

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD DECEMBER 8, 2016**

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**Agenda**

**PUBLIC HEARING: CONDITIONAL REZONING REQUEST  
CONSIDERATION OF AN APPLICATION FROM JEAN BURNS FOR THE  
CONDITIONAL REZONING OF APPROXIMATELY TWO ACRES LOCATED  
AT 3000 SOUTH 11TH STREET FROM R2: RESIDENTIAL DISTRICT TO THE  
R3: RESIDENTIAL DISTRICT. PARCEL NO. 3905-25-390-030.**

**PUBLIC HEARING: SITE CONDOMINIUM PRELIMINARY PLAN REVIEW  
(STEP 1)  
CONSIDERATION OF AN APPLICATION FROM WESTVIEW CAPITAL, LLC  
FOR A SITE CONDOMINIUM PRELIMINARY PLAN ON APPROXIMATELY 8.8  
ACRES LOCATED AT 2083 NORTH 9TH STREET WITHIN THE R-2:  
RESIDENTIAL DISTRICT. PARCEL NO. 3905-11-305-051.**

**COMMERCIAL PLANNED UNIT DEVELOPMENT - WESTGATE  
CONSIDERATION OF THE APPLICATION FROM WESTGATE 131, LLC TO  
REVIEW A CONCEPT PLAN THAT WOULD ESTABLISH A COMMERCIAL  
PLANNED UNIT DEVELOPMENT ON 86.55 ACRES NORTH OF WEST MAIN  
STREET AND WEST OF US 131.**

**Other Business:**

- a. Kalamazoo Metropolitan County Planning Commission - County  
Master Plan Initiative**
  - b. 2017 Meeting Dates**
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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, December 8, 2016 commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

**MEMBER ABSENT:** Fred Antosz

Also present were Julie Johnston, Planning Director, Ben Clark, Zoning Administrator, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist and approximately 20 other persons.

**Call to Order and Pledge of Allegiance**

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

**Agenda**

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

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

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

**Public Comment on Non-Agenda Items**

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

**Approval of the Minutes of November 10, 2016**

Chairperson Loy asked if there were any additions, deletions or corrections to the minutes of November 10, 2016. Hearing none, he asked for a motion to approve the minutes.

Ms. Jackson made a motion to approve the minutes of November 10, 2016 as presented. Ms. Smith seconded the motion. The motion was approved unanimously.

**PUBLIC HEARING: CONDITIONAL REZONING REQUEST  
CONSIDERATION OF AN APPLICATION FROM JEAN BURNS FOR THE  
CONDITIONAL REZONING OF APPROXIMATELY TWO ACRES LOCATED  
AT 3000 SOUTH 11TH STREET FROM R2: RESIDENTIAL DISTRICT TO R-3:  
RESIDENTIAL DISTRICT. PARCEL NO. 3905-25-390-030.**

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the request regarding the conditional rezoning of two acres

located at 3000 South 11th Street from R-2: Residential District to R-3: Residential District.

Ms. Johnston explained the applicant is requesting rezoning of a 2 acre parcel on the west side of 11<sup>th</sup> Street north of Parkview Avenue to the R-3: Residence District to allow for the development of an office use. The parcel is currently located in the R-2: Residence District and has 301 feet of frontage on 11<sup>th</sup> Street.

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

Staff was not aware of any immediate plans for the sale and construction of a new office facility, but rather the applicant's desire to maximize the versatility of the property under the Future Land Use designation of Transitional Mixed Use. Staff has discussed with the applicant the intent to develop a Zoning District which would mirror the objectives of the Transitional Mixed Use District outlined in the Master Plan. However, the time involved to create a new Zoning District is an impediment to the applicant and their desire to sell the subject property.

