

OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009
269.375.4260

May 15, 2018
BOARD WORK SESSION
6:00 p.m.
AGENDA

- A. Call to Order
- B. Public Comment
- C. Update from Kalamazoo County
- D. Discussion on Handbook Amendments for Education, Professional Development, & Gratuities
- E. Discussion on Addressing Standards
- F. Other Updates & Business

REGULAR MEETING
7:15 p.m.
AGENDA

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comment on Non-Agenda Items
- 4. Consent Agenda
 - a. Approve Minutes –April 9, 2018 (Special) and April 10, 2018 (Regular) Meetings
 - b. Receipts & Disbursements Report
 - c. ZBA Board – Member Appointment from Alternate to Full Member
- 5. Recognition of Retiring Oshtemo Deputy Pete VandeWeerd
- 6. Consideration of Class C Liquor License Transfer – Big Burrito to Thirsty Hound
- 7. Consideration of Plant Growth Ordinance for Replacement – Second Reading
- 8. Consideration of Zoning Ordinance Addition Section 61 Residential Condominium Standards – First Reading
- 9. Consideration of First Quarter Budget Amendments – Continued
- 10. Update on Stadium Drive Non-motorized
- 11. Other Township Business
- 12. Public Comment
- 13. Board Member Comments
- 14. Adjournment

Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be board discussion prior to call for a motion.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment or Citizen Comment on Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)
(revised 5/14/2013)

Policy for Public Comment
6:00 p.m. "Public Comment"/Portion of Township Board Meetings

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

While this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)
(revised 5/14/2013)



Memorandum

Date: May 9, 2018
To: Township Board Members
From: HR Committee
Subject: Gratuity Policy

Objective

Discussion with Township Board to clarify/amend Township Policy for Receipt of Gifts or Gratuities.

Summary

The HR Committee reviewed Section 6.2.1 of the Employee Handbook and recommend changes to include creating a log and restate the intent of the policy.

Information included

Employee Handbook Section 6.2.1 red lined indicating proposed changes.

Core Values Recognized

Professionalism, Integrity

6.2.1 Receipt of Gifts or Gratuities:

Township Officers and employees must be beyond suspicion and reproach in rendering service to the public. Therefore, no Officers, Trustees or employees may accept any gift or gratuity which in any manner is related to the provision of public services or the award of any public contracts or could be interpreted to relate to the provision of such services or the award of such contracts. ~~Any gift in excess of \$50 in value should be reported to the Personnel Director and returned immediately.~~ All other gifts shall be logged in the Gratuities Log on the T drive, Employee Information & Forms folder. Generally, all gifts received by Township employees shall be shared in the office. ~~reported to the Personnel Director, and~~ If an Officer or employee has any questions regarding the propriety of any gift or gratuity, discuss the matter with the Personnel Director for review and advice.

The overall goal is to maintain appropriate professional objectivity and impartiality.

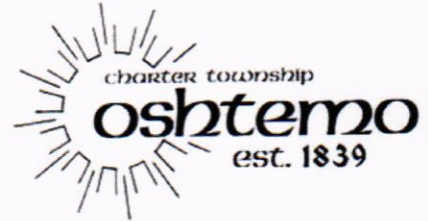
*Addition of Sec. 6.2.1 - Effective: 5/13/08
Revised - Effective 02/28/17
Revised - Effective _____*

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The overall goal is to maintain appropriate professional objectivity and impartiality.

*Addition of Sec. 6.2.1 - Effective: 5/13/08
Revised - Effective 02/28/17
Revised - Effective _____*



Memorandum

Date: May 9, 2018
To: Township Board Members
From: HR Committee
Subject: Educational/Professional Development

Objective

Discussion with Township Board to clarify/amend Township Policy for Educational/Professional Development.

Summary

The Board held discussion at the February 13, 2018 Township Board meeting regarding clarifying the current policy for Educational/Professional Development, specifically addressing sections 9.14 and 9.14.1 of the Employee Handbook related to approved course/class and reimbursement.

Information included

Employee Handbook Sections 9.14 and 9.14.1 red lined indicating proposed changes.
Spreadsheet outlining requirements for Professional Development
Spreadsheet outlining requirements for Education

Core Values Recognized

Professionalism (Employee Education) & Sustainability (Fiscal)

9.14 Educational and Professional Development:

The Township recognizes that employees and the Township may benefit from additional education and/or attendance at conferences, meetings, workshops and seminars. In order to encourage employees in this regard, the following policies are established.

9.14.1 Education:

This section outlines the policy for reimbursement for degree classes/courses taken by full time employees and paid-on-call fire personnel at an accredited institution of higher learning. The Township may reimburse employees, ~~including Fire Department personnel~~, in whole or in part, for expenses of education under the following circumstances:

- A. A written request for reimbursement signed by the employee must be submitted to the employee's Department Head for approval in advance of enrollment. If approved, ~~and the Department Head will submit to the Personnel Director or his/her designee the employee request and indicate they will include in the next year's budget reimbursement for the class/course. for approval in advance of attendance.~~ The request must be submitted on the appropriate form, and must show:
 1. Name of the class/course, the institution, and beginning and ending dates. ~~The course of study will be undertaken at an accredited institution of higher education in Kalamazoo County or other locality as specifically approved by the Township Board.~~
 2. Description of how the class/course of study will relate to the employee's work for the Township and will contribute to the employee's ability to perform his or her duties.
 3. The amount the employee requests for reimbursement.
- B. By submitting the request the employee agrees:
 1. ~~The employee agrees that~~ No reimbursement will be made until a written evidence of successful completion of the class/course, with a grade of "B-" "C" or better (2.0 on a 4.0 scale), has been submitted to the Personnel Director or his/her designee. ~~a Township Official.~~
 2. There will be no reimbursement for repeated courses.

- 3. The employee agrees that if his or her employment with the Township is terminated prior to the successful completion of the **class/course**, no reimbursement will be paid.
- 4. ~~The employee agrees that if his or her employment with the Township is terminated within one (1) year of the reimbursement, one half (1/2) of the amount reimbursed must be repaid by the employee.~~
- 5. The employee has not been requested or required by the Township or any of its agents or employees to pursue the **class/course** of study for which the application for reimbursement is made.

C. ~~Reimbursement may include the expense of registration and~~ **will be made for tuition only; books, materials, and any other related expenses will be the responsibility of the employee. Reimbursement will be made according to the following schedule, provided the employee remains in the employment of the Township: Books will be the responsibility of the student. The total yearly amount of the reimbursement will be at the discretion of a Township Official, taking into account the availability of departmental funds.**

- 1. **Reimbursement per class/course leading to a degree related to the employee's position:**
 - a. **33% reimbursement 1 year after completion of the class/course.**
 - b. **66% cumulative reimbursement 2 years after completion of the class/course.**
 - c. **100% reimbursement 3 years after completion of the class/course.**
- 2. **Reimbursement per class/course, non-degree, related to the employee's position:**
 - a. **100% reimbursement 1 year after completion of the class/course.**

9.14 Educational and Professional Development:

The Township recognizes that employees and the Township may benefit from additional education and/or attendance at conferences, meetings, workshops and seminars. In order to encourage employees in this regard, the following policies are established.

9.14.1 Education:

This section outlines the policy for reimbursement for degree classes/courses taken by full time employees and paid-on-call fire personnel at an accredited institution of higher learning. The Township may reimburse employees, in whole or in part, for expenses of education under the following circumstances:

- A. A written request for reimbursement signed by the employee must be submitted to the employee's Department Head for approval in advance of enrollment. If approved, the Department Head will submit to the Personnel Director or his/her designee the employee request and indicate they will include in the next year's budget reimbursement for the class/course. The request must be submitted on the appropriate form, and must show:
 - 1. Name of the class/course, the institution, and beginning and ending dates.
 - 2. Description of how the class/course of study will relate to the employee's work for the Township and will contribute to the employee's ability to perform his or her duties.
 - 3. The amount the employee requests for reimbursement.

- B. By submitting the request the employee agrees:
 - 1. No reimbursement will be made until a written evidence of successful completion of the class/course, with a grade of "B-" or better, has been submitted to the Personnel Director or his/her designee.
 - 2. There will be no reimbursement for repeated courses.
 - 3. The employee agrees that if his or her employment with the Township is terminated prior to the successful completion of the class/course, no reimbursement will be paid.
 - 4. The employee has not been requested or required by the Township or any of its agents or employees to

pursue the class/course of study for which the application for reimbursement is made.

- C. Reimbursement will be made for tuition only; books, materials, and any other related expenses will be the responsibility of the employee. Reimbursement will be made according to the following schedule, provided the employee remains in the employment of the Township:
1. Reimbursement per class/course leading to a degree related to the employee's position:
 - a. 33% reimbursement 1 year after completion of the class/course.
 - b. 66% cumulative reimbursement 2 years after completion of the class/course.
 - c. 100% reimbursement 3 years after completion of the class/course.
 2. Reimbursement per class/course, non-degree, related to the employee's position:
 - a. 100% reimbursement 1 year after completion of the class/course.

Revised - Effective 02/28/17

Revised - Effective _____

9.14.2 Professional Development:

Full-time employees and **paid-on-call** firefighters may request permission to attend conferences, workshops, seminars or meetings. ~~during their regularly scheduled work hours.~~ **Permission may be granted for attendance at such proceedings as follows:**

The Township may reimburse employees, in whole or in part, for expenses of professional development under the following circumstances:

~~In every case in which an employee desires to attend such proceedings during regular work hours without using accrued PTO vacation time or without pay, a written request for permission to attend shall be submitted to the employee's Department Head and the Personnel Director in advance on the appropriate form supplied by the Township Supervisor. The request must show:~~

- A. **A written request for attendance signed by the employee must be submitted to the employee's Department Head for approval in advance of attendance. The Department Head is responsible for insuring funding is provided in the departmental budget. If approved, the Department Head will submit to the Personal Director or his/her designee the employee request.**
- B. **The request must be submitted on the appropriate form and must show:**
 1. **Name of the conference, workshop, seminar, or meeting, dates of the proceedings, ~~their~~ location, and the sponsoring group, association, or organization.**
 2. **~~The ways in which the employee's attendance will relate to the employee's work for the Township and will contribute to the employee's ability to perform his or her duties.~~ **Description of how the ~~The~~ conference, workshop, seminar, or meeting will relate to the employee's work for the Township and will contribute to the employee's ability to perform his or her duties.****

3. ~~Whether the employee requests reimbursement of expenses of attendance at such proceedings, and if so, the amount requested. The expenditure amount of the request and the budget line item from which it will be paid.~~

C. By submitting the request the employee agrees:

1. There will be no reimbursement for repeated events.
2. ~~That the employee agrees that~~ Attendance at the proceedings is purely voluntary on his or her part, ~~that it~~ and is not being required by the Township.

