. It does not take assets in the area into account in this established industrial area. Consistency is with the existing; future land use map is not consistent with that. He noted the business is effectively screened from view. He felt the Master Plan is outdated and needs to take assets and property trends into account.

2. Consistency of Zoning: He said no transference was occurring. Handley's was asking to put a piece of equipment on site to be able to grind trees there. Trucks will come and go once a day, rather than going back and forth during the day as they are currently. He noted I-3 zoning is adjacent to this property, approved in 2018, which is more intense. Many of the characteristics apply to both designations. The change will lessen truck traffic coming onto the property.

3. Consistency and Compatibility with General Land Use Patterns in the Area: The objection is against the general land use pattern; appropriate use is met. I-2 is an appropriate transition for the surrounding property.

6. Effects on Surrounding Property: He highlighted the berms which he felt were about three times the height of a car, as well as the extensive trees and other vegetation which he felt seems like extensive screening. Neither S & T nor Handley's can be seen from the road.

Regarding complaints about noise and smells, he said the current use is allowed by right, including the noise. If you buy a house by existing businesses, you will get noise. They are not trying to increase the noise. The landscape business is there by right. He said many of the noises from equipment are equipment residents use as well, and said the grinder operates at 99 decibels, well within or under items such as such as lawn mowers and leaf blowers.

Chairperson VanderWeele asked if Commissioners had questions.

Ms. Maxwell asked whether if a full blown sawmill was wanted in the future that could be done.

Attorney Porter said approval of the conditional zoning request can only allow what is being requested now.

Ms. Maxwell also asked how what is being requested is a “green process”?

Mr. Phelan said trees have to be cut down for various reasons. Although it is easier to just burn them, Handley’s plans to grind and re-use them which is greener than burning.

Ms. Maxwell asked how the traffic would be reduced.

Mr. Phelan said currently trucks go back and forth all day long. If they have the grinder, a truck will leave once a day and come back to unload once a day.

Mr. Vyas asked about the impact of 8 am – 5 pm hours on neighbors. He said we can all tolerate the occasional use of lawn mowers and snow blowers, but all day long may be a problem for neighbors.

Mr. Phelan said it is Handley’s permitted right to work all day long and to run up and down the road.

Ms. Versalles asked if the grinding work could be done within a building.

Mr. Phelan indicated that would not be possible.

Ms. Versalles asked if additional landscaping could be done to soften the sound for neighbors.

Mr. Phelan said that could be considered, but the berms were built specifically for that reason and are already in place as is the tree buffer. Substantial landscaping already exists. The machine would be behind a wall which should help with buffering.

Mr. Smith noted the property to the north is residential and used to share a driveway. He asked if the loud machine would affect the property owners.

Mr. Phelan noted the machine is 500 feet away.

Attorney Porter advised Commissioners to focus on the I-2 requirements. The property is already zoned I-1. The ordinance is lacking and not consistent with permitted uses. The statement of purpose is inarticulately drafted. The landscape business itself is not an issue for consideration.

Ms. Versalles asked if there was any opportunity to permit without having to consider rezoning.

Ms. Lubbert said the only way to accomplish what the applicant wants to do is through rezoning to I-2.

Attorney Porter agreed there is not another way to consider.

Hearing no further questions from Commissioners, the Chair moved to Public Hearing and asked if members of the public had comments.

Ms. Lubbert indicated she had two letters from residents: Kiki Davis, 3340 S. 6th Street and Barb Molson, 2824 S. 6th St., both opposing the conditional zoning request. She read them into the record. (both letters are attached to these Minutes.)

Mr. Adam Barker, 3425 S. 6th St., Advanced Poured Walls, said he had heard neighbors' complaints for years, receives messages on his answering machines all the time. They do their best to run a business in a residential neighborhood during regular hours. Whether in I-1, I-2, or I-3, that is part of running a business. At the end of the day, it is zoned industrial. He said Mr. Triemstra is an outstanding neighbor, the first to lend a helping hand when needed, including plowing neighbors out. Handley's is surrounded by extremely tall vegetation. He does a great job.

Mr. Tom Whipple, 2947 S. 6th St., said the area has always been residential but is pushed to the limit now with all the trucks and excessive noise. He was concerned property values would suffer. The residents were already there; businesses were added later and need to keep to a certain level. Residents may not be able to increase their property values by making improvements. Limits are needed or compromise; something needs to be done. Neighbors are disappointed. People try to get along with the businesses, but how far will things go? If the request is approved others will want to do the same.