The offer of conditions is essentially threefold:

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

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

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

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

Ms. Johnston said the type of office uses which would be considered under this definition are accountants, architects, medical professionals, insurance agencies, etc. Limiting the rezoning condition to allow “professional offices” is a broad enough term to allow for a use that would be more in keeping with the development changes being experienced on South 11<sup>th</sup> Street. Stipulating “similar uses” seemed unnecessary and unnecessarily vague in its application. After talking with the applicant she agreed to drop “similar uses” in favor of “professional offices.”

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

- Master Plan Designation

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

Transitional Mixed Use Parkview Avenue / 11th Street Area:

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

An office use is specifically delineated in the description of the Transitional Mixed Use District for this area. The Master Plan continues with some specific concerns related to site design and the impact of an office use on the more rural

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

- Consistency of the Zoning Classification in the General Area

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

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

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

The requested change to the R-3: Residence District with conditions is generally consistent with the surrounding zoning. However, a change to R-3 at this location would be the closest encroachment into the remaining R-2 zoned and used properties along South 11<sup>th</sup> Street and neighboring lots to the west. The request to limit the site to an office use provides some protections to the surrounding neighborhood as any new development would have to seek Special Exception Use approval from the Planning Commission and comply with the development standards outlined in the Zoning Ordinance.

- Consistency and Compatibility with General Land Use Patterns in the Area

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

- Single-family residential until Crystal Lane, then;

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

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

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

- Utilities and Infrastructure

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

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

- Reasonable Use under Current Zoning Classification

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

- Effects on Surrounding Property

This is a further encroachment of non-residential uses within the area of South 11<sup>th</sup> Street which has retained more of its residential use and character. Non-residential use often have site needs not experienced by residential uses, like parking lot and building lighting, which can negatively affect adjacent uses. If the Planning Commission chooses to forward a recommendation of approval to the Township Board, the development standards outlined in the R-3 District will need to be closely reviewed and enforced at the time of development to reduce the impacts on neighboring properties.

Ms. Johnston said an argument could be made that the continued advance of non-residential uses on South 11<sup>th</sup> Street from the north indicates a

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

She said the Planning Commission had three possible options when considering this request, as follows:

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

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

Chairperson Loy asked whether Commissioners had questions for Ms. Johnston.

In response to questions, she said the size of the parcel in question is two acres and that the language recommended would not allow any type of personal services business on the property.

Chairperson Loy asked if the applicant wished to speak.

Ms. Cindy Ortega, of Miller Johnson Attorneys, spoke on behalf of the applicant, agreeing with Ms. Johnston's presentation. She listed controls already in the Ordinance for a new office building and noted the Ordinance says the Township can impose additional conditions and restrictions to protect neighbors and adjacent properties, including limiting hours of operation. She also noted the Master Plan supports what the applicant has proposed and confirmed the applicant agreed to strike "similar uses" and use the term "professional offices" to match the Ordinance.

The Chairperson asked if any member of the public wished to speak.

Dr. James Taylor, 2990 Vienna, just west of the proposed rezoning area said he was in agreement with some of the statistics provided by Ms. Johnston, but is opposed to the requested change citing the interspersal of six residences and five businesses just south of Crystal Lane. He believes the same thing will occur with this approval resulting in a similar interspersal of 16 homes and setting a precedent. He was also concerned about an increase in traffic and whether the infrastructure is sufficient. He noted Staff does see some advantages to making Crystal Lane a dividing line.

After determining there were no further public comments, the Chairperson moved to Board Deliberations.

Attorney Porter said that because Chairperson Loy lives at 5590 Parkview he cannot make public comment on this item and will not participate in discussion or voting.

Ms. Jackson voiced concern regarding a business surrounded by a residential area.

Mr. Boulding, Sr. felt this project does not seem out of place given existing intermixed businesses and residences in the area.

Ms. Smith said her only concern would be if a precedent were being set.

Ms. Farmer said the Township does not have a plan to keep the area residential, a future land use map could make that distinction, but if that is what was wanted it would have had to have been changed before now. She has concerns about traffic at 11<sup>th</sup> Street and Parkview with the four-way stop. It is already busy at that corner, especially during rush hour, but there is nothing to prevent development.