~~That the employee agrees that the Personnel Director's decision whether to approve the request is solely within his/her discretion.~~

3. Out-of-state **conferences, workshops, seminars or meetings** are limited to one (1) per year ~~for Department Heads only~~ unless otherwise approved by the **Personnel Director**. ~~Township Supervisor.~~
4. Attendance at **conferences, workshops, seminars or meetings** shall not leave the Department unstaffed.
5. ~~The Township may, in its discretion, grant any full-time or part time employee or firefighter, permission to attend conferences, workshops or meetings during regularly scheduled working hours up to fifteen (15) working days per year if the written request complies with the requirements of this rule, and it is determined that the employee's attendance is of sufficient benefit to the Township to justify approval.~~

If a request for approval of special time off with pay is denied, in whole or in part, the employee may request that he or she be allowed to use accrued **PTO** ~~vacation~~ time for attendance at such proceedings pursuant to Appendix B.

9.14.3 Other:

Occasions may arise where a professional or educational activity is held which is not covered by the above policies. If an employee desires to attend such activities without using ~~vacation~~ PTO time or without taking time off without pay and desires that the Township pay the cost of the same, a written request shall be submitted to the employee's Department Head and the Personnel Director in advance of attendance, setting out all of the reasons the employee believes that his or her request should be granted. The Personnel Director may grant such a request in whole or in part if it is determined that the activity will be of sufficient benefit to the Township to justify approval even though it is not required of the employee.

- A. In reviewing any requests submitted under these rules, the Township shall have complete and total discretion to grant or deny the same in whole or in part. By establishing these policies, the Township is not promising to grant any such request in whole or in part.

Revised - Effective 02/28/17

Revised - Effective _____

9.14.2 Professional Development:

Full-time employees and paid-on-call firefighters may request permission to attend conferences, workshops, seminars or meetings. The Township may reimburse employees, in whole or in part, for expenses of professional development under the following circumstances:

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- B. The request must be submitted on the appropriate form and must show:
 - 1. Name of the conference, workshop, seminar, or meeting, dates of the proceedings, location, and the sponsoring group, association, or organization.
 - 2. Description of how the conference, workshop, seminar, or meeting will relate to the employee's work for the Township and will contribute to the employee's ability to perform his or her duties.
 - 3. The expenditure amount of the request and the budget line item from which it will be paid.
- C. By submitting the request the employee agrees:
 - 1. There will be no reimbursement for repeated events.
 - 2. Attendance at the proceedings is purely voluntary on his or her part, and is not being required by the Township.
 - 3. Out-of-state conferences, workshops, seminars or meetings are limited to one (1) per year unless otherwise approved by the Personnel Director.

4. Attendance at conferences, workshops, seminars or meetings shall not leave the Department unstaffed.
5. If a request for approval of special time off with pay is denied, in whole or in part, the employee may request that he or she be allowed to use accrued PTO time for attendance at such proceedings pursuant to Appendix B.

Revised - Effective 02/28/17

Revised - Effective _____

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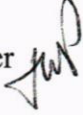
- A. In reviewing any requests submitted under these rules, the Township shall have complete and total discretion to grant or deny the same in whole or in part. By establishing these policies, the Township is not promising to grant any such request in whole or in part.

Revised - Effective 02/28/17
Revised - Effective _____

4, d.

TITLE	# / Mtgs.	Members	Dates	Term/End Date
SMBA (Southwest Michigan Building Authority)		Julie Johnston (Staff) Deb Everett Nancy Culp		
KATS Policy (Kalamazoo Area Transportation Study (2 votes))	12	Libby Heiny-Cogswell (Primary) Deb Everett (Alternate)	4th Wed @ 9am (or as scheduled)	
KATS Technical (2 votes)	12	Julie Johnston (Staff) Marc Elliott, (Staff) Jamie Baker (Staff)	2nd Thursday @ 9:00 a.m.	
Kalamazoo Regional Water & Wastewater Commission		Libby Heiny-Cogswell, Regional Chair Nancy Culp (Alternate) Jim Porter (Staff)		
Planning Commission	22	Cheri Bell Bruce Vanderweele Mary Smith Micki Maxwell Ollie Chambers Fred Antosz Dusty Farmer (TB Liason, Ex Officio) Julie Johnston (Staff) Jim Porter (Staff Attorney) Dave Bushouse	2nd & 4th Thursday@7pm (typically)(& any special meetings)	12.31.2020 12.31.2020 12.31.2020 12.31.2020 12.31.2018 12.31.2018 12.31.2018 12.31.2018 12.31.2018 12.31.2018
Three Year Term				1st term 1st term 2nd term 1st term 1st term 2nd term
Public Media Network		Grant Taylor (Citizen Rep) Libby Heiny-Cogswell (Supervisor) Dusty Farmer (Clerk) Nancy Culp (Treasurer) Deb Everett, Trustee Dave Bushouse, Trustee Zak Ford, Trustee Ken Hudok, Trustee Jim Porter (Staff Attorney) Marc Elliott, Public Utilities Dir.		
Township Board	21			
Zoning Board of Appeals	24	OPEN POSITION (Alternate) Jim Sterenberg	4th Tues @ 3 pm As needed	12.31.2019 12.31.2019 12.31.2020
Three Year Terms		Anta Smith (To Complete MS's Term) Bruce Vanderweele (PC Liason) Bob Anderson (Alternate) Nancy Culp (TB Liason) Julie Johnston (Staff) Jim Porter (Attorney) Neil Sikora		NA NA 1st term NA 1st term 3rd term

MEMORANDUM

TO: Township Board
FROM: James W. Porter 
DATE: May 3, 2018
SUBJECT: Transfer of Ownership of Class C Liquor License from Rapids Capital, Inc. (Big Burrito) at 5036 W KL Ave to Patricia L. Ruppel and Chris C. Ruppel, Thirsty Hound, at 1030 S. 8th St., Kalamazoo, MI 49009

OBJECTIVE:

To review and approve the proposed transfer of a liquor license from Willard Mott, Rapids Capital, Inc., whose license is for the Big Burrito at 5036 W. KL Avenue, to Patricia L. Ruppel and Chris C. Ruppel to operate the Thirsty Hound at 1030 S. 8th Street.

BACKGROUND:

The Big Burrito acquired its first Liquor License in 2007 from Broken Wheel Ventures, Inc. Mr. Mott then acquired the Liquor License from Big Burrito Ventures, LLC in 2016, and continued to operate as Big Burrito. Mr. Mott now wishes to transfer the Liquor License to Patricia and Chris Ruppel, who wish to operate the Thirsty Hound at 1030 S. 8th Street, Kalamazoo, MI 49009. You may recall that the Thirsty Hound previously applied for a Tavern License, not realizing that a Class C and a Tavern License were the same, and that there were no available Liquor Licenses available in Oshtemo.

The Ruppels, subsequent to that time, have reached an agreement with Mr. Mott to transfer Big Burrito's Liquor License to the Thirsty Hound.

INFORMATION PROVIDED:

The Ruppels previously completed their Liquor License application and were approved, for a Liquor License at the 1030 S. 8th Street location, by the Township Board in December of 2017. There have been no significant changes in the business plan since that time, and accordingly, I saw no reason to re-notice this issue for Public Hearing, as the issuance of a license at this location was already approved by the Board.

STATEMENT ASKING BOARD TO APPROVE:

The Big Burrito had a restriction agreement on the transfer of its Class C Liquor License, dated November 22, 2016, prohibiting the transfer within five (5) years "outside" of the Township, unless the Township Board approves. The Ruppels need a Class C Liquor License to operate the Thirsty Hound as previously approved by the Township Board in December of 2017, and this transfer would not be outside of the Township. I am requesting that the Board authorize a resolution approving the Liquor License transfer. Additionally, the Board needs to re-issue a local governmental approval resolution for the Thirsty Hound.

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

Resolution Authorizing Transfer of a Class C Liquor License

May 15, 2018

WHEREAS the Township Board previously approved the issuance of a Class C Liquor License to Big Burrito Ventures, LLC in April of 2007 to operate at 5036 West KL Avenue, Kalamazoo, MI; and

WHEREAS the Liquor License was transferred from Big Burrito Ventures, LLC to Willard Mott of Rapids Capital, Inc. to continue the operation of the Big Burrito at 5036 West KL Avenue; and

WHEREAS Willard Mott/Rapids Capital, Inc. wishes to transfer its Class C Liquor License to Mr. and Mrs. Ruppel to operate the Thirsty Hound at the 1030 South 8th Street location;

WHEREAS Patricia L. Ruppel and Chris C. Ruppel wish to open a Tavern known as the Thirsty Hound at 1030 South 8th Street, Kalamazoo, MI 49009; and

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Township hereby authorizes the transfer of the Class C Liquor License for the Big Burrito held by Willard Mott, Rapids Capital, Inc. to Patricia and Chris Ruppel to operate The Thirsty Hound at 1030 South 8th Street, Kalamazoo, MI 49009.

The motion was made by _____, and seconded by _____, to adopt the above Resolution.

Upon a roll call vote,

The following voted "Aye":

The following voted "Nay":

The following "Abstained": (OR The following members were absent:)

The Supervisor declared that the Resolution has been [REDACTED].

