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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON  
AT OSHTEMO TOWNSHIP HALL  
7275 W MAIN STREET  
Masks Are Optional in Oshtemo Township Buildings**

*(Meeting will be available for viewing through <https://www.publicmedianet.org/gavel-to-gavel/oshtemo-township>)*

**THURSDAY, January 11, 2024  
6:00 P.M.**

**AGENDA**

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: December 14, 2023
6. Election of 2024 Officers
7. Work Session:
  - a. Continued Discussion: MU District
8. Other Updates and Business
9. 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](mailto: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 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.-1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://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](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

**Oshtemo Township Board of Trustees**

**Supervisor**

Cheri Bell                      216-5220                      [cbell@oshtemo.org](mailto:cbell@oshtemo.org)

**Clerk**

Dusty Farmer                      216-5224                      [dfarmer@oshtemo.org](mailto:dfarmer@oshtemo.org)

**Treasurer**

Clare Buszka                      216-5260                      [cbuszka@oshtemo.org](mailto:cbuszka@oshtemo.org)

**Trustees**

Neil Sikora                      760-6769                      [nsikora@oshtemo.org](mailto:nsikora@oshtemo.org)

Kristin Cole                      375-4260                      [kcole@oshtemo.org](mailto:kcole@oshtemo.org)

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Michael Chapman                      375-4260                      [mchapman@oshtemo.org](mailto:mchapman@oshtemo.org)

**Township Department Information**

**Assessor:**

Kristine Biddle                      216-5225                      [assessor@oshtemo.org](mailto:assessor@oshtemo.org)

**Fire Chief:**

Greg McComb                      375-0487                      [gmccomb@oshtemo.org](mailto:gmccomb@oshtemo.org)

**Ordinance Enforcement:**

Rick Suwarsky                      216-5227                      [rsuwarsky@oshtemo.org](mailto:rsuwarsky@oshtemo.org)

**Parks Director:**

Vanessa Street                      216-5233                      [vstreet@oshtemo.org](mailto:vstreet@oshtemo.org)

Rental Info                      216-5224                      [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)

**Planning Director:**

Iris Lubbert                      216-5223                      [ilubbert@oshtemo.org](mailto:ilubbert@oshtemo.org)

**Public Works Director:**

Anna Horner                      216-5228                      [ahorner@oshtemo.org](mailto:ahorner@oshtemo.org)

## **OSHTEMO TOWNSHIP PLANNING COMMISSION**

### **DRAFT MINUTES OF A MEETING HELD DECEMBER 14, 2023**

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#### **Agenda**

##### **PUBLIC HEARING – REZONING – 9177 WEST G AVENUE**

Consideration of a request from James and Robert Endres, on behalf of the James A and Marilyn C. Endres Trust to rezone approximately 15 acres of 9177 West G Avenue from AG: Agricultural District to RR: Rural Residential District.

##### **PUBLIC HEARING – SPECIAL USE AND SITE PLAN – LONG JOHN SILVERS**

Long John Silvers was requesting site plan and special exception use approval to redevelop 5481 W. Main Street with one 2,288 square foot building to serve as a fast food restaurant with drive-through.

##### **PUBLIC HEARING – ORDINANCE AMENDMENT – KEEPING OF LIVESTOCK AND HONEY BEES**

Consideration to adopt amendments to 57.80 – Keeping of Livestock and Honey Bees for recommendation to the Township Board.

##### **WORK SESSION**

- a. Continued Discussion: Private Street Ordinance (Oshtemo Streets and Mobility Ordinance)
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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, December 14, 2023, commencing at approximately 6:05 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

#### **ALL MEMBERS**

##### **WERE PRESENT:**

Phil Doorlag, Chair  
Deb Everett  
Zak Ford, Board Liaison  
Scot Jefferies  
Micki Maxwell, Vice Chair  
Scott Makohn  
Alistair Smith

Also present: Iris Lubbert, Planning Director, Jim Porter, Township Attorney, Leanna Harris, Zoning Administrator, Martha Coash, Recording Secretary, and Suzanne Schulz, of Progressive AE.

Several guests were also in attendance.

##### **Call to Order and Pledge of Allegiance**

Chairperson Doorlag called the meeting to order at 6:05 p.m. and invited those present to join in the Pledge of Allegiance.

**Approval of Agenda** Mr. Ford **made a motion** to approve the Agenda as presented. Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag determined there were no changes to the agenda and asked for a motion.

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

There were no comments on non-agenda items.

### **Approval of Minutes: November 27, 2023**

Chairperson Doorlag asked if there were additions, deletions, or corrections to the Minutes of the Special Meeting of November 27, 2023.

Hearing none, he asked for a motion.

Mr. Ford **made a motion** to approve the Minutes of the Special Meeting of November 27, 2023 as presented. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag moved to the next agenda item on the agenda.

### **PUBLIC HEARING – REZONING – 9177 WEST G AVENUE**

**Consideration of a request from James and Robert Endres, on behalf of the James A and Marilyn C. Endres Trust to rezone approximately 15 acres of 9177 West G Avenue from AG: Agricultural District to RR: Rural Residential District.**

#### **PROJECT SUMMARY:**

Ms. Leeanna Harris, Zoning Administrator, said the applicants, James and Robert Endres, on behalf of the James A and Marilyn C Endres Trust, were requesting to rezone approximately 15 acres of 9177 West G Avenue from AG: Agricultural District to RR: Rural Residential District. The rezoning area under consideration begins approximately 1,112 feet from the west property line and is about 1,112 feet wide and 600 feet deep. The parent parcel has a property area of approximately 120 acres with roughly 1,700 feet of frontage on North 3<sup>rd</sup> Street and about 2,500 feet on West G Avenue. 9177 West G Avenue currently serves an agricultural land use.

The applicants' intent WAS to rezone the desired area and to split these 15 acres from the parent parcel to create two new parcels. This parent parcel went through a previous rezoning request in 2020 and they proposed to continue two of the divisions as outlined in the survey document. However, due to the minimum area requirement of 40 acres for AG: Agricultural District properties, a split would not be possible without the rezoning to RR: Rural Residential. Staff completed a preliminary review of the proposed land division and determined it would meet Township requirements for newly created parcels within the RR: Rural Residential zoning classification. However, since the request is for a rezoning, those materials will be formally considered when the applicant submits a land division application for Township review and approval.