Ms. Jackson said a transitional area needs to be transitional and a division at Crystal Lane makes sense.

Mr. Chambers said he did not see an issue except with heavier traffic during afternoon rush hour and sees value in a distinction north and south of Crystal Lane.

Chairperson Loy asked for a motion.

Mr. Boulding made a motion to recommend a conditional rezoning to the R-3 District to the Township Board with the condition presented by the applicant that would allow "office use." Mr. Chambers seconded the motion. The motion was approved 4-1 with Ms. Jackson voting "no" and Chairperson Loy abstaining.



**PUBLIC HEARING: SITE CONDOMINIUM PRELIMINARY PLAN REVIEW  
(STEP 1)  
CONSIDERATION OF AN APPLICATION FROM WESTVIEW CAPITAL, LLC  
FOR A SITE CONDOMINIUM PRELIMINARY PLAN ON APPROXIMATELY 8.8  
ACRES LOCATED AT 2083 NORTH 9TH STREET WITHIN THE R-2:  
RESIDENTIAL DISTRICT. PARCEL NO. 3905-11-305-051.**

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the request regarding the site condominium preliminary plan review (step 1 of a 3 step approval process) requested by Westview Capital, LLC, for approximately 8.8 acres located at 2083 North 9th Street within the R-2: Residential District.

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

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

Within the parent parcel, which extends west approximately 1,300 feet from North 9<sup>th</sup> Street, the applicant is proposing one main east-west road (tentatively named *Autumn Grove Trail*), terminating in a cul-de-sac 125 feet from the west property line, and two stub streets that spur off from Autumn Grove Trail, one to the north, and one to the south. Building sites within the proposed development are equally distributed along the north and south sides of Autumn Grove Trail, with the single drainage basin located between sites seven and six. The applicant has stated that the roads are to be public, and each site within the development is to be served by public water and sanitary sewer.

She walked through Ordinance Compliance components:

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

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

- **Treatment of natural features:** Although there are no significant wooded areas on the parent property, which is currently being used as a field, some trees are present, and the applicant is required to indicate any trees on the property larger than 12 inches on the step one plan. While this information has yet to be

incorporated into the document, the applicant does intend to do so, pending the completion of a field survey of the property. While Section 290.005 of the Township's General Ordinance, *Condominium projects*, lacks strict language with regards to the protection of natural features, stating that they "should be preserved insofar as possible", staff nevertheless urges the applicant to keep as many trees on site as is feasible. One reason being that the preservation of the existing fence row will act as at least partial screening between this development and adjacent properties. Aside from the aforementioned trees, there are no other known areas of ecological sensitivity on the subject property, as the land has long since been cleared for agricultural use—any slopes are fairly gentle and no regulated wetlands, water bodies, or streams are present.

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

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

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

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

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

In answer to a question from Mr. Boulding, Sr. regarding the timing of street lamp installation, Ms. Johnston said would be considered during Step 2 of the process.

The Chairperson asked whether the applicant wished to address the Board.

Mr. Brian Wood, Edwin Allen Homes, felt the proposal fits within the Master Plan. They would hope to commence preparation work in spring of 2017 to be completed in mid-summer, with actual home building to begin after that time. He noted they would preserve trees on site as much as possible with a 25 foot buffer on the back side. The cluster in the center may be in jeopardy. They will be happy to widen and address sidewalk/crossing concerns. Street lights will be included at the time of construction planning and will be installed when the electric and gas service are completed.

Chairperson Loy asked if any members of the public wished to address the Board.

Ms. Valerie Eisenberg, 2135 N. 9th Street, directly north of the proposed condo site spoke to the Board. She was terribly disappointed to receive the flyer indicating 9th Street would be assaulted with building. She has lived there 33 years and understands time marches on, but had always understood residential plots in the area were zoned for a minimum of five acres. An intrusion of this number of homes will destroy the ambiance that is left of 9th Street and she hoped the development will not go forward.

