

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

April 9, 2024

Refer to page 3 for Virtual Meeting Information

REGULAR MEETING
5:30 P.M.
AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Remote Location Identification (for remote attendance when permitted by statute)
4. Township Mission/Vision/Core Values: *Transparent governmental practices are of the highest priority.*
5. Public Comment on Non-Regular Session Items
6. Public Officials Updates
 - a. Sean McBride, Executive Director METRO
7. Consent Agenda
 - a. Meeting Minutes [[Minutes Regular Board Meeting, March 26, 2024](#)]
 - b. Meeting Minutes [[Minutes Joint Boards Meeting March 19, 2024](#)]
 - c. Receipts and Disbursements [[March 2024](#)]
 - d. Second Reading: Text Amendments to Floodplain Management Ordinance, Section 273.003: Designation of Regulated Flood Prone Hazard Areas
 - e. First Quarter Budget Amendments
8. Consideration of Issuance of IFT Exemption for One Way Products Inc.
9. Consideration of Creation of IDD for Faraday Properties LLC
10. Resolution 2023 Kalamazoo County Hazard Mitigation Plan
11. Consideration of Policy Change Sale or Disposal of Township Real or Personal Property
12. First Reading: Zoning Text Amendments to Article 50: Schedule of Regulations, Section 50.60C: Setback Provisions: Business & Industrial Districts
13. First Reading: Zoning Text Amendments to Article 55, Signs and Billboards
14. Consideration of Tentative Preliminary Plan – Westridge Site Condominium
15. Consideration of Sale of Property for MDOT US-131 BL Project
16. Discussion of Employee Handbook Amendments, Section 4.1, and Section 5.3
17. Public Comment
18. Board Member Comments & Committee Updates
19. Other Updates & Business
20. Adjournment

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

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

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

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

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

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

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

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Cheri Bell	216-5220	cbell@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Neil Sikora	760-6769	nsikora@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Michael Chapman	375-4260	mchapman@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Greg McComb	375-0487	gmccomb@oshtemo.org	
<u>Ordinance Enforcement:</u>			
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org	
<u>Parks Director:</u>			
Vanessa Street	216-5233	vstreet@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Jodi Stefforia	375-4260	jstefforia@oshtemo.org	
<u>Public Works Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

Zoom Instructions for Participants

Before a videoconference:

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

To join the videoconference:

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

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this Meeting ID: **836 7398 7592**

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

To join the conference by phone:

1. On your phone, dial the teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **836 7398 7592#**

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



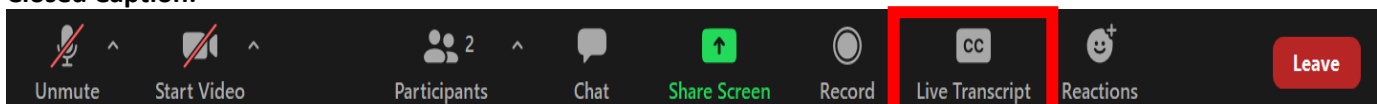
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

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

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

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

Closed Caption:



Turn on Closed Caption:

Using the icons at the bottom of the Zoom screen:

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

Mission:

To advance the quality of life of all residents through a commitment to responsible growth, and value-driven municipal services that promote the relationships among economic vitality, environmental stewardship, and social equity.

Vision:

A sustainable and innovative community built through a legacy of planned, responsible growth and rural preservation.

Core Values:

PUBLIC SERVICE

- Fair treatment to all people.
 - Each customer is welcomed and that their input is wanted.
 - Difficult questions are not marginalized.
- Allow residents to interact directly with the township staff and officials.
- Decisions are made based on the value to our Township and residents.

SUSTAINABILITY

- Meet the needs of the present without compromising future generations.
 - Consider the environment through practices that reduce impacts.
 - Value conscious decision making.
 - Committing to quality Fire and Police protection.

INNOVATION

- Providing the best value-conscious technology currently available.
- Leverage new technologies and ways of doing business to increase accessibility and improve services.

PROFESSIONALISM

- Hire staff with strong core competencies within their given profession.
 - Commitment to continuous improvement to government operations.
- Dedicated to open communication to improve productivity and effectiveness.

INTEGRITY

- Decisions are made logically through the collection of evidence, facts, and public input.
 - When promises are made, we follow through.
 - We do not obfuscate – we say what we mean and do what we say.
 - Transparent governmental practices are of the highest priority.

FISCAL STEWARDSHIP

- Ensure that taxpayer investments are spent wisely, effectively and efficiently.

Memorandum



Date: 29 March 2024
To: Township Board
From: Sierra Lucas – Paralegal, Legal Department
Subject: Second Reading re Text Amendments to the General Floodplain Management Ordinance No. 510, Section 273.003: Designation of Regulated Flood Prone Hazard Areas.

Objectives

MOTION: I make the motion to approve for second reading the Text Amendments to the General Floodplain Management Ordinance, Section 273.003, Designation of Regulated Flood Prone Hazard Areas.

Background

The Federal Emergency Management Agency (FEMA) has completed New Flood Insurance Rate Maps (FIRMs) for Kalamazoo County. The FIRMs are scheduled to go into effect on July 31, 2024.

The Department of Environment, Great Lakes, and Energy (EGLE) has reviewed and confirmed that the proposed Text Amendments are compliant. Upon adoption, EGLE will update FEMA's database and submit our finalized ordinance to their organization on behalf of the Township.

Information Provided

I have attached the proposed ordinance for Board review and approval.

Core Values

Sustainability

DRAFT OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. 669

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township General Floodplain Management Ordinance No. 510, Section 273.003: Designation of Regulated Flood Prone Hazard Areas. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF THE GENERAL FLOODPLAIN MANAGEMENT ORDINANCE COMPILED SECTION 273.003: DESIGNATION OF REGULATED FLOOD-PRONE HAZARD AREAS; is hereby amended to read as follows:

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Kalamazoo County, Michigan, all jurisdictions, effective July 31, 2024, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s), included on index panel numbers (s), 26077CIND0B, are adopted by reference for the administration of the Michigan Construction Code and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

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

Memorandum

Date: April 5, 2024
To: Township Board
From: Dusty Farmer, Clerk
Subject: 1st Quarter Budget Amendments



Objective

Motion to approve the requested 1st quarter budget amendments.

Information Provided

See attached.

Core Values

(Public Service, Professionalism, Integrity, Fiscal Stewardship)

Funds Requested To			Funds Requested From			Explanation of Request
GL Number	Description	Amount	GL Number	Description	Amount	
101-250-74000	NEW Legal Filing Fees	\$ 500.00	101-000-40000	Carryover	\$ 500.00	This is a new GL line for the Legal Department within the General Fund to pay legal filing fees.
	Total	\$ 500.00		Total	\$ 500.00	

Funds Requested To			Funds Requested From			Explanation of Request
GL Number	Description	Amount	GL Number	Description	Amount	
101-267-71600	Health & Life	\$ 720.00	101-000-40000	Carryover	\$ 720.00	When we switched HSA, HRA, & FSA providers from Navia to Kushner in 2024, we elected to have a runout period with Navia through 03/31/24 to give employee's time to submit claims. We must pay Navia through this runout period.
206-336-71600	Health & Life	\$ 510.00	101-000-40000	Carryover	\$ 510.00	
	Total	\$ 1,230.00		Total	\$ 1,230.00	

Funds Requested To			Funds Requested From			Explanation of Request
GL Number	Description	Amount	GL Number	Description	Amount	
101-249-96300	Media & Comms Consulting	\$28,656.25	101-000-40000	Carryover	\$28,656.25	Unspent funds from 2023 plus consultant invoices for 2024 for Media and Communications Consultant. This will break out the consultant costs from the newsletter costs in the Public Education line previously used.
	Total	\$28,656.25		Total	\$28,656.25	

Funds Requested To			Funds Requested From			Explanation of Request
GL Number	Description	Amount	GL Number	Description	Amount	
101-567-963100	Contracted Lawn Maintenance	\$16,500.00	101-567-96300	Contracted Grave Openings	\$16,500.00	These two lines were consolidated into one during the change of chart of accounts that was performed last year. This request will split them back out again to mirror past budget monitoring.
	Total	\$16,500.00		Total	\$16,500.00	

Funds Requested To			Funds Requested From			Explanation of Request
GL Number	Description	Amount	GL Number	Description	Amount	
101-701-80800	Consultants	\$ 4,043.00	101-000-40000	Carryover	\$ 4,043.00	Final work of the Drake and Flesher Master Plan updates from 2023
	Total	\$ 4,043.00		Total	\$ 4,043.00	

Memorandum & Request



Date: April 9, 2024
To: Township Board
From: Vanessa Street, Parks Director
Subject: Budget Amendment Request for playground equipment

Objective

That the Board would approve a budget amendment to purchase replacement playground equipment for Township Park.

From: GL 107-000-40000 Parks Fund Carryover
To: GL 107-756-93100 Maintenance Services

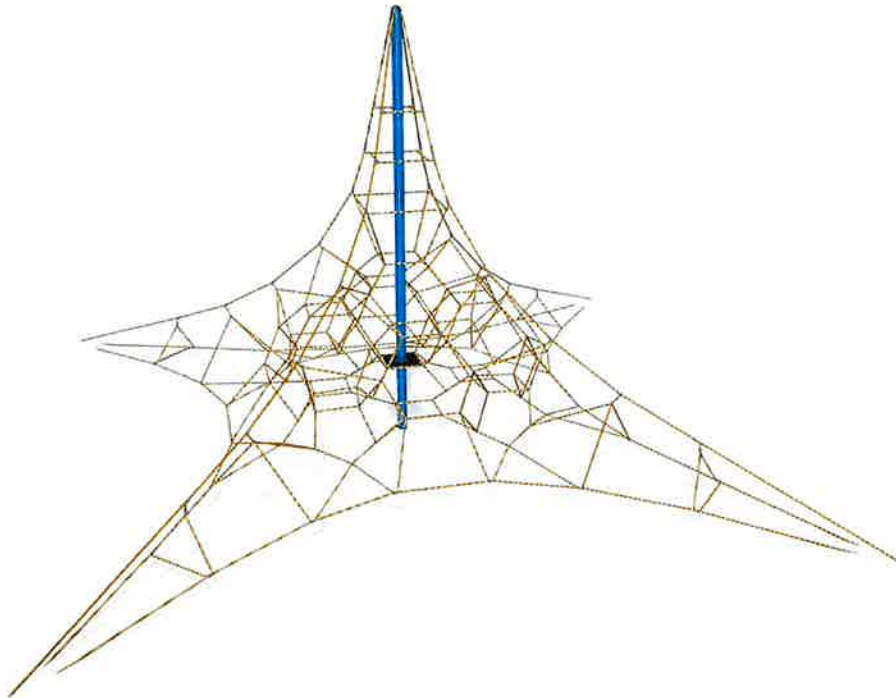
Proposed Motion: Motion to approve a budget amendment in the amount of \$5,251 to purchase a replacement VistaSky Rope Tower 4 for Township Park.

Background

It was identified in 2023 that the ropes climber (VistaSky Rope Tower 4) at Oshtemo Township Park is showing wear and in need of replacement. Three options for replacement were brought to the Parks Committee for discussion. It was determined that due to the high popularity and constant use of the current structure, the structure should be replaced with an identical structure. \$25,000 is in the 2024 budget for this project. However, due to cost increases, the price of the climber has increased to \$30,250.66 in 2024. Climber information and quote are attached.

Core Values

Integrity, Fiscal Stewardship



VistaSky™ Rope Tower 4

VistaSky™ Rope Tower 4 features our WeaveTech® ropes for maximum strength and durability. Designed for ages 5 to 12, it can accommodate up to 65 children at one time. It's a fun and challenging addition to your park or playground. [VistaRope Catalog](#) See the [VistaSky™ Rope Tower 4 in 3D!](#)

FEATURES AND BENEFITS:

- Large net climber for high-capacity play
- Durable WeaveTech® rope cables
- Available in a wide range of standard and custom color options

SPECIFICATIONS

Model	5933SP
Number:	
Fall Height:	7' (2.13 m)
Use Zone:	44'-6" x 44'-6" (13.56m x 13.56m)
Age Group:	5 to 12 Years
Number of Children:	60 to 65

GameTime offers a limited lifetime warranty on uprights, hardware, and connections. Visit gametime.com/warranty for full warranty information.



GameTime c/o Sinclair Recreation
 176 E Lakewood Blvd
 Holland, MI 49424
 Ph: 800-444-4954
 Fax: 616-392-8634

02/05/2024
 Quote #
 105596-01-04

Vista Rope - Sky Rope Tower 4

Oshtemo Township
 Attn: Vanessa Street
 7275 West Main
 Oshtemo, MI 49009
 Phone: 269-216-5233

Ship to Zip 49009

Quantity	Part #	Description	Unit Price	Amount
1	5933SP	GameTime - VistaSky Rope Tower 4	\$18,139.00	\$18,139.00
1	INSTALL	GameTime - Removal of Existing Equipment	\$2,500.00	\$2,500.00
1	INSTALL	GameTime - Installation of Vista Rope	\$7,200.00	\$7,200.00
Contract: OMNIA #2017001134			Sub Total	\$27,839.00
			Discount	(\$1,088.34)
			Freight	\$3,500.00
			Total	\$30,250.66

Comments

Includes supply, unloading of equipment, and installation. Does not include site restoration or safety surfacing. This quotation is subject to policies in the current GameTime Playground Catalog and the following terms and conditions. Our quotation is based on shipment of all items at one time to a single destination, unless noted, and changes are subject to price adjustment. Purchases to be supported by your written purchase order made out to GAMETIME C/O SINCLAIR RECREATION. **A 2.5% PROCESSING FEE WILL BE ADDED TO ALL ORDERS PAID VIA CREDIT CARD.**

Pricing: f.o.b. factory, firm for 30 days from date of quotation unless otherwise noted on quotation. Sales tax will be added at time of invoicing unless a tax exemption certificate is provided at time of order entry.

Payment terms: Net 30 days for tax supported governmental agencies. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Retainage not accepted.

Installation: Shall be by a Certified GameTime Installer. Customer shall be responsible for scheduling coordination and site preparation. Site should be level and permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional labor or material costs. Payment terms for installation is Net 10 Days.

NOTE: PRICING **DOES NOT** INCLUDE ANY DAVIS BACON OR PREVAILING WAGE RATES UNLESS SPECIFICALLY IDENTIFIED ABOVE IN QUOTE. THERE WILL BE A BACKCHARGE FOR THE INSTALLATION TO BE DONE THROUGH FELT, PEASTONE, SURFACING, OR WOODCHIPS, UNLESS SPECIFICALLY LISTED IN ABOVE QUOTE.

Exclusions: Unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders, drainage provisions, or any local/municipal permits or paperwork that may be required.



Memorandum



Date: April 9th, 2024
To: Township Board
From: Zach Pearson Public Works Project Manager
Subject: Public Works Q1 Budget Amendments

Objective

Receive Board approval of Public Works quarter 1 budget amendments.

Proposed Motion

I make the motion to approve the Public Works budget amendments as outlined below.

Background

Construction Engineering Fees moved to correct line of Construction Costs per accountant recommendation to be recognized within infrastructure investment.

From: GL 485-536-82000.WM7TO8 Engineering Fees
To: GL 485-536-96400.WM7TO8 Construction Costs (\$171,000)

Change order #6 for 7th/West Main Sanitary Sewer Extension to install property line cleanouts per new (2024 update) City of Kalamazoo specifications. Costs to be reimbursed by the City of Kalamazoo.

From: GL 485-000-40000 Carryover – Sewer Fund
To: GL 485-536-96400.WM7TO8 Construction Costs - (\$27,736.58)

Change Order #7 Install additional water main valves and fittings to serve future development. This work is recommended as an engineering best practice to prevent “cutting-in” fittings in the future since development plans were submitted and reasonably anticipated to occur in the immediate future. Also, additional fittings needed to deflect around storm culvert into MDOT’s retention pond which was at lower depth than as-built plans.

From: GL 486-000-40000 Carryover – Water Fund
To: GL 486-536-96400.WM7TO8 Construction Costs - (\$20,463.20)

Staff has presented Master Plan projects and in 2023 Board approved pursuing purchase of 5 acres at 1400 N 9th Street to complete these objectives. Budget amendment includes land purchase and anticipated 2024 design work:

Land Purchase	\$95,000
Fence, Closing Costs	\$10,000
Survey & Design	\$25,000
RCKC Permitting	\$ 5,000 (estimated)

From: GL 204-000-40000
To: GL 204-441-97600

Carryover – Road Fund
Capital Outlay – Roads (\$135,000)

Core Values

Public Service, Sustainability, Innovation, Integrity, Fiscal Stewardship

Memorandum



Date: April 1, 2024
To: Township Board
From: Sierra Lucas, Paralegal – Legal Department
Subject: Industrial Facilities Tax Exemption for One Way Products, Inc.

Objectives

To approve the Industrial Facilities Tax Exemption for One Way Products, Inc.

Recommended Motion

I make the motion to adopt the Resolution for the issuance of the Industrial Facilities Tax Exemption Certificate for One Way Products, Inc.

Background

One Way Products, Inc., located at approximately 6000 West KL Avenue, Kalamazoo, MI 49009, added 32,250 sq ft of production, warehouse, and office space to the existing building which was 25,586 sq ft and have purchased the necessary equipment to go with it. The additional capacity and resources were needed to support the continued growth of the business and the hiring of additional employees. The employee count has increased from 24 to 44 and this addition will allow for continued growth and on-boarding.

Information Provided

Attached is the proposed Resolution for the issuance of the Industrial Facilities Tax Exemption Certificate for One Way Products, Inc., and the Townships Industrial Tax Abatement Policy. I recommend that the Board review its Adopted Policy.

Core Values

Public Service, Innovation, Professionalism

**CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN**

**EXCERPT OF MINUTES OF REGULAR BOARD MEETING
HELD APRIL 9, 2024**

A regular meeting of the Township Board of the Charter Township of Oshtemo was held at the Oshtemo Township Hall on Tuesday, April 9, 2024, commencing at 5:30 p.m.

Members Present:

Members Absent:

Also present were James W. Porter Township Attorney, residents and property owners of the Township.

The next order of business was consideration of the issuance of the Industrial Facilities Tax Exemption Certificate for One Way Products in Sections 23 & 24 of Oshtemo Charter Township commonly known as 6000 West KL Ave., Kalamazoo, Michigan, 49009. It was reported that notice of the hearing on the request had been published in the *Kalamazoo Gazette* on March 19, 2024, and had been mailed via certified mail to the President of the subject property, Isaac Hinkle, and one Way Products Inc. The Affidavit of the foregoing was filed as part of the records of the meeting.

Representatives of One Way Products Inc. were present and described the nature of the contemplated project for the premises.

After further discussion, a motion was made by _____, seconded by _____ to adopt the following Resolution:

**RESOLUTION FOR ISSUANCE OF THE INDUSTRIAL FACILITIES TAX
EXEMPTION CERTIFICATION FOR ONE WAY PRODUCTS, INC.**

WHEREAS, One Way Products Inc., at approximately 6000 West KL Avenue, Kalamazoo, Michigan, 49009, within the Township, has applied under the provisions of 1974 PA 198, as amended (M.C.L. 207.551 et seq), for an Industrial Facilities Tax Exemption Certificate with respect to its proposed land and building cost located upon the following described property in Land Section(s) 23 & 24, in Oshtemo Charter Township:

THE EAST 456.45 FEET OF THE FOLLOWING DESCRIBED PROPERTY, EXCEPTING THEREFROM THE NORTH 103 FEET OF THE WEST 145.99 FEET:
A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE SOUTHWEST QUARTER OF SECTION 24, T. 2 S., R.12 W., OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING

AT THE EAST QUARTER POST OF SECTON 23, T. 2 S., R. 12 W., OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, THENCE WEST ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 23, 54.01 FEET; THENCE S. 0°24'50" WEST 756.48 FEET TO THE NORTHERLY LINE OF THE PENN CENTRAL TRANSPORTATION COMPANY RIGHT-OF-WAY (FORMERLY N.Y.C.-R.R. CO. AND M.C.-R.R. CO.) THENCE SOUTH 80°34'05" EAST ALONG THE SAID NORTHERLY RIGHT-OF-WAY, 516.73 FEET TO A POINT BEING 200.00 FEET DUE WEST FROM THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, T. 2 S., R 12 W.; THENCE NORTH 0°24'50" EAST, PARALLEL WITH AND 200.00 FEET FROM THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 24, 850.51 FEET TO THE EAST-WEST QUARTER LINE OF SAID SECTION 24; THENCE SOUTH 88°49'00" WEST ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 24, 456.45 FEET TO THE WEST QUARTER POST OF SAID SECTION 24 AND THE PLACE OF BEGINNING.

SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

WHEREAS, the real property improvements commenced on or about January 1, 2023; and

WHEREAS, the said real property improvements are located within an "Industrial Development District" created by the Township Board of the Charter Township of Oshtemo on August 9, 2016, in accordance with said Act 198 as amended; and

WHEREAS a public hearing on the application for an Industrial Facilities Tax Exemption Certificate was conducted on April 9, 2024; and

WHEREAS, that the proposed real property improvements are calculated to have the reasonable likelihood to create new employment, for new employees, as the result of this project, and has already increased its employees from 24 employees in 2017 to 44 employees, to date, and not merely the transferring of employment from one or more local governmental units of the State to Oshtemo Charter Township; and

WHEREAS, the aggregate state equalized value of the real and personal property exempt from *ad valorem* taxes under 1974 PA 198, as amended, including the requested exemption of said One Way Products, Inc, does not exceed five percent (5%) of the sum of the state equalized valuation of the Charter Township of Oshtemo, and the aggregated state equalized valuation exemption from *ad valorem* taxes under said Act for real and personal property will not have the effect of substantially impeding the operation of any local government unit, nor of impairing the financial soundness of any affected taxing unit.

NOW, THEREFORE, BE IT RESOLVED, that the requested Industrial Facilities Tax Exemption Certificate be hereby improved to become effective April 9, 2024, and that, accordingly, for the next ten (10) years, the Industrial Facility Tax upon new land improvements and buildings shall be determined by multiplying one-half (1/2) of the total mills levied as *ad valorem* taxes for each of said ten (10) years and by all taxing units within which such a facility is situated by the state equalized valuation of the facility, excluding the land which shall be separately assessed and taxed in accordance with the general *ad valorem* tax law

IT IS FURTHER RESOLVED that One Way Products, Inc., shall pay an application fee in the amount of \$500.00 to the Township, which fee does not exceed the actual cost of processing the application, or two percent (2%) of the total property taxes abated under the Act, whichever is less.

BE IT FURTHER RESOLVED, that the Township Clerk forward the application of said One Way Products, Inc., together with the within Resolution and any other necessary supporting documents, to the Michigan State Tax Commission for approval and issuance of an Industrial Facilities Tax Exemption Certificate in accordance with said 1974 PA 198, as amended.

Motion was made by _____, and seconded by _____ to adopt the foregoing resolution.

Upon roll call vote, the following voted "Aye":

The following voted "Nay":

The following member was absent:

The Supervisor declared the motion passed and the Resolution adopted.

Dusty Farmer, Clerk
Oshtemo Charter Township

CERTIFICATE

The undersigned, as Clerk of Oshtemo Charter Township, certifies that the foregoing Resolution was duly adopted by the Township Board at a regular meeting of the Township Board held on April 9, 2024, at which meeting a quorum was present and set forth in the aforesaid Excerpt of a portion of the minutes of said meeting upon a roll call vote; that first-class mail written notice was sent to said applicant and to each taxing unit having ad valorem tax jurisdiction over said land and facility; and the meeting was noticed and held in compliance with the Michigan Open Meetings Act as required by law and statute provided.

Dusty Farmer, Clerk
Oshtemo Charter Township

CHARTER TOWNSHIP OF OSHTEMO

INDUSTRIAL TAX ABATEMENT POLICY

General Purpose:

Oshtemo Charter Township encourages the growth and development of its industrial base and offers industrial firms the opportunity to apply for property tax abatement under Michigan Public Act 198 of 1974, as amended, to encourage the expansion of existing industrial facilities and to attract new facilities to the Township. The Oshtemo Township Board wishes to provide the incentive for industrial development and expansion to encourage job creation for its residents while fulfilling its responsibility to the community to maintain services and uphold the Township's quality of life. The Township Board has established its Industrial Tax Abatement Policy to establish procedures for applications for tax abatement, assist the industrial community, and contribute to the overall welfare of Oshtemo Township.

I. TAX ABATEMENT APPLICATION REVIEW CRITERIA

When reviewing Act 198 applications for tax abatement from an eligible facility, the Township Board will consider such criteria that are intended to further the goals and policies of the Township as a whole, and which are consistent with the general health, safety, and welfare of Oshtemo Township and its residents. The Oshtemo Township Board reserves the right to periodically review its Industrial Tax Abatement Policy, as necessary, to ensure consistency with community needs and objectives. The Board may use the following criteria, which are not intended to be exhaustive, in reviewing and evaluating Act 198 applications:

1. Whether the project will promote diversification of Oshtemo Township's industrial base.
2. Whether the project will result in the impairment of the operation, or the financial soundness, of any effected taxing unit.
3. Whether a public purpose would be served (i.e., expanded tax base as well as the multiplier effects of additional employment, income, and capital investment in the community) by the project.
4. Whether the project will provide diverse employment opportunities for the workforce.
5. Whether the development of the proposed industrial facilities will complement the Township's land use and environmental objectives.
6. Whether the proposed industrial facilities will be compatible with the Township's present and future requirements for Township services (e.g. roads, utilities, and public safety).

7. Whether the applicant (a) meets its current financial obligations to the Township, (b) is in compliance with all applicable state and Township codes and/or ordinances, and (c) has no pending or current litigation against the Township (including appeals to the Michigan Tax Tribunal).

II. TAX ABATEMENT APPLICATION REVIEW PROCEDURES AND STANDARDS

- A. **Submission of Tax Abatement Applications for Township Review.** Eligible facilities applying for an Act 198 tax abatement will submit a complete application (State Form 1012) to the Township Clerk. Applications will not be considered “complete” until all required information has been satisfactorily submitted.
- B. **Township Review of Complete Applications.** The Township Treasurer, Planning Director, Assessor, and Township Attorney will review each complete tax abatement incentive application received under P.A. 198 and create a report, with the assistance of appropriate personnel, for the Township Board. The report will include: (1) preparation of a preliminary environmental analysis for the proposed facility (examining the availability of utilities to support the proposed land use, and any relevant environmental conditions of land and water resources that may be affected, including impacts on adjacent properties, etc.); and (2) preparation of a property tax analysis (estimating the taxes received by each affected taxing unit with and without the requested tax abatement incentive and the total abatement valuation percentage if approved in the Township).

III. DETERMINATION OF PROPERTY STATUS IN INDUSTRIAL DEVELOPMENT DISTRICT (IDD) OR PLANT REHABILITATION DISTRICT (PRD)

- A. **Properties Within an Existing Industrial Development District (IDD) or Plant Rehabilitation District (PRD).** The Township Attorney will determine if the subject property lies within an existing Industrial Development District (IDD) or Plant Rehabilitation District (PRD). If the facility is within an existing IDD or PRD, the applicant may submit an Industrial Facility Tax Exemption Certificate application to the Township (see, Section IV, below).
- B. **Properties Not Within an Existing Industrial Development District (IDD).** If the subject property does not lie within an existing IDD, the property may be considered for establishment as an IDD. Industrial Development Districts will not be established for speculative buildings.
 1. The Township may establish an IDD upon its own initiative, or upon a written request filed by the owner(s) of seventy-five percent (75%) of the State Equalized Value of the industrial property located within the proposed

IDD. Consideration by the Township for the creation of a new IDD requires the proposed district to meet the criteria of P.A. 198, and the following:

- a. An owner requesting the creation of an IDD must submit a request detailing the extent and configuration of the proposed IDD, and the Township Board must approve it.**
 - b. The proposed IDD must be located within the general industrial areas identified in the Township's Land Use Plan Map.**
 - c. Commencement of the proposed industrial facility cannot begin unless and until the IDD has been approved and established.**
 - d. Municipal water and sanitary sewer utilities must be available, or extended, to the industrial facility and the industrial facility will be, upon completion, connected to water and sanitary sewer utilities. (The Board may waive this requirement upon a finding that utilities cannot be economically provided to the proposed industrial facility. If this finding is made, the applicant will be required to enter into an agreement with the Township which specifies that discharges to a private sewer system will be monitored by the applicant and a report submitted to the Township at least annually).**
 - e. The Township Board finds, after an analysis of the project impacts, that the proposed industrial facility will benefit the community (including consideration of environmental impacts and impacts on the affected taxing units).**
- 2. Before adopting a Resolution to establish a new Industrial Development District, the Township Board shall:**
- a. Give a fourteen (14) day written notice, by certified mail, to all owners of real property within the proposed new IDD of a public hearing to consider the proposed IDD; and**
 - b. Give a fourteen (14) day written notice, by certified mail, to all affected taxing units (with a copy of the application) of the public hearing on the proposed creation of the Industrial Development District.**
 - c. Hold a public hearing on the establishment of the proposed new Industrial Development District as noticed.**

3. If the proposed IDD is approved and established, the Board will adopt a resolution to that effect, and the applicant may submit an Industrial Facility Tax Exemption Certificate application to the Township (see, Section IV, below).

C. Properties Not Within an Existing Plant Rehabilitation District (PRD). If the subject property does not lie within an existing PRD, the property may be considered for establishment as a PRD.

1. The Township may establish a PRD upon its own initiative, or upon a written request filed by the owner(s) of seventy-five percent (75%) of the State Equalized Value of the industrial property located within the proposed PRD. Consideration by the Township for the creation of a new PRD requires the proposed district to meet the criteria of P.A. 198, and the following:
 - a. An owner requesting the creation of a PRD must submit a request detailing the extent and configuration of the proposed PRD with documentation that the Plant Rehabilitation District requirements are met, and the Township Board must approve it.
 - b. The proposed PRD must be located within the general industrial areas identified in the Township's Land Use Plan Map.
 - c. Commencement of the proposed industrial facility cannot begin unless and until the PRD has been established.
 - d. Municipal water and sanitary sewer utilities must be available, or extended, to the industrial facility and the industrial facility will be, upon completion, connected to water and sanitary sewer utilities. (The Board may waive this requirement upon a finding that utilities cannot be economically provided to the proposed industrial facility. If this finding is made, the applicant will be required to enter into an agreement with the Township which specifies that discharges to a private sewer system will be monitored by the applicant and a report submitted to the Township at least annually.)
 - e. The Township Board finds, after an analysis of the project impacts, that the proposed industrial facility will benefit the community (including consideration of environmental impacts and impacts on the taxing units).
 - f. There has been a change in the use of the property.
 - g. There has been a change in beneficial ownership of the property.

- h. The property, comprising not less than fifty percent (50%) of the State Equalized Value of the industrial property within the district, is obsolete.
 - i. The proposed project is not attributable to delayed, or deferred, maintenance.
2. Before adopting a Resolution to establish a new Plant Rehabilitation District, the Township Board shall:
 - a. Give a fourteen (14) day written notice, by certified mail, to all owners of real property within the proposed new PRD of a public hearing to consider the proposed PRD;
 - b. Give a fourteen (14) day written notice, by certified mail, to all affected taxing units (with a copy of the application) of the public hearing on the proposed creation of the Plant Rehabilitation District;
 - c. Hold a public hearing on the establishment of the proposed new Plant Rehabilitation District as noticed.
 3. If the proposed PRD is approved and established, the Board will adopt a resolution to that effect, and the applicant may submit an Industrial Facility Tax Exemption Certificate application to the Township (see, Section IV, below).

IV. APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

- A. Criteria for Industrial Facilities Exemption Certificate.** Where an eligible facility has been added to an existing Industrial Development District (IDD) or Plant Rehabilitation District (PRD), or where a new Industrial Development District (IDD) or Plant Rehabilitation District (PRD) has been created and approved, an application for an Industrial Facilities Exemption Certificate may be submitted to the Township Supervisor for consideration by the Township Board. An application for an Industrial Facilities Exemption Certificate may be granted if:
1. Granting of the Industrial Facilities Exemption Certificate will not impede operations or impact the financial soundness of the Township; and
 2. The aggregate of the State Equalized Value of property to be exempted does not exceed five percent (5%) of the State Equalized Value of the Township.

B. Hearing to Consider the Industrial Facilities Exemption Certificate. Before adopting a Resolution to grant a new Industrial Facilities Exemption Certificate, the Township Clerk shall notify the affected taxing units of the date, place, and time of the Township Board's meeting to hear the request, in accordance with state statute. The Township Board will consider the Industrial Facilities Exemption Certificate application at a public meeting at the date, time, and place noticed and grant or deny the request.

C. Township Board Decision on the Industrial Facilities Exemption Certificate Application.

1. If the Township Board approves the Industrial Facilities Exemption Certificate application, the Board will adopt a resolution to that effect. The Township will send the Board's resolution and the application to the Michigan State Tax Commission for processing.
2. If the Township Board denies the Industrial Facilities Exemption Certificate application, the Clerk will return the application to the applicant.

V. REAL AND PERSONAL PROPERTY QUALIFYING FOR ABATEMENT

A. Real Property Qualifying for Abatement and Term. Tax abatement may be granted for up to twelve (12) years on real property meeting State and local requirements.

B. Personal Property Qualifying for Abatement and Term. Tax abatement may be granted for up to six (6) years on personal property meeting State and local requirements within new or replacement facilities. Office equipment is not eligible for abatement. The Township Assessor will determine which equipment is considered office equipment.

VI. DISSOLUTION OF INDUSTRIAL DEVELOPMENT AND PLANT REHABILITATION DISTRICTS

A. By Township Board Action. The Township Board may, upon its own initiative, dissolve an IDD or PRD created by application of an eligible facility if the applicant:

1. Does not file an Industrial Facilities Exemption Certificate application within two (2) years of the date upon which the Township Board created the district.
2. If the facility does not comply with the terms of its agreement to provide, or create, jobs within the Township.

The Township Board shall provide written notice that a public hearing will be held on the dissolution of the IDD or PRD to the owners of the property within the district, the applicant who originally submitted the application, and the affected taxing units by certified mail. The Township Board shall hold a public hearing on the dissolution of the IDD or PRD at the time, date, and location noticed. If the Township Board dissolves the IDD or PRD, it shall do so by resolution and the Township Clerk will send the Board's resolution to the Michigan State Tax Commission for processing.

- B. **By State Tax Commission Action.** The State Tax Commission may dissolve an IDD or PRD by revoking the applicable Industrial Facilities Exemption Certificate. The applicant will receive notice of such action by the State Tax Commission, but no public hearing will be held by the Township.

VII. REVOCATION OR TRANSFER OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES

- A. **Revocation.** The Township Board will consider a resolution requesting that the State Tax Commission revoke Industrial Facilities Exemption Certificate if:
1. The proposed industrial facility has not been completed within two (2) years after the effective date of the Industrial Facilities Exemption Certificate; or
 2. The purpose for which the Industrial Facilities Exemption Certificate was issued is not being fulfilled as a result of a failure of the certificate holder to proceed in good faith with the replacement, restoration, construction, or operation of the industrial facility.

Revocation of an Industrial Facilities Exemption Certificate by the State Tax Commission will result in the dissolution of the underlying IDD or PRD.

- B. **Transfer.** An Industrial Facilities Exemption Certificate may be transferred and assigned by the certificate holder to a new owner, or lessee, after a public hearing, approval of the Township Board, and approval of the State Tax Commission as provided in the Act.

VIII. EXTENSION OF TWO-YEAR TIME LIMIT TO COMPLETE FACILITY

- A. **Request for Extension.** A request for an extension of time to complete the facility must be filed with the Township Supervisor (with all supporting information) no later than six (6) months after the ending date of the Industrial Facilities Exemption Certificate. The request shall be filed in the manner specified by the State Tax Commission.

- B. Consideration of Extension Request.** The Township Board may hear requests for consideration of an extension at a public meeting and may grant one (1) extension of time to complete the industrial facility. If the request for extension is granted, the approval shall take the form of a resolution of the Township Board. The Township Clerk shall forward a copy of the resolution authorizing the extension of time to the State Tax Commission.

IX. MONITORING OF TAX ABATED PROPERTY AND FOLLOW-UP

- A. Submission of Annual Reports.** Where an Act 198 tax abatement is granted (following creation of an IDD or PRD, and approval of an Industrial Facilities Exemption Certificate is granted by the Township Board and the State Tax Commission), the Industrial Facilities Exemption Certificate holder shall submit follow-up reports to the Township Clerk not less frequently than annually. Each annual follow-up report shall contain the following information:

1. The projected jobs to be created and/or retained, in comparison to the actual number of full-time equivalent jobs (2,000 hours worked annually) created and/or retained, in sufficient detail to allow the Township to determine the number of jobs created and/or retained by job classification.
2. If applicable, for certificate holders subject to a contractual agreement with the Township due to the unavailability of municipal sewer utilities, a report on the discharges to the private sewer system in sufficient form and detail to allow the Township to ascertain the environmental effects of such discharges.

- B. Consequences for Failure to Submit Annual Follow-Up Reports.** Failure to supply the required follow-up report annually to the Township Clerk will result in a Township Board resolution requesting that the State Tax Commission revoke the Industrial Facilities Exemption Certificate. Revocation of an Industrial Facilities Exemption Certificate by the State Tax Commission will result in the dissolution of the underlying IDD or PRD.

Motion was made by Zak Ford and seconded by Clare Buszka, to adopt the foregoing Policy by Board Resolution.

Upon roll call vote the following voted "Aye":

Dusty Farmer, Clare Buszka, Zak Ford, Kizzy Bradford, Kristin Cole, Cheri Bell

The following voted "Nay":

None

The following were Absent:

None

The following Abstained:

Libby Heiny-Cogswell

The Chair declared the motion carried and the Policy Resolution duly adopted.



Dusty Farmer, Clerk
Oshtemo Charter Township

CERTIFICATE

STATE OF MICHIGAN)
) ss.
COUNTY OF KALAMAZOO)

I, Dusty Farmer, the duly appointed and acting Clerk of the Township of Oshtemo, certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Oshtemo Charter Township Board held on August 9, 2022, which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this 10 day of August, 2022.



Dusty Farmer, Clerk
Oshtemo Charter Township



Industrial Tax Abatement Policy_Adopt 08-10-22

Final Audit Report

2022-08-10

Created:	2022-08-10
By:	Emily Westervelt (ewestervelt@oshtemo.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOUCWRUAmCqOxenxbTmMYyD6kuauKCESD

"Industrial Tax Abatement Policy_Adopt 08-10-22" History

-  Document created by Emily Westervelt (ewestervelt@oshtemo.org)
2022-08-10 - 1:22:16 PM GMT- IP address: 216.250.151.74
-  Document emailed to Dusty Farmer (dfarmer@oshtemo.org) for signature
2022-08-10 - 1:23:24 PM GMT
-  Email viewed by Dusty Farmer (dfarmer@oshtemo.org)
2022-08-10 - 3:43:45 PM GMT- IP address: 66.227.162.123
-  Document e-signed by Dusty Farmer (dfarmer@oshtemo.org)
Signature Date: 2022-08-10 - 3:44:15 PM GMT - Time Source: server- IP address: 66.227.162.123
-  Agreement completed.
2022-08-10 - 3:44:15 PM GMT

Memorandum



Date: April 1, 2024
To: Township Board
From: Sierra Lucas, Paralegal – Legal Department
Subject: Industrial Development District for Faraday Properties LLC

Objectives

To approve the Industrial Development District for Faraday Properties LLC.

Recommended Motion

I make the motion to adopt the Resolution creating the Industrial Development District for unit three of the Western Michigan University Business Technology Research Park 2.0.

Background

Faraday Properties LLC is considering the development of the research and manufacturing facility in BTR 2.0. Creating an Industrial Development District would allow Faraday Properties LLC to come before the Board and request an Industrial Facilities Tax-Exempt Certificate for the proposed development.