## **CONSIDERATIONS:**

Ms. Harris 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. She outlined these considerations along with staff's analysis:

### **1. Master Plan Designation**

The Township's adopted 2017 Future Land Use Map designates 9177 West G Avenue and the surrounding properties in this portion of the Township as RR: 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 agricultural zoning. The proposed rezoning would be consistent with the site's current activity, Future Land Use Map, and the Township's Zoning Ordinance. Rezoning this site 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 15 acres of 9177 West G Avenue from AG: Agricultural 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**

On both sides of West G Avenue, a pattern of residences or farmlands have been established. 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**

Neither public water nor sewer are present along N 3<sup>rd</sup> Street or West G Avenue in this part of the Township, and the extension of such is not planned at any point in the near future. Given the anticipated low intensity residential use for the area subject to this rezoning request and the nature of uses permitted within the RR district, the absence of utilities here should not negatively affect reasonable land use. Regarding the transportation network, the intersection to the west at West G Avenue and North 3<sup>rd</sup> Street is a 4-way stop. The next intersection to the east where West G Avenue crosses North 6<sup>th</sup> Street is a 4-way stop as well. Staff is of the opinion that if this rezoning is approved, it will not negatively affect the area or add undue burden to the existing infrastructure than what is currently experienced.

### **5. Reasonable Use under Current Zoning Classification**

The property is currently zoned AG: Agricultural District. The existing subject parcel is actively farmed and can continue according to the Michigan Right-to-Farm Act. Given the amount of road frontage and acreage present, as well as the restrictions currently in place for AG zoned properties, reasonable use is still possible without the rezoning. However, given the applicant's desire to complete a land division in order to accommodate two single-family homes and the Township's minimum 40-acre size for agriculturally zoned parcels, these opportunities are limited. The rezoning achieves the Township's goals for this area and fits the applicant's vision for the site.

### **6. Effects on Surrounding Property**

Staff did not anticipate any negative impacts occurring onto surrounding properties if the subject site were rezoned to the RR: Rural Residential District. All properties adjacent to the subject site are similar as each property consists of an existing primary residence, farmland, or a combination of these. Although the applicants indicated single-family homes would be built on the rezoned area, agricultural use of the parent property would not change. 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:**

Ms. Harris said staff recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the area of 9177 West G Avenue noted in this staff report from the AG: Agricultural District to the RR: Rural Residential District for the following reasons:

1. The proposed rezoning is in accordance with the Township's Future Land Use Plan.
2. The requested rezoning is consistent and compatible with the surrounding land uses and adjacent zoning classifications.
3. Existing infrastructure and utilities can easily accommodate the expected future residential land use.
4. Township staff do not anticipate any negative impacts on surrounding properties as a result of the rezoning.

Chairperson Doorlag thanked Ms. Harris for her report, determined there were no questions from Commissioners, and that the applicant did not wish to speak. He opened a public hearing, and noted there were no members of the public who wished to comment.

He closed the hearing and moved to Board Deliberations.

Mr. Ford felt the request made sense and was compatible with the area.

Mr. Jefferies asked if the agricultural access would be impacted if this request was approved.

Ms. Lubbert said it would not restrict access to the agricultural site, noting there are two roads that access the site.

Hearing no further comments, the Chair asked for a motion.

Mr. Smith **made a motion** to recommend approval to the Township Board for the rezoning of the area of 9177 West G Avenue noted in the staff report from the AG: Agricultural District to the RR: Rural Residential District for the following reasons recommended by staff:

1. The proposed rezoning is in accordance with the Township's Future Land Use Plan.
2. The requested rezoning is consistent and compatible with the surrounding land uses and adjacent zoning classifications.
3. Existing infrastructure and utilities can easily accommodate the expected future residential land use.
4. Township staff do not anticipate any negative impacts on surrounding properties as a result of the rezoning.

Mr. Ford **seconded the motion. The motion was approved** unanimously.

Chairperson Doorlag moved to the next agenda item and asked Ms. Lubbert for her report.

## **PUBLIC HEARING – SPECIAL USE AND SITE PLAN – LONG JOHN SILVERS**

**Long John Silvers was requesting site plan and special exception use approval to redevelop 5481 W. Main Street with one 2,288 square foot building to serve as a fast food restaurant with drive-through.**

### **PROJECT SUMMARY:**

Ms. Lubbert reported Long John Silvers was requesting site plan and special exception use approval to redevelop the site with one 2,288 square foot building to serve as a fast food restaurant with drive through located at 5481 W Main Street. The applicant was seeking to upgrade the property through a complete reconstruction of the site in order to revitalize it and bring it up to code. The approximate half-acre site is located on the corner of W Main Street and Maple Hill Drive, immediately east of US-131.

The subject project site falls within the C: Local Business District zoning designation. Drive through services for businesses are considered a special exception use within the C: Local Business District. Any proposed special exception use is subject to review and approval from the Oshtemo Township Planning Commission.

### **ANALYSIS:**

When reviewing this request, there are two sets of criteria that need to be considered: the general site plan review criteria outlined in Section 64 and the general special use review criteria outlined in Section 65.30. She provided an analysis of the proposal against these two code sections and said overall, most of the requirements of Section 64 and Section 65.30 have been met.

### **Section 64: Site Plan Review**

#### **General Zoning Compliance:**

*Zoning:* The proposed Long John Silvers' site abuts a strip mall to the south, a fast food restaurant to the east, a standard sit down restaurant to the west, and a tire service shop to the north. Zoning wise, C: Local Business District is adjacent to the north, south, east, and west. Restaurants providing drive through services are considered a special exception use within the C: Local Business District. All general zoning requirements have been met.