Mr. John Nieuwenhuis, 3235 S. 6th St., said Mr. Triemstra is a great guy who goes out of his way to help people. When he first came in it was a trucking company, with traffic in and out all the time. The area had spot zoning. Mr. Nieuwenhuis said he was on the board when that was eliminated and the zoning system was organized. 6th St. was a test case with industrial on one side of the street and residential on the other. The intent was light industrial. He said Mr. Triemstra went to great expense to install the berm buffer for noise, but the noise is still there. There are also back-up alarms, which he has tried to limit. Residential neighbors do not run chain saws or other equipment all day. He also noted traffic on 6th St. is congested. What is being done may be legal but it is not working.

Mr. George Collato, 3133 S. 6th St., said his mother moved here when nothing was on S 6th St. Now there is high speed traffic, trailers with heavy equipment and back up alarms and it is scary. His property is at a low point and there is a blind spot that is dangerous. There is banging in the a.m. and p.m. when loading and unloading and also high pitched airplane like sounds.

Ms. Lubbert was handed and read a statement from Mr. Michael Whalen, 3450 S. 6th St., who was fearful for his teen drivers and the many kids at the bus stop due to the increase in fast traffic from businesses. There is truck noise pollution as early as

4:00 a.m. and trash from the trucks is also a problem. (Letter attached to these minutes.)

Ms. Logan Wingard, 3276 6th St., said the noise has never sounded like it does now and is unbearable. She cited hours of fumes, dust, screeching, booms, and excessive traffic that shakes her house, which is very close to the road and close to the business. She said the saw mill was already running last year before approval. The back and forth machines never stop. The berm does not help and is not between her property and the business. She asked that the request for conditional zoning not be approved.

The resident Sam Fedor of 3274 S. 6th St. said the sawmill was opened without communication with residents or the Township. He said both the core value vision statement and GoGreen initiative are violated. The Master Plan design was bad planning and rezoning will only make it worse. The intensity will increase with increased business. With the installation of the berms, Handley's created an amphitheater bowl that doesn't help, it actually makes everything louder. He noted that Mr. Barker of Advanced Poured Walls said there were complaints all the time but noted he has never complained until the changes were made in 2019.

Ms. Kiki Davis, 3240 S. 6th St., said she's the complainer.

As no one else came forward to speak, the Chair closed the public hearing and moved to Board Deliberations.

Ms. Everett said conditional zoning is available because we do not want spot zoning. She asked whether if this request is approved it could be used as a basis for others?

Attorney Porter said it would be a factor, but did not think it would weigh heavily because of the limited nature of the I-2 request.

Ms. Maxwell said she lives on 6th St., 1,500 feet from the street in the woods. She can still hear noise and can smell odors from the business. To approve more intense industrial property is totally unacceptable.

Ms. Versalles asked if the grinder was used before it was approved.

Ms. Lubbert said yes, however the Ordinance Enforcement Officer stopped it.

Chairperson VanderWeele asked for a motion.

Ms. Maxwell **made a motion** to recommend the Township Board deny the request to conditionally rezone the approximately 50,000 sqft of land located at 3265 S 6th St. and 3393 S. 6th St. from I-1: Industrial District, Manufacturing/Service to the I-2: Industrial District Manufacturing/Service, based on staff recommendations and consideration of the conditional zoning factors. Mr. Vyas **seconded the motion**. The **motion was approved 6-1, with Ms. Versalles dissenting.**

To: Oshtemo Planning + Zoning Department 2-21-2022

This concerns the rezoning request of Jeff Triemstra of Handley's Tree Service on 6th St. He is asking to rezone his business, which would allow the use of a sawmill on site, from I-1 to I-2. My understanding is that he bought the property knowing it was zoned I-1.

6th street has long been residential, with families building, buying and upgrading homes with the understanding that the industrial portion was I-1. We can already smell diesel fumes at our home when there is a south wind in the morning and all the trucks are warming up. And we live closer to ML than Stadium Drive. To run an open air saw mill would mean diesel fumes all day. And the noise of a sawmill operation is extremely loud. I also wonder if having a sawmill across the street will lower their property value. And if one of the industrial properties is granted an I-2 rezoning, will the other two I-1 properties request the same zoning change.

I believe it is in the best interest of the residents of 6th Street to keep the industrial zoned I-1.

Sincerely,

Barb Malsorn

Barb Malsorn

2824 S. 6th Street

To: Oshtemo Planning & Zoning Dept.

Regarding: Rezoning of Handley's Tree Service on 6th St.