Information Provided

Attached is the proposed Resolution creating the Industrial Development District for Faraday Properties and the Townships Industrial Tax Abatement Policy. I recommend that the Board review its Adopted Policy.

Core Values

Public Service, Innovation, Professionalism

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

Excerpt of Minutes of Township Board Meeting
Held April 9, 2024

A regular meeting of the Township Board of the Charter Township of Oshtemo was held at the Oshtemo Township Hall on Tuesday, April 9, 2024, commencing at 5:30 p.m.

Members Present:

Members Absent:

Also present were James W. Porter Township Attorney, residents and property owners of the Township.

The next order of business was consideration of the creation of an Industrial Development District in Section 25 of Oshtemo Charter Township commonly known as unit 3 of The Western Michigan University Business, Technology, and Research Park 2, Kalamazoo, Michigan, 49009. It was reported that notice of the hearing on the request had been published in the *Kalamazoo Gazette* on March 19, 2024, and had been mailed via certified mail to the President of the subject property, Jason DeVries, and Faraday Properties LLC. The Affidavit of the foregoing was filed as part of the records of the meeting.

Representatives of Faraday Properties LLC were present and described the nature of the contemplated project for the premises.

After further discussion, a motion was made by _____, seconded by _____ to adopt the following Resolution:

**RESOLUTION CREATING INDUSTRIAL DEVELOPMENT DISTRICT FOR UNIT 3
OF THE WESTERN MICHIGAN UNIVERSITY BUSINESS, TECHNOLOGY, AND
RESEARCH PARK 2.0**

WHEREAS, Faraday Properties LLC, is the owner of land in Section 25 of the Oshtemo Charter Township located at 5912 Venture Park D, which land and premises are more particularly described as:

Parcel 25-430-010

Unit 3, The Western Michigan University Business, Technology and Research Park 2, a Condominium according to the Master Deed recorded in Instrument No. 2020-006484, and any amendments thereto, and designated as Kalamazoo County Condominium Subdivision Plan No. 293, together with rights in the general common elements and limited common elements as set forth in the above Master Deed, and as described in Act 59 of the Public Acts of 1978, as amended.

WHEREAS, the subject property was acquired by the Developer for the purpose of industrial development and the property is currently zoned in “BRP Business & Research Park District”; and

WHEREAS, Faraday Properties LLC, is proposing to develop a portion of said property for business purposes and proposing to install a new building, machinery, equipment, fixtures and furniture; and

WHEREAS, Faraday Properties LLC, requested the Township to have the afore-described lands and premises established as an Industrial Development District under the provision of 1974 PA 198, as amended; and

WHEREAS, the Township Board has scheduled a hearing for this time, date and place on such request and has given appropriate notice thereof by publication in the *Kalamazoo Gazette* on March 19, 2024, and by mailing, by certified mail, to the aforesaid owners on March 12,

2024, as required by law and statute provided and has conducted a hearing in accordance therewith; and

WHEREAS, no material objections have been received to the establishment of said district; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Township Board of the Charter Township of Oshtemo, Kalamazoo County, Michigan, hereby establishes an Industrial Development District comprising the property hereinbefore described under the provisions of 1974 PA 198, as amended.

Upon roll call vote upon the adoption of said Resolution,

The following voted "Yes":

The following voted "No":

The following abstained:

The Supervisor declared the motion carried, and the Resolution adopted.

Dusty Farmer, Clerk
Oshtemo Charter Township

CERTIFICATE

I, Dusty Farmer, the duly elected Clerk of the Charter Township of Oshtemo hereby certifies that the above constitutes a true copy of an Excerpt of the Minutes of a regular meeting of the Oshtemo Charter Township Board, Kalamazoo County, Michigan, held on April 9, 2024, at which meeting a quorum was present; that the members of said Board voted upon the aforesaid Resolution as shown; that said Resolution was accordingly duly adopted; and that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

DUSTY FARMER, Township Clerk

CHARTER TOWNSHIP OF OSHTEMO
INDUSTRIAL TAX ABATEMENT POLICY

General Purpose:

Oshtemo Charter Township encourages the growth and development of its industrial base and offers industrial firms the opportunity to apply for property tax abatement under Michigan Public Act 198 of 1974, as amended, to encourage the expansion of existing industrial facilities and to attract new facilities to the Township. The Oshtemo Township Board wishes to provide the incentive for industrial development and expansion to encourage job creation for its residents while fulfilling its responsibility to the community to maintain services and uphold the Township's quality of life. The Township Board has established its Industrial Tax Abatement Policy to establish procedures for applications for tax abatement, assist the industrial community, and contribute to the overall welfare of Oshtemo Township.

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1. Whether the project will promote diversification of Oshtemo Township's industrial base.
2. Whether the project will result in the impairment of the operation, or the financial soundness, of any effected taxing unit.
3. Whether a public purpose would be served (i.e., expanded tax base as well as the multiplier effects of additional employment, income, and capital investment in the community) by the project.
4. Whether the project will provide diverse employment opportunities for the workforce.
5. Whether the development of the proposed industrial facilities will complement the Township's land use and environmental objectives.
6. Whether the proposed industrial facilities will be compatible with the Township's present and future requirements for Township services (e.g. roads, utilities, and public safety).

7. Whether the applicant (a) meets its current financial obligations to the Township, (b) is in compliance with all applicable state and Township codes and/or ordinances, and (c) has no pending or current litigation against the Township (including appeals to the Michigan Tax Tribunal).

II. TAX ABATEMENT APPLICATION REVIEW PROCEDURES AND STANDARDS

- A. **Submission of Tax Abatement Applications for Township Review.** Eligible facilities applying for an Act 198 tax abatement will submit a complete application (State Form 1012) to the Township Clerk. Applications will not be considered “complete” until all required information has been satisfactorily submitted.
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III. DETERMINATION OF PROPERTY STATUS IN INDUSTRIAL DEVELOPMENT DISTRICT (IDD) OR PLANT REHABILITATION DISTRICT (PRD)

- A. **Properties Within an Existing Industrial Development District (IDD) or Plant Rehabilitation District (PRD).** The Township Attorney will determine if the subject property lies within an existing Industrial Development District (IDD) or Plant Rehabilitation District (PRD). If the facility is within an existing IDD or PRD, the applicant may submit an Industrial Facility Tax Exemption Certificate application to the Township (see, Section IV, below).
- B. **Properties Not Within an Existing Industrial Development District (IDD).** If the subject property does not lie within an existing IDD, the property may be considered for establishment as an IDD. Industrial Development Districts will not be established for speculative buildings.
1. The Township may establish an IDD upon its own initiative, or upon a written request filed by the owner(s) of seventy-five percent (75%) of the State Equalized Value of the industrial property located within the proposed

IDD. Consideration by the Township for the creation of a new IDD requires the proposed district to meet the criteria of P.A. 198, and the following:

- a. **An owner requesting the creation of an IDD must submit a request detailing the extent and configuration of the proposed IDD, and the Township Board must approve it.**
 - b. **The proposed IDD must be located within the general industrial areas identified in the Township's Land Use Plan Map.**
 - c. **Commencement of the proposed industrial facility cannot begin unless and until the IDD has been approved and established.**
 - d. **Municipal water and sanitary sewer utilities must be available, or extended, to the industrial facility and the industrial facility will be, upon completion, connected to water and sanitary sewer utilities. (The Board may waive this requirement upon a finding that utilities cannot be economically provided to the proposed industrial facility. If this finding is made, the applicant will be required to enter into an agreement with the Township which specifies that discharges to a private sewer system will be monitored by the applicant and a report submitted to the Township at least annually).**
 - e. **The Township Board finds, after an analysis of the project impacts, that the proposed industrial facility will benefit the community (including consideration of environmental impacts and impacts on the affected taxing units).**
- 2. Before adopting a Resolution to establish a new Industrial Development District, the Township Board shall:**
- a. **Give a fourteen (14) day written notice, by certified mail, to all owners of real property within the proposed new IDD of a public hearing to consider the proposed IDD; and**
 - b. **Give a fourteen (14) day written notice, by certified mail, to all affected taxing units (with a copy of the application) of the public hearing on the proposed creation of the Industrial Development District.**
 - c. **Hold a public hearing on the establishment of the proposed new Industrial Development District as noticed.**

3. If the proposed IDD is approved and established, the Board will adopt a resolution to that effect, and the applicant may submit an Industrial Facility Tax Exemption Certificate application to the Township (see, Section IV, below).

C. Properties Not Within an Existing Plant Rehabilitation District (PRD). If the subject property does not lie within an existing PRD, the property may be considered for establishment as a PRD.

1. The Township may establish a PRD upon its own initiative, or upon a written request filed by the owner(s) of seventy-five percent (75%) of the State Equalized Value of the industrial property located within the proposed PRD. Consideration by the Township for the creation of a new PRD requires the proposed district to meet the criteria of P.A. 198, and the following:
 - a. An owner requesting the creation of a PRD must submit a request detailing the extent and configuration of the proposed PRD with documentation that the Plant Rehabilitation District requirements are met, and the Township Board must approve it.
 - b. The proposed PRD must be located within the general industrial areas identified in the Township's Land Use Plan Map.
 - c. Commencement of the proposed industrial facility cannot begin unless and until the PRD has been established.
 - d. Municipal water and sanitary sewer utilities must be available, or extended, to the industrial facility and the industrial facility will be, upon completion, connected to water and sanitary sewer utilities. (The Board may waive this requirement upon a finding that utilities cannot be economically provided to the proposed industrial facility. If this finding is made, the applicant will be required to enter into an agreement with the Township which specifies that discharges to a private sewer system will be monitored by the applicant and a report submitted to the Township at least annually.).
 - e. The Township Board finds, after an analysis of the project impacts, that the proposed industrial facility will benefit the community (including consideration of environmental impacts and impacts on the taxing units).
 - f. There has been a change in the use of the property.
 - g. There has been a change in beneficial ownership of the property.

- h. The property, comprising not less than fifty percent (50%) of the State Equalized Value of the industrial property within the district, is obsolete.
 - i. The proposed project is not attributable to delayed, or deferred, maintenance.
2. Before adopting a Resolution to establish a new Plant Rehabilitation District, the Township Board shall:
- a. Give a fourteen (14) day written notice, by certified mail, to all owners of real property within the proposed new PRD of a public hearing to consider the proposed PRD;
 - b. Give a fourteen (14) day written notice, by certified mail, to all affected taxing units (with a copy of the application) of the public hearing on the proposed creation of the Plant Rehabilitation District;
 - c. Hold a public hearing on the establishment of the proposed new Plant Rehabilitation District as noticed.
3. If the proposed PRD is approved and established, the Board will adopt a resolution to that effect, and the applicant may submit an Industrial Facility Tax Exemption Certificate application to the Township (see, Section IV, below).

IV. APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

- A. **Criteria for Industrial Facilities Exemption Certificate.** Where an eligible facility has been added to an existing Industrial Development District (IDD) or Plant Rehabilitation District (PRD), or where a new Industrial Development District (IDD) or Plant Rehabilitation District (PRD) has been created and approved, an application for an Industrial Facilities Exemption Certificate may be submitted to the Township Supervisor for consideration by the Township Board. An application for an Industrial Facilities Exemption Certificate may be granted if:
- 1. Granting of the Industrial Facilities Exemption Certificate will not impede operations or impact the financial soundness of the Township; and
 - 2. The aggregate of the State Equalized Value of property to be exempted does not exceed five percent (5%) of the State Equalized Value of the Township.

B. Hearing to Consider the Industrial Facilities Exemption Certificate. Before adopting a Resolution to grant a new Industrial Facilities Exemption Certificate, the Township Clerk shall notify the affected taxing units of the date, place, and time of the Township Board's meeting to hear the request, in accordance with state statute. The Township Board will consider the Industrial Facilities Exemption Certificate application at a public meeting at the date, time, and place noticed and grant or deny the request.

C. Township Board Decision on the Industrial Facilities Exemption Certificate Application.

1. If the Township Board approves the Industrial Facilities Exemption Certificate application, the Board will adopt a resolution to that effect. The Township will send the Board's resolution and the application to the Michigan State Tax Commission for processing.
2. If the Township Board denies the Industrial Facilities Exemption Certificate application, the Clerk will return the application to the applicant.

V. REAL AND PERSONAL PROPERTY QUALIFYING FOR ABATEMENT

A. Real Property Qualifying for Abatement and Term. Tax abatement may be granted for up to twelve (12) years on real property meeting State and local requirements.

B. Personal Property Qualifying for Abatement and Term. Tax abatement may be granted for up to six (6) years on personal property meeting State and local requirements within new or replacement facilities. Office equipment is not eligible for abatement. The Township Assessor will determine which equipment is considered office equipment.

VI. DISSOLUTION OF INDUSTRIAL DEVELOPMENT AND PLANT REHABILITATION DISTRICTS

A. By Township Board Action. The Township Board may, upon its own initiative, dissolve an IDD or PRD created by application of an eligible facility if the applicant:

1. Does not file an Industrial Facilities Exemption Certificate application within two (2) years of the date upon which the Township Board created the district.
2. If the facility does not comply with the terms of its agreement to provide, or create, jobs within the Township.

The Township Board shall provide written notice that a public hearing will be held on the dissolution of the IDD or PRD to the owners of the property within the district, the applicant who originally submitted the application, and the affected taxing units by certified mail. The Township Board shall hold a public hearing on the dissolution of the IDD or PRD at the time, date, and location noticed. If the Township Board dissolves the IDD or PRD, it shall do so by resolution and the Township Clerk will send the Board's resolution to the Michigan State Tax Commission for processing.

- B. By State Tax Commission Action.** The State Tax Commission may dissolve an IDD or PRD by revoking the applicable Industrial Facilities Exemption Certificate. The applicant will receive notice of such action by the State Tax Commission, but no public hearing will be held by the Township.

VII. REVOCATION OR TRANSFER OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES

- A. Revocation.** The Township Board will consider a resolution requesting that the State Tax Commission revoke Industrial Facilities Exemption Certificate if:
1. The proposed industrial facility has not been completed within two (2) years after the effective date of the Industrial Facilities Exemption Certificate; or
 2. The purpose for which the Industrial Facilities Exemption Certificate was issued is not being fulfilled as a result of a failure of the certificate holder to proceed in good faith with the replacement, restoration, construction, or operation of the industrial facility.

Revocation of an Industrial Facilities Exemption Certificate by the State Tax Commission will result in the dissolution of the underlying IDD or PRD.

- B. Transfer.** An Industrial Facilities Exemption Certificate may be transferred and assigned by the certificate holder to a new owner, or lessee, after a public hearing, approval of the Township Board, and approval of the State Tax Commission as provided in the Act.

VIII. EXTENSION OF TWO-YEAR TIME LIMIT TO COMPLETE FACILITY

- A. Request for Extension.** A request for an extension of time to complete the facility must be filed with the Township Supervisor (with all supporting information) no later than six (6) months after the ending date of the Industrial Facilities Exemption Certificate. The request shall be filed in the manner specified by the State Tax Commission.

- B. Consideration of Extension Request.** The Township Board may hear requests for consideration of an extension at a public meeting and may grant one (1) extension of time to complete the industrial facility. If the request for extension is granted, the approval shall take the form of a resolution of the Township Board. The Township Clerk shall forward a copy of the resolution authorizing the extension of time to the State Tax Commission.

IX. MONITORING OF TAX ABATED PROPERTY AND FOLLOW-UP

- A. Submission of Annual Reports.** Where an Act 198 tax abatement is granted (following creation of an IDD or PRD, and approval of an Industrial Facilities Exemption Certificate is granted by the Township Board and the State Tax Commission), the Industrial Facilities Exemption Certificate holder shall submit follow-up reports to the Township Clerk not less frequently than annually. Each annual follow-up report shall contain the following information:
1. The projected jobs to be created and/or retained, in comparison to the actual number of full-time equivalent jobs (2,000 hours worked annually) created and/or retained, in sufficient detail to allow the Township to determine the number of jobs created and/or retained by job classification.
 2. If applicable, for certificate holders subject to a contractual agreement with the Township due to the unavailability of municipal sewer utilities, a report on the discharges to the private sewer system in sufficient form and detail to allow the Township to ascertain the environmental effects of such discharges.
- B. Consequences for Failure to Submit Annual Follow-Up Reports.** Failure to supply the required follow-up report annually to the Township Clerk will result in a Township Board resolution requesting that the State Tax Commission revokes the Industrial Facilities Exemption Certificate. Revocation of an Industrial Facilities Exemption Certificate by the State Tax Commission will result in the dissolution of the underlying IDD or PRD.

Motion was made by Zak Ford and seconded by Clare Buszka, to adopt the foregoing Policy by Board Resolution.

Upon roll call vote the following voted "Aye":

Dusty Farmer, Clare Buszka, Zak Ford, Kizzy Bradford, Kristin Cole, Cheri Bell

The following voted "Nay":

Industrial Tax Abatement Policy_Adopt 08-10-22

Final Audit Report

2022-08-10

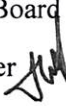
Created:	2022-08-10
By:	Emily Westervelt (ewestervelt@oshtemo.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOUCWRUAmCqOxenbTmMYyD6kuauKCESD

"Industrial Tax Abatement Policy_Adopt 08-10-22" History

-  Document created by Emily Westervelt (ewestervelt@oshtemo.org)
2022-08-10 - 1:22:16 PM GMT- IP address: 216.250.151.74
-  Document emailed to Dusty Farmer (dfarmer@oshtemo.org) for signature
2022-08-10 - 1:23:24 PM GMT
-  Email viewed by Dusty Farmer (dfarmer@oshtemo.org)
2022-08-10 - 3:43:45 PM GMT- IP address: 66.227.162.123
-  Document e-signed by Dusty Farmer (dfarmer@oshtemo.org)
Signature Date: 2022-08-10 - 3:44:15 PM GMT - Time Source: server- IP address: 66.227.162.123
-  Agreement completed.
2022-08-10 - 3:44:15 PM GMT

Memorandum & Request



Date: 4 April 2024
To: Township Board
From: James Porter 
Subject: 2023 Kalamazoo County Hazard Mitigation Plan

Objectives

MOTION: I make the motion to adopt the 2023 Kalamazoo County Hazard Mitigation Plan.

Background

Kalamazoo County updates the Hazard Mitigation Plan every five years. This plan was last updated in 2023 and the County is now seeking the Township's adoption of that plan which was prepared in cooperation with the Federal Emergency Management Agency. The plan provides a comprehensive overview of all the governmental entities in Kalamazoo County. The plan then lays out how those communities would work together as a team to handle any major natural or man-made disaster.

Kalamazoo County Public Information Officer, Andy Alspach, requests that the Township adopt the 2023 Hazard Mitigation Plan, acknowledging that certain information in the current plan is outdated but will be updated within the upcoming five-year cycle.

Information Provided

Please see the attached Resolution of Adoption of the 2023 Kalamazoo County Hazard Mitigation Plan. A copy of the current plan can be found here: <https://www.kalcounty.com/em/hazard.php?tag=mitigation>

Core Values

Public Service

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

**OSHTEMO TOWNSHIP RESOLUTION OF ADOPTION OF THE
2023 KALAMAZOO COUNTY HAZARD MITIGATION PLAN**

APRIL 9, 2024

WHEREAS, Oshtemo Charter Township recognizes that all hazards pose a potential threat to people and property within our community; and

WHEREAS, Kalamazoo County Emergency Management has prepared a multi-hazard mitigation plan, hereby known as the 2023 Kalamazoo County Hazard Mitigation Plan, in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS, the 2023 Kalamazoo County Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Kalamazoo County, Michigan from the impacts of future hazards and disasters; and

WHEREAS, adoption by Oshtemo Charter Township demonstrates its commitment to hazard mitigation and achieving the goals outlined in the 2023 Kalamazoo County Hazard Mitigation Plan; and

NOW THEREFORE BE IT PROCLAIMED THAT, Oshtemo Charter Township hereby adopts the 2023 Kalamazoo County Hazard Mitigation Plan. While content related to Kalamazoo County may require revisions to meet the plan approval requirements, changes occurring after adoption will not require sub-jurisdictions to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

A motion was made by _____, and seconded by _____, to adopt the foregoing Resolution.