Dusty Farmer, Clerk
Oshtemo Charter Township

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a meeting of the Oshtemo Charter Township Board, held on May 15, 2018, at which meeting [REDACTED] members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

Dusty Farmer, Township Clerk



Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Oshtemo Charter Township council/board
called to order by Elizabeth Heiny-Cogswell, Supervisor on May 15, 2018 at 7:00 PM
the following resolution was offered:

Moved by _____ and supported by _____

that the application from Patricia L. Ruppel and Chris C. Ruppel
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): Tavern License
(list specific licenses requested)

to be located at: 1030 S. 8th Street, Kalamazoo, MI 49009

and the following permit, if applied for:

[] Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it recommends this application be considered for
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

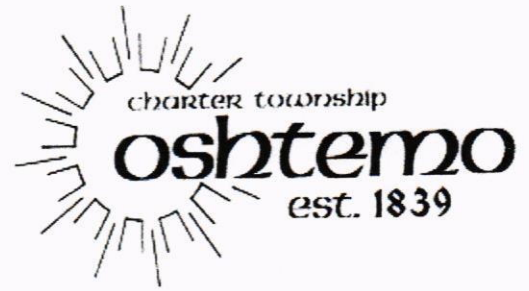
Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the Township
council/board at a regular meeting held on May 15, 2018
(Print Name of Clerk) Signature of Clerk Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933
Fax to: 517-763-0059

Memo



To: Oshtemo Charter Township Board

From: James W. Porter
Julie Johnston
Libby Heiny-Cogswell
Rick Suwarsky
Plant Growth Sub-Committee

Date: April 3, 2018

Subject: New Proposed Plant Growth Control Ordinance

OBJECTIVE

To accept for first reading the new Plant Growth Control Ordinance.

BACKGROUND

On September 8, 1981, the Township adopted the Weed Control Ordinance No. 178, which contained some ambiguous language that made enforcement difficult. The Ordinance Enforcement Officer requested a number of changes to help resolve interpretation difficulties. The attached Ordinance was prepared in cooperation with Township staff and residents who have an expertise in native plants and native landscaping.

INFORMATION PROVIDED

The attached new Ordinance

STATEMENT OF WHAT YOU ARE ASKING BOARD TO APPROVE

Asking the Board to accept the new Plant Growth Control Ordinance for first reading and set the new Ordinance for second reading.

CHARTER TOWNSHIP OF OSHTEMO ORDINANCE NO. _____

PLANT GROWTH CONTROL ORDINANCE

Adopted: _____, 2018

Effective: _____, 2018

An Ordinance to control and manage noxious weeds and unmanaged plant growth, and to repeal existing Ordinances or parts of Ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN,

ORDAINS:

SECTION I. TITLE.

Sec. I. This Ordinance shall be known and cited as the "Plant Growth Control Ordinance."

SECTION II. PURPOSE.

Sec. II. It is the purpose of this Section to control noxious weeds and the encroachment of unmanaged plant growth. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation which, if not met, can degrade the natural environment, threaten public health and safety, and negatively impact nearby properties.

The Township recognizes the landowners' interest in having managed turf grass landscapes. At the same time, the Township understands a landowners' desire to preserve, restore, and manage native plant communities and wildlife habitats, which can be economical, low-maintenance, and effective in water and soil conservation. The intent of this Section is to balance these interests.

SECTION III. DEFINITIONS.

Sec. III.

- A. "Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to bloom or flower stage.
- B. "Duff" means the accumulation of leaves and dead plant material on the ground.

- C. "Environmentally Sensitive Areas" means a natural resource like steep slopes, wetlands, drainage ways, upland buffers, etc. that would be threatened by unrestricted development.
- D. "Garden" means a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses and ground cover in a defined location.
- E. "Land Management Plan" means a written plan with scaled drawings of the lot or parcel relating to the management of a planned native landscape area or uncultivated natural vegetation.
- F. "Lawn" means ground (as around a house) covered with short turf grasses and other plants that is traditionally cut or mowed.
- G. "Native Plants" means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants) that are native to the state of Michigan. Native plants do not include weeds.
- H. "Noxious Weed" means any plant defined or listed as prohibited or restricted under the Michigan noxious weed laws, which include Noxious Weed, Public Act 359 of 1941 and Michigan Seed Law, Public Act 329 of 1965, and specifically include ragweed (*Ambrosia elatior* 1), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), nettle (*Urtica dioica*), bittersweet night shade (*Solanum dulcamara*).
- I. "Planned Native Landscaping" means a planned, intentional and maintained planting of native plants. Planned native landscaping does not include any species of turf grasses.
- J. "Rain Garden" means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of storm water and accompanying pollutants from entering streams, rivers and lakes.
- K. "Turf Grasses" means grasses commonly used in regularly cut lawns or play areas including bluegrass, fescue or rye grass blends or any other similar grasses.
- L. "Unmanaged Plant Growth" means any non-woody vegetation like grass, hay, weeds, brush or other vegetation which has grown to a height of over 10-inches or is vegetation that conceals rubbish or filthy deposits, constitutes a fire hazard, restricts vision at street intersections or driveways, or is otherwise regarded as contrary to the public's health, safety and welfare, but does not include:
1. Gardens,
 2. Plants located on agricultural land,
 3. Plants located on an undeveloped natural parcel/lot, except as required in Section 211.6.
 4. Plants located on shore land within 35 feet of the ordinary high-water mark,
 5. Plants located within environmentally sensitive areas, or
 6. Planned native landscaping that is wholly contained within the lot or parcel on which it is planted and maintained.
- M. "Uncultivated Vegetation" means vegetation not intentionally tilled, prepared or planted.
- N. "Undeveloped Natural Parcel/Lot" means property that has been unaffected by infrastructure or construction on at least 90 percent of the parcel or lot.

SECTION IV. WEED COMMISSIONER.

Sec. IV. The Ordinance Enforcement Officer of the Township shall be appointed to serve as the "Commissioner of Noxious Weeds" pursuant to 1941 PA 359, as amended.

SECTION V. CONTROL OF NOXIOUS WEEDS.

Sec. V.

- A. A person owning, occupying, or controlling land shall destroy all noxious weeds found in unmanaged plant growth.
- B. If a person neglects to destroy noxious weeds as required, the Commissioner of Noxious Weeds shall destroy or have destroyed the noxious weeds. The cost of destroying the weeds shall be charged and assessed to the property owner as described in Section X: Enforcement.

SECTION VI. UNMANAGED PLANT GROWTH.

Sec. VI.

- A. It shall be the duty of all persons owning, occupying, or controlling land to cut and remove unmanaged plant growth six feet from either the edge of the road pavement or back of the curb, or three feet from the back of the sidewalk, if present, and maintained so unmanaged plant growth does not encroach onto neighboring properties.
- B. Properties within the AG: Agricultural and RR: Rural Residential Districts are exempt from these regulations unless located within a subdivision or site condominium.
- C. If a person neglects to cut and/or remove unmanaged plant growth as required, the Ordinance Enforcement Officer shall cut down and remove or cause to be cut down and remove the unmanaged plant growth. The cost of cutting and removing the unmanaged plant growth shall be charged and assessed to the property owner per Section X: Enforcement.

SECTION VII. LAWN MAINTENANCE.

Sec. VII.

- A. It shall be the duty of all persons owning, occupying, or controlling land to maintain lawn areas below a height of ten inches.
- B. If a person neglects to maintain lawn areas as required, the Ordinance Enforcement Officer shall mow or cause the lawn to be mowed. The cost of mowing shall be charged and assessed to the property owner per Section X: Enforcement.

SECTION VIII. PLANNED NATIVE LANDSCAPING.

Sec. VIII.

- A. Planned Native Landscaping Requirements:

1. Turf grass is to be eliminated within planned native landscaping.
 2. A front yard setback area of three feet from either the edge of the road pavement or the back of the curb, or back of the sidewalk, if present, shall include a 3-foot to 6-foot vertical clearance. The setback shall be regularly maintained and include low growth garden beds or shrubs, trees, mulch, wood chips or landscape stone. Side and rear yards shall be maintained so plant growth does not encroach onto neighboring properties.
 3. Planned native landscaping that utilizes fire for the control of duff management must follow the permitting requirements of the Township Fire Department.
- B. Planned native landscaping is not intended to allow a property owner to ignore lawn care or property maintenance.

SECTION IX. COMPLAINTS.

Sec. IX.

- A. The Ordinance Enforcement Officer shall be responsible for managing concerns related to weeds and unmanaged plant growth in violation of this Ordinance and shall persistently apply such remedies or treatments best calculated to prevent its spread and to eradicate the same.
- B. Complaint Process:
1. If a person or persons believes a violation of this Ordinance exists, a complaint must be made with the Ordinance Enforcement Officer with the name and address of complainant(s) given so a response can be made to them. If the complainant(s) request(s) anonymity, his/her identity(ies) shall not be disclosed by the Ordinance Enforcement Officer.
 2. The Ordinance Enforcement Officer shall inspect the disputed property.
 3. If the Ordinance Enforcement Officer determines the disputed property meets the regulations and is not in violation of this Ordinance, said officer will notify the complainant(s) who will have the right to appeal the Officer's decision. In exercising the right to appeal, the complainant(s) forfeit(s) the right to remain anonymous.
 4. If the Ordinance Enforcement Officer determines the disputed property does not meet the regulations of this Ordinance and a violation exists, said Officer will notify the owner(s) of the property. The notice shall describe methods of treating and/or eradicating the weeds or unmanaged vegetation and a summary of the ordinance requirements as well as the penalties for failure to comply and right to appeal.

In the event the owner(s) cannot be determined or notified as required, after due diligence to do so, substitute notice can be given to the occupants of the premises or, in the event of vacant, unoccupied land, by publication in a newspaper of general circulation within the Township, once, at least 10 days prior to the destruction or cutting of the vegetation by the Township Ordinance Enforcement Officer or agent, and such latter notice shall be deemed in compliance with the notice requirements of the Ordinance.

5. The owner(s) will have 14 days from date of notification to comply with the Ordinance or to protest the Ordinance Enforcement Officer's decision.

- a. Said protest shall include a "land management plan", with the following:
 - i. Property address and/or parcel number,
 - ii. Statement of intent and purpose,
 - iii. General description of the vegetational types, plants and plant succession, and
 - iv. Specific management and maintenance techniques to be employed.
 - b. The plan must explain the owner(s)'s intentions to cultivate native vegetation or leave uncultivated vegetation in its natural state and include provisions for maintaining areas at driveways and intersections so that motorists' vision is not obstructed.
6. If, after protest, the Ordinance Enforcement Officer determines the land management plan meets the restrictions of this Ordinance, copies of said Officer's decision will be sent to all owners and occupants (as their names appear on the latest tax roll) of properties within 200 feet of said property. Copies of the plan will be on file at the Township Office for their examination. These property owners or occupants will have 14 days from date of notification to respond with objections.
 7. If there are no objections, the land management plan shall be implemented.
 8. If there are objections, the Ordinance Enforcement Officer shall determine if said objections have merit. If the Ordinance Enforcement Officer determines the objections do not have merit, said Officer shall require the implementation of the land management plan. The determination of the Ordinance Enforcement Officer shall be sent to the objecting party(ies) and property owner(s).
 9. If the Ordinance Enforcement Officer determines the objections do have merit, said Officer shall deny implementation of the land management plan and notify the objecting party(ies). The property owner(s) shall have 14 days from date of notification to comply with this Ordinance or appeal the decision.
 10. Complainants, property owners, or notified neighboring property owners or occupants who wish to appeal the decision made by the Township Ordinance Enforcement Officer to the Township Environmental Board may do so by an appeal in writing to the Ordinance Enforcement Officer, within 14 days from date of notification of the Ordinance Enforcement Officer's decision.