#### **Access and Circulation**

*Access:* The subject property currently has a private service drive traveling east/west that intersects through the north end of the property. The main point of access, however, is through the curb cut located in the northwest corner of the site adjacent to Maple Hill Drive. Additionally, the site can also be accessed through the property to the south as one-way access into the site has been provided. Most of the circulation aisle widths are proposed to be 20' wide, which is the minimum width required under Section 52.50 of the zoning ordinance for one-way travel. **There are still some issues with striping and other pavement markings located within the circulation aisles. Staff was confident that such issues can be addressed administratively and plans be submitted to the Township for review and approval post the pending decision by the Oshtemo Township Planning Commission.**

*Drive through:* The drive through component of this request was proposed to be primarily located along the south and east sides of the building. A majority of the drive through is proposed to be made up of concrete material. Drive throughs servicing a restaurant use are required by Section 52.90 of the zoning ordinance to provide a minimum of five

stacking spaces from each individual point of service. A total of ten stacking spaces throughout the drive through have been provided, five from the order station on the south side of the building where the menu board is located and five from the service window on the east side of the building where the food is picked up. All drive through stacking spaces were proposed to be 10' x 20', which meets the required minimum dimensions outlined in Section 52.90 of the zoning ordinance. Although most drive-through requirements have been satisfied, there are some issues with striping as well. **As a condition of approval, the entire drive-thru lane, including areas necessary for stacking spaces, shall be demarcated and striping be shown on the civil site plan drawings.**

*Parking:* A total of 16 parking spaces are currently proposed to be located on the Long John Silvers' site, two of which are ADA accessible. All parking stalls are proposed to be 10' x 20'. Restaurant uses are required to provide one parking space for every 70 square feet of net floor area plus one per each employee on the largest shift OR one parking space per each three persons allowed within the maximum occupancy load as established by the Township building code plus one per each employee on the largest shift, whichever is greater. After calculating the parking needed for the proposed use on-site with the number for square footage being greater than based on occupancy load, a total of 31 parking spaces would be required. Although the site itself is short by 15 parking spaces, there is a cross parking easement agreement in place between the Long John Silvers' lot and the property to the south, which provides Long John Silvers' access to the south property's northerly 19 parking spaces. With the cross parking easement agreement in place, the applicant was able to meet such parking requirements by proposing a combined total of 35 parking spaces, which is shown on the site plan and is well under the maximum number of spaces allowed for sites of this nature.

*Easements:* A cross parking easement agreement exists with the strip mall property to the immediate south which provides additional parking to the Long John Silvers' property. Easements for public water and sewer are also present along the northern property line.

*Sidewalk:* The Township's adopted Non-motorized Plan does identify a sidewalk adjacent to the subject site on the south side of W Main Street. This stretch of W Main Street already offers a 5' wide sidewalk. Additionally, a sidewalk connector from said non-motorized facility to the principal building is proposed in the northeast corner of the site in order to provide pedestrian access. With said non-motorized facility already having been installed, and the applicant proposing a sidewalk connection from the principal building on-site to said existing non-motorized facility, no further action on this item is needed.

### **Building Design**

*Building Information:* The proposed 2,288 square foot, one-story restaurant building will be located in the center of the property and is approximately 20' in height. The exterior materials for the proposed building will consist of blue, white, and brown fiber cement siding and panels. An elevation sheet was submitted with the site plan.

*Lot Dimensions:* The overall project site is about a half-acre in size and is located within the Elk's Plat No. 1. The subject lot possesses approximately 250' of road frontage adjacent to Maple Hill Drive and 135' of road frontage adjacent to W Main Street. The lot



exceeds both the property area (min. 13,200 square feet) and frontage (min. 120') requirements for Commercial lots located in a plat and serviced by public water and sewer. **The site's dimensions satisfy zoning ordinance requirements.**

**Setbacks:** Per Section 50.60.C of the zoning ordinance, properties located within Commercial zoning districts are required to have a minimum front yard setback of 70'. If properties are located along a designated highway within the Township, they are subject to additional setback requirements if greater than what is outlined for the underlying zoning district. The subject property possesses two front yards, one along Maple Hill Drive, and the other along W Main Street, which happens to be a designated highway. The minimum front yard setback from the edge of the Maple Hill Drive right-of-way is 70'. The minimum setback requirement from W Main Street is 170' from the center of the street right-of-way. However, there is a provision in the zoning ordinance which allows for a reduction in the front yard setback based on the setback of existing buildings in proximity to the subject site. The Firestone Tire Shop, which has a front yard setback of 100' measured from the center of the W Main Street right-of-way, is located between 175' and 300' away from the subject site. Per Section 50.60.A of the zoning ordinance, staff is allowed to take their front yard setback of 100' and add  $\frac{2}{3}$  of the difference between the prescribed setback distance of 170' and the setback of the existing building of 100'.  $\frac{2}{3}$  of 70' is 46.2'.  $100' + 46.2' = 146.2'$ . Therefore, the minimum permitted front yard setback is 146.2' from the center of the W Main Street right-of-way. The building is setback 70' from the front property line along Maple Hill Drive and 153' from the center of the street right-of-way on W Main Street. Properties zoned as Commercial are also subject to have a minimum side and rear yard setback of 20' or equal to the height of the abutting side of the building at its highest point as measured from the grade of the property line, whichever is greater. The height of the building is 20' tall, which requires a minimum setback in the side and rear yards of 20', which is met. **The minimum setbacks for the front yard, side yard, and rear yard are satisfactory.**

**Screening:** The applicant was proposing to install a 7'6" tall dumpster enclosure in the southwest corner of the site, made of concrete block with steel metal tube doors. The color is proposed to match the building. With respect to fences, other than installing temporary tree protection fencing along the west property line, no fences were proposed.

**Lighting:** A photometric plan was provided and meets most zoning ordinance requirements; however, there are issues regarding the placement for some of the pole mounted lights which will require repositioning. **Staff was confident that a revised lighting plan can be reviewed and approved administratively and recommended the Planning Commission include such as a condition of approval.**

**Signs:** One-way directional signs are being added to the site. Any future additional signage will require a sign permit application be submitted to the Township for review and approval.

**Landscaping:** A number of details are still missing on the landscaping plan. **An updated landscaping plan meeting all applicable requirements of Article 53 of the zoning ordinance shall be submitted to the Township and be reviewed and approved administratively.**

*Engineering:* Prein & Newhof and the Oshtemo Public Works Department have reviewed the proposal and have noted that there are some engineering concerns that have not yet been addressed. **However, the remaining engineering concerns are minor enough to be reviewed and approved administratively and recommend the Planning Commission include such as a condition of approval.**

*Fire Department:* The Fire Marshal reviewed the site plan and is happy overall with the proposed site plan. The Fire Marshal mentioned the circulation for fire apparatus throughout the subject property has improved.