Upon roll call vote the following voted "Aye":

The following voted "Nay":

The following were Absent:

The following Abstained:

The Moderator declared the motion carried and the Resolution duly adopted.

Dusty Farmer, Clerk
Oshtemo Charter Township

CERTIFICATE

STATE OF MICHIGAN)
) ss.
COUNTY OF KALAMAZOO)

I, Dusty Farmer, the duly appointed and acting Clerk of the Township of Oshtemo, certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Oshtemo Charter Township Board held on April 4, 2024, which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this ___ day of April, 2024.

Dusty Farmer, Clerk
Oshtemo Charter Township

Memorandum

Date: April 9 2024
To: Township Board
From:



Subject: Sale of Property

Objective

Motion to approve the revisions of the Sale or Disposal of Township Real or Personal Property.

Background

This policy was last updated in 2021. In an effort understand the process of selling land to another municipality, it was brought to my attention that we would be bound by our own policy and forced to charge market value for the sale of property that was purchases for the purpose of selling to MDOT. I asked Attorney Porter to draft revisions that would allow the Board to recognize the best use of tax dollars and public purpose for development, especially infrastructure.

Information Provided

Policy with tracked changes

Core Values

(Public Service, Sustainability, Innovation, Professionalism, Integrity, Fiscal Stewardship)

OSHTEMO CHARTER TOWNSHIP

SALE OR DISPOSAL OF TOWNSHIP REAL OR PERSONAL PROPERTY POLICY

~~Adopted: June 8, 2021~~

Effective: ~~June 8, 2021~~ April 10, 2024

General Purpose:

Oshtemo Charter Township may sell, transfer, convey, or dispose of any real or personal property, or part thereof, which is not needed for public purposes. Township owned property may not be sold, transferred, or conveyed for less than its fair market value, unless in furtherance of a public purpose. The purpose of this policy is to ensure that the sale, conveyance, transfer, and/or disposal of Township property is handled consistently, and in accordance with state and local laws and requirements. This policy will ensure the accountability, transparency, and ethical behavior of Township representatives in the sale, conveyance, transfer, and/or disposal of Township real and personal property.

I. SALE OF REAL PROPERTY

The sale of Township owned real property may not only impact the Township taxpayers, but also the abutting property owners who may wish to have input on the sale or transfer of such property. Accordingly, the following procedures will be followed for the sale or transfer of Township real property.

A. Internal Request for Sale or Transfer of Real Property

A "Request for Sale or Disposal of Oshtemo Township Property Form" is completed providing a description of the property, the parcel number, legal description (if available), and any other information regarding the property, its use, zoning, whether the land will be split from a larger parcel, etc. and submitted to the Township Board for review. If the Board approves the proposal, the Township Supervisor or Clerk may sign the "Request for Sale or Disposal of Oshtemo Township Property Form" on the Board's behalf.

B. Mailing of Notice to Nearby Property Owners

Except as set forth below, A-a notice shall be served to all property owners within three hundred feet (300') of the boundaries of the proposed Township real property to be sold or transferred at least thirty (30) days prior to the scheduled meeting of the Township Board to authorize the execution of a sale/transfer agreement by the Township. Such notice shall be sent to all owners and parties in interest as reflected on the property tax assessment records of the Township to the last known address as reflected on such records. The notice shall provide information on the proposed sale or transfer, invite written and/or verbal

comments to be submitted at the Township Board, and provide the date and time of the meeting at which the sale or transfer will be considered.

If the Township Board determines that the sale or transfer of real property is consistent with and furthers the goals and objectives of the Township's Master Plan, it's long-term development strategies, and/or the development of needed public infrastructure, the notice of the property's potential use, based upon such development plans, is presumed to be known to the community, and no further notice is required under this section.

C. Publication of Notice

For real property valued at five thousand dollars (\$5,000) or more, the Township shall publish the same notice sent to property owners near the subject property once in the Kalamazoo Gazette at least thirty (30) days prior to the meeting date at which a decision authorizing the sale or transfer agreement will occur, unless dispensed with pursuant to paragraph B above. Other property may be advertised on the Township's website or social media accounts.

D. Township Authorization of Sale or Transfer

The Township Board shall authorize any agreement for the sale or transfer of Township real property in the form of a Township Board resolution.

E. Record of Disposition

The Township will retain all records of the disposition of Township real property on a server available to the Township Clerk and Treasurer. Such records shall, minimally, include (1) the signed "Request for Sale or Disposal of Oshtemo Township Property Form", (2) the signed Township Board Resolution authorizing the sale or transfer of the property, (3) the signed sales agreement with the purchaser and deed, and (4) a copy of any payment received for the sale of the real property.

II. SALE OF TOWNSHIP PERSONAL PROPERTY OF TANGIBLE VALUE

The Township may sell, convey, or transfer personal Township property with remaining tangible value as follows:

A. Determination of Value and Disposition Approval

1. The Department Head having charge of the personal property will determine the estimated value of each item of personal Township property and complete the "Request for Sale or Disposal of Oshtemo Township Property Form".

2. When the estimated value of an item of personal property is two thousand dollars (\$2,000) or less, such property may be sold with the approval of the Department Head having charge of the personal property. A signature by the Department Head must be obtained on the "Request for Sale or Disposal of Oshtemo Township Property Form" before an item is offered for sale.

3. When the estimated value of an item of personal property exceeds two thousand dollars (\$2,000) but is less than Ten Thousand Dollars (\$10,000.00), the sale must be approved by the Department Head and the Public Official to whom the Department Head reports. The Township Supervisor, Clerk or Treasurer may sign the "Request for Sale or Disposal of Oshtemo Township Property Form."

4. When the estimated value of an item of personal property exceeds Ten Thousand Dollars (\$10,000.00), the Township Board must approve disposition of the item. The Township Supervisor, Clerk or Treasurer may sign the "Request for Sale or Disposal of Oshtemo Township Property Form" on the Board's behalf.

B. Posting of Notice of Sale and Solicitation of Bids for Purchase

The Township will post a notice of the proposed sale of authorized Township personal property with an estimated value less than two thousand dollars (\$2,000) on the bulletin boards in the Township Office, and on the Township's website unless submitted to an auction site. When the Township's personal property has an estimated value of two thousand dollars (\$2,000) or more, such property will also be advertised via the Township's website and/or social media to solicit sealed bids. The Township may also place personal property items on online sales or auction sites, if deemed appropriate, to solicit bids with information on the bidding location(s) available via the Township's website and/or social media. All sales shall be "as is" and sold to the highest bidder.

The Township Supervisor, Clerk, or the appropriate Department Head shall publicly open any sealed bids at a publicly announced dated and time.

If the Township does not receive any bids for the personal property, or the bids received are substantially below fair market value for the item(s), the Township Supervisor may negotiate the sale of such Township personal property in the open market to the best financial advantage of the Township.

C. Record of Disposition

The Department Head will retain all records of the disposition of Township personal property of tangible value on a server available to the Township Clerk and Treasurer. Such records shall, minimally, include: (1) the signed "Request for Sale or Disposal of Oshtemo Township Property Form", (2) the signed sales agreement with the purchaser, and (3) a copy of any payment received for the sale of the Township personal property.

III. **DISPOSAL OF SURPLUS TOWNSHIP PERSONAL PROPERTY -WITH
NO MARKET VALUE**

A. **Determination of Surplus Status**

Surplus Township personal property refers only to Township property which has no remaining market value.

B. **Authorization for Disposal**

Surplus Township personal property may be disposed of after the Department Head in charge of such personal property completes the "Request for Sale or Disposal of Oshtemo Township Property Form." A log of all items disposed of shall be maintained by all Departments.

C. **Method of Disposal**

After receiving authorization for disposal, the Department Head in charge of such property may donate, convey, or otherwise dispose of such property in a reasonable manner. The Department Head will ensure, and/or work with the Maintenance Director to confirm, that any item(s) containing hazardous waste, or components, are processed in an environmentally responsible way in accordance with any state or local laws and regulations for the disposal of such item(s). Where possible, the Department Head will obtain a receipt or other proof of the method for disposal of the surplus personal property.

D. **Record of Disposition**

The Department Head will save any records relating to the disposal of surplus Township personal property on a server available to the Township Clerk and Treasurer. Such records shall, minimally, include: (1) the signed "Request for Sale or Disposal of Oshtemo Township Property Form", and (2) any documentation of the method for disposal of the surplus Township personal property.

Motion was made by Zak Ford and seconded by Kristin Cole, to adopt the foregoing Policy by Board Resolution.

Upon roll call vote the following voted "Aye":


Elizabeth Heiny-Cogswell, Dusty Farmer, Clare Buszka,
Cheri Bell, Zak Ford, Kizzy Bradford and Kristin Cole

The following voted "Nay": None

The following were Absent: None

The following Abstained: None

The Supervisor declared the motion carried and the Policy Resolution duly adopted.



Dusty Farmer, Clerk
Oshtemo Charter Township

CERTIFICATE

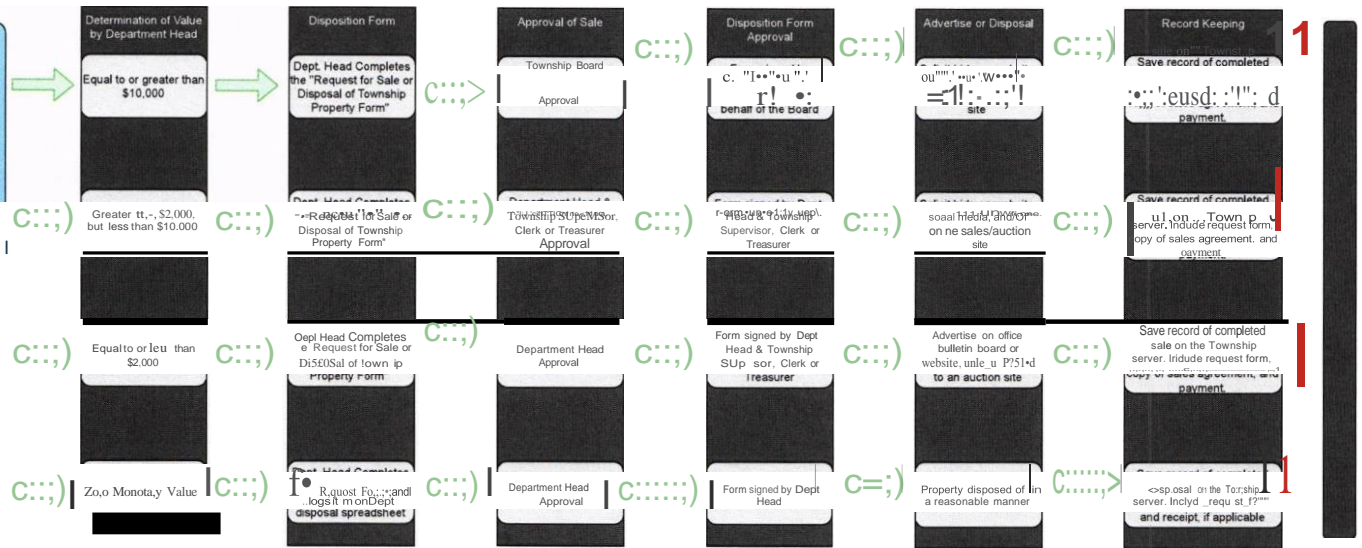
STATE OF MICHIGAN)
) ss.
COUNTY OF KALAMAZOO)

I, Dusty Farmer, the duly appointed and acting Clerk of the Township of Oshtemo, certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Oshtemo Charter Township Board held, via permitted ZOOM video conference during COVID-19 public health crises as authorized by PA 254 of 2020, on June 8, 2021, which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this 8th day of June, 2021.


Dusty Farmer, Clerk
Oshtemo Charter Township

Setup or
Disposing
Township
Personal
Property



Memorandum & Request



Date: 4 April 2024

To: Township Board

From: James Porter

Subject: First Reading re Zoning Text Amendments to Article 50: Schedule of Regulations, Section 50.60C: Setback Provisions: Business & Industrial Districts

Objectives

MOTION: I make the motion the motion to approve for first reading the Zoning Text Amendments to Article 50: Schedule of Regulations, Section 50.60C: Setback Provisions: Business & Industrial Districts.

Background

During the work on the Transportation and Mobility Ordinance and the need for secondary access roads (service drives), it became apparent that some relief from the setbacks and greenspace requirements was required to avoid confiscatory claims by developers.

Information Provided

I have attached the Proposed Ordinance, Meeting Minutes, and Recommendation from the Planning Commission for Board review and approval.

Core Values

Sustainability

DRAFT OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. 670

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, Article 50: Schedule of Regulations, Section 50.60C: Setback Provisions: Business & Industrial Districts. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 50: SCHEDULE OF REGULATIONS, SECTION 50.60: SETBACK PROVISIONS. Article 50, Section 50.60C is hereby amended to read as follows:

C. BUSINESS AND INDUSTRIAL DISTRICT

In "C" Local Business District, "BRP" Business and Research Park District, "I-R" Industrial District, Restricted, "I-1" Industrial District, Manufacturing/Serviceing, "I-2" Industrial District, Manufacturing/Serviceing, "I-3" Industrial District, Special and with respect to buildings exceeding two stories in "R-4" Residence District, the minimum setback distance for all buildings shall be 70 feet from all street right-of-way lines and outlots and/or planned future public street extensions abutting the property unless:

1. A larger setback is otherwise required in the Township Zoning Ordinance
2. The building is constructed within 300 feet of a building existing on the effective date of this Ordinance provision (December 24, 1966) which is closer than the 70-foot setback requirement, in which case such setback may be decreased accordingly to the schedule set forth in Section 50.60.A hereof. The setbacks applicable to the "C-R" Local Business District, Restricted, are set forth in Section 21.50.D.
3. The property is located between two roads running parallel to each other and one road is an arterial and the other is a collector, in which case, the minimum setback from the secondary road and the ~~landscape greenbelt landscaping~~ requirements from the secondary road shall be reduced by 50%.

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

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON THURSDAY, MARCH 28, 2024

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the following amendments to the Township Zoning Ordinance:

The amendment to Article 50, Section 50.60.C, Setback Provisions for Business & Industrial Districts, of the Township Zoning Ordinance, to read, in summary, as follows:

SEE ATTACHMENT

A copy of the Planning Commission Agenda Packet and draft Meeting Minutes from the March 28, 2024 Public Hearing are attached to this Recommendation.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

Date: April 04, 2024

By: Colten Hutson
Colten Hutson
Township Zoning Administrator

Final Action by Oshtemo Charter Township Board

_____ APPROVED _____

_____ DENIED _____

_____ REFERRED BACK TO PLANNING COMMISSION

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
DRAFT MINUTES OF A MEETING HELD MARCH 28, 2024**

Agenda

PUBLIC HEARING: Special Use and Site Plan – Maple Hill Auto Group

Maple Hill Auto Group is requesting site plan and special exception use approval to redevelop 6565 West Main Street to serve as a Subaru automotive dealership.

PUBLIC HEARING: Tentative Preliminary Plan – Westridge Site Condominium

Green Development Ventures, LLC is requesting step one tentative preliminary plan approval for a 41-unit site condominium project located at 7110 West Main Street.

PUBLIC HEARING: Ordinance Amendment – Signs and Billboards

Consideration to adopt amendments to Section 55 – Signs and Billboards for recommendation to the Township Board.

PUBLIC HEARING: Ordinance Amendment – Setback Provisions

Consideration to adopt amendments to Section 50.60.C – Setback Provisions for Business and Industrial Districts for recommendation to the Township Board.

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, March 28, 2024, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Deb Everett, Vice Chair
Alistair Smith
Zak Ford, Township Board Liaison
Scot Jefferies
Jeremiah Smith

MEMBERS ABSENT: Philip Doorlag, Chair
Scott Makohn

Also present were Jodi Stefforia, Planning Director; Kyle Mucha, Senior Planner from McKenna; Leeanna Harris, Zoning Administrator and Temporary Recording Secretary; Colten Hutson, Zoning Administrator; James Porter, Township Attorney; and 22 interested persons.

Call to Order and Pledge of Allegiance

Vice Chair Everett called the meeting to order at approximately 6:00 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

Vice Chair Everett asked if there were any changes to the agenda. Hearing none, she let the agenda stand as published.

PUBLIC COMMENT ON NON-AGENDA ITEMS

The Vice Chair asked if anyone present wished to speak on non-agenda items.

Since no one responded, she moved to the next agenda item.

Approval of the Minutes of the Meeting of February 22, 2024

Vice Chair Everett asked for additions, deletions, or corrections to the Minutes of the Meeting of February 22, 2024.

Hearing none, Vice Chair Everett asked for a motion.

Mr. Ford **made a motion** to approve the Minutes of the Meeting of Meeting of February 22, 2024, as presented. Mr. Jefferies **seconded the motion**. The **motion was approved unanimously**.

Vice Chair Everett moved to the next agenda item, the Special Use and Site Plan for Maple Hill Auto Group and asked Staff for their report.

PUBLIC HEARING: Special Use and Site Plan – Maple Hill Auto Group

Mr. Kyle Mucha, from McKenna, thanked the Planning Commission, and introduced himself and explained that he had been contacted by the Township to complete the review of the Special Use and Site Plan for 6565 West Main Street. He also noted that the applicant was in attendance if the Planning Commission had any questions for him.

Mr. Mucha explained that the request from the Maple Hill Auto Group is to propose the 50,106 square foot building, which will encompass a showroom, service repair facility, and warehouse.

Mr. Mucha explained that the applicant also proposes to conduct site enhancements for vehicle sales displays and an area for storage of vehicles undergoing repair at 6565 West Main Street, Parcel Number 05-14-330-020.

He noted that vehicle sales lots within the C: Local Business District are classified as a Special Exception Use, and that the Planning Commission, after holding a public hearing, may approve Site Plans and Special Uses.

Mr. Mucha started the portion of his presentation where he discusses Site Plan Review comments. He noted that the property is presently zoned C: Local Business District and is 18.9 acres in size. He explains that, as previously noted, a new and used care sales, showroom, and staging area, 28 bay service repair area, parking lot and landscaping, and retail parts and warehouse, are all proposed.

He continued by discussing access and circulation, explaining that primary site access would be from West Main Street, with additional access, pending site road development to the South. He mentioned that a driveway permit from MDOT is required with a supporting traffic impact study. Regarding sidewalks, the site presently has a 10-foot-wide pedestrian pathway along West Main Street, and that it will need to be verified that the pathway is fully within the public right-of-way, or if it is located on private property, that they provide an easement agreement.

Regarding parking, the requirements have been reviewed diligently. There are required parking spaces for repair bays, automotive and repair shops/service stations, showrooms, warehousing. He also noted that there is a shared access reduction on the site. Mr. Mucha explained that, under the parking requirements for the Zoning Ordinance, 129 spaces are required, while the applicant is proposing 134 spaces. Going further, Mr. Mucha, explains that the applicant is requesting that 25% of the spaces are reduced to a 9 foot width, as compared to a minimum of 10 feet, as well as proposing the depth to be reduced to a 18 foot length, as compared to a minimum of 20 feet. He explains that the authority to do so is available in the Zoning Ordinance. Mr. Mucha explained that reducing 32 spaces (or 25%) from a standard width and depth will still meet the intent of the ordinance, and that spaces with alternative dimensions must be labeled as such on the final site plan.

Mr. Mucha continued by mentioning that loading and unloading facilities are proposed along the southwestern portion of the site.

Mr. Mucha mentioned that the setbacks for this zoning district are 170 feet in the front, and 20 feet in the side and rear. He explained that the minimum setback distance between the side and rear shall be 20 feet or the height of the building. Mr. Mucha explained that they are requesting that the applicant identify the side and rear setbacks on the site plan to ensure that the required setbacks are met.

Mr. Mucha explained that landscaping comments were provided by Wightman, and that he would defer the Planning Commission should they have any questions on the landscaping elements.