C. Environmental Board:

1. Members: The Township Environmental Board will consist of three individuals appointed by the Township Board, all of whom must be Oshtemo Township residents. *To ensure diversity of the Board, every effort will be made to appoint members from different geographical and residential typological areas of the Township.*
2. Terms: These positions will be staggered three- year terms.
3. Duties: It shall be the duty of this Board to conduct a public hearing within 21 days of the Ordinance Enforcement Officer's receipt of one or more appeal(s). The Board shall hear all sides and render an opinion as to whether the property in question is in violation of this ordinance.

4. Public Notice: A notice of the public hearing must be sent by First Class Mail to the party(ies) involved at least five business days prior to the hearing. A determination resulting from the public hearing shall be sent to all objecting parties and to the property owner(s) within ten days of decision.
5. Determination: If it is determined that the property is in violation of this Ordinance, the property owner must correct the violation within 14 days from date of notification.

SECTION X. ENFORCEMENT.

Sec. X. If the violation is not resolved within 14 days of receipt of notification, the Ordinance Enforcement Officer may enter upon such land of owner and destroy or cut the vegetation and growth thereon or cause the same to be destroyed or cut by such other person or agent appointed by the Officer. All expenses incurred in such destruction or cutting shall be paid by the owner(s) of such land. Additionally, an administration fee, the amount of which shall be determined by the Township Board from time to time by resolution, shall be paid by the owner(s) of such land. The Township shall have a lien upon such land for such expense and fee, which may be enforced in the same manner as the enforcement of tax liens through entry upon the next tax roll of the Township and assessment as a general Township tax. Such expenses shall be subject to all interest and penalties provided for taxes due and collectible within the Township under the general tax laws of the State of Michigan. In addition to the foregoing, the Township may sue the owner(s) in an appropriate court of law for the collection of said debt.

SECTION XI. VIOLATIONS AND PENALTIES.

Sec. XI. The refusal by an owner to destroy weeds or unmanaged plant growth as provided in this Ordinance shall constitute a municipal civil infraction. Upon determination of responsibility, the person shall pay a fine according to the following schedule:

First offense	\$ 75.00
Second offense within 3 years of first offense	\$ 150.00
Third offense within 3-year period	\$ 325.00
Fourth and each subsequent offense within 3-year period are each	\$ 500.00

SECTION XII. VALIDITY.

Sec. XII. Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION XIII. EFFECTIVE DATE AND REPEAL.

Sec. XIII. This Ordinance shall take effect upon publication. This Ordinance repeals Ordinance No. 178, as amended, as well as all Ordinances or parts of Ordinances in conflict herewith.

DUSTY FARMER, CLERK
CHARTER TOWNSHIP OF OSHTEMO

Memo



To: Oshtemo Charter Township Board
From: Julie Johnston, AICP
Date: May 9, 2018
Mtg. Date: May 15, 2018
Subject: Residential Condominium Development Standards Ordinance – 1st Reading

OBJECTIVE

First reading of a new Zoning Ordinance called Residential Condominium Development Standards, which is intended to regulate the development of attached condominium projects.

BACKGROUND

In December of 2017, staff received a call from a potential applicant who wished to develop an attached condominium project on a property zoned R-2: Residence District. From a review of the Township Zoning Ordinance, it became clear that while duplexes are a permitted use in the R-2 District, the Ordinance regulations did not permit them to develop outside of utilizing the Planned Unit Development option, which requires at least a 20-acre parcel. The property in question did not meet the 20-acre requirement for a PUD. Therefore, the only option open to the property owner based on current Zoning Ordinance regulations was to subdivide the property and create individual lots where the two-unit attached dwellings could be built.

After reviewing other attached condominium projects in the Township, it became clear that many were developed as part of a larger PUD. Currently, there are no standards for the development of an attached product outside of the PUD ordinance in the R-2 District and limited regulatory oversight within the R-3 and R-4 District, as follows:

23.401 *Three or four-family dwellings of not more than two stories in height subject to the following conditions and limitations:*

- a. *Dwelling unit density shall be limited to a maximum unit density of four units per acre.*
- b. *Public sanitary sewer facilities shall be provided as part of the site development.*

Staff does not believe it was the intent of the Zoning Ordinance to preclude this type of development outside of a PUD or platted subdivision or site condominium. This is especially true since the R-2 District allows two-family dwellings by right and the R-3 District allows three and four-family units as a special exception use. In addition, the Condominium Act, Public Act 59 of 1978 establishes this type of development as a legitimate option for both developers and homeowners.

After discussing the concern with the Planning Commission, staff developed a draft Ordinance for their review. Utilizing language from the existing development standards for apartments and site condominiums, the draft Residential Condominium Development Standards Ordinance was created. The Planning Commission reviewed the draft Ordinance in January and February and then held their public hearing on March 22, 2018. The highlights of the Ordinance, which were presented to the Township Board at their April 10th work session, are as follows:

1. Requires Special Exception Use review and approval by the Planning Commission.
2. Density was not changed from what is currently permitted in each zoning district.
3. No property size limitation outside of minimum lot or parcel requirements for each zoning district. Conversely, the planned unit development ordinance requires at least 20 acres.
4. Roads may be public or private. Public must meet all requirements of the Road Commission of Kalamazoo County. Private must also be built to Road Commission standards except the width of the road may be reduced to 24 feet.
5. Sidewalks are required on both sides of the road and connections to planned nonmotorized facilities are required.
6. At least 10 percent of the total development must be retained as dedicated open space.
7. Developments must connect to water and sewer.
8. Master deed and by-laws must provide provisions for the Township to assess property owners and complete maintenance when common elements are not being maintained.

INFORMATION PROVIDED

Proposed Ordinance
Planning Commission Minutes – March 22, 2018 excerpt

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING
CONDUCTED MARCH 22, 2018.

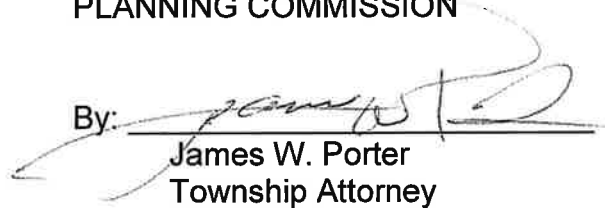
The Oshtemo Charter Township Planning Commission hereby recommends
APPROVAL of the addition of Section 61 to the Zoning Ordinance.

See Attachment

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Date: March 22, 2018

By:



James W. Porter
Township Attorney

Final Action by Oshtemo Charter Township Board

_____ APPROVED _____

_____ DENIED _____

_____ REFERRED BACK TO PLANNING COMMISSION

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____, 2018

Effective: _____, 2018

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance by the adoption of Section 61.000 Residential Condominium Development Standards to offer an alternative to traditional subdivisions through the use of the Condominium Act, Public Act 59 of 1978. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. ADDITION OF SECTION 61.000. Section 61.000 Residential Condominium Development Standards is hereby added to the Township Zoning Ordinance to read as follows:

61.000 Residential Condominium Development Standards

61.100 Purpose.

The purpose of this Ordinance is to offer an alternative to traditional subdivisions through the use of the Condominium Act, Public Act 59 of 1978.

61.200 Zoning Districts.

Attached condominiums are permitted as a special exception use in the R-2, R-3, and R-4 Residence Districts.

61.300 Development Requirements.

1. Density. The overall density of a condominium development shall be as follows:
 - a. R-2 District – 4 dwelling units per acre
 - b. R-3 District – 4 dwelling units per acre
 - c. R-4 District – 6 dwelling units per acre

In the event the development lies in more than one zoning classification, the number of dwelling units shall be computed for each zoning classification separately.

2. Units per Building. A two-unit building shall be permitted in the R-2 District. Up to a four-unit building shall be permitted in the R-3 and R-4 Districts.
3. Height. No unit shall be taller than two stories or 25 feet in height.
4. Interior Transportation Network.
 - a. The condominium development and all associated units shall be serviced by an interior transportation network, which can consist of public roads, private streets or private drives. No use within the condominium shall front or gain direct access from an off-site road network.
 - b. Public roads must meet all of the requirements of the Road Commission of Kalamazoo County.
 - c. If the interior transportation network is private streets, they shall be built in conformance to the standards and requirements of Section 60.800 of the Zoning Ordinance.
 - d. Private drives must be two-way with a minimum surface width of 24 feet exclusive of any area used for parking. All drives shall be paved with asphalt or other hard surface material.
 - e. For condominium developments with 50 or more units, at least two primary points of ingress or egress must be provided.
 - f. When an interior drive would service as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Road Commission of Kalamazoo County and be located upon a reserved right-of-way of not less than 66 feet in width.
 - g. A 50-foot half-width shall be required for all primary street rights-of-way abutting a condominium project.
5. Nonmotorized Transportation.
 - a. Sidewalks. Sidewalks shall be provided on both sides of any transportation network within the condominium development.
 - b. Nonmotorized facilities. If the Township has planned a nonmotorized trail/path through an approved nonmotorized plan, the condominium development must include their portion of the trail/path within the development.
6. Open Space.
 - a. At least 10 percent of the total condominium project must be dedicated as common open space.
 - b. Dedicated common open space shall be easily accessible to residents of the condominium, including both visual accessibility from the residential units as well as pedestrian linkages through sidewalks and/or trails.

- c. Any structures which are accessory to the community open space may be provided in accordance with the approved site plan. These accessory structures, such as gazebos, pool house, play equipment, etc., shall not exceed, in the aggregate, one percent of the dedicated common open space.
 - d. Dedicated common open space shall be under common ownership or control, through the homeowner's association of the condominium. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided to the Township.
 - e. Dedicated common open space shall be set aside through an irrevocable conveyance, approved by the Planning Commission, that assures protection from development, except as outlined in the approved site plan. Such conveyance may be a recorded deed restriction, covenants, or conservation easement and shall provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the open space ownership.
- 7. Utilities. Public water and sanitary sewer shall be provided as part of the development. All private utilities shall be placed underground.
 - 8. Master Deeds and Bylaws. Language shall be included in the master deed and bylaws indicating that common elements are to be properly and adequately maintained and that failure to do so will permit the Township to intervene, make the necessary improvements and ensure adequate maintenance, through an assessment to the property owners.