Overall, Ms. Lubbert said the proposed site plan meets requirements with a few minor tweaks that can be addressed administratively. She moved to the Special Use portion of the request and provided the following information.

Section 65.30: Special Use Review Criteria

**A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.**

The Township's Future Land Use Plan categorizes this area—west of Drake Road, east of Maple Hill Drive, and south of W Main Street, as *General Commercial*. Restaurants with drive through services are permissible with special use approval from the Planning Commission under the C: Local Business District zoning classification. This property is currently zoned C: Local Business District. From a zoning perspective, the proposed use would be consistent with the most recent use on-site and is in accordance with the Township's Zoning Ordinance.

**B. Site Plan Review: The Site Plan Review Criteria of Section 64**

A site plan has been provided. See evaluation under Section 64: Site Plan Review.

**C. Impacts:**

**1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**

Although no longer in use, a fast food restaurant formerly operated by Long John Silvers already exists on-site. Several other fast food restaurants are within a close perimeter of a couple hundred feet from the subject property, which include Wendys, Burger King, McDonalds, Starbucks, and Steak 'n Shake. With the proposed use continuing to operate as it has in prior years, is in proximity of other fast food restaurant uses, and being in accordance with the Zoning Ordinance, staff did not foresee that the proposed use will negatively affect neighboring uses.

**2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.**

Staff did not foresee a significant impact of the proposed use on neighboring properties. The proposed use is an allowable use within the zoning district it is planned for. A restaurant with a drive through service has operated at the subject property in the past. Entrances on the site will continue to be used in a similar fashion. The proposed site plan meets the minimum setback and parking

requirements. Adequate screening, buffers, and more are provided and discussed further in the Site Plan Review section of this staff report.

**3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.**

A restaurant providing drive through services has occupied the site for nearly 20 years. Although the existing building will be demolished and the property will be revamped, the use will remain the same. Best construction practices and guidelines will be followed, and the site will be built to satisfy building code and zoning ordinance requirements. The amount of traffic will be consistent with what the subject site has produced in the past. The current conditions on-site include a boarded up, vacant building with overgrown vegetation. The revitalization of the site will benefit the property itself, surrounding businesses, and the community. Staff anticipates that the proposed project will not generate such negative impacts on adjacent properties.

**D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.**

The proposed site modifications, as presented in the site plan, will minimally impact the existing natural features on the site. The subject site is currently well built out since it previously served as a fast food restaurant. The only type of greenspace that is present now are the canopy trees along the northern and western property lines, which will remain intact. Additional landscaping including understory canopy trees and shrubbery are proposed to be located at the north and west ends of the site. The stormwater basin proposed in the southeast corner of the site also includes plantings as well.

**E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.**

Public water and sewer are located on the north and east ends of the site and are both available. Regarding the transportation network, the intersection to the immediate west at Maple Hill Drive and W Main Street is controlled by a traffic signal. If the special exception use request is granted, it will not negatively affect the area as the use is not changing from what was previously there. A 5' wide sidewalk connecting the existing 5' wide non-motorized facility adjacent to W Main Street to the newly proposed fast food restaurant building on-site is proposed.

**F. Specific Use Requirements: The Special Use development requirements of Article 49.**

No specific use requirements exist for drive-through services for businesses. Therefore, this section does not apply.

**RECOMMENDATION:**

Ms. Lubbert said Planning Department staff recommended the Planning Commission approve the proposed site plan and special exception use for a 2,288 square foot restaurant with drive through located at 5481 W Main Street with the following conditions:

- 1) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.

- 2) The engineer's seal shall be provided on an updated set of civil site plan drawings and submitted to the Township prior to building permit issuance.
- 3) The parcel ID for the subject site and lot size information shall be noted under general project and site data on Sheet T-1.0 of the plan set prior to building permit issuance.
- 4) Finalization of striping, pavement markings, and drive through details shall be subject to the administrative review and approval of the Township Planning Department prior to building permit issuance.
- 5) Finalization of grading details, site drainage, and any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
- 6) An updated landscaping plan meeting the requirements outlined in Section 53 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 7) A revised lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 8) The watermain connection shall be coordinated with the City of Kalamazoo Department of Public Services – Anna Crandall (269) 337-8055. Once approved by the City of Kalamazoo, the plans and a copy of the permit for final approval shall be provided to the Township prior to construction.
- 9) Copies of any necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.

Chairperson Doorlag thanked Ms. Lubbert for the presentation and asked if Commissioners had questions.

Mr. Jefferies had questions regarding current site access and the impact approving this request would have on increased traffic.

Ms. Lubbert noted MDOT is currently studying the corridor and looking for ways to address those types of issues.

In answer to questions regarding whether the parking lot would be repaved and whether the ingress and egress would be the same, Ms. Lubbert said the parking lot would be repaved, but not the access road in the front.

Mr. Greg Minshell, Matrix Consulting Engineers, said the ingress/egress would remain the same and noted they have a shared access agreement. He noted condition #1 requires that a soil erosion permit be obtained from the county, but they may not be able to do that as the rules do not apply to properties of less than one acre. They will follow the procedures and comply with the intent.

Ms. Lubbert indicated as long as there is a letter outlining that from the county, it would be acceptable.

Attorney Porter noted the whole development was subdivided years ago and the cross access parking agreement would not interfere with current operations.

Hearing no further questions from the Commission, Chairperson Doorlag opened the public hearing.

Curt Aardema, on behalf of the property owner to the south, questioned the cross access agreement. He noted that per his records this easement has expired.

Attorney Porter noted he had reviewed the document and confirmed the cross access parking agreement was updated on December 24, 1987 and is still definitive.

With no other members of the public who wished to comment, the Chairperson Doorlag closed the hearing and moved to Board Deliberations.

There was discussion regarding the cross access easement and what could be done to ensure property rights were protected. Mr. Porter advised that a condition of approval could be added to ensure that the easement provided was still in effect.