Continuing on, Mr. Mucha mentions that the applicant has provided lighting details and photometric plan for their review, and based on their submission, they found

that the submitted photometric plan meets the intent of the Ordinance and can be recommended for approval.

Engineering comments, as they relate to stormwater, Mr. Mucha mentioned, have been noted in the staff report in the packet and that additional permit review through MDOT will be required.

Regarding the Fire Department's comments, Mr. Mucha mentions that they noted in their review that the location of the Fire Department Connection needs to be adjusted since the FDC is shown on the building and needs to be remote from the building. He also noted that the closest accessible fire hydrant is located over 400 feet away; therefore, a new fire hydrant will be needed or relocation.

Now Mr. Mucha began the portion of his presentation where he discusses Special Exception Use review criteria. As such, he explains that the special land use requirements are under section 65 of the Zoning Ordinance. He notes that the first requirement is that the proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the district in which the use is located, and is consistent with the Access Management Plan as sites are developed and redeveloped. He noted that to be consistent with the Access Management Plan, that the applicant resizes the stormwater basin to maintain a 150 foot area at the front of the site to provide future cross access to adjoining properties. He noted that Township Engineering staff also supported this recommendation. Further, access to the off-street parking areas shall be provided, not exceeding 30 feet in width, and that such access drive shall be constructed similarly to the parking areas and similarly maintained. Within the new car staging areas, dimensioned at 63 feet, 55 feet, and 35 feet, these areas must be formalized with a landscape island and a clearly defined access lane not exceeding 30 feet. Additionally, the access lane on the west side of the building is dimensioned at 50 feet but must be resized to 30 feet. Further land use requirements, such as the size and location of such outdoor sales business shall not impede pedestrian or vehicular travel by customers or patrons. As Mr. Mucha mentioned before, the Township Access Management Plan includes the recommendation for a frontage road or service drive along West Main Street.

Mr. Mucha notes that a positive finding can be made on other criteria as well on the regulations of Section 65 and for the criteria for used cars, Section 49.170.

Moving to his recommendation, Staff recommends that the site plan and special use application can be recommended for approval with the following conditions:

1. The pedestrian pathway is confirmed to be located within full within the public right-of-way along the northern portion of the subject property. If not fully located within the right-of-way, an easement agreement is executed with the Township for access.
2. Building height is listed on the plan and conforms with the side setbacks illustrated on the site plan.

3. The applicant received a permit from MDOT, provides a Traffic Impact Analysis, and the final plan set is consistent with the plan approved by Oshtemo Township.
4. Finalization of design for on-site stormwater management systems, maintenance agreements for stormwater management systems, and any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance. This condition includes limiting parking access drives to 30-feet and providing space for a service drive on the north of the site.
5. The Township approves the proposal for reduced parking space dimensions for up to 25% of required spaces, as illustrated on the site plan.
6. Comments from Fire Department are addressed.
7. All nonmotorized facilities shown on the approved site plan shall be installed prior to the issuance of a certificate of occupancy.
8. Other comments/requirements as stipulated by the Township or reviewing agencies, if any.

Vice Chair Everett asked staff if they had any comments for staff.

Mr. Ford asked about the drive aisles as they relate to the conditions of approval, and if those were indicated in red on the presentation Mr. Mucha gave.

Mr. Mucha confirmed this was the case.

Mr. Ford noted that in the Off-Street Parking ordinance, there are provisions for bicycle racks, and that he did not see these represented on the site plan.

Mr. Mucha said that he would have to go back to their review of the plan, as he did not know if they addressed this, but that they had worked diligently with the applicant for the parking requirements, and that if that were a requirement from the Planning Commission, then they could add that as a condition of approval.

Next, Vice Chair Everett asked the applicant if he would like to come forward and make a comment regarding his submission.

Mr. Jim Vandenberg introduced himself as the owner and general manager of Maple Hill Auto Group. He explained that this was a project that he excited about. He noted that the property is 18.9 acres, and that Maple Hill Auto Group would be purchasing the front, approximately, ten acres of the site. He noted that they have had a number of meetings with the Township planning the site since there are so many moving parts with the project, such as coordination with manufacturers, Oshtemo Township, and the Kalamazoo Road Commission. He noted that the Township was wanting the Seeco Drive extension through the property to the east property line. He noted that he felt that they have come to a great compromise between the selling client and the buying client. He noted that Maple Hill Auto Group is already attendant of Oshtemo Township and they have been in business in the Township for 29 years. He mentioned that the buy and sell agreement for the property was predicated on the outcome of the meeting, and that at that point they would move to closing. He also mentioned that they would be keeping a lot of green space in the front, would be trying

to put dog runs on site, a cleaning facilities where you could rinse down or remove waste materials, an outdoor play area for kids, a hiking trail that could potentially circulate the entire property, and part of the building would be offered up free of charge to charities and also for charity events, for after hour events. He also mentioned that they have done a lot with the parking and the parking spaces, and the reduction of the parking spaces, as mentioned, is in the bullpen area, which is not a public area, rather where customers cars are parked. He also noted that many of his customers rode bicycles, but that the storage of the bicycles would be occurring inside of the building. He mentioned that they would be keeping the original two-story building on site, but the remaining portion of the building would be demolished. He noted that they would be using the existing building for the corporate offices, offices upstairs, training areas, large lunchrooms, etc. He said that these offices would be in the front of the building facing the landscaping on site. He explained that the waiting room would be on the northwest side of the building, which would essentially be guarded from West Main due to the trees and shrubbery on site. He concluded by asking for any comments from the Planning Commission.

Vice Chair Everett asked the Planning Commission if they had any questions for the applicant.

Mr. Jeremiah Smith asked if Maple Hill Auto would still be in use.

Mr. Vandenberg said that this development would allow one of the "brands" to move to this site from his existing site on West Main (not this site involved in this proposal), leaving the remaining "brands" at the existing site.

Ms. Everett thanked the applicant and opened the Public Hearing on this agenda item.

Mr. Hutson came to the podium to read a public comment from Marcel Burgler that had been received via email to the Planning Staff. This letter expressed support for Maple Hill Auto Group's submission, explaining that he is the property owner of the site immediately east, located at 6479 West Main Street. The letter explained that redevelopment of the parcel by such a strong brand such as Subaru will anchor the site of the retail corridor on West Main and will stimulate additional interest from other retailers and service providers to locate in this area. The letter encouraged the Planning Commission to encourage cross access easements and access points for east-west roads as indicated in the area Master Plan. The letter mentioned that the 48.8 acres west of the parcel are in preliminary planning stages of development.

Hearing no other public comments, Vice Chair Everett closed the Public Hearing and moved to Board Discussion.

Mr. Alistair Smith mentioned the bullpen and the parking spaces that are a reduced width and length and that it concerns him especially if the public had to use the spaces and that once spaces are reduced, accidents such as door dings could occur, and that he did not want to see that happen.

Attorney Porter noted that this parking area is not open to the public and that this is just where cars will be parked before their owners come to pick them up.

Mr. Alistair Smith asked if this would allow public parking spaces to be reduced in the future.

Attorney Porter noted that the way he was reading the recommendation was that this reduced width and length would be restricted to where the company personnel would be parking the cars and not the public.

Ms. Everett asked if there were any other comments or questions. Hearing none, Vice Chair Everett asked for a motion.

Mr. Ford **made a motion** approve Maple Hill Auto Group's site plan and special exception use approval to redevelop 656 West Main Street with the conditions presented. Mr. Jefferies **seconded the motion. The motion was approved unanimously.**

Vice Chair Everett moved onto the next item, the Public Hearing for the Tentative Preliminary Plan for Westridge Site Condominiums, and asked staff for their report.

PUBLIC HEARING: Tentative Preliminary Plan – Westridge Site Condominium

Mr. Hutson began his presentation by thanking the Chair.

He explained that the applicant is requesting step one tentative preliminary plan approval for a 41-unit site condominium project located at 7110 W Main Street. He noted that the site is currently serving as a residential use and that the applicant is seeking to demolish the existing structures on-site in order to develop the 41 new single-family homes. He said that the subject project site falls within the R-2: Residence District zoning designation, that the site was approximately 20-acres in size, and is located on the north side of W Main Street between N 7th Street and N 8th Street.

He began his portion of his presentation where he discusses the review against the Subdivision, Site Condominium, and Land Division Ordinance of Article 290. He said that site condominium projects developing under Article 290 require review and approval by the Planning Commission and the Township Board and that the Planning Commission, in this instance, is the recommending body who will need to determine whether to forward a recommendation of approval or denial to the Township Board for their review of this request.

He mentioned that Article 290 includes requirements on arrangement, size, and shapes of building sites, design of streets and pedestrian pathways, stormwater, provisions related to natural features, external factors such as non-motorized and road connections, along with other general site elements.

He said that the first thing he'll discuss are the general zoning and configuration of the parent parcel. As he previously noted, the subject site is zoned R-2: Residence District, which allows single-family site condominium developments as an allowable use within the R-2: Residence District. He noted that the property abuts single-family homes to the north, west, and south as well as Commercial development to the east. He explained that the parent parcel consists of 20 acres and is situated just east of N 7th

Street and directly adjacent to N 8th Street, and that the project site also possesses roughly 720 feet of frontage along W Main and is 1,250 feet deep.

As for the building sites, he noted, they are proposed to range anywhere from 10,600 square feet to 15,683 square feet in area, providing an average site size of 13,193 square feet over the 41-Units, with each site proposed to possess 100 feet of road frontage or greater. He explained that the minimum setbacks for each building site within the development include 30 feet for the front, 10 feet for the sides, and 15 feet for the rear and that all minimum frontage, area, and setback requirements have been met.

Mr. Hutson now mentioned access and circulation, saying that the developer is proposing a street network that is planned to be private consisting of a total of three streets, which will be 28 feet wide curb to curb on a 66-foot-wide private right-of-way. He said that no building site within the development will have exclusive access to W Main Street, and that block lengths shown on the site plan are acceptable and satisfy code requirements. He mentioned that Ridgetop Circle and Vertex Circle are proposed to terminate at the development's north end in cul-de-sacs and are proposed to be temporary turnarounds, which are designed as such as they are meant to facilitate future interconnection, should the 10-acre property adjacent to the north ever be subdivided or condominiumized.

Mr. Hutson mentioned that the applicant has submitted a Traffic Impact Analysis to the Michigan Department of Transportation (MDOT) as a part of the permitting process for a new driveway from W Main Street and that the results did conclude that a new access point in the southwest corner of the parent parcel as proposed would be allowed.

Mr. Hutson now was discussing non-motorized facilities, in which 5-foot-wide concrete sidewalks are proposed on each side of the road throughout the site condominium project, as well as associated ADA ramps and concrete curbing are also proposed at each intersection. He also noted that the Township's Non-Motorized Transportation Plan also identifies a 10-foot-wide shared use path adjacent to the subject site on the north side of W Main Street, which is currently proposed on the site plan in question. It should be noted, Mr. Hutson said, that the subject shared use path will be required to go through MDOT's permitting process since this stretch of W Main Street falls within MDOT's jurisdiction.

Mr. Hutson said that public water and sewer are both being proposed, while construction of municipal water and sewer along the north side of W Main Street between N 7th Street and N 8th Street are currently underway and the site condominium development is proposing to tie into such public infrastructure in the southwest corner of the site and extend it throughout the development. He noted that all existing easements have been illustrated and that easements for water, sewer, gas, electric, stormwater, tree preservation, right-of-way, and temporary turnarounds will be necessary. He also said that all easements will be required to be recorded with the Kalamazoo County Register of Deeds Office.

Mr. Hutson said that two stormwater basins are proposed on the south end of the development, with easements to gain access to the overall development's stormwater basins are currently proposed. He said such access easements are needed for maintenance purposes in the case either basin needs repair, while yard drains to collect stormwater are also proposed in the rear yard for a number of the units in order to accommodate such stormwater needs.

In terms of lighting, Mr. Hutson explained, the developer is proposing street lighting throughout the condominium project. Locations of pole mounted lights are shown on the site plan, noting that a photometric plan satisfying Ordinance requirements will be required to be provided at time of Step 2 Approval.

As a part of the requirements outlined in Article 290, Mr. Hutson mentioned, the applicant has provided a natural features preservation plan identifying trees that will be preserved versus trees that will be removed, with preserved trees in areas where key infrastructure or improvements such as roadways, driveways, and dwelling units are planned to be implemented. He said that, off the 1,635 trees that are 8" or greater in diameter on-site, 457 of which will remain intact meaning that 28% of trees 8" or greater in diameter will be preserved, exceeding minimum code requirements. He also said that tree protection barrier fencing will be also be installed for all trees that will remain intact. He also mentioned that more than 15% of the project site is set aside as designated open space and that a landscaping plan has been provided to the Township as a part of this submission and meets Township Ordinance requirements.

Mr. Hutson explained that both the Fire Department and Engineering have reviewed the proposal and are satisfied with the overall design for Step One Approval.

Near the end of his presentation, Mr. Hutson explained that the Planning Department staff recommend that the Planning Commission forward a recommendation of step one tentative preliminary plan approval to the Township Board for a 41-unit site condominium development located at 7110 W Main Street with the conditions provided in the staff report.

Mr. Hutson thanked the Commission for their time, noting that he would be happy to answer any questions that the Commission has, and also noted that the applicant was present at the meeting to answer any questions that they have as well.

Mr. Ford asked for clarification about the future extension of 8th Street, and whether it will be a public road or will be a part of this development. He also asked if the neighboring property owner, as well as this property, would provide the easement that would hold half of the future road.

Mr. Hutson confirmed that this would be the case, and that essentially 33 feet on the side of the parent parcel would be directly adjacent to 8th Street, and, in efforts to consolidate driveways with the neighboring property to the east.

Mr. Ford asked if the road is constructed in the future if the proposed access driveway would be affected.

Mr. Hutson explained that if the 8th Street extension ever came to fruition that they would be required to close the driveway in the southwest corner of the site that the applicants are currently in the process of acquiring from MDOT and causing the current access point to be a hammerhead turnaround for Fire.

Mr. Ford asked if the applicant was amendable to the proposed.

Mr. Hutson agreed that they were.

Ms. Everett asked if the current site plan could accommodate if 8th Street were to extend north through the property.

Attorney Porter explained that it would have to be a joint effort with the Township and the developer.

Mr. Ford asked if it would also involve the property owner to the east of the applicant's property.

Attorney Porter noted that the Public Works Director has been in conversations with both this developer and the property owner to the east of the property, and that there is a likelihood that the Township may be able to square up 8th Street and then have direct access this way.

Mr. Ford asked if then the centerline of 8th Street would essentially be the currently property line.

Mr. Hutson and Attorney Porter confirmed such.

Ms. Everett asked then if the homes that are proposed on the easternmost part of the development would be accommodated if the road was extended through this part of the proposed development.

Mr. Hutson asked for clarification of the location of where the Chair was discussing.

Attorney Porter explained that the road would require the developer to give a portion of the property and as the road extended north, it would curve inward toward the property to the east. He also noted that he does not expect the extension of the road would be taking the backyard of the proposed homes.

Mr. Hutson then explained where a potential location of the 8th Street extension could go.

Mr. Alistair Smith asked for clarification of where the road would be located in relation to the development.

Mr. Hutson and Attorney Porter provided clarification of the potential location for the 8th Street extension.

Mr. Jefferies followed up by asking for clarification on the location of the potential road extension and whether there would be access to West Main still after the extension is constructed.

Attorney Porter explained where it would be extended out to but noted that that is all future development in cooperation with the Township.

Ms. Everett thanked Mr. Hutson for his presentation and asked if the applicant would like to comment.

At this point, there were technical difficulties with the computer and monitors that display the presentation.

The applicant indicated that he has a large scale format plan and an easel that he could grab due to the technical difficulties.

At this point, Mr. John Lovely, who works with Green Development Ventures LLC and Allen Edwin Homes, the applicant, introduced himself to the Planning Commission. He noted his excitement for the project and explained that they have been working with the Township since the summer of 2023, but recently made the submittal. He notes that he feels that it is a really great project, and if they receive Step 1 approval, that they would be able to turnaround and submit the Step 2 plans pretty quickly.

Mr. Lovely did want to provide clarification about the extension of 8th Street and how their proposal would provide a 33' easement along the eastern property line and then a 66' easement from an Avenue from within the development. Then, the access to West Main would be closed to be a hammerhead turnaround for Fire.

Mr. Lovely noted that he would be happy to answer any questions that the Commission has.

Mr. Ford asked why the applicant would not move the driveway to the site to the east now, rather than later.

Mr. Lovely noted that the timing would not work correctly, and the grading is difficult and is actually above the 18% that is allowed to be graded under the currently site condominium ordinance. He explained that there were also trees in the area that they would like to save. He also noted that MDOT approved the present location of the road.

Attorney Porter noted that he spoke with the Public Works Director, and that the case may have been that MDOT would be more concerned about the location being just offset from 8th Street, making it difficult to square up with 8th Street.

Mr. Ford noted that there is presently open space in the area where the road would connect from the internal Avenue to 8th Street and whether it would put them under open space requirements.

Attorney Porter said that, in light of the public safety, the Township would take that into consideration as part of the process and provide flexibility.

Ms. Everett asked if there were any other questions for the Board.

Mr. Jefferies asked if the Board had to formalize some of the future possibilities.

Attorney Porter noted that the current recommendation is to approve the plan as designed as it is currently proposed. He said that if things come forward, as with any site plan, when there are amendments to it, those amendments will come back to the Planning Commission. He noted that he did not think there was any need to formalize it as it may or may not develop.

Mr. Lovely noted that they are currently working on drafting their Master Deed and that they would note that the potential connection in the Master Deed as they already have their attorneys working on the easement.

Attorney Porter noted that, once the Master Deed comes through, all of it is reviewed by counsel.

Vice Chair Everett thanked Mr. Lovely and opened the Public Hearing on the item. She also provided clarification that anyone who wishes to speak should provide their name, address, and that they have four minutes to make the comments. She also noted that it is just a comment period, and that they will not have the opportunity to have back and forth on the item.

Mr. Bob Clays, 846 North 7th Street, said that his main concern was the commercial zoning located down the road. He mentioned that before, the front portion of the property was commercial, but now is residential. He questioned if it would hinder what people are able to do with their properties to the west along the north side of West Main for commercial? He noted that residential went all the way to West Main with condos and that now there are only a few lots remaining that could be used for commercial.

Mr. Simon Ashbrook approached the podium and introduced himself as part-owner of the property in question. He noted that him and his father purchased the property about seven or eight years ago. He explained that, when they purchased the

property, they had very different plans. He explained that originally they wanted to create something similar to Gull Meadow Farms in Richland, and at that point, attempted to make a zoning change to commercial to allow that use, and that was not granted. He noted that they then tried to complete a conditional rezoning, and were able to get such granted. He noted that they were not able to move ahead with the meat market that they had planned. As time went on, he noted that, from a financial standpoint, it was tough to pay taxes on a large piece of property such as that. He explained that they were connected with a few different groups, one being AVB, but unfortunately there was a zoning change that was necessary for them to use the property which did not culminate. Since that time, they had been working with Allen Edwin, and that he understood there were different feelings that come to this, but that it could be a good thing for a lot of families and for the community, and that people should consider the positive sides to the proposal as well as the negative sides.

A third gentleman rose and expressed concerns about the traffic and vehicles coming from the property and wondered how it was going to be handled.

Mr. Andy Grooten, 1140 North 7th Street, had concerns about lighting on the site, and had concerns that the lighting on site would be shining onto his property/home as well as others. He was also concerned about traffic, which he felt is already a problem in the area.

Mr. Paul DeHaan rose and explained that he was the property owner of the property immediately east of the development. He said that he had not been communicated to regarding the potential 8th Street extension. He noted that he had a conversation with the Public Works Director, but that no one has come to him to discuss how it affects his property. He noted that he was in favor of it, but that it should be discussed with him as he is the property owner. He also agreed that traffic is a problem and that 8th Street and his driveway do not line up; however, that he is open to lining those up at some point. He noted that financing the project may be an issue, but that there have been discussions regarding that extension for quite some time. He agreed that the corner is dangerous, but that there needed to be a formal discussion with him regarding the matter.