A "Sawmill" isn't a one sentence yes or no entity.

A "Sawmill" which has been in operation for three years prepping land, deforesting land, disrupting and destroying peace and tranquility to residents, and this is a profound understatement, encompasses more than JUST operating a Sawmill.

Mountains of much from living trees, trucks roaring, thrumming, beeping, dumping, loading. Stench from wet wood. AND MORE.

This has been in the process for three years.

How is this considered a yes/no on a Sawmill (that is already in operation) without an obvious understanding of material, employees, trucks, cars, equipment in and out daily. Let alone the process. Please view the mountains that are now what we see instead of the forest.

Our homes vibrate. Two years ago the preparation of land, desecrating the trees, equipment used shook our homes for an entire year.

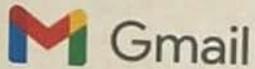
How is it possible a body of professionals whose mission statement as Oshtemo Township allowed this to happen?

Assuming any of you would gladly live across the street from what Jeff Triemstra has created. You helped him.

Darlene Kiki Davis

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a long, sweeping horizontal line that tapers to the right.

3240 S. 6th Street



sam fedor <fedorsama@gmail.com>

Heavy Industrial or Sawmill on 6th St

1 message

Whalen, Mike <MWhalen@walkerconsultants.com>
To: "fedorsama@gmail.com" <fedorsama@gmail.com>
Cc: Hoda Elajouz <hadoo26@hotmail.com>

Thu, Jun 23, 2022 at 10:06 AM

Sam, my family and I live at 3450 S. 6th St. Unfortunately due to a work event, I won't be able to attend tonight's meeting regarding the rezoning application of Handley's Tree Service on our street to I-2 Industrial, Heavy Industrial. Please feel free to read this at the meeting. My family and I are adamantly opposed to this request. In the almost ten years we've lived here, we've seen a very large increase in traffic and heavy truck traffic due to the expanding businesses on the east side of the road. We have two teen drivers with another one starting in about a year. Due to our property line and septic location, we don't have room for a turn-a-round in our driveway so we are forced to back out onto 6th street with limited sight distance. My wife and I have had many close calls with traffic and trucks traveling too fast (or even the speed limit) where we've had to race back into our driveway because trucks or cars appear all of a sudden from the North. I am fearful every time our two stage 1 driver license teens try to back out of our driveway. We are already not happy with the amount of equipment noise and truck noise waking us up in the wee hours of the morning (sometimes as early as 4am). Just the beeping from trucks backing up wakes us up. There are many kids who have bus stops on our street and with the up and down hills I feel it is already unsafe due to limited sight distances. The nicely wooded township lot right next to me was cleared to make way for the large unsightly powerline put in soon after I moved in. We have had many issues with workers at these businesses throwing out trash (lunch wrappings and bags) from their work trucks in our yard I assume so they don't have to clean out the truck when they return and can go home sooner when their shift is done. I feel the residents of 6th street have had enough unpleasant changes in the interest of "progress" and increased tax revenue with the increased traffic, noise and pollution from the businesses on the east side of the road that enough is enough. I trust those we elect will or have already walked or stood for a while on our road (preferably around 5 or 6am or late afternoon) near these businesses and observed the traffic and noise and asked themselves "would I want to live here or does this belong in a residential area?" I'm sure all of us who aren't business owners on 6th street are screaming "Hell NO!"

Michael Whalen

3450 S 6th St.

Kalamazoo, MI 49009

269-808-6341

Memorandum



Date: July 8, 2022
To: Township Board
From: Anna Horner, P.E., Public Works Director
Subject: Consideration of Property Acquisition - W. Michigan Ave at S 11th Street

Objective

Consideration of Property Acquisition of parcel 05-25-188-060. Board Authorization in expenditure up to \$2,000 from Public Works General Fund Capital Outlay 101-506-97600 (funds available in current budget).

Background

Public Works is recommending purchase of this property for future non-motorized needs. Project limits and scope still to be determined, however; the opportunity for local agency “First Right of Refusal” from County is more fiscally advantageous at base cost than standard easement acquisition process. Short-term costs would include maintenance for mowing while limits are determined. Long-term intent would be to return excess property to adjacent property owners.

The Base Cost of \$601.19 is what the Township would pay if there were no claims to excess. If claim to excess is made, the Township cost would be \$38,800, and Public Works does not recommend acquisition and for the Township to rescind its interest to the County.

Parcel	Base Cost	Claimed Cost
05-25-188-060	\$601.19	\$38,800