61.400 Approval Process.

- 1. Special exception use. An application for a condominium project shall be made in accordance to the procedures for a Special Exception Use set for in Section 60.200 and the requirements outlined herein.
- 2. Optional pre-application review. An informational pre-application review is encouraged and may be scheduled with the Planning Department. The pre-application review may either be with Township staff or the Planning Commission per the applicant's request.
- 3. Site plan review. A site plan, per the requirements of Section 82.000 shall be submitted for Planning Commission review.
- 4. The following information shall also be provided as part of the special exception use application:
 - a. The legal documents for any easement, deed restrictions, reservations, etc. proposed within the project.
 - b. The master deed and by-laws for the condominium project.

5. Approval of the site plan and condominium documents by the Planning Commission shall be required as a condition to the right to construct, expand or convert a condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewer facilities shall be issued for property in a condominium development until a final site plan has been approved by the Township Planning Commission and is in effect.

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

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

questions and to those residents who were alarmed. She said she appreciated so many people attending the meeting to have their concerns and questions answered.

Public Comment on Non-Agenda Items

There were no public comments on non-agenda items.

Approval of the Minutes of March 8, 2018

Chairperson Bell asked if there were additions, deletions or corrections to the Minutes of March 8, 2018. Hearing none, she asked for motion for approval.

Mr. Chambers made a motion to approve the minutes of March 8, 2018 as presented. Mr. Antosz seconded the motion. The motion was approved unanimously.

PUBLIC HEARING: ZONING ORDINANCE AMENDMENTS
CONSIDERATION OF DRAFT ZONING ORDINANCE AMENDMENT TO INCLUDE
NEW SECTION 61.000 RESIDENTIAL CONDOMINIUM DEVELOPMENT
STANDARDS.

Chairperson Bell asked Ms. Johnston for her presentation.

Ms. Johnston said from the Planning Commission's last review, staff included specific language related to density requirements within the permitted Zoning Districts. This is the only new language since the previous review by the Planning Commission on February 22nd.

Currently, there are no standards for the development of an attached condominium product outside of a planned unit development in the Township's Zoning Ordinance. Staff does not believe it was the intent of the Zoning Ordinance to preclude this type of development outside of a PUD or platted subdivision or site condominium. This is especially true since the R-2 District allows two-family dwellings by right and the R-3 District allows three and four-family as a special exception use. In addition, the Condominium Act, Public Act 59 of 1978 establishes this type of development as a legitimate option for both developers and homeowners.

Utilizing language from the existing development standards for apartments and site condominiums, this new ordinance requires any attached condominium development to request approval through the special exception use process so a public hearing with the Planning Commission would be required.

She noted since the draft language was distributed, Staff believed the following addition should be included as 61.000, #8:

61.000 8: Master Deeds and Bylaws. Language shall be included in the master deed and bylaws indicating that common elements are to be properly and adequately maintained and that failure to do so will permit the Township to intervene, make the

necessary improvements and ensure adequate maintenance, through an assessment to the property owners.

She recommended the Planning Commission forward a recommendation of approval for the proposed Residential Condominium Development Standards ordinance to the Township Board.

Chairperson Bell thanked Ms. Johnston for her report and asked whether there were comments from anyone in attendance.

Mr. Douglas Post, representing Emberly Acres Home Owner's Association, read a statement into the record, which is attached. He provided copies of his statement to Commissioners.

Hearing no further comments, Chairperson Bell moved to Board Deliberations.

Ms. Farmer said although the Commission does not provide an opportunity for dialog, she felt it would be helpful to respond to some of the points made in Mr. Post's statement.

Attorney Porter noted attached condominiums can be developed in R-2 currently.

Ms. Farmer referred to the word "erroneously" in Mr. Porter's comments referring to development density. Ms. Johnston noted Mr. Post had based his calculations on density using the number of buildings rather than the number of units.

Attorney Porter explained there was a hole in the ordinance and these changes were intended to fix it. The problem actually came to light in another location in the Township, rather than in Emberly Acres.

Ms. Farmer noted building setbacks are not missing from the proposed language; they are listed separately in the ordinance.

In response to comments about circumventing the public process for a private road instead of a public road, Ms. Farmer said that does not apply here because the new ordinance also requires a public hearing for special exception use and site plan approval.

Ms. Johnston agreed and said that a private drive could be requested as part of a site plan, but that the Planning Commission can say no to such a request under the special exception use regulations if it does not make sense.

Ms. Farmer said there has been no circumvention and that she was glad they had the opportunity to go through Mr. Post's concerns and explain what they are doing.

Ms. Johnston said the proposed changes were presented in November, posted at a public meeting, tabled until January, discussed in January and February and set for this public hearing in March.

She clarified the 10% open space requirement is dedicated open space upon which nothing could ever be developed and that the language states at least 10% must be retained for this purpose.

Chairperson Bell indicated her support for this well thought out and developed amendment in conjunction with the timing for doing the Zoning update.

Ms. Farmer noted the Planning Commission will be working on zoning ordinance reorganization each month at their second meeting of the month at 6:00, and that people are welcome to attend.

Ms. Farmer made a motion to recommend approval of the draft Zoning Ordinance Amendment to include new section 61.000 Residential Condominium Development Standards as presented with the addition of the language proposed for 61.000 #8 to the Township Board. Mr. Antosz seconded the motion. The motion was approved unanimously.

Old Business

None.

Any Other Business

a. Continuation of Work Session Discussion- Residential Districts

It was the group's consensus to postpone this discussion.

PLANNING COMMISSIONER COMMENTS

Ms. Johnston informed the Board the Township Board approved the Master Plan update, which will be incorporated in the main Master Plan to become one document. Everyone was pleased their hard work resulted in this outcome.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Bell adjourned the meeting at approximately 8:08 p.m.

Minutes prepared: March 24, 2018

Minutes approved: April 12, 2018

Oshtemo Township 1st QTR Budget Amendment Request Summary

General 101-001-40100		
IT Capital Outlay	\$	2,000.00
Salaries	\$	35,069.00
		\$ 37,069.00
Parks 107-001-40100		
Salaries	\$	540.00
		\$ 540.00
Fire Operations 206-001-40100		
		\$ -
Police 207-001-40100		
Salaries	\$	635.00
Forensic Accounting	\$	1,500.00
		\$ 2,135.00
Fire Equipment 211-001-40100		
		\$ -
Building 249-001-40100		
Salaries	\$	635.00
		\$ 635.00
Sewer 490-000-40100		
Salaries	\$	9,355.00
Sewage Pump Station	\$	1,000.00
		\$ 10,355.00
Water 491-000-40100		
Salaries	\$	1,845.00
Water Extension	\$	3,000.00
		\$ 4,845.00
Total New Expenditure		\$ 55,579.00

Memo



To: Oshtemo Charter Township Board
From: Marc Elliott, P.E., Director of Public Works
Jamie Baker, Public Works Technical Specialist
Julie Johnson, Oshtemo DDA Staff

Date: May 10, 2018
Subject: Stadium Drive Sidewalk Update

OBJECTIVE

Update the Board on Public Works Department & DDA progress towards a sidewalk (6-foot non-motorized facility) on both sides of Stadium Drive between 8th and 11th Streets.

BACKGROUND

Stadium Drive has been approved, via the Kalamazoo Area Transportation Study (KATS), for a \$253,000 Transportation Alternatives grant in 2020 to construct 6-foot sidewalks on both sides of Stadium Drive between 11th Street and Quail Run Drive. Additionally, the Oshtemo Downtown Development Authority (DDA) would like to construct sidewalks along Stadium Drive within the DDA (8th Street to the Consumers Energy utility corridor to the east of Danford Creek Apartments). The Public Works Department has started conceptual design of the sidewalks. Approximately 2/3 of the walk length is within the DDA.

DISCUSSION

Considering the Township and DDA boundary line more closely, we realized there was an approximate 500 foot gap between the end of the Township sidewalk project at Quail Run Drive and the start of the DDA's sidewalk project at Danford Creek Apartments. Therefore, the Township project is being revised to end at the DDA boundary. Public Works has initiated the process to amend the Stadium Drive grant to end at the DDA boundary. No additional grant monies are expected as no additional monies are available via KATS.

Landscape architects, OCBA, created the attached conceptual sidewalk design for the complete scope from 11th Street to 8th Street. The purpose of the conceptual design was to identify areas where easements would be required and to develop an estimated cost for the sidewalk. Engineering consultant, Prein&Newhof, provided an Estimate of Probable Costs as summarized in the table below.

Easement acquisition is not included in the Estimate of Probable Costs. The conceptual design identified nine easements and nine temporary grading permits needed for the project, which are shown in the attached List of Easements. Most of the grading easements are needed to modify the slopes of driveways to accommodate the sidewalks. Most of the permanent easements are very small and are required to avoid utilities like fire hydrants and telephone poles. There are three large easements needed to support the sidewalk project as described below and in the three Google Streetview images:

- 5579 Stadium Drive (Nulty Insurance at 11th St and Stadium Drive, south side of Stadium Drive) – This easement may not be needed depending on the final design. There is sufficient road right-of-way for a sidewalk; however, it would require approximately 100 feet of retaining wall. It may be cheaper to acquire the easement to remain on the top of the slope and eliminate the need for the retaining wall. The Estimate of Probable Cost assumes a retaining wall through this section.
- 6040 Stadium Drive (Consumer Energy utility corridor, south side of Stadium Drive) – There is sufficient road right-of-way for the sidewalk; however, the terrain quickly slopes down away from the road. To provide separation from Stadium Drive for safety and snow storage, earth fill and a grading easement will be required to accommodate the sidewalk.
- 6709 Stadium Drive (Amkatt LLC, north side of Stadium Drive) – This is an undeveloped property adjacent to the Pinehurst Apartments. There is sufficient road right-of-way for the sidewalk; however, the terrain quickly slopes down away from the road. To provide separation from Stadium Drive for safety and snow storage, earth fill and a grading easement will be required to accommodate the sidewalk.