Attorney Porter apologized to Mr. DeHaan, explaining that he had thought that Mr. DeHaan had been contacted by the Public Works Director, but that the potential extension of 8th Street is not a part of the site plan up for approval, and that potential extension should not delay the approval of the site plan.

Mr. Brad Wilson, 745 North 8th Street, explained that he agreed with the comments about the traffic there and that making a left turn out of this area is difficult. He also asked if the units would be rented or owned units, as he noted he would prefer them to be owner-occupied.

Mr. Andy Grooten, 1140 North 7th Street, came to the podium again and asked if the sewer from this development was going to be going into the West Main sewer, and

said that it should go into the manhole in the northeast corner of the property that 7th Street is currently dumping into rather than adding it into the West Main sewer line.

Ms. Sandy Edwards, from Callender Commercial, noted that she was representing the seller, and that this has been a very long process. She explained that they had the property listed for two years, and that it had gone under contract two or three times, but each had been met with an obstacle. She gave credit to Allen Edwin for the work that they put into it to try and make the development viable for the Township and said that she hopes that the Commission gives it the consideration that it deserves because they have tried to put numerous uses on the property, to no avail.

With no other members of the public wishing to comment, Vice Chair Everett closed the Public Hearing and moved to board discussion.

Mr. Ford noted that he had some additional questions for the applicant which will hopefully address some of the questions presented by the public. He asked if the applicant could speak to the concerns about the lighting plan.

Mr. Lovely said that they do show a number of lights on the site plan but the details are not finalized until they get to Phase 2. He explains that it is typically a Consumer's Energy light and they will all be compliant with Township Ordinances. He said they if they do a photometric study, and there's too much light, they will need to reduce it, likewise with too little light, it will need to be increased. Mr. Lovely also noted that the proposed open space is relatively wooded, and that he hopes that by leaving it the way it is, it will help as a sort of buffer.

Mr. Ford explained that someone had a question about a dashed line on the site plan in the open space and said it was proposed as a natural mode walking trail.

Mr. Ford then asked about the traffic study, asking what the engineers said, and whose role is it to determine whether a light would need to be installed.

Mr. Lovely said that they had a professional traffic engineer complete a traffic impact analysis and that they determined that the proposed location was acceptable based on all the existing traffic flows and anticipated traffic flows and that a light was not necessary here. He said that that was a positive recommendation with the traffic impact analysis and then also MDOT is supportive of that location and their analysis.

Attorney Porter explained that putting a traffic light in would be under the jurisdiction of the Michigan Department of Transportation and that the Township has no authority or can require a light to be put in.

Mr. Ford also noted that, although he does not know which way the sewer will be flowing, that they recommend anyone wondering can call the Township and speak to the engineer if they wish to receive more information.

Mr. Jeremiah Smith asked if the homes would be rented or sold.

Mr. Lovely said that the goal is to sell them all, but if for some reason it sits on the market for too long, they may rent it out. He says that their goal is to always sell every single home. He mentions that from a zoning perspective, ownership is not regulated, just the use, so he doesn't ultimately know if they will all sell, but that is the goal.

Attorney Porter confirmed that this is not something the Township regulates (ownership/renting).

Mr. Ford noted that they are meeting all the requirements and it looks acceptable to him.

Ms. Jodi Stefforia confirmed that Step 2 approval goes directly to the Township Board.

Attorney Porter noted that the PC would make a recommendation on the site plan, and then it would go to the Township Board, and then Step Two involves more detailed drawings.

Mr. Jefferies noted that there is no health, safety, or public good that would be affected by approving this, so approval seemed to be the step that they should take.

Mr. Jefferies **made a motion** to recommend Step One approval of Westridge Site Condominiums, located at 7110 West Main Street, with the following conditions:

1. A driveway permit from the Michigan Department of Transportation (MDOT) authorizing the newly proposed curb cut will be required to be obtained at time of submitting formal application for step two approval.
2. Engineering details including, but not limited to access, stormwater management, and water main shall be addressed to the satisfaction of the Township Engineer at time of submitting formal application for step two approval.

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

Vice Chair Everett moved to the next item on the agenda, the Public Hearing for an Ordinance Amendment for Signs and Billboards.

PUBLIC HEARING: Ordinance Amendment – Signs and Billboards

Attorney Porter noted that the updates to the Signs and Billboards Ordinance were due to a SCOTUS case that said some sign ordinances were violating some individuals First Amendment rights, and equal protection rights, and therefore, the sign ordinance needed to be rewritten. Attorney Porter continued by noting that he had asked the Planning Director at the time to review the ordinance, but since things were

so busy, that it could never quite get done. Attorney Porter noted that, specifically, the ordinances provisions regarding directional signs were not content neutral. Attorney Porter noted that the majority of the reworking of the ordinance was done by Iris Lubbert, the previous Planning Director.

Attorney Porter noted that he can try to answer any questions or concerns that the Commission may have regarding the Ordinance, but that his recommendation is that, if there are things to rework, it may be easier to complete after the bulk of the ordinance is adopted, and then come back to amend.

Mr. Alistair Smith asked if the Commission had seen this ordinance before.

Attorney Porter confirmed that the Commission had seen the ordinance before, but that they had to public the public notice and open it up for a public hearing, and that, at this time, it is properly published for a public hearing for consideration and recommendation to the Township Board.

Vice Chair Everett opened the Public Hearing. Seeing no members of the public, Vice Chair Everett closed the Public Hearing.

Mr. Ford **made a motion** to adopt the amendments to Section 55: Signs and Billboards and forward a recommendation of approval to the Township Board. Mr. Jefferies **seconded the motion**. The **motion was approved unanimously**.

Vice Chair Everett moved to the next item on the agenda, an Ordinance Amendment to the Setback Provisions.

PUBLIC HEARING: Ordinance Amendment – Setback Provisions

Attorney Porter noted that this Section has been reworked numerous times, and that his main concern was when a property owner has property abutting a major thoroughfare like West Main, and the Township requests a secondary road to be constructed through their property, consistent with the Master Plan and overall design for future roads, that it would cause extensive setbacks from two roads and could potentially be confiscatory. Attorney Porter noted that this was the way to hopefully reduce the setbacks and some of the requirements from the secondary road so that the Township wasn't accused of an improper taking or overstepping what they could as a public agency.

Mr. Hutson noted that at the February 22, 2024, Planning Commission meeting that Ms. Everett and Mr. Doorlag noted that the ordinance amendment currently reads that 50% of the landscaping can be reduced for the entire property, when the intent is 50% of the green belt landscaping requirements along the secondary road can be reduced by 50%.

Attorney Porter noted that the Public Hearing could be opened and then the

motion would be to recommend that the text change to the Township Board with the recommended changes from Mr. Hutson.

Vice Chair Everett opened the Public Hearing, and after seeing none, closed the Public Hearing.

Mr. Ford **made a motion** to adopt the amendments to Section 50.60.C, setback provisions for Business and Industrial Districts, with the edits suggested by Mr. Hutson and to forward a recommendation of approval to the Township Board. Mr. Jefferies **seconded the motion. The motion was approved unanimously.**

Vice Chair Everett moved to other updates and business.

OTHER UPDATES AND BUSINESS

Mr. Hutson noted that the Township has (re)welcomed Jodi Stefforia as the Township Planning Director.

Ms. Stefforia said that she felt very welcome and that she had a couple members of the audience approach her during the meeting. She said that she was the Planner at the Township for 14 years up until 2012. She said a few months ago Ms. Cheri Bell approached her about coming back to the Township, and Ms. Stefforia said she is very glad to be back, especially since there is a great community and an engaged Planning Commission, and that she loves serving in that capacity.

Members of the Planning Commission welcomed her back.

ADJOURNMENT

With no further business to consider, Vice Chair Everett adjourned the meeting at approximately 7:25 p.m.

Minutes prepared:
April 4, 2024

Minutes approved:

Memorandum & Request



Date: 4 April 2024
To: Township Board
From: James Porter
Subject: First Reading re Zoning Text Amendments to Article 55: Signs and Billboards

Objectives

MOTION: I make the motion the motion to approve for first reading the Zoning Text Amendments to Article 55: Signs and Billboards.

Background

The main purpose for the revisions to the sign ordinance was to address the support in its decision in *Reed v Township of Gilbert*. In the *Reed* case, the Supreme Court ruled that the Sign Ordinance must be content neutral to avoid First Amendment violations. Iris Lubbert took the time to add content and clarity to the Ordinance.

Information Provided

I have attached the Proposed Ordinance, Meeting Minutes, and Recommendation from the Planning Commission for Board review and approval.

Core Values

Sustainability

CHARTER TOWNSHIP OF OSHTEMO ORDINANCE NO. 671

Adopted: _____

Effective: _____

SIGNS AND BILLBOARDS ORDINANCE

An Ordinance to amend Article 55, Signs and Billboards, of the Oshtemo Township Zoning Ordinance.
This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO, COUNTY, MICHIGAN
ORDAINS:

55.10 STATEMENT OF PURPOSE

The intent of this Article is to regulate the type, number, physical dimensions, erection, placement and Maintenance of Signs in the Township. The purpose of the limitations, regulations, and standards established herein is to:

- A. Promote the public peace, health, and safety of residents and visitors;
- B. Protect the natural beauty and distinctive character of Oshtemo Charter Township;
- C. Maintain sightlines, reduce obstructions, and eliminate distractions which are hazardous to motorists and pedestrians;
- D. Ensure the public's ability to locate public buildings, streets, roads, highways, parks, and other establishments and premises by reduce visual chaos and clutter; and
- E. Balance the individual rights of property owners to communicate their message(s) with the legitimate governmental regulatory interests of public safety, health, and welfare which necessitate the regulation of Signs within the Township.

55.20 SCOPE

Except as otherwise expressly provided herein, this Article shall not relate to building design; nor shall the Article regulate official traffic or Government Signs (see, Ordinance 566, 259.000); the content of Signs; scoreboards at athletic fields; gravestones; barber poles (under three (3) feet in height); religious symbols; commemorative plaques; Flags (see, Article 57.140); or any display structure or construction not defined herein as a Sign.

The provisions contained in Sections 55.70 through 55.100 herein shall not apply to properties located within the VC, Village Commercial District.

55.30 GENERAL PROVISIONS

It shall be unlawful for any person to erect, place, or establish a Sign in Oshtemo Charter Township except in accordance with the provisions of this Article.

55.40 DEFINITIONS

For the purpose of this Article the following words or phrases are defined as follows:

A-Frame Sign, (or Sandwich Board Sign) - An Incidental Sign designed to be portable and stand on its own in an "A" or tent shape that provides information at a pedestrian scale to customers as they enter or pass the entry to the business.

Abandoned Sign - A Sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found (e.g., a Sign which identifies a business, service or activity which has discontinued or relocated from the location where the Sign is placed).

Advertising Display Area - refers to the Sign Face (containing the Copy) encompassed within any regular geometric figure which would enclose all or part of the Sign. The structural supports for a Sign (e.g., columns, pylons, or a building, or a part thereof), shall not be included in the Advertising Display Area.

Animated Sign - A Sign which uses movement or change of lighting to depict action or to create a special effect or scene. (Compare with "Flashing Sign").

Awning/Canopy Sign – A Sign with Copy flat against the surface of an awning/canopy.

Balloon Sign – A Temporary Sign filled with air or gas that is larger than seventeen inches (17"). Only one (1) Balloon Sign may be tied to an item with a display height not greater than five feet (5') above the pole (not include utility or light poles) or building to which it is attached.

Banner or Banner Sign - A Sign intended to be hung either with or without frames, possessing Copy applied to paper, plastic, or fabric of any kind.

Bench Sign - A Sign with Copy located on any part of the surface of a bench or seat visible from an adjacent property or right-of-way.

Billboard - A Off-Premises Sign which advertises an establishment, service, merchandise, use, entertainment, activity, product or message which is not conducted, sold, produced, manufactured or furnished upon the lot, building site or parcel where the Sign is located.

Building Identification Sign – An On-Premises Sign which identifies a building by its recognized name, not including a product or service.

Changeable Copy Sign - A Sign upon which a display or message can be changed by physical replacement or electronic change of the display or message. The definitions below, (a) through (d), are used in conjunction with electronically Changeable Copy Signs:

1. **Dissolve** - A mode of message transition on an electronically Changeable Copy Sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
2. **Fade** - A mode of message transition on an electronically Changeable Copy Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
3. **Flash** - A mode of message transition on an electronically Changeable Copy Sign accomplished by varying the light intensity, where the message instantly and repeatedly reduces or increases intensity.

4. **Scroll** - A mode of message transition on an electronically Changeable Copy Sign accomplished by the movement of a message.

Clearance (of a Sign) - The smallest vertical distance between the Street Grade of an adjacent street or street curb and the lowest point of any Sign, including framework and embellishments, extending over that grade.

Commercial Center Identification Sign - A Sign identifying or recognizing a Commercial Center.

Commercial Sign - Any Sign Copy that, directly or indirectly, names, advertises, or calls attention to a business, establishment, product, service, or other commercial activity (including, but not limited to, the following: an Incidental Sign, Human Sign, Seasonal Agricultural Sign, Real Estate Sign, etc.).

Construction Sign - An On-Premises, Temporary, non-Illuminated Sign, which displays the name(s) of principal contractors, architects, and lending institutions and/or others responsible for the construction on the site where the Sign is placed. May include information similar to a Residential Development Sign.

Copy - The letters, numerals, characters, wording, illustrations, ornamentation, or other drawings that are painted on, printed on, or attached flat against the a Sign Face, and including both permanent or removable forms.

Residential Development Sign – An On-Premises, Temporary, non-Illuminated Sign advertising a subdivision, condominium, apartment development, or manufactured housing community in the process of being developed on the site where the Sign is placed; definition does not include a Subdivision Identification Sign.

Directional Sign – An On-Premises Sign providing on-site directions for vehicular or pedestrian circulation into, within or out of a development, which does not display Copy (other than the names of on-site establishments) and is only for purposes of indicating directions. Directional signs shall be located on the lot, building site or parcel where the sign(s) is located.

Directory Sign – A non-electric On-Premises Sign displaying the name(s), address(es), occupation(s), and/or location(s) of an occupant, a group of occupants, or the use of a building.

Electronic Billboard - A Billboard, or portion thereof, that can be electronically changed by remote or automatic means, or that appears to change or have movement caused by any method other than manually removing and replacing the Billboard or its components, whether the apparent movement or change is in the display, the Billboard's structure, or any other component of the Billboard. This includes any video-display, revolving, Flashing Signs, or Animated Signs, and display that incorporates rotating or swinging panels, intermittent illumination or the illusion of such illumination, light emitting diodes (LEDs) manipulated through digital input, "digital ink," or any other method or technology that allows the Billboard's Sign Face to present a series of images.

Sign Face or Face of Sign - The area of a Sign on which the Copy or Advertising Display Area is placed.

Feather Flag Sign – means a vertically oriented Banner attached to a single pole allowing the fabric to hang loose at one (1) or two (2) of the four (4) corners (also known as a Banner Flag Sign or Swooper Sign).

Festoons - A string of ribbons, tinsel, flags, pennants, or pinwheels.

Flashing Sign - A Sign which contains an intermittent or sequential flashing light source used to attract attention. This does not include Changeable Copy Signs, Animated Signs, as defined in this Article, or Signs which through reflection or other means, create an illusion of flashing of intermittent light. (Compare with "Animated Sign" and "Changeable Copy Sign").

Freestanding Sign - A Sign structurally separated from a building.

Government Sign - A public Sign erected and maintained by Oshtemo Charter Township, the county, state, or federal government for official purposes (see, Ordinance 566, 259.000).

Ground Mounted Sign - A Sign which extends from the ground or that has a support placing the bottom thereof less than three feet (3') from the ground. (Compare with "Pole Sign").

Height (of a Freestanding Sign or Flag Pole) - The vertical distance measured from the highest point of the Sign, or flag pole, including any decorative embellishments, to the Street Grade or to the Finished Grade beneath the Sign or flag pole. (Compare with "Clearance").

- A. Where the Natural Grade adjacent to a Sign support structure is lower than the Street Grade, Sign height shall be measured from the Street Grade.
- B. Where the Natural Grade adjacent to a Sign support structure is higher than the Street Grade, Sign height shall be measured from the Natural Grade adjacent to the Sign support structure. In no event shall the highest point of a Pole Sign exceed a height of twenty feet (20') above Street Grade .

Height (of a Wall Sign) - The vertical distance measured from the highest point of the Sign to the Finished Grade beneath the Sign.

Human Sign - refers to a Sign carried or displayed by a person for advertising or directional purposes, a person wearing clothing containing an advertising message, or a person wearing a costume for advertising purposes.

Illuminated Sign - A Sign with an artificial light source incorporated internally or externally for the purpose of illuminating the Sign.

Incidental Sign – An on-premises Sign, emblem, or decal providing information regarding on-premises goods, facilities, or services available at that location. Incidental Sign does not include any Sign with the primary purpose of attract new consumers to the business from offsite, nor does it include any Off-Premises Sign, or Sign which is readable from a position off the lot, building site, or parcel on which the Sign is located.

Maintenance - The cleaning, painting, repair, or replacement of defective parts of a Sign in a manner that does not alter the basic Copy, design, or structure of the Sign.

Marquee Sign - A Sign attached to or supported by a Marquee structure.

Non-Commercial Sign - A Sign not advertising a business, establishment, product, good, commercial activity or, service (including, but not limited to, the following: Political Sign, Government Sign, Residential Development Sign, Directional Sign, Subdivision Identification Sign, Building Identification Sign, etc.)

Off-Premises Sign - Another word for a Billboard.

On-Premises Sign - A Sign which pertains to the use of the premises on which it is located.

Painted Wall Sign - A Sign which is applied with paint or similar substance on the face of a wall.

Pennant - Any lightweight plastic, fabric, or other material (with or without Copy), suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign - A Sign which is permanently affixed on or in the ground or to a building and meets the requirements of a structure under the Building Code.

Pole Sign (or Pylon Sign) - A Sign with all parts of the display Sign Area at a height of eight feet (8') or more, excluding the necessary supports, uprights or braces. (Compare with "Ground Mounted Sign.")

Political Sign - A Non-Commercial Sign relating to a candidate for public office, ballot initiative, or a position on an issue.

Portable Sign - A reusable and movable Sign not permanently affixed in the ground or to a structure or building (e.g., an A-Frame Sign, On-Premises Temporary Event Sign, Incidental Sign, Feather Flag Sign, Balloon Sign, Banner, etc.).

Real Estate Sign - An On-Premises Sign advertising the real estate upon which the Sign is located for the purpose of offering the property for sale, lease, or rent.

Roof Sign - A Sign attached, applied, painted, erected, or constructed wholly upon or over the roof of a building and supported on the roof structure.

Rotating Sign - A Sign in which the Sign itself, or any portion of the Sign, moves in a revolving or similar manner. Such motion does not refer to methods of changing Copy.

Seasonal Agricultural Sign - An On-Premises Temporary Sign advertising seasonal agricultural crops or other agricultural products.

Sign - A device, structure, painting, fixture, or placard using color, graphics, symbols, manicured landscaping, and/or written Copy designed specifically for the purpose of advertising or identifying any event, establishment, product, good, service; providing directional information; or displaying or depicting other information.

Sign Area - The area shall be measured by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, lighting or other display, together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed. Where a Sign consists solely of individual letters painted or mounted on a wall, any blank area which is more than ten percent (10%) of the Sign Area as otherwise computed shall be disregarded.

Where a Sign has two (2) or more faces, the area of all faces shall be included in determining the Sign Area, except that where two (2) faces are placed back-to-back and are at no point more than two (2) feet from one another, the Sign Area shall be deemed to be only the area of one (1) face, or if faces are of different sizes, the area of the larger face.

Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising Copy or colors, patterns, logos that are a trademark, or otherwise reasonably recognizable identification for the establishment, event, and/or Sign owner subject to the above provisions.

The necessary supports or uprights on which the Sign is placed may not exceed thirty percent (30%) of the permitted square footage of the Sign, excluding those portions of the support structure below Street Grade.