She was also concerned about what type of housing will be built, whether it will be high or low end and how it will impact the quality of life for residents. She wants to be sure to determine that all trees on her property are left in place and there is no encroachment. She said she was glad to hear the fence row would be maintained.

Attorney Porter clarified that the frontage requirement for the condominium development are not the same as for individual lots developed as a single parcel and explained the type of housing to be built is not up to the Board.

Mr. Kenneth Eisenberg, 2135 N. 9th Street, had three main points. He was concerned about the 9th Street road coming out within 100 - 150 feet of 10 driveways, not including Wyndham Woods Subdivision. This is already a significant dangerous intersection with many instances of impatient drivers passing on the left. An additional 18 houses will only make the problem worse. He also talked about water runoff down the hill to 9th Street. His basement has already been flooded several times with the current landscaping and questions how the additional runoff will be handled. His third concern is that the tree line will be a gathering place for children and teens and he foresees needing

additional liability insurance for greater risk. These three concerns will have detrimental effects on his property.

Mr. Steve DeYoung, 2001 N. 9th Street just south of the proposed development also was told by the Langelands from whom he purchased his property that lots would be a minimum of 5 acres. He was concerned about the number and size of houses planned. He felt it would have been nice to talk to neighbors ahead of time and tie a development into Wyndham Woods to keep property values up by building more substantial homes.

Chairperson Loy moved to Board Deliberations.

Ms. Smith said she has been a resident for a long time and development is going to happen, but she would be happier if the houses were planned to be larger but the plan as submitted meets requirements.

Ms. Farmer said there are always many issues regarding residential development . Each time they do there is no way to make everyone happy. She said she was surprised because this property remained R-2 for so long, hearing neighbor comments. She said she understands if the development is unwanted or disliked, but it is difficult to make a decision different than approval because the plan for this area was never to be anything but what is being proposed.

Hearing no further comments, Chairperson Loy asked for a motion.

Ms. Jackson made a motion to recommend step one approval to the Township Board as presented and to include the three conditions of referral as recommended by Staff. Mr. Boulding, Sr. seconded the motion. The motion was approved unanimously.

**COMMERCIAL PLANNED UNIT DEVELOPMENT - WESTGATE  
CONSIDERATION OF THE APPLICATION FROM WESTGATE 131, LLC TO  
REVIEW A CONCEPT PLAN THAT WOULD ESTABLISH A COMMERCIAL  
PLANNED UNIT DEVELOPMENT ON 86.55 ACRES NORTH OF WEST MAIN  
STREET AND WEST OF US 131.**

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the request regarding consideration of the application from Westgate 131 to review a concept plan that would establish a commercial planned unit development on 86.55 acres north of West Main Street and west of US 131.

Ms. Johnston explained the applicant was requesting the approval of a Commercial Planned Unit Development (PUD) on approximately 86.55 acres of mostly vacant land located north of West Main Street, between US-131 and

Maple Hill Drive, the largest PUD proposed in the Township to date. The property is zoned C: Local Business District which allows for the development of commercial PUDs. One existing restaurant, Friday's, is located on the property. Per the applicant, the plan is to construct a new building for the Friday's restaurant and demolish their existing structure.

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

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

During the Master Plan update of 2011/2012, the Future Land Use designation for this area was changed to General Commercial for all of the subject property. In January of 2013, the Planning Commission approved a rezoning of 60 acres from the R-3 and R-4 Residence Districts to the C: Local Business District designation. Based on the minutes from that meeting, no residents spoke for or against the rezoning request. With the zoning in place for the full 86.55 acres, the applicant was able to plan for the proposed Westgate Commercial PUD.

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

- Street System

At this time, the concept plan shows a road that loops from West Main Street at the existing drive for the Friday's restaurant north where it will curve to the east and then continue south to connect to Maple Hill Drive. The property owner has not yet determined if this road will be a private drive or a public road. Staff, however, would request that if the developer decides to keep the drive private, that the portion that continues Maple Hill Drive be designed and

dedicated as a public road. Connecting a public road to a private drive in a continuous fashion (not at an intersection), could cause confusion in the future. In addition, there may one day be a need to extend Maple Hill Drive farther north, which would likely necessitate a public road.