The following table summarizes the anticipated budget for the sidewalk project compared to the estimates in the Capital Improvement Plan (CIP):

Project Phase	Approved Budget	Anticipated Budget	Difference
<u>2018</u>			
Conceptual Design/Preliminary Engineering	\$136,000	\$15,500	\$120,500
<i>Twp share</i>	\$80,000	\$4,650	\$75,350
<i>DDA share</i>	\$56,000	\$10,850	\$45,150
	Planned Budget	Anticipated Budget	Difference
<u>2019</u>			
Survey/Engineering Design	\$80,000	\$111,000	-\$31,000
<i>Twp share</i>	\$24,000	\$43,000	-\$19,000
<i>DDA share</i>	\$56,000	\$68,000	-\$12,000
<u>2020</u>			
Construction	\$860,000	\$1,444,000	-\$584,000
<i>KATS grant (secured)</i>	\$253,000	\$253,000	\$0
<i>Twp share</i>	\$121,000	\$296,000	-\$175,000
<i>MDOT grant (unsecured)</i>	\$334,000	\$537,000	-\$203,000
<i>DDA share</i>	\$152,000	\$358,000	-\$206,000

- Conceptual design is complete but final invoices are still outstanding.
- Survey/Engineering design is based on a cost proposal provided by Prein&Newhof
- Construction costs are an estimate from Prein&Newhof

- Extending the sidewalk to the DDA boundary increased design and construction costs by approximately \$80,000 for the Township portion
- These costs do not cover acquisition of easements, which will be required.

Due to the conceptual design cost being 89% less than expected, and the engineering design cost being 38% more than expected in 2019, the Public Works Department will request Board approval to commence engineering design in 2018 with the unobligated conceptual design funds. We need a formal proposal from the engineering consultant before we can request Board approval to proceed. Starting the engineering design process earlier will define the exact location of the sidewalk earlier and aid in developing legal descriptions for required easements. As experienced with the Drake Road non-motorized facilities, obtaining easements took significantly longer than expected and delayed the contract going out to bid. The Public Works Department would like to get a head start on the easement acquisition process so that does not happen with the Stadium Drive project and risk losing the grant money.

ATTACHMENTS

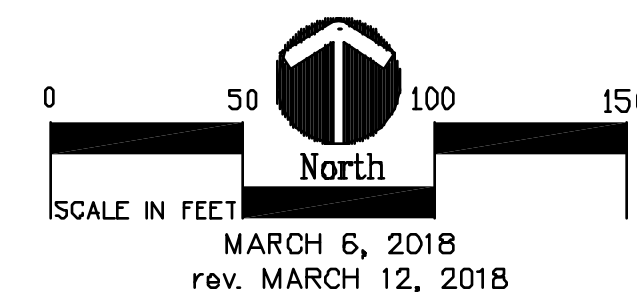
1. Sidewalk Conceptual Design
2. List of Easements
3. Google Streetview Images of Large Easement Acquisition needs (3 pictures)



STADIUM DRIVE SIDEWALKS
Oshtemo Township
Preliminary Concept Plans

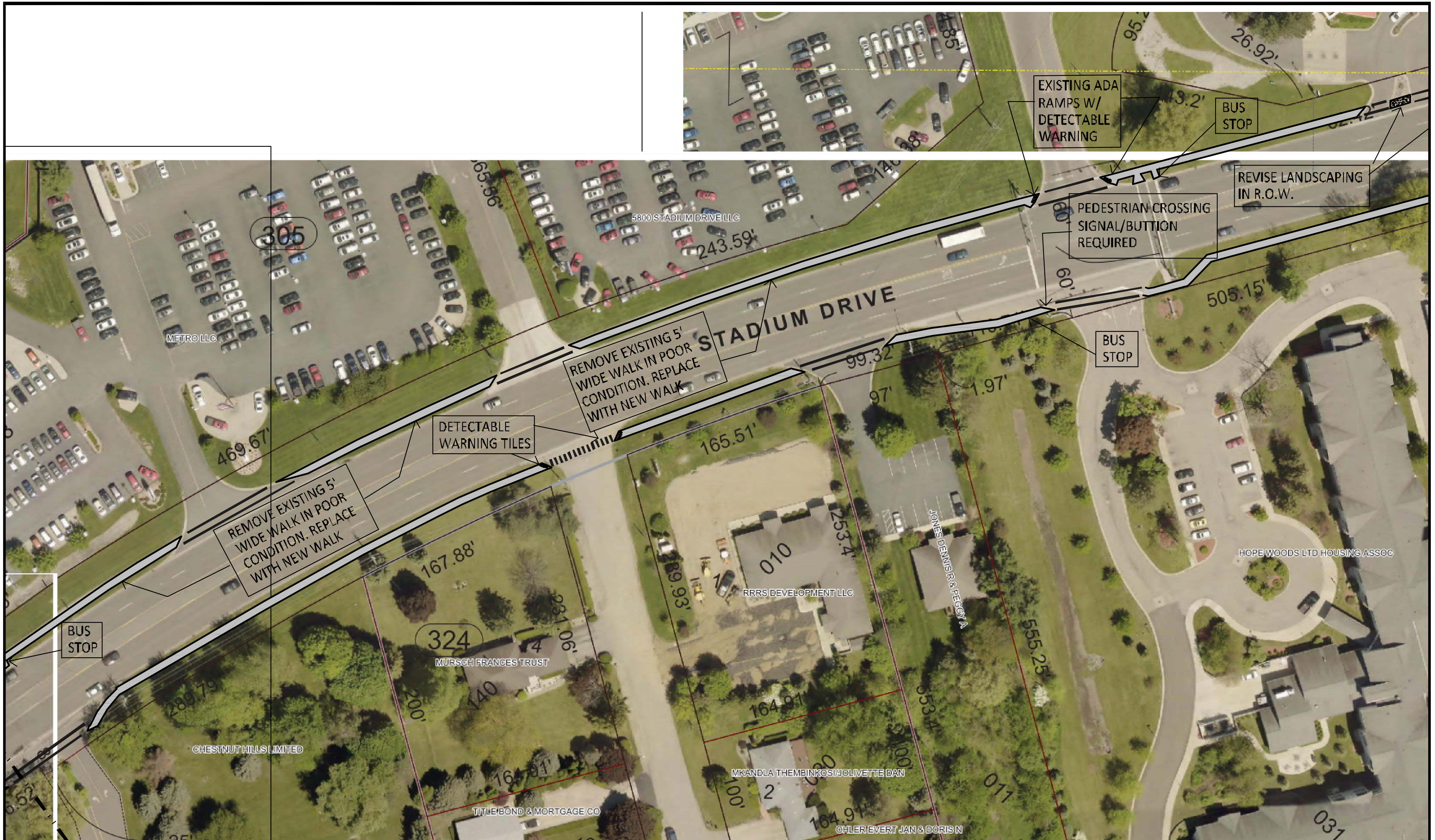
Legend

	5' WIDE, 4" THICK CONCRETE WALK		5' WIDE, 5" THICK CONCRETE WALK
	CROSSWALK STRIPING		ADA DETECTABLE WARNING TILE
	R.O.W. CROSSWALK STRIPING		



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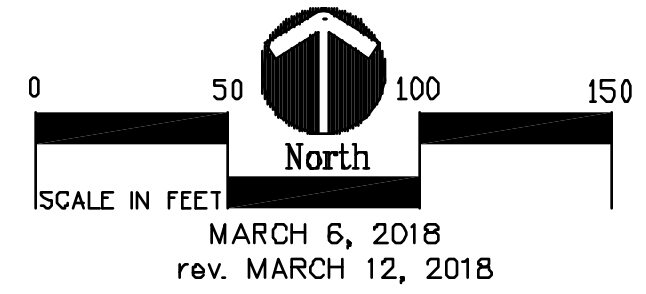




STADIUM DRIVE SIDEWALKS
Oshtemo Township
Preliminary Concept Plans

Legend

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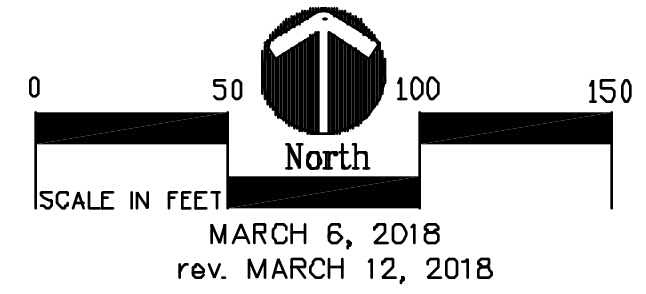
ocba
 landscape architects