Sign Face Change - A change of only the Sign Face contained within a permanent rigid frame where the change does not alter the existing Sign Area.

Sign Permit- refers to a permit issued by the Township (in compliance with Section 55.120 and 55.130 of this Article) for the installation, use, and/or Face Change of a Sign within the Township to a Sign owner in exchange for a permit fee and agreement to comply with the conditions of this Article.

Subdivision Identification Sign - A Permanent, On-Premises, Sign identifying an industrial, commercial, or residential development.

Temporary Sign - refers to a Sign which is an On-Premises or Off-Premises Sign that is not constructed or intended for long term use and is not permanently attached to a building or other structure (e.g., Political Sign, Event Signs, Seasonal Agricultural Signs, Real Estate Signs, Portable Signs, Construction Sign, Residential Development Sign, Banner Signs, Balloon Signs, Feather Flag Signs, etc.). Temporary Signs must comply with the requirements of Section 55.100 of this Article. .

Temporary On-Premises Event Sign- means any Sign advertising, or announcing, an event or activity that will take place at a particular time, place, and location (e.g., business opening, garage sale, party, open house, concert, etc.), which is located On-Premises of the site, parcel, or lot for which the Sign contains advertising, event, or other informational Copy. Such Signs shall comply with Section 55.100 of this Article.

Temporary Off-Premises Directional Signs- means an Off-Premises Sign which a Temporary Sign that is not located on the site, parcel, or lot; such Signs may only direct, or provide directions, to an event with its physical location within the Township and must comply with the requirements of Section 55.100 of this Article.

Tenant Space Width - The horizontal distance between the side walls of a tenant space measured parallel, and immediately adjacent, to the abutting wall upon which a Sign will be placed. For the purposes of determining permitted Sign Area for a Wall Sign, Tenant Space Width shall only include space completely enclosed within the building.

Under-Canopy Sign - A Sign suspended beneath a canopy, ceiling, roof, or marquee.

Vehicle Sign - A Sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, busses, airplanes, and trailers.

Wall Sign - A Sign (including, but not limited to, painted, individual letter, and cabinet signs), which is attached parallel to the wall of a building. A Wall Sign may be affixed flat against the wall of a building, or may project therefrom, not more than fifteen inches (15'). Signs projecting over a walkway or path shall be at least eleven feet (11') above the Finished Grade. May include a Window Sign exceeding twenty-five percent (25%) of the Window Area. If a Wall Sign is attached to a building façade, the portion of the façade outside of the extreme limits of the writing, representation, emblem, lighting or other display, together with any frame or other material or

other color forming an integral part of the display shall be disregarded when calculating Sign Area provided that area of the façade is not illuminated by the Sign or other light fixtures.

Window Area - An individual pane of glass or a contiguous area of glass separated only by nonstructural elements of dissimilar (non-glass) material.

Window Sign - A Sign placed inside or upon a Window Area and facing the outside which is intended to be seen from the right-of-way or the outdoors.

55.50 PROHIBITED SIGNS

The following types of Signs are prohibited in all zoning districts:

- A. Abandoned Signs.
- B. Animated Signs.
- C. Balloon Signs, except as expressly permitted by this Article.
- D. Banner Signs, except as expressly permitted by this Article.
- E. Bench Signs.
- F. Feather Flag Signs, except as expressly permitted by this Article.
- G. Festoons.
- H. Human Signs.
- I. Pennants.
- J. Portable Signs, except as expressly permitted by this Article.
- K. Roof Signs.
- L. Rotating Signs.
- M. Signs imitating or resembling official traffic or Government Signs or signals.
- N. Temporary On-Premises Event Sign, except as expressly permitted by this Article.
- O. Vehicle Signs not used during the normal course of business which are parked or located for the primary purpose of displaying the advertising Copy.

55.60 REQUIRED SIGN SETBACKS FOR ALL ZONING DISTRICTS

No Sign may be located within the public right-of-way, or be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting, or merging traffic. A Sign shall not project into the public right-of-way of any adjacent Street. Signs projecting over public property shall be at least eleven feet (11') above the Finished Grade. Sign Setbacks (for all Signs and Structures supporting Signs) shall be as follows:

- A. Residential Development Signs, Building Identification Sign, and Subdivision Identification Sign may only be placed in boulevard median strips if approved by the Road Commission of Kalamazoo County and/or the Township as part of an approved Site Plan.
- B. Signs with a height greater than four (4) feet shall be setback a minimum of ten feet (10') from any public right-of-way line and the greater of ten feet (10'), or the height of the Sign, from all other Property Lines, except as follows:
 - 1. Temporary Off-Premises Directional Sign, Real Estate Sign and Temporary Off-Premises Event Signs may be located adjacent to a property line out of the right-of-way.

2. Subdivision Identification Signs shall be located a minimum of twenty-five feet (25') from the pavement of the adjacent roadway(s) and no closer than five feet (5') from any Lot line(s). When located in agricultural and/or residential use districts, Subdivision Identification Signs may be located at the front property line but no closer than five feet (5') to any other property line(s).
 3. Signs lawfully existing as of January 1, 2000 on Parcels, Lots or Building Sites with frontage on West Main Street between US-131 and Drake Road may remain as located.
 4. Seasonal Agricultural Signs may be located adjacent to the lot line and within the right-of-way so long as they do not interfere with the clear vision area for traffic.
- C. Properties in commercial use districts permitted to have more than one Ground Mounted Signs (pursuant to Section 55.80), must maintain a distance not less than feet one hundred and fifty (150') between such Ground Mounted Sign(s)
- D. Wall Signs shall measure their height from the first-floor elevation of the building, and may not extend beyond the windowsills of the floor above, or the top of the wall, to which it is attached. Wall Signs shall not project beyond the ends of the wall to which it is attached.

55.70 AGRICULTURAL AND RESIDENTIAL USE DISTRICTS

- A. In all agricultural and residential use districts, the requirements of Schedule A shall govern the use, Sign Area, type, height, and number of Signs permitted, in addition to the requirements elsewhere in this Ordinance.

SCHEDULE A - Agricultural and Residential Use Districts					
Use	Sign Type	Max Sign Area	Max sign height⁵	Sign Permit Required	Max number of Signs
education, religious, <u>Cemeteries</u> , public buildings, public parks and other nonresidential uses in an agricultural or residential district (other than <u>Offices</u> or Financial Institutions)	a) Ground Mounted Sign	30 sq.ft.	5 feet	Yes	1 per principal use
	OR Wall Sign	30 sq.ft.	20 sq.ft.		
residential developments	b) Directional Sign	2 sq.ft.	3 feet	Yes	1 per curb cut
	a) Ground Mounted Sign	30 sq.ft. ¹	5 feet	Yes	1 per <u>Street</u> entrance
apartment developments	b) Directional Sign	2 sq.ft.	3 feet		2 per development
	a) Ground Mounted Sign	30 sq.ft. ₁	5 feet	Yes	1 per Street entrance

SCHEDULE A - Agricultural and Residential Use Districts

and <u>Mobile Home Park</u>	b) Directional Sign	2 sq.ft.	3 feet	Yes	2 per development
<u>Home Occupations</u> , Family Child Care Homes, and Foster Family Care Home uses in a Private Home		None		Yes	None
functioning farms and Farm Markets	a) Seasonal Agricultural Sign ²	6 sq.ft.	4 feet	Yes	12
	b) Ground Mounted Sign ³	32 sq.ft. ⁴	5 feet		4 ⁴
Nonresidential uses in an agricultural or residential use district (other than the R-3, Residence District)	a) Ground Mounted Sign	30 sq.ft.	5 feet	Yes	1 per principal use
	b) Wall Sign	30 sq.ft.	20 sq.ft.		
	c) Directional Sign	2 sq.ft.	3 feet		1 per curb cut

NOTES:

- Where allowed, Sign Face may be used in conjunction with a wall, Fence, or other architectural entrance feature, provided the Structure to which the Sign Face is attached does not exceed a height of six feet (6').
- In no case shall a functioning farm or Farm Markets be permitted to have a Seasonal Agricultural Sign, in any quantity, for more than ninety (90) days per calendar year; Signs may only be erected as long as the identified commodities or products are available for purchase.
- Applies to functioning farms and Farm Markets in an agricultural or residential district. Functioning farms and Farm Markets in commercial districts shall be allowed Signs with a maximum Sign Area and maximum height as permitted in Section 55.80, Schedule B, with the exception that they are permitted up to four (4) Signs totaling the maximum Sign Area allowed. Ground Mounted Sign for farms and Farm Markets are not required to be Permenant Signs.
- Functioning farms and Farm Markets may install up to four (4) signs with combined Sign Areas totaling no more than the maximum Advertising Display Area allowed for a single Sign (32 sq.ft.).
- The vertical distance of a Sign measured from the elevation of the adjacent finished grade to the highest point of the Sign.

B. All Agricultural and Residential use districts shall also be permitted Temporary Signs in accordance with the provisions of Section 55.100 of this Article.

55.80 COMMERCIAL AND OFFICE USE DISTRICTS

- A. In all commercial and office use districts the requirements of Schedule B shall govern Sign use, Sign Area, type, height, and numbers of Signs permitted, in addition to requirements elsewhere in this Ordinance.

SCHEDULE B - Commercial Use Districts					
Use	Sign Type	Max Sign Area	Max Height ⁵	Sign Permit Required	Max No. of Signs
individual establishments, including <u>Hotels</u> (without restaurants) not located within <u>Commercial Center</u>	a) <u>Wall Sign</u>	1 sq.ft. for each foot in length or height (whichever is greater) of the wall to which it is affixed ¹	30 feet	Yes	4 per <u>building</u> ³
	b) Pole Sign OR Ground Mounted Sign	60 sq.ft.	20 feet	Yes	1 Pole Sign or <u>Ground Mounted Sign</u> ^{2,4}
		80 sq.ft.	10 feet		
	c) Window Sign and displays	25% of <u>Window Area</u>		Yes	
Commercial Center, (including Hotels with restaurants)	b) Pole Sign OR Ground Mounted Sign	60 sq.ft. ⁵	20 feet	Yes	1 Pole Sign or Ground Mounted Sign ^{2,4}
		80 sq.ft. ⁵	10 feet		
	b) Wall Sign OR Awning/ Canopy Sign	80 sq.ft.	30 feet	Yes	1 per building wall not to exceed 4 per building
		32 sq.ft.	12 feet		
commercial tenants within a Commercial Center ^{4,5}	a) Wall Sign	1 sq.ft. per lineal foot of <u>tenant space width</u> not to	30 feet	Yes	1 per exterior wall of the tenant premises, maximum of 2

SCHEDULE B - Commercial Use Districts

Use	Sign Type	Max Sign Area	Max Height ⁵	Sign Permit Required	Max No. of Signs
		exceed a Sign length of more than 2/3 the subject Tenant Space Width.			(must be located upon premises of tenant)
	b) On-Premises Directory Sign	6 sq.ft.	underside of building overhang	Yes	1 per tenant
	c) Window Sign and displays	25% of total Window Area			
Individual Pole Signs and Ground Mounted Signs prohibited					
<u>Filling Stations</u>	a) Pole Sign	60 sq.ft.	20 feet	Yes	1 Pole Sign or <u>Ground Mounted Sign</u> ²
	OR Ground Mounted Sign	80 sq.ft.	10 feet		
	b) Wall Sign	1 sq.ft. for each foot in length or height (whichever is greater) of the wall to which it is affixed ¹	25 feet	Yes	4 per building ³
	c) Window Sign	25% of Window Area		Yes	
automobile sales	a) Pole Sign OR Ground Mounted Sign Ground Mounted Sign	60 sq.ft.	20 feet	Yes	1 Pole Sign or Ground Mounted Sign for new car dealership, and/or 1 Pole Sign or Ground Mounted Sign for used car sales and/or 1 Pole Sign or Ground Mounted Sign for automotive service.

SCHEDULE B - Commercial Use Districts					
Use	Sign Type	Max Sign Area	Max Height ⁵	Sign Permit Required	Max No. of Signs
		80 sq.ft.	10 feet		Maximum of two (2) Signs.
	b) Wall Sign	1 sq.ft.for each foot in length or height (whichever is greater) of the wall to which it is affixed ¹	25 feet	Yes	4 per building ³
	c) <u>Window Sign</u> and displays	25% of window area		Yes	
Buildings within an Office Complex	a) Wall Sign	25 sq.ft.	20 feet	Yes	1 per tenant
	OR Wall Sign	50 sq.ft.	20 feet		1 per building
	b) Ground Mounted Sign	40 sq.ft.	5 feet	Yes	1 per building at site of building
	Pole Signs are prohibited				
Buildings containing one or more Offices which are under separate business management and not located within an Office Complex	a) Wall Sign	25 sq.ft.	20 feet	Yes	1 per tenant
	OR Wall Sign	50 sq.ft.	20 feet		1 per building
	b) Ground Mounted Sign	60 sq.ft.	8 feet	Yes	1 per building
	Pole Signs are prohibited				
Office Complex	Ground Mounted Sign OR Permanent Sign	60 sq.ft.	8 feet	Yes	1 Sign per <u>street</u> entrance not to exceed more than one (1) per 2,600 lineal feet of continuous road

SCHEDULE B - Commercial Use Districts					
Use	Sign Type	Max Sign Area	Max Height ⁵	Sign Permit Required	Max No. of Signs
					frontage along the same public street
Nonresidential uses in the R-3, Residence District (other than Offices or Financial Institutions)	a) Wall Sign	50 sq.ft.	20 feet	Yes	1 per wall, maximum of 2 per building
	b) Ground Mounted Sign OR Permanent Sign	60 sq.ft.	8 feet	Yes	1 per building
	Pole Signs are prohibited				
<p>NOTES:</p> <ol style="list-style-type: none"> 1. Wall length shall be measured in a straight line from the two farthest points on the subject side of the Building regardless of any protrusions between said points which shall not be considered a separate wall(s). 2. <u>Lots, Parcels, and Building Sites</u> with frontage on more than one (1) Street may have one (1) Sign on each Street frontage with one (1) Sign permitted a maximum <u>Sign Area</u> of sixty square feet (60 sq.ft.) and any additional Signs limited to thirty square feet (30 sq.ft.) each. 3. More than one (1) Wall Sign may be placed upon the same wall provided the combined square footage does not exceed the maximum Advertising Display Area permitted for that wall and/or the maximum number allowed for the Building, Lot, Parcel, or Building Site. 4. Individual commercial establishments and Commercial Centers with four hundred feet (400') or more of frontage shall be allowed one (1) additional Sign (Ground Mounted Sign, Permanent Sign, or Pole Sign). Additional Sign(s) shall not have a Sign Area, or height, greater than what is permitted in Schedule B. 5. The vertical distance of a Sign measured from the elevation of the adjacent Finished Grade to the highest point of the Sign. 6. Commercial Centers shall be permitted one (1) additional eight square feet (8 sq.ft.) of Advertising Display Area for each tenant over the first two (2). Total Sign Area shall not exceed fifty percent (50%) of the permitted Sign Area. 					

B. All commercial use districts shall also be permitted the following:

1. One (1) Directory Sign per building, not to exceed twenty square feet (20sq.ft.) in total Sign Area.
2. Directional Signs up to two square feet (2 sq.ft.) in Sign Area and four feet (4') in height. Each Lot, Building Site, Parcel, Commercial Center, or development shall not have more than one (1) On-Premises Directional Sign per street entrance.
3. Temporary Signs in accordance with the provisions of Section 55.100 of this Article.

55.80 INDUSTRIAL LAND USE DISTRICTS

A. In all industrial use districts the requirements of Schedule C shall govern Sign use, Sign Area, type, height, and numbers of Signs permitted, in addition to requirements elsewhere in this Ordinance.

SCHEDULE C - Industrial Use Districts					
Use	Sign Type	Max Sign Area	Max Height ¹	Sign Permit Required	Max No. of Signs
individual industrial Buildings (outside an Industrial Park or Industrial-Office Development)	a) <u>Wall Sign</u>	25 sq.ft.	40 feet	Yes	1 per tenant space
	OR <u>Wall Sign</u>	50 sq.ft.	40 feet		1 per building
	b) Ground Mounted Sign OR Permanent Sign	60 sq.ft.	8 feet		1 per building
individual Buildings within an Industrial Park or Industrial-Office Development	a) <u>Wall Sign</u>	25 sq.ft.	40 feet	Yes	1 per tenant space
	OR <u>Wall Sign</u>	50 sq.ft.	40 feet		1 per building
	b) Ground Mounted Sign OR Permanent Sign	40 sq.ft.	5 feet	Yes	1 per building ²
Industrial Parks and Industrial-Office Developments	Ground Mounted Sign OR Permanent Sign	60 sq.ft.	8 feet	Yes	1 Sign per <u>street</u> entrance not to exceed more than one (1) per 2,600 lineal feet of continuous road frontage along the same public Street.
<p>1. The vertical distance of a Sign measured from the elevation of the adjacent finished grade to the highest point of the Sign.</p> <p>2. Sign must be located on same <u>Lot</u>, <u>Building Site</u> or <u>Parcel</u> as the Building/tenant it identifies.</p>					

B. All industrial use districts shall also be permitted the following:

1. One (1) On-Premises Directory Sign per Building, not to exceed twenty square feet (20 sq.ft.) in total Sign Area.

2. Directional Signs up to two square feet (2 sq.ft.) in Sign Area and a height of four feet (4'). Each Lot, Building Site, Parcel, or development shall not have more than one (1) Directional Sign per Street entrance.
3. Temporary Signs in accordance with the provisions of Section 55.100 of this Article.

55.100 TEMPORARY SIGNS

Throughout the Township, the requirements of Schedule D shall govern the use, Sign Area, type, height, and number of Temporary Signs, in addition to the requirements elsewhere in this Ordinance. (See Section 55.40 Definitions for descriptions of each Sign type below.)