Hearing no further questions, Chairperson Doorlag asked for a motion.

Mr. Smith **made a motion** to approve Long John Silvers' request to approve the site plan and special exception use request to redevelop 5481 W. Main Street with one 2,288 square foot building to serve as a fast food restaurant with drive-through as requested, subject to the nine following conditions recommended by staff and one additional condition based on public comment.

- 1) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
- 2) The engineer's seal shall be provided on an updated set of civil site plan drawings and submitted to the Township prior to building permit issuance.
- 3) The parcel ID for the subject site and lot size information shall be noted under general project and site data on Sheet T-1.0 of the plan set prior to building permit issuance.
- 4) Finalization of striping, pavement markings, and drive through details shall be subject to the administrative review and approval of the Township Planning Department prior to building permit issuance.
- 5) Finalization of grading details, site drainage, and any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
- 6) An updated landscaping plan meeting the requirements outlined in Section 53 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 7) A revised lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 8) The watermain connection shall be coordinated with the City of Kalamazoo Department of Public Services – Anna Crandall (269) 337-8055. Once approved by the City of Kalamazoo, the plans and a copy of the permit for final approval shall be provided to the Township prior to construction.
- 9) Copies of any necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
- 10) The applicant shall confirm that the cross access easement provided is still in effect.

Mr. Ford **seconded the motion. The motion was approved unanimously.**

Chairperson Doorlag moved to the next item and asked Ms. Lubbert for her presentation.

## **PUBLIC HEARING – ORDINANCE AMENDMENT – KEEPING OF LIVESTOCK AND HONEY BEES**

Consideration to adopt amendments to 57.80 – Keeping of Livestock and Honey Bees for recommendation to the Township Board.

Ms. Lubbert indicated while responding to an inquiry about the number and type of livestock permitted on a property, Staff became aware that the relevant Ordinance section was not clear and was open to interpretation. To clarify and ensure consistent interpretation, the Planning Dept. and Legal Dept. were recommending Section 57.80 be amended as presented.

### **57.80 KEEPING OF LIVESTOCK AND HONEY BEES**

The keeping of poultry, swine, horses, rabbits, sheep, goats, other similar livestock (collectively referred herein as animals), and honey bees for noncommercial purposes is permitted under the following conditions:

- A. Activities shall be for the private enjoyment of the property owners conducted for noncommercial purposes.
- B. Acreage requirements. Acreage requirements are cumulative for each animal size, excluding honey bees, meaning the property must have the minimum required acreage for all animals onsite.
  1. Large animals. One acre for each large animal (more than 200 pounds at maturity), including horses, cattle, and swine, or similar animals.
  2. Moderate-sized animals. One-quarter acre for each moderate-sized animal (35 to 200 pounds at maturity), including sheep, goats, or similar animals.
  3. Small animals. All parcels, lots, and building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.
  4. Honey bees. The maximum allowed number of colonies permitted on a lot, parcel, or building site shall be limited as follows:

Lot, Parcel, or Building site Acreage	Maximum number of colonies permitted
Up to ¼ acre	2
¼ acre to ½ acre	4
½ to 1 acre	6

5. For a Lot, Parcel, or Building Site over an acre, 8 colonies are allowed plus 1 additional colony for each additional one-quarter acre.

Chairperson Doorlag thanked Ms. Lubbert and moved to a public hearing. As there were no public comments, he asked for a motion.

Mr. Ford made a **motion** to approve the 57.80 – Keeping of Livestock and Honey Bees for recommendation to the Township Board. Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next agenda item.

## **WORK SESSION**

### **b. Continued Discussion: Private Street Ordinance (Oshtemo Streets and Mobility Ordinance)**

Ms. Lubbert said that although this proposed general ordinance was not under the Planning Commission's jurisdiction, it is so broad she wanted the Commission to be involved because it is such an important document. She introduced Ms. Suzanne Schulz of Progressive AE, who presented an updated version of the Private Street Ordinance, now the Oshtemo Streets and Mobility Ordinance, for Commissioners' feedback and endorsement.

Ms. Schulz walked through and had a lengthy discussion with Commissioners regarding the document. She answered questions, addressed their comments and corrections and when the changes suggested are complete, will provide them with an updated draft.

## **OTHER UPDATES AND BUSINESS**

Mr. Smith shared a discussion of large buildings by the Zoning Board of Appeals in light of requests for variances regarding signage size and placement requirements that have been approved recently.

Attorney Porter indicated a sign ordinance revision that will include changes to required size and placement will be brought to the Planning Commission early in 2024.

Mr. Ford informed the group the Township Board had adopted the housing plan. He also noted that tonight was Ms. Lubbert's and Ms. Coash's last Planning Commission meeting.

Ms. Lubbert thanked Commissioners for a good, productive year. She also told them she would be leaving her position at the Township later in December, and had enjoyed her time with the Township. She also noted this was the last meeting for Martha Coash who was retiring, and also the last meeting for Ms. Maxwell whose term with the Planning Commission is ending. She presented Ms. Maxwell with a certificate of appreciation.

Commissioners expressed their appreciation to all three and noted they would be missed.

## **ADJOURNMENT**

With there being no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 9:32 p.m.

Minutes prepared:  
December 15, 2023

Minutes approved:  
\_\_\_\_\_, 2023

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## ARTICLE 30

### 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

#### **30.10 STATEMENT OF PURPOSE**

The Mixed Use District is established for the purposes of implementing Oshtemo Township's adopted Sub Area Plans and encouraging a mix of uses in the planned redevelopment of existing commercial areas into mixed use. The Mixed Use District designation is designed to accommodate, through comprehensive planning, zoning, and project review, integrated residential, commercial, office, technology, and public uses on larger parcels of land. The mixed-use district strives to encourage innovative development that incorporates high-quality building design, compatibility with adjacent uses, preservation of unique environmental features, and the creation of open spaces and amenities that enhance the quality of life of residents.

#### **30.20 ESTABLISHING A MIXED-USE DISTRICT**

##### **A. LOCATION AND SIZE CRITERIA**

Mixed Use Districts may be established in areas of the Township with an adopted Sub Area Plan or within a C: Local Business District. A minimum contiguous site area of twenty (20) acres shall be required.