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

- Pedestrian and Vehicular Circulation

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

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

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

Vehicular circulation is also well planned, particularly given the access limitations to local roads. Once access point is provided from West Main Street, which as stated, loops back to Maple Hill Drive. An additional access point is provided from Maple Hill Drive moving west through the PUD to the drive planned along the western portion of the site. Internal circulation between sites is also provided. Dedicated north/south drives are planned along each segment of the PUD (restaurants, hotels and retail) on both the east and west sides of the development. Finally, an additional east/west drive is planned between the larger retail pads of the development.

- Parking Facilities

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

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

- Interior Open Space

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

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

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

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



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

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

- Proposed Landscaping

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

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

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

- If the drive becomes a dedicated public road, a 20-foot landscape buffer will be required along the eastern side of the 66-foot right-of-way. Landscaping is not required on the western side of the drive as the right-of-way line will likely mirror the western property line.

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

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

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

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

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

- **Storm Water and Utilities**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Relief from 0.1 foot candle light limit between sites and at the western property boundary to ensure proper lighting of the frontage

drive. Photometric plans to be reviewed and approved as part of the site plan review process.

2. Relief from necessary landscape buffer widths:
  - Allow no buffers between some uses as shown on the concept plan.
  - If the planned western frontage road is intended to be dedicated as either public or private, the eastern landscape buffer must be at least 20-feet in width from edge of pavement. If the planned western frontage road remains an access drive and is not dedicated, the required 10-foot landscape buffer along the western side of the drive shall be exempted.

She said the Planning Staff recommended approval of the Westgate PUD Concept Plan with the following conditions:

1. The extension of Maple Hill Drive will remain public and an intersection will be developed where the frontage road meets Maple Hill Drive.
2. All requirements of Section 75: Landscaping will be met when each individual site is developed except for the departures from the Ordinance approved with this concept plan.
3. Additional pedestrian connections that link individual sites will be provided when site plans are presented for approval.
4. An overall storm water management plan or language to the effect that each site will manage their own storm water will be provided to the Public Works Director for review prior to the start of individual site plan submittals.
5. A resolution to the traffic safety concerns at the intersection of the frontage drive and West Main Street will be coordinated with MDOT prior to the development of the large retail stores planned within the Westgate PUD.
6. Allow 821 parking spaces to be dimensioned at 9' x 18' as opposed to the 10' x 20' generally required.
7. Allow the following departures from the Zoning Ordinance:
  - Relief from 0.1 foot candle light limit between sites and at the western property boundary. Photometric plans to be reviewed and approved as part of the site plan review process.

- Relief from necessary landscape buffer widths:
- Allow no buffers between some uses as shown on the concept plan.
- If the planned western frontage road is intended to be dedicated as either public or private, the eastern landscape buffer must be at least 20-feet in width from edge of pavement. If the planned western frontage road remains an access drive and is not dedicated, the required 10-foot landscape buffer along the western side of the drive shall be exempted.

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

Mr. Boulding, Sr. asked whether there would be a light at the intersection.

Ms. Johnston said there would be an additional light at 131 and the frontage road.

Ms. Farmer thought the TGI Friday's road, not a friendly entrance, would close.

Ms. Johnston said all of West Main has issues; MDOT is aware of the problems and will study them next spring - they may integrate or combine traffic signals. Relief needs to be provided to the frontage road.

Ms. Smith continues to be concerned about pedestrians walking in the street on Maple Hill Drive; as is it is not conducive to development. She would want to see sidewalks on both sides of Croyden and Maple Hill Drive for pedestrian safety.

Ms. Johnston noted both Croyden and Maple Hill Drive are in the CIP.

Attorney Porter said a request could be made to the Board. If the project moves ahead a special assessment district could provide the needed sidewalks. The future land use map and commercial zoning PUD is the best way to get the large property developed.