East-Sheet No. 2



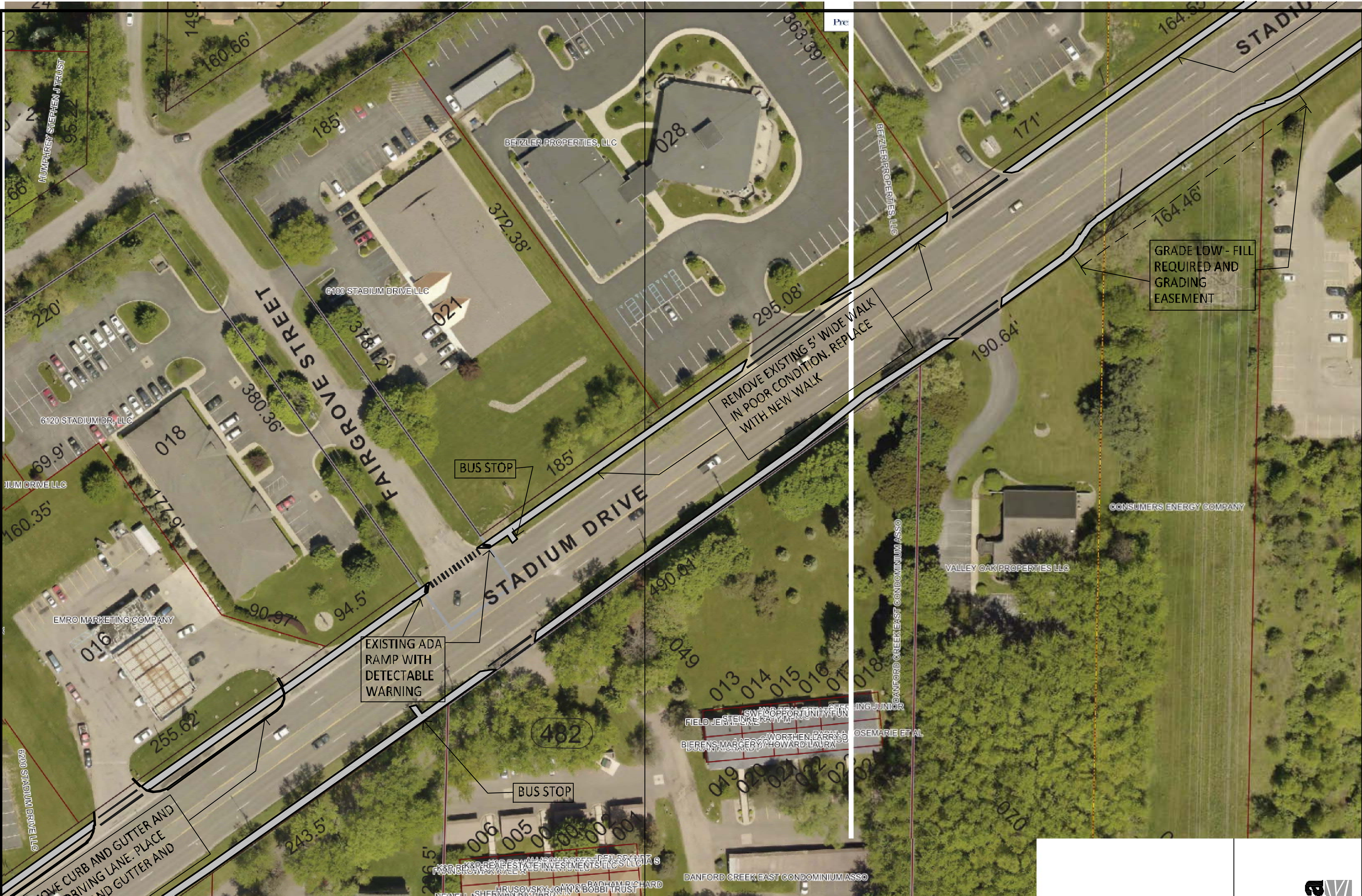
STADIUM DRIVE SIDEWALKS
Oshtemo Township
Preliminary Concept Plans

- Legend**
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STADIUM DRIVE SIDEWALKS

Oshemo Township
 Preliminary Concept Plans

Legend

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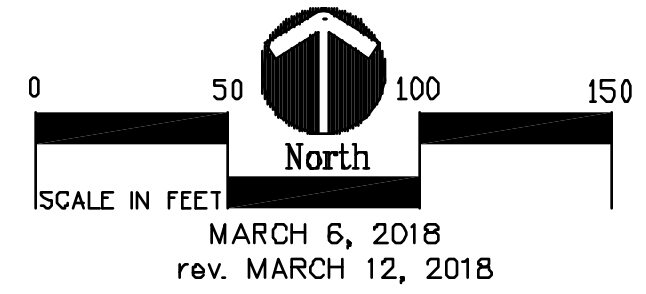
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STADIUM DRIVE SIDEWALKS
Oshtemo Township
Preliminary Concept Plans

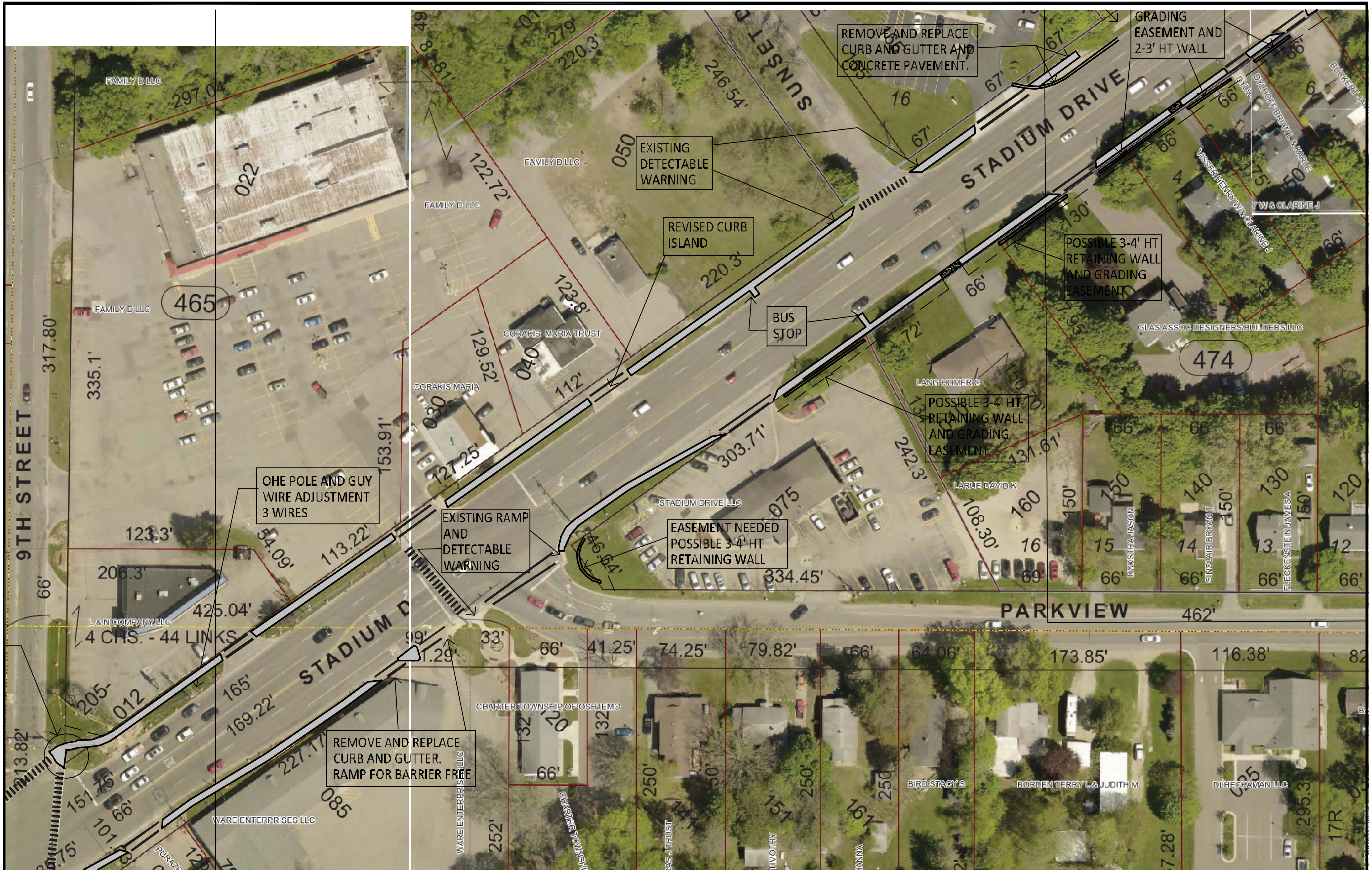
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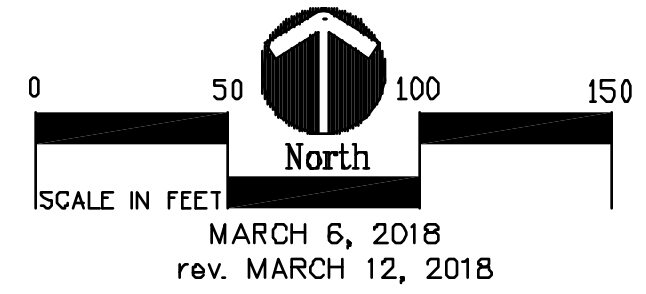


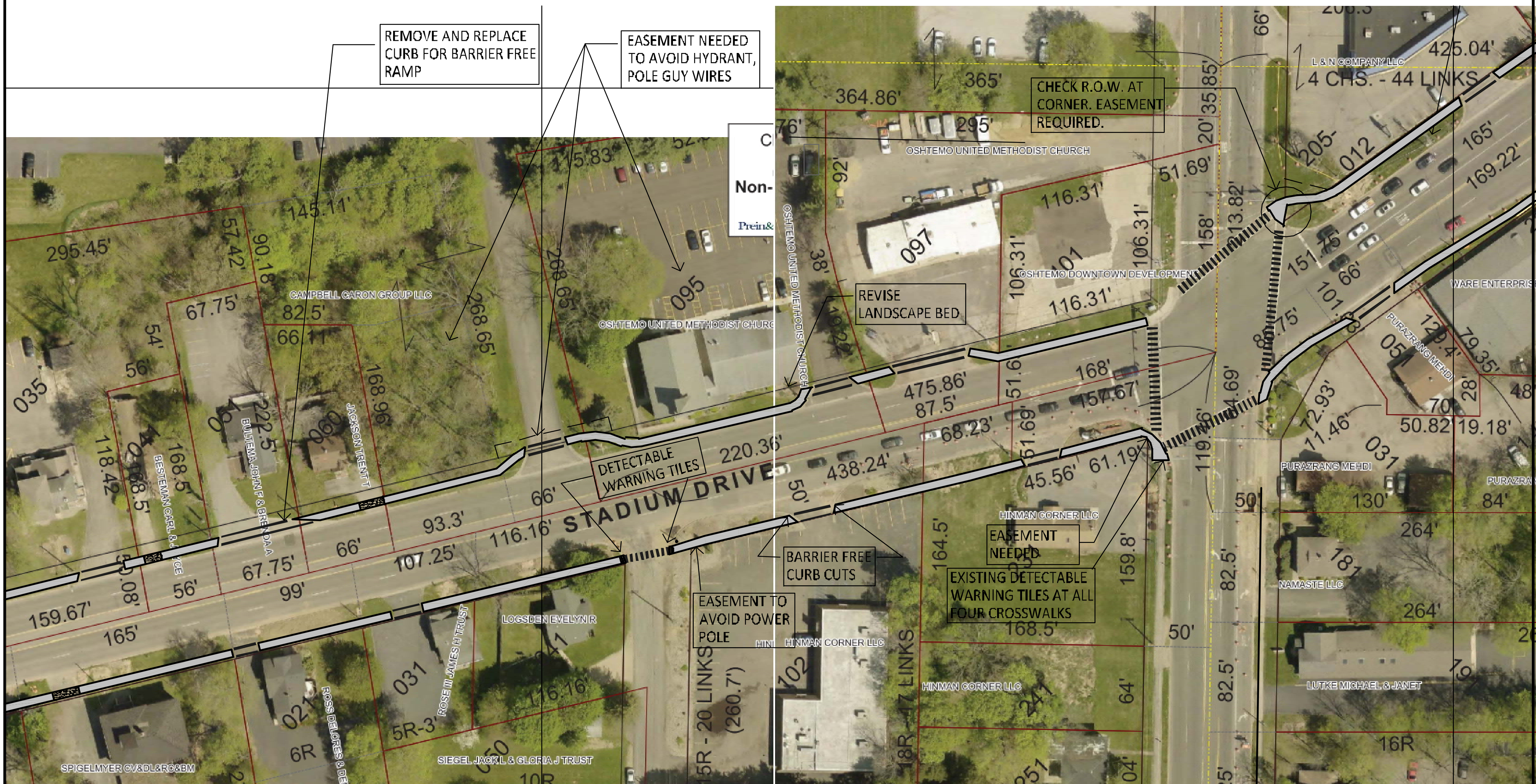


STADIUM DRIVE SIDEWALKS
Oshtemo Township
Preliminary Concept Plans

Legend

	5' WIDE, 4" THICK CONCRETE WALK		5' WIDE, 5" THICK CONCRETE WALK
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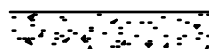
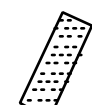