The proposal shall show all contiguous holdings of the owner or option purchaser and how it is integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.

##### **B. DEVELOPMENT OWNERSHIP**

The proposed Mixed-Use District shall be under common ownership or control while being constructed, such that there is a unified responsibility for the completion of the project. Sufficient documentation of ownership or control, such as a development agreement, shall be submitted with the application for approval. Land divisions within the district and property transfers may be made once Section 30.30 A, CONDITIONS FOR DEVELOPMENT, is met.

##### **C. APPLICATION REQUIREMENTS**

The owner or option purchaser of a tract of land shall seek approval of a Mixed Use District zoning designation with the simultaneous submittal of a comprehensive development plan. The comprehensive development plan shall include:

- (1) **Plan Area.** All contiguous holdings of the owner or option purchaser and how it's integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.
- (2) **Letter of Intent.** A letter of intent that includes a full description as to how the proposed comprehensive development plan satisfies the eligibility requirements and design principles of this Section and, if applicable, evidence of how the proposed plan meets the criteria for qualifying for a density bonus.

- (3) **Development Schematic Plan.** A development schematic plan illustrating the proposed streets and the areas designated for residential, commercial, or mixed uses. Potential specific uses proposed in each area shall be outlined; see Section 30.30 for a list of uses permitted in the district. The development schematic plan shall include the proposed acreage for each use category and the proposed residential densities for each identified residential and mixed-use area.
- (4) **Site Circulation.** A circulation and access management plan for the project shall be provided. This plan shall include proposed street names and phasing (if any for development purposes), proposed non-motorized connections, and connectivity to the surrounding transportation network. The design of the circulation and access management plan shall be governed by **Article 240 Oshtemo Streets and Mobility Ordinance**. Private Streets shall be permitted as outlined in Article 240.
- (5) **Traffic Impact Study (TIS).** A complete analysis of traffic generated by the entire development and the impact said development would have on the surrounding transportation system shall be provided as outlined in **Article 240 Oshtemo Streets and Mobility Ordinance**. The transportation system includes but is not limited to truck routes, emergency routes, State and County roads, non-motorized network(s), public transit, etc.
- (6) **Design Standards.** The applicant must provide architectural and design standards that create a district identity. This shall include specific development standards that will be applicable to development within the district including, but not limited to, minimum lot area and frontage, architectural character, building materials, building height, lighting, site features, and entry monumentation. Street lighting shall be full cut-off design and mounted to be parallel to the ground. Design standards proposed by the applicant shall incorporate and may go beyond the development requirements in Section 30.30.D.
- (7) **Stormwater.** Areas for common stormwater detention, those with the intention of serving a larger area or multiple facilities, shall be identified on the development schematic plan and turned over to the Kalamazoo County Drain Commission Office (unless otherwise agreed to by all parties involved) when constructed. Feasibility of site conditions should be considered.
- (8) **Residential Density and Density Bonus.**
- I. **Initial Gross Density.** The overall density within the development schematic plan's residential and mixed use areas shall match the intended character of the correlating Sub Area Plan; each density category is defined within Table 30.20.1. A comprehensive development plan that is being proposed without a correlating Sub Area Plan and is within a C: Local Business District designation shall be considered under the high-density residential category. Areas designated purely for commercial development may not be included in the overall gross density calculation.

Table 30.20.1 – Residential Density		
Residential Character/Density Category	Initial Gross Density	Maximum Gross Density with Density Bonus
Agricultural	1 unit an acre	N/A
Low	4 units an acre	N/A

Medium/Transitional	4 units and acre	8 units an acre
High	8 units an acre	16 units an acre

**II. Density Bonus.** A density bonus, up to the maximum gross density defined within Table 30.20.1, shall be granted if the proposed development provides additional public benefits to the overall community as outlined below. The bonuses earned from each category shall be added together. **Final permitted density shall be rounded to the nearest unit (up if over .5 a unit or down if under).**

- a) Housing – This is intended to promote missing middle housing. A mix of housing options are desired.
  1. At least 50% of the dwelling units shall be in buildings with at least two (2) dwelling units. (10% density increase)
  2. At least 75% of the dwelling units shall be in buildings with at least two (2) dwelling units. (20% density increase)
  3. 100% of the dwelling units shall be in buildings with at least two (2) dwelling units. (30% density increase)
- b) **Areas within the development with housing designated exclusively for senior citizens, 55 years and older, are entitled to a 20% density bonus.**
- c) Dedication of land for a public park, not less than one acre, and/or land for a community/**public** building if acceptable to the Township Board. (30% density increase).
- d) Dedication of land, not less than one acre **when combined**, for the purpose of a private park that incorporates usable amenities. Acceptable amenities include playground equipment, picnic areas with grills and tables, tennis courts, baseball diamonds, etc. (10% density increase)
- e) Green Energy – If this density bonus is utilized, the applicant shall designate through their design standards the type of buildings within the development that will meet these standards.
  1. 50% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to Energy Star certified standards (15% density increase).
  2. 100% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to LEED Gold Standards **or the entire development receives LEED Neighborhood development certification or** 75% of the buildings are constructed to Energy Star certified standards. (30% density increase).
- f) Open Space
  1. Minimum provided open space is 20% (10% density bonus)
  2. Minimum provided open space is 30% (20% density bonus)

**(9) Public Sanitary Sewer and Water.** Public sanitary sewer and water shall be required. All infrastructure shall be designed to promote the logical extension of public infrastructure. The Township may require the extension of public infrastructure, if needed, to reach the development. **if the area is not ready to be served, at a minimum dry mains for future**

~~connection shall be installed.~~ A description of existing public infrastructure availability, current demands, downstream capacity, projected flows and increased demand feasibility needed to serve the project, and a plan for providing needed infrastructure, including community facilities.

(10) **Phasing.** A developmental procedures agreement **shall** describe the timing and phasing, if applicable, of the project and outline other development details as necessary.

(11) **Buffer from Adjacent Residentially Zoned Districts.** A minimum buffer area consisting of open landscaped green space shall be established at the perimeter of the development site adjacent to existing residentially zoned districts. No structures, roads, or parking areas shall be permitted within said buffer area.