Mr. Chambers commented MDOT needs to be a major player to get on and off of West Main.

Attorney Porter said looking at using a special assessment district to provide sidewalks in the large residential development is long overdue.

Mr. Joe Gesmundo, AVB, 4200 W. Centre, Portage, agreed traffic is a challenge, as does MDOT. He said a preliminary engineering study has been done; AVB, MDOT and the Township will all work to make traffic as good as it

can be by collectively coming up with a good solution. He described the interchange/interstate as another gateway.

Ms. Smith said she is still concerned about too much traffic.

In answer to a question from Mr. Boulding, Sr. about how water runoff will be handled in the south portion, Mr. Gesmundo said it would be run under parking lots.

Chairperson Loy asked if there were any public comments. Hearing none, he moved to Board Deliberations.

Ms. Jackson felt the requested PUD would be a cohesive, positive use of land and of the PUD.

Ms. Farmer said this was appropriate development although she is concerned about the traffic and walkability issues. She supports the PUD and appreciates the PUD process.

Mr. Boulding, Sr. also said he supports the PUD. The traffic issue is a concern but the PUD should move forward and MDOT should be allowed to take care of the issues presented.

Ms. Smith said she did not agree with moving forward when major safety problems exist on West Main and along Maple Hill Drive and Croyden. They are not set up for what is needed.

Mr. Loy said he was in agreement with this project on day one. Traffic is a necessary evil. The state can give assistance in that regard.

Ms. Farmer made it clear that when talking about traffic here, it is dangerous traffic being considered.

Ms. Johnston indicated that the property is zoned commercial and all of the uses presented in the PUD are permitted by right. If the applicant chose to develop outside of a PUD, the individual projects would go to the Zoning Board of Appeals for approval. The PUD allows for better coordination with the entire project and between individual sites.

Mr. Chambers made a motion to approve the Westgate PUD Concept Plan with the seven conditions recommended by staff. Ms. Jackson supported the motion. The motion carried 5 - 1, with Ms. Smith dissenting.

### **ANY OTHER BUSINESS**

**a. Kalamazoo Metropolitan County Planning Commission - County Master Plan Initiative**

Mr. Neil Sikora, Chair of the Kalamazoo Metropolitan County Planning Commission and Ms. Lotta Jarnefelt, Director of Kalamazoo County Department of Planning & Community Development, provided background on the County Master Plan Initiative and the Master Plan Summary for Oshtemo Township.

An inventory of local plans is being done to identify overarching themes and county-wide direction; individual summaries will become part of the Master Plan. The goal is to identify areas for future growth for the county, preservation and transformational areas and to develop dashboard characteristics and graphic overviews to serve as a resource for the county, individual governmental units and individuals.

Commissioners felt this was a positive project and agreed to review the Oshtemo Township Master Plan Summary as requested.

It was noted the Oshtemo Township Master Plan public meeting will be held February 23, 2017 and Mr. Sikora and Ms. Jarnefelt were invited to attend.

**b. 2017 Meeting Dates**

Ms. Johnston presented the following schedule of Meeting Dates for 2017, in the normal pattern of second and fourth Thursday of the month as well as a tentative schedule of joint meetings. The schedule was accepted by the group.

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

**JOINT MEETINGS (tentative)**



February 21  
May 16  
September 19

### **PLANNING COMMISSIONER COMMENTS**

Ms. Jackson noted this was her last meeting and said she has loved working with everyone on the Commission and staff and hopes to remain involved in future.

Chairperson Loy said this was also his last meeting and thanked Board Members and Staff, noting he had spent many years on the Board and maybe would be back some day.

Ms. Farmer said she was sorry to see Ms. Jackson and Mr. Loy go, but welcomed new Board members.

Ms. Johnston said she enjoyed the debates during the meeting.

### **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 9:08 p.m.

Minutes prepared:  
December 12, 2016

Minutes approved:  
January 12, 2017