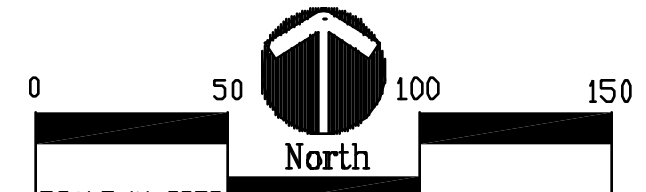
STADIUM DRIVE SIDEWALKS

Oshtemo Township

Preliminary Concept Plans

Legend

-  5' WIDE, 4" THICK CONCRETE WALK
-  CROSSWALK STRIPING
-  R.O.W. CROSSWALK STRIPING
-  5' WIDE, 5" THICK CONCRETE WALK
-  ADA DETECTABLE WARNING TILE

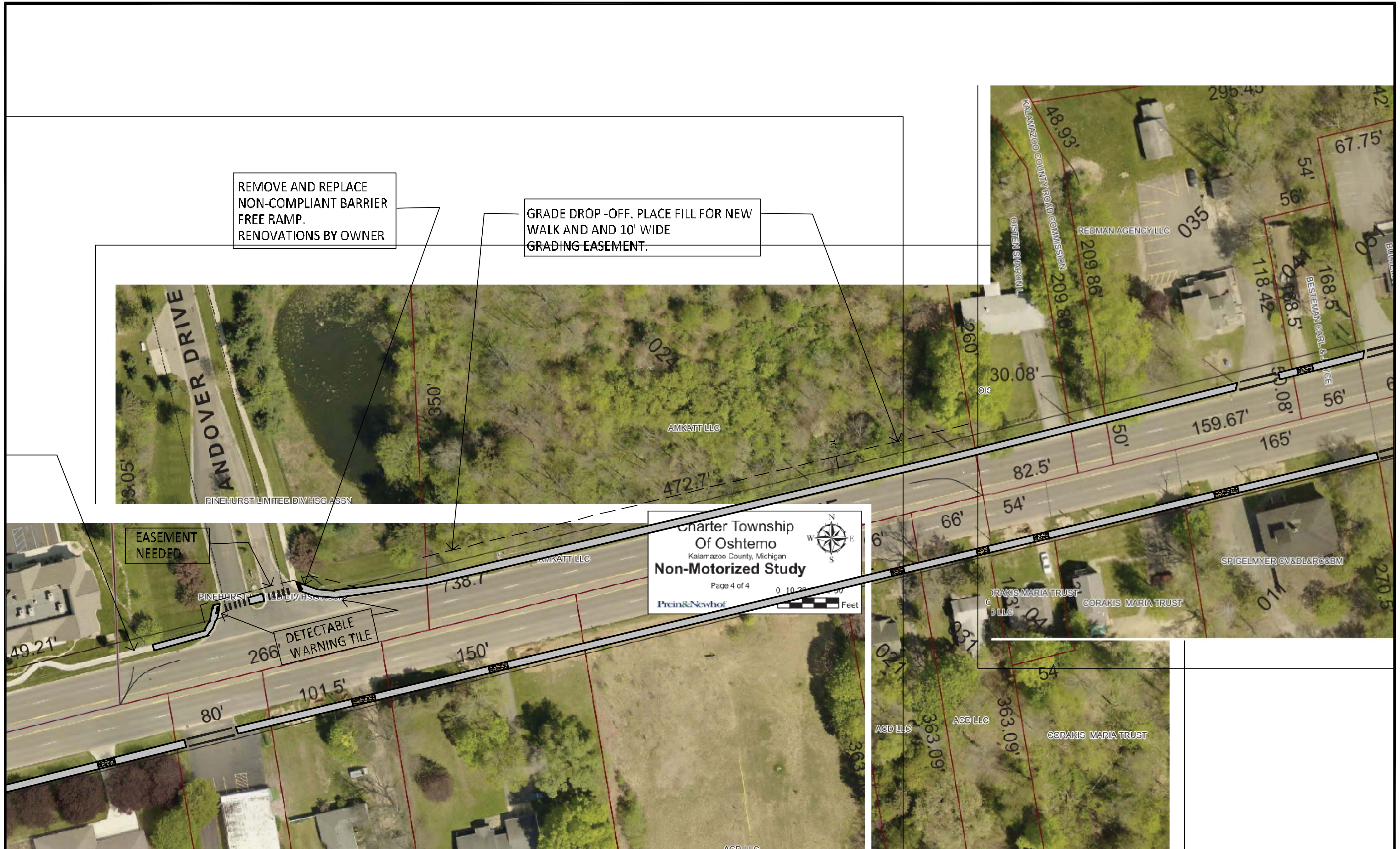


SCALE IN FEET
MARCH 6, 2018
rev. MARCH 12, 2018

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West-Sheet No. 7



STADIUM DRIVE SIDEWALKS
Oshtemo Township
Preliminary Concept Plans

Legend

	5' WIDE, 4" THICK CONCRETE WALK		5' WIDE, 5" THICK CONCRETE WALK
	CROSSWALK STRIPING		ADA DETECTABLE WARNING TILE
	R.O.W. CROSSWALK STRIPING		

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 SCALE IN FEET
 MARCH 6, 2018
 rev. MARCH 12, 2018





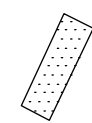
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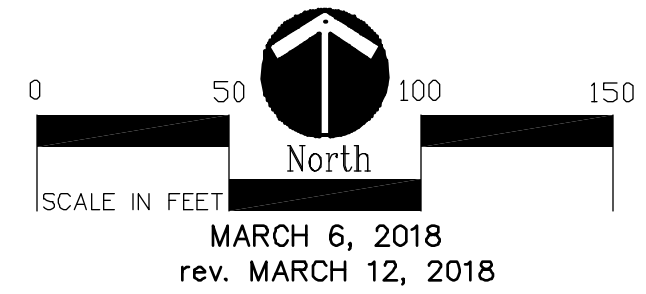
ocba
 landscape architects

West-Sheet No. 8



STADIUM DRIVE SIDEWALKS
Oshtemo Township
Preliminary Concept Plans

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 -  6' WIDE, 6" THICK CONCRETE WALK
 -  ADA DETECTABLE WARNING TILE



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Parcel	Parcel ID	Owner	Property Address	Zoning	Notes:
1	05-25-330-071	Daniel Nulty	5579 Stadium Drive	C	160 ft of Easement. May not be needed. Depends on final location of sidewalk.
2	05-25-320-024	Promed Healthcare	5943 Stadium Drive	R-3	30 ft of Fill and Grading Permit needed
3	05-25-320-010	Consumers Energy	Stadium Drive (Utility Corridor)	R-3	165 ft of Fill and Grading Permit needed
4	05-26-480-070	Valley Oak Properties LLC	6011 Stadium Drive	R-3	30 ft of Fill and Grading Permit needed
5	05-26-474-090	David & Renae Hatton, Rodney Drummond	6281 Stadium Drive	VC	30 ft of Grading Permit needed for driveway
6	05-26-474-070	Donald & Carolyn Daenzer	6301 Stadium Drive	VC	20 ft of Grading Permit needed for driveway
7	05-26-474-060	James & Patricia Buckert	6305 Stadium Drive	VC	20 ft of Grading Permit needed for driveway
8	05-26-474-050	Brian & Kari Dylhoff	6313 Stadium Drive	VC	20 ft of Grading Permit needed for driveway
9	05-26-474-020	Glas Associates	6339 Stadium Drive	VC	20 ft of Grading Permit needed for driveway
10	05-26-465-075	Stadium Drive LLC	6375 Stadium Drive	VC	50 ft of Easement & 90 ft of Grading Permit needed
11	05-35-205-012	L&N Company LLC	6460 Stadium Drive	VC	10 ft of Easement needed
12	05-35-135-231	Hinman Corner LLC	6523 Stadium Drive	VC	10 ft of Easement needed
13	05-35-130-095	Oshtemo United Methodist Church	6574 Stadium Drive	VC	15 ft of Easement needed
14	05-26-380-069	Campbell Caron Group LLC	3080 Mill Creek Drive	R-4	15 ft of Easement needed
15	05-35-135-102	Hinman Corner LLC	6541 Stadium Drive	VC	5 ft of Easement needed
16	05-35-105-024	Amkatt LLC	Stadium Drive (undeveloped property)	VC	475 ft of Easement and 475 ft of grading permit needed
17	05-35-105-021	Pinehurst Limited Div Hsg Assn	6740 Stadium Drive	R-4	50 ft of Easement needed



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Kalamazoo, Michigan

 Google, Inc.

Street View - Aug 2017

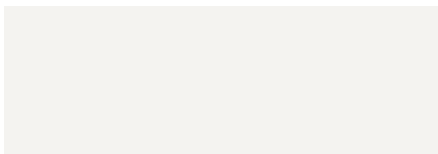




Image capture: Aug 2017 © 2018 Google

Kalamazoo, Michigan



Street View - Aug 2017

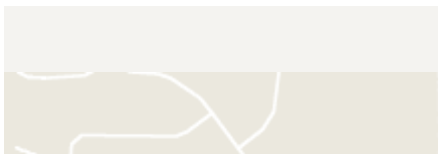




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 Google, Inc.

Street View - Aug 2017