I. The width of the buffer area shall be determined by the character of the area proposed within the Development Schematic Plan directly adjacent to existing residentially zoned district.

- a) The buffer shall be fifty (50) feet where the proposed area within the Development Schematic Plan is identified for purely residential development. This width shall be increased by one foot for each foot in height in excess of 35 feet of the proposed building heights for this area, as outlined in the design standards.
- b) The buffer shall be eighty-five (85) feet where the proposed area within the Development Schematic Plan is for mixed use or commercial development. This width shall be increased by one foot for each foot in height in excess of 35 feet of the proposed building heights for this area, as outlined in the design standards.
- c) The buffering requirement shall be waived if traditional single-family detached and/or attached residential uses compatible in height and bulk with the abutting uses are established along the perimeter adjacent to the existing residential district.

II. **Landscaping Plan.** A Landscape Plan that is sealed by a landscape architect is required for all required buffer areas.

- a) The landscape buffer shall contain two (2) canopy trees, two (2) evergreen trees and (2) understory trees for every 100 linear feet of required buffer length. Evergreens may be substituted for canopy and understory trees at a 1:1 ratio.
- b) The landscape buffer must create a visual barrier at least six (6) feet in height that provides opacity to the adjacent property owners. The landscape buffer shall include a combination of one or more of the following to provide the required 6-foot opaque visual barrier:
  - i. Berms – landscaped undulating earthen berms with varying heights as measured from the grade of the abutting property.
  - ii. Walls or fences – Walls or fences must be a minimum of six (6) feet in height as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review

of the landscape plan, the reviewing body may approve an alternate location of a wall or fence. The Planning Department shall review and Planning Commission shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood. Chain link fences with opaque slats are not permitted.

- iii. Plant materials – Landscape planting materials may consist of a variety of materials but must provide opacity to the adjacent property. For plant materials, the height requirement is based upon reasonably anticipated growth over a period of three (3) years.

- c) Native plant materials – At least 75 percent of required trees shall be native to Lower Michigan. At least 50 percent of all other required landscape material within each Plant Material Type shall be native to Lower Michigan.

- III. An alternative buffering tool may be proposed to the Planning Commission to consider; the applicant shall demonstrate that the requested alternative is just as, if not more, effective than the required buffering.

- IV. The buffer may include a nonmotorized trail. This trail shall be public, constructed to meet ADA standards, maintain a minimum setback of fifty (50) feet from the property line, and connects to the existing network when possible.

(12) **Natural features.** The development shall be designed to promote the preservation of natural features which shall be defined as water resources and adjacent upland buffers, steep slopes, rolling hills, and dense forests.

(13) **Open Space.** 15% of the of the development schematic plan shall be designated as open space subject to the following standards:

- I. Any required buffering or right-of-way shall not be used to meet the open space requirement.
- II. Any significant/sensitive environmental resources (steep slopes, wetlands, woodlands, etc.) shall be included within the designated open space where possible.
- III. Stormwater management facilities shall not be used to meet the open space requirement unless privately owned and designed as useable common open space, see below.
- IV. Usable Open Space. A minimum of 50% of the total open space must be designated as useable common open space which incorporates usable amenities to stimulate social interaction and recreational activity:
  - a) The common useable opens space shall be easily accessible to residents, including visual and pedestrian linkages and proximity to such open spaces.
  - b) Private parks shall be subject to the conditions and limitations set forth in Section [49.100](#) of this Ordinance. A density bonus may be applicable; see Section 30.20.C.8 for details.
  - c) If a designated usable common open space area is eligible to become a public park to be transferred to Oshtemo Township to design, build, and maintain, subject to the review and approval of the Parks Committee, a density bonus would be applicable; see Section 30.20.C.8 for details.

- V. Open space not designated as usable common open space shall be retained in an essentially undeveloped or unimproved state except for necessary site grading.
- VI. All designated open space areas shall initially be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided. Changes or transfers in ownership or control of the open space, sections thereof, shall be subject to review and approval of the Township. Open spaces shall always be under the control of a designated entity.
- VII. All designated open space areas shall be set aside through an irrevocable conveyance approved by the Planning Commission as part of final site plan approval, such as recorded deed restrictions, master deed, covenants that run perpetually with the land, **or** a conservation easement of land trusts.

#### **D. APPLICATION REVIEW**

Said review shall evaluate whether the proposed comprehensive development plan conforms to the standards and recommendations of the correlating Sub Area Plan, Master Plan, rezoning principles, recognized principles of civic design, land use planning, landscape architecture, and building architectural design. Submissions shall be subject to the Township's Development Schedule of Applications and adopted fee schedule.

- 1) **Optional pre-application review(s).** Informal pre-application review(s) by Township Staff is encouraged.
- 2) **Planning Commission Concept Plan Review.** A draft Development Schematic Plan shall undergo a mandatory conceptual plan review by the Planning Commission. The application for approval of a concept plan shall be made according to the procedures for Special Uses set forth in Section 65.40. The review is intended to provide an indication of the issues and concerns that must be resolved prior to review of the rezoning request by the Planning Commission. Conceptual plan approval shall not constitute an approval of the Development Schematic Plan but rather shall be deemed an expression of approval of the general layout and as a guide to the preparation of a final plan. A conceptual plan approval from the Planning Commission becomes invalid if the required Traffic Impact Study requires significant changes to the Development Schematic Plan. Request for modification to the approved draft Development Schematic Plan shall be submitted to the Planning Commission for review in the same manner as the original. Following recommendation from the Planning Commission, elements of the conceptual plan requiring Township Board action as outlined in the ordinance may be forwarded to the Township Board, per applicant request, for initial consideration and feedback.
- 3) **Planning Commission MU Rezoning Review.** Following concept plan review and approval, a full MU rezoning request may be submitted. The Planning Commission, after public hearing and consideration, may recommend approval, approval with recommended changes, or denial of the rezoning and Comprehensive Development Plan. The Township may consider, but shall not be limited to, the factors for rezoning set forth in this Ordinance, future land use recommendations in the Master Land Use Plan; goals and objectives of the Sub Area Plan; the availability and capacity of utilities; potential positive and negative impacts on neighboring land uses, potential impact on the natural environment; and other concerns and benefits related to the general welfare, safety, and health of area residents.

- 4) **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed rezoning or comprehensive development plan advisable, then the Township Board shall, in accordance with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405), refer such amendments to the Planning Commission for a report thereof within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the rezoning with or without amendments. The Township may consider, but shall not be limited to, future land use recommendations in the Master Land Use Plan; goals and objectives in the Sub Area Plan; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents.

**E. AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT PLAN**

All changes, modifications, revisions, and amendments made to the comprehensive development plan shall be resubmitted and considered in the same manner as originally required.

To optimize design, additional interior roads may be added to serve the development areas identified within the development schematic plan during the development of that area without an amendment to the comprehensive development plan.

**30.30 DEVELOPING WITHIN THE MIXED USE DISTRICT**

**A. CONDITIONS FOR DEVELOPMENT**

Unless specifically outlined in a phasing plan approved with the comprehensive development plan, all public infrastructure including, shared detention basin areas, streets, street lighting, useable common open spaces, and non-motorized facilities, shall be installed prior to any development. All private streets shall be located in a 66-foot right-of-way with an easement granted to the Township for public utilities and nonmotorized facilities. The Township shall have no obligation or liability for the private street or maintenance thereof by virtue of the easement.

In addition, prior to the submission of the first site plan application within the MU district, the development ownership of the district shall establish a Design Committee. The Design Committee shall review all site plan submissions against the adopted Design Standards and provide a letter of recommendation to the Planning Department as part of the official site plan application to the Township.

**B. PERMITTED USES**

- 1) One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.
- 2) Any business primarily for the retail sale of merchandise or services in which any manufacturing, assembling or fabricating is merely incidental to and an unsubstantial part of said business.
- 3) Banks, credit unions, savings and loan offices and similar financial institutions.
- 4) Administrative, business, or professional offices.
- 5) Laundromats and dry-cleaning establishments, excluding those establishments providing cleaning services for other laundromat and dry-cleaning establishments.



- 6) Hotels, motels.
- 7) Restaurants.
- 8) Hospitals and medical clinics.
- 9) Essential services.
- 10) Indoor theatres.
- 11) Passenger bus terminals, excluding facilities for the overnight storage of buses.
- 12) Accessory buildings and uses customarily incidental to the foregoing.
- 13) Pet shops.
- 14) Houses of worship.
- 15) Commercial Center.
- 16) Proprietary schools and colleges.
- 17) Child Care Centers and Adult Care Centers.
- 18) Funeral homes.
- 19) Private clubs.
- 20) Nursing, convalescent, handicapped, or senior citizens' homes.
- 21) Drive-in service window or drive-through services for businesses.
- 22) Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- 23) Buildings and regulator stations for essential services.
- 24) Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, and other recreational areas.
- 25) Brewpub.
- 26) Microbrewery.
- 27) Wine Tasting Room.
- 28) Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- 29) Scientific or medical laboratories, engineering, testing or design facilities, or other theoretical or applied research facilities. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.
- 30) Printing, lithographic, blueprinting, and similar uses.
- 31) Mixed use buildings, which entail two or more different uses. Mixed use buildings shall be comprised of a mixture of first-floor commercial, retail, office and/or residential uses, with upper floor office and/or residential uses.

#### **C. PERMITTED USES WITH CONDITIONS**

Subject to administrative review applying the same standards as set forth in Article 49.

- a) Home Occupations
- b) Larger Facilities for Child and Adult Foster Care
- c) Group Day Care Home
- d) Bed and Breakfast Inns
- e) Golf Courses, Parks, and Outdoor Recreational Areas
- f) Assembly and Convention Halls.
- g) Veterinary, Small Animal Clinics



## D. DEVELOPMENT REQUIREMENTS

All development within the Mixed Use District shall adhere to the approved Mixed Use District's comprehensive development plan, including the adopted design standards, and the following standards:

### 1) Residential

Residential designated areas within the comprehensive development plan shall be subject to an administrative review by the Planning Department applying the standards of the Subdivision/Site Condominium Ordinance or the Residential Condominium Standards which shall be modified by the general development standards outlined below.

### 2) Commercial

Commercial designated areas within the comprehensive development plan shall be subject to an administrative review by the Planning Department and shall meet the requirements outlined in Article 64 Site Plan Review, which shall be modified by the general development standards outlined below.

### 3) Mixed-Use Development

Shall follow both the Residential and Commercial requirements set forth above.

### 4) General Development Standards

- i. There shall be no minimum lot area or frontage requirements unless outlined in the Mixed Use District's comprehensive development plan.
- ii. Setbacks
  - a. Front Yard: 15 feet
  - b. Side Yard: 10 feet
  - c. Rear Yard: 15 feet
  - d. The Planning Commission may approve reduced setbacks in a manner that is consistent with the approved comprehensive development plan, encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment. Applicant must officially request the reduction and provide reasoning for the request.
- iii. Residential unit sizes shall be regulated by Section 50.20 of the Ordinance.
- iv. All mobility and transportation elements shall follow the regulations outlined in Article 240 Oshtemo Streets and Mobility Ordinance.
- ~~v. All roadways shall be designed and constructed as Streets to Road Commission of Kalamazoo County.~~
- vi. Sidewalks shall connect the road frontage sidewalks to all front building entrances, parking areas, central open spaces, and any other destination that generates pedestrian traffic.
- vii. No outdoor storage shall be permitted in this district.
- viii. Residential accessory structures shall conform to the requirements as specified in Section 57.00 Accessory Buildings Serving a Primary Residence.

## E. PROCESS

The Planning Department shall have the authority to administratively deny, approve, or approve with conditions all site plans submitted for review under this section **per Ordinance**. The Planning Department shall record its conclusions, its decisions, the basis for its decision, and any recommended

conditions to be imposed in conjunction with an affirmative decision. The Planning Director shall have the discretion to forward any Site Plan submitted for administrative approval to the Planning Commission for final determination. If administrative approval is denied, the applicant may appeal the decision to the Planning Commission. With all submissions, a letter of recommendation from the corresponding MU District's Design Committee shall be provided.

DRAFT