SCHEDULE D- Temporary Signs		
Sign Type	Standard	Requirement
<u>Construction Sign</u>	Number	One (1) per <u>street</u> frontage
	Area	Maximum 32 square feet
	Height ¹	Maximum 5 feet
	Duration	30 days prior to beginning construction to 30 days following issuance of certificate of occupancy but not more than two (2) years from beginning of construction
	Permit	Required
<u>Real Estate Sign</u>	Number	One (1) per <u>lot, building site, or parcel</u>
	Area	Maximum 6 square feet (residential) Maximum 24 square feet (non-residential)
	Height ¹	Maximum 5 feet
	Other	Illuminated Signs are prohibited
	Permit	Not required
<u>Residential Development Sign</u>	Number	One (1) per subdivision, condominium, apartment, or Mobile Home Park on the site where it is being developed.
	Area	Maximum 32 square feet
	Height ¹	Maximum 5 feet
	Duration	Not to exceed 2 years from the date the development opens for sales or rentals
	Permit	Required
<u>Temporary On-Premises Event Sign</u>	Number	One per Lot, Building Site, Parcel, or tenant in a <u>Commercial Center</u> during each six (6) month period identified below
	Area	Maximum 32 square feet
	Height ¹	Maximum 5 feet for Ground Mounted Signs; maximum 20 feet for Wall Signs located on a <u>Building</u> and/or <u>Balloon Signs</u> ; maximum 12 feet for a <u>Feather Flag Sign</u>
	Duration	1 Sign for a maximum 14 days from January 1 to June 30
		1 Sign for a maximum 14 days from July 1 to December 31
	Permit	Required, unless equal to or less than 3 square feet

SCHEDULE D- Temporary Signs		
Sign Type	Standard	Requirement
Temporary On-Premises Event Sign A-frame Sign or Portable Sign	Other	At a multi-tenant commercial center, only one (1) such Sign may be on display at a time
	Number	One (1) per Lot, Building Site, Parcel, or business within a multi-tenant commercial center
	Area	Maximum 6 square feet
	Height ¹ Duration	Maximum 5 feet
		May be on display during day but must be stored indoors overnight
	Location	Must be within ten feet (10') of the entry door without disturbing pedestrian or emergency access. A minimum of five feet (5') clearance shall be provided for pedestrian passage.
	Permit	Not required
Banner Signs	Number	One per One (1) per Lot, Building Site, Parcel, or business within a Commercial Center
	Area	Maximum 32 square feet
	Height ¹	Maximum of 8 feet maximum
	Duration	Not to exceed thirty (30) days.
	Location	A maximum mounting height of twenty feet (20') if located on a Building wall; Ground Mounted outside of the right-of-way. Shall not be attached to utility or light poles, trees, bushes, or other plant materials at any time. Must be located On-Premises.
	Permit	Required
Temporary Off-Premises Directional Signs	Number	Four (4); not more than one (1) sign at four (4) separate intersections within the Township
	Area	Maximum 4 square feet
	Height ¹	Maximum 4 feet
	Duration	Not more than fourteen (14) days from the date of erection
	Location	Ground Mounted outside of the right-of-way
	Permit	Not required
Feather Flag Signs	Number	Two (2) per Lot, Building Site, or Parcel
	Area	Maximum of 30 square feet
	Height ¹	Maximum of 12 feet
	Duration	2 Signs for a maximum 14 days from January 1 to June 30
	Location	2 Signs for a maximum 14 days from July 1 to December 31
	Location	Must be Ground Mounted outside of the right-of-way and located On-Premises
Feather Flag Signs Balloon Signs (17" or smaller)	Permit	Required
	Number	One (1) per Lot, Building Site, Parcel, or business within a Commercial Center

SCHEDULE D- Temporary Signs		
Sign Type	Standard	Requirement
	Size	Maximum of 17 inches (17")
	Height	Not greater than five feet (5') above that to which the Balloon Sign is attached
	Duration	Not to exceed thirty (30) days (must remain fully inflated at all times)
	Location	Must be outside of the right-of-way and located On-Premises. Balloon signs may not be attached to utility or light poles and shall not be attached to trees, bushes, or other plant materials at any time.
	Permit	Not required
Balloon Signs (larger than 17")	Number	One (1) per Lot, Building Site, or Parcel
	Size	Greater than 17 inches (17")
	Height ¹	Maximum of 20 feet ² when fully inflated
	Duration	The duration of an approved temporary outdoor event application under Section 49.260 and/or Section 48.120 (must remain fully inflated at all times)
	Location	Must be securely anchored, placed directly upon the ground Must be outside of the right-of-way and located On-Premises.
	Permit	Required (approved as part of a temporary outdoor event application under Section 49.260 and/or Section 48.120)
<p>1. The vertical distance of a Sign measured from the elevation of the adjacent Finished Grade to the highest point of the Sign.</p> <p>2. Sign must be located on the same Lot, Building Site or Parcel as the Building/tenant it identifies.</p>		

55.110 PERMANENT OFF-PREMISES SIGNS- BILLBOARDS Due to size and spacing requirements of this section of the Ordinance, most if not all Billboards in the Township are nonconforming, and no additional Billboards can be constructed beyond the eleven (11) currently located in the Township without additional changes to the Ordinance.

- A. Billboards may be located on a Lot, Building Site, or Parcel within an area one hundred and fifty feet (150') in width on either side of the right-of-way of U.S. Highway 131 zoned "C", Local Business District or lower. Such Billboard(s) shall meet all other the Building and Setback requirements of this Article for Signs except for, and in addition to, the following requirements:
1. No more than one (1) Billboard may be located per linear mile of highway; the linear mile includes Billboards located on a different side of the subject highway, or in another jurisdiction, and shall be based only on distance from a Billboard to any other Billboard. No

Billboard shall be located within seven hundred and fifty feet (750') of a residential zone and/or an existing residence.

2. The total SignArea of any Billboard facing one direction shall not exceed three hundred square feet (300 sq.ft.) and a height of twenty feet (20').
 3. Billboards may be illuminated, however, the lighting fixtures used to illuminate a Billboard shall be mounted on the top of the Structure and directed down so that no light rays are emitted by the installed fixture at angles above the Billboard's highest horizontal plane or onto any adjacent lot, building, site, or parcel.
 4. In no event shall any Billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 5. All Billboards, and all appurtenances thereto, shall be kept in good repair and in a proper state of preservation with all display surfaces neatly painted or posted at all times.
 6. All Billboards shall be oriented with the longest side parallel to the ground.
 7. Doubled-stacked Billboards are prohibited.
- B. Electronic Billboards. It is recognized that Billboards with changeable or continuous, dynamic content are more distracting and less comprehensible than static images as they require more attention for longer periods of time to comprehend the intended message. Studies show that there is a direct correlation between dynamic, electronic displays on Billboards and the distraction of drivers, which can lead to traffic accidents. Drivers can be distracted by a changing message, by waiting for the next change to occur on a Sign, and by messages that do not tell the full story in one look.

Drivers are more distracted by special effects used to change the message of a billboard, by messages on a sign that are too small to be clearly seen, or that contain more than a simple easily read message. Despite these public safety concerns, there is merit to allowing new technologies to easily update messages on Billboards. Except as prohibited by state or federal law, Billboard owners should have the opportunity to use these technologies with certain, reasonable restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation near residential areas where Billboards with dynamic, electronic displays can adversely impact residential character.

It is also recognized that Billboards do not need to serve the same way-finding function as do On-Premises Signs. Further, Billboards are allowed only within certain zoning districts. Billboards are in themselves distracting and their removal serves public safety. A single Electronic Billboard can serve the function otherwise performed by multiple traditional Billboards. Thus, Billboard owners ought to be encouraged to use Electronic Billboard to consolidate such activities in appropriate locations while removing traditional Billboards that currently do not conform to ordinance standards.

The standards within this section are therefore intended to provide incentives for the voluntary and uncompensated removal of Billboards in certain settings. Their removal results in an overall advancement of one or more of the goals set forth in this chapter that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate Billboards that would otherwise remain distributed throughout the Township.

Electronic displays should therefore be allowed on Billboards but with significant and reasonable controls to minimize their proliferation and potential threats to public safety.

1. Display Regulations. An Electronic Billboard shall not contain any visible moving parts, revolving parts, or mechanical movement of any description or other apparent visible movement except for electronic displays subject to the following requirements and standards:
 - a. Except as otherwise stated herein, Electronic Billboards are subject to the same requirements as traditional Billboards as provided for in Section 55.100(A) of this Ordinance, including size, height, separation, and location restrictions.
 - b. The images and messages displayed must be static or still images. Such images and messages shall be permitted to fill the entire Sign Area. Animation, video streaming, moving images, or other pictures and graphics displayed in a progression of frames that give the illusion of motion, or moving objects, shall be prohibited. Under no circumstances shall any message or display appear to flash, undulate, pulse, move, portray flashes of light or blinking lights, or otherwise appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or make other comparable or hypnotic movements.
 - c. An Electronic Billboard may not allow the display or message to change more frequently than once every eight (8) seconds, with a transition period of one (1) second or less.
 - d. The transition from one static image or message to another on an Electronic Billboard shall be instantaneous without any delay or special effects accomplished by varying the light intensity or pattern, where the first message gradually reduces intensity or appears to dissipate and lose legibility simultaneously with the gradual increase in intensity, appearance and legibility of the second message, such as, but not limited to: flashing; blinking; spinning; revolving; shaking; zooming; fading; dissolving; scrolling; dropping; traveling; chasing; exploding; or similar effects that have the appearance of movement, animation, changing in size, or being revealed incrementally rather than all at once.
 - e. Electronic Billboards must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this Article.
 - f. Sequential messaging as part of an Electronic Billboard shall be prohibited. The images and messages displayed shall be complete in themselves without continuation in content to the next image or message or to any other Billboard.
 - g. Every line of Copy on an Electronic Billboard must be at least twelve inches (12”) in height.
 - h. Electronic Billboards shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the Electronic Billboard owner must immediately stop the electronic display when notified by the Township that it is not complying with the standards of this Section. Prior to issuing any necessary permits (as required by Section 55.110 of this Article) for an Electronic Billboard, the applicant shall submit to the Township written verification from the manufacturer that the Electronic Billboard is so designed and equipped.
 - i. The owner of the Electronic Billboard shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning natural disasters, road emergencies, weather emergencies, or defense situations. Emergency

information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

2. Brightness.

The maximum brightness levels for Electronic Billboards shall not exceed three tenths (0.3) foot-candles over ambient light levels measured within one hundred and fifty feet (150') of the source, consistent with the terms of this Section. The measurement shall be taken at ground level perpendicular to the surface of the screen. Certification must be provided to the Township demonstrating that the Sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township, in its reasonable discretion, and it shall be the responsibility of the Electronic Billboard owner to ensure that the specified brightness levels are maintained at all times.

Brightness of Electronic Billboard shall be measured as follows:

1. At least thirty (30) minutes following sunset, a foot candle meter shall be used by the person doing the inspection to obtain an ambient light reading for the location while the Electronic Billboard is off or displaying a black screen/display. The reading shall be made with the meter aimed directly at the Sign Face at the pre-set location.
2. The Electronic Billboard shall then be turned on to a full white screen/display to take another reading with the meter at the same location.
3. If the difference between the readings is three tenths (0.3) foot-candles or less, the brightness is properly adjusted.

C. Incentives for Billboard Removal. Billboards do not need to serve the same wayfinding function as do On-Premises signs. Further, due to size and spacing requirements of this section of the Ordinance, most if not all Billboards in the Township are nonconforming, and no additional Billboards can be constructed beyond the eleven (11) currently located in the Township without additional changes to the Ordinance. Finally, Billboards are in themselves distracting and their removal serves public safety. The Township is extremely limited in its ability to cause the removal of these signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of Billboards in certain settings. This removal results in an overall advancement of one or more goals set forth in this section, including reducing the degree of nonconformity, that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the Township.

A person may obtain a Sign Permit from the Township to replace an existing nonconforming Billboard with an Electronic Billboard in the same location, at the same or reduced height and at the same or reduced Sign Area. Otherwise, such Electronic Billboards would be required to conform to all of the standards of this Section as a new Sign. Sign Permits may be issued if the requirements stated below are satisfied:

- j. The applicant shall agree in writing to permanently remove, prior to the issuance of any necessary permits for the installation of an Electronic Billboard, at least two (2) other nonconforming Billboards within the Township owned or leased by the applicant, each of which must satisfy the criteria of subparagraphs b. through d., below. (Each individual Billboard face shall be considered a separate Billboard, and the Billboard proposed to be replaced by the new Electronic Billboard face may be considered one (1) of the two (2) nonconforming Billboards to be removed.) Unless being replaced by an Electronic

Billboard unit, removal shall include the complete removal of the structure and foundation supporting each Billboard. The Zoning Administrator shall verify that the Billboards to be removed are nonconforming and that the nonconforming Billboards have been removed prior to issuing any necessary permits for an Electronic Billboard. The applicant shall also agree in writing that it is removing the nonconforming Billboards voluntarily and that it has no right to compensation for the removed Billboards under any law. When executed, the applicant shall record said agreement with the Kalamazoo County Registrar of Deeds.

- k. The Township has not previously issued a Sign Permit for an Electronic Billboard based on the removal of the particular nonconforming Billboards relied upon in this permit application.
- l. Each removed Billboard shall have a Sign Area equal to or greater than the Sign Area for which the Electronic Billboard permit is sought.
- m. If any Billboard to be removed required a State of Michigan permit, the applicant shall:
 - (i) surrender its permit to the state upon removal of the Billboard, and
 - (ii) submit proof to the Township of the state permit before any necessary Township permits for an Electronic Billboard will be issued.

55.120 PERMITS REQUIRED AND CONDITIONS

Unless otherwise provided by this Article, all Signs shall require permits and payment of permit fees (including face changes for Signs. No Sign otherwise permitted under this Article shall be installed, or utilized, until and unless a permit has been issued by the Township. No permit is required for the Maintenance of a Sign already permitted and otherwise permissible under this Article.

A permit issued pursuant to this Section becomes null and void if work is not commenced within one hundred and eighty (180) days of issuance. If work authorized by the permit is suspended or abandoned for more than one hundred and eighty (180) days, the permit must be renewed with an additional payment of one-half (1/2) of the original permitting fee (as provided by the current fee schedule adopted by resolution of the Township Board and on file at the Township Hall).

55.130 SIGNS NOT REQUIRING PERMITS

The following types of Signs are exempted from permit requirements but must be in conformance with all other requirements of this Article:

- A. Directional Signs of two square feet (2 sq.ft.) or less.
- B. Non-Commercial Signs subject only to place manner restrictions; such Non-Commercial Signs shall not exceed sixteen feet (16 sq.ft.) and a maximum height of five feet (5') Natural Grade. Non-Commercial Signs shall only be placed on private property with the property owner's permission. Government Signs, notices, or any Sign relating to an emergency.
- C. Temporary Off-Premises Directional Signs.
- D. **Temporary On-Premises Signs** equal to or less than three square feet (3 sq. ft.)
- E. Incidental Signs, provided such Signs do not occupy more than six square feet (6 sq.ft.) of Sign Area.
- F. Temporary Off-Premises Signs as permitted under Section 55.100 of this Article.

Seasonal decorations are not considered Signs for the purposes of this Ordinance.

55.140 MAINTENANCE

All Signs shall be properly maintained. Exposed surfaces shall be clean and painted (if paint is required), and all Copy shall be legible; defective, or damaged, parts shall be replaced.

55.150 LIGHTING

Unless otherwise specified by this Section, all Signs may be Illuminated Signs.

- A. No Sign regulated by this Section may utilize:
 - 1. An exposed incandescent lamp¹ with an external reflector and without a screen or comparable diffusion device.
 - 2. Any exposed incandescent lamp¹ in excess of one hundred and sixty watts (160w) unless a screen or shield is installed so that no light rays are emitted by the installed fixture beyond the Advertising Display Area.
 - 3. Any revolving beacon light.
 - 4. Lights that could be confused with, or construed as, traffic control devices.
 - 5. Direct or reflected light that could create a traffic hazard to operators of motor vehicles.
- B. Metal halide lighting, fluorescent lighting and quartz lighting may be used for outdoor advertising signs but shall be installed in enclosed luminaries.
- C. Glass tubes filled with neon, argon or krypton may be used provided they do not flash intermittently or create a visual effect of movement.
- D. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the Sign whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the Sign's highest horizontal plane or in any event beyond the Advertising Display Area.
- E. Unless the premises is open for business, lighting fixtures on, or in, Signs, (with the exception of time and temperature displays), shall not be operated (i.e., turned on) from 9 p.m. to sunrise when light from said sign can shine into any window of a residence within five hundred feet (500') or from midnight (12 a.m.) to sunrise when the Lot, Building Site, or Parcel upon which it is located abuts a residential zoning district.
- F. No Sign may be illuminated by flashing, rotating, oscillating or intermittent lighting.
- G. Electronically Changeable Copy Signs (with the exception of Electronic Billboards as provided in this Article), may change message no more than once every six (6) seconds and shall not use transitions that Dissolve, Fade, Flash, and/or Scroll.
- H. Signs utilizing electronically Changeable Copy Signs may not be so bright as to be objectionable or inappropriate for the surroundings.
- I. Up to thirty-five percent (35%) of the permitted Sign Area of an allowable Sign may be dedicated to Changeable Copy Sign or to electronically display the current time and/or temperature. This percentage shall be increased to fifty percent (50%) for filling stations solely for the purpose of displaying fuel prices within the additional Sign Area provided. This limit shall not apply to Electronic Billboards.

J. Lighting requirements for Billboards and Electronic Billboards are addressed in Section 55.110.

1. For the purpose of this Section, quartz lamps shall not be considered an incandescent light source.

55.160 LANDSCAPING

The base treatment for Permanent Signs that are freestanding shall be landscaped and maintained and may be placed in stone, masonry, treated wood bases, containers, or in the ground.

55.170 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

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON THURSDAY, MARCH 28, 2024

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the following amendments to the Township Zoning Ordinance:

The amendment to Article 55, Signs and Billboards, of the Township Zoning Ordinance, to read, in summary, as follows:

SEE ATTACHMENT

A copy of the Planning Commission Agenda Packet and draft Meeting Minutes from the March 28, 2024 Public Hearing are attached to this Recommendation.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

Date: April 04, 2024

By: Colten Hutson
Colten Hutson
Township Zoning Administrator

Final Action by Oshtemo Charter Township Board

_____ APPROVED _____

_____ DENIED _____

_____ REFERRED BACK TO PLANNING COMMISSION

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
DRAFT MINUTES OF A MEETING HELD MARCH 28, 2024**

Agenda

PUBLIC HEARING: Special Use and Site Plan – Maple Hill Auto Group

Maple Hill Auto Group is requesting site plan and special exception use approval to redevelop 6565 West Main Street to serve as a Subaru automotive dealership.

PUBLIC HEARING: Tentative Preliminary Plan – Westridge Site Condominium

Green Development Ventures, LLC is requesting step one tentative preliminary plan approval for a 41-unit site condominium project located at 7110 West Main Street.

PUBLIC HEARING: Ordinance Amendment – Signs and Billboards

Consideration to adopt amendments to Section 55 – Signs and Billboards for recommendation to the Township Board.

PUBLIC HEARING: Ordinance Amendment – Setback Provisions

Consideration to adopt amendments to Section 50.60.C – Setback Provisions for Business and Industrial Districts for recommendation to the Township Board.

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, March 28, 2024, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Deb Everett, Vice Chair
Alistair Smith
Zak Ford, Township Board Liaison
Scot Jefferies
Jeremiah Smith

MEMBERS ABSENT: Philip Doorlag, Chair
Scott Makohn

Also present were Jodi Stefforia, Planning Director; Kyle Mucha, Senior Planner from McKenna; Leeanna Harris, Zoning Administrator and Temporary Recording Secretary; Colten Hutson, Zoning Administrator; James Porter, Township Attorney; and 22 interested persons.

Call to Order and Pledge of Allegiance

Vice Chair Everett called the meeting to order at approximately 6:00 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

Vice Chair Everett asked if there were any changes to the agenda. Hearing none, she let the agenda stand as published.

PUBLIC COMMENT ON NON-AGENDA ITEMS

The Vice Chair asked if anyone present wished to speak on non-agenda items.

Since no one responded, she moved to the next agenda item.

Approval of the Minutes of the Meeting of February 22, 2024

Vice Chair Everett asked for additions, deletions, or corrections to the Minutes of the Meeting of February 22, 2024.

Hearing none, Vice Chair Everett asked for a motion.

Mr. Ford **made a motion** to approve the Minutes of the Meeting of Meeting of February 22, 2024, as presented. Mr. Jefferies **seconded the motion**. The **motion was approved unanimously**.

Vice Chair Everett moved to the next agenda item, the Special Use and Site Plan for Maple Hill Auto Group and asked Staff for their report.

PUBLIC HEARING: Special Use and Site Plan – Maple Hill Auto Group

Mr. Kyle Mucha, from McKenna, thanked the Planning Commission, and introduced himself and explained that he had been contacted by the Township to complete the review of the Special Use and Site Plan for 6565 West Main Street. He also noted that the applicant was in attendance if the Planning Commission had any questions for him.

Mr. Mucha explained that the request from the Maple Hill Auto Group is to propose the 50,106 square foot building, which will encompass a showroom, service repair facility, and warehouse.

Mr. Mucha explained that the applicant also proposes to conduct site enhancements for vehicle sales displays and an area for storage of vehicles undergoing repair at 6565 West Main Street, Parcel Number 05-14-330-020.

He noted that vehicle sales lots within the C: Local Business District are classified as a Special Exception Use, and that the Planning Commission, after holding a public hearing, may approve Site Plans and Special Uses.

Mr. Mucha started the portion of his presentation where he discusses Site Plan Review comments. He noted that the property is presently zoned C: Local Business District and is 18.9 acres in size. He explains that, as previously noted, a new and used care sales, showroom, and staging area, 28 bay service repair area, parking lot and landscaping, and retail parts and warehouse, are all proposed.

He continued by discussing access and circulation, explaining that primary site access would be from West Main Street, with additional access, pending site road development to the South. He mentioned that a driveway permit from MDOT is required with a supporting traffic impact study. Regarding sidewalks, the site presently has a 10-foot-wide pedestrian pathway along West Main Street, and that it will need to be verified that the pathway is fully within the public right-of-way, or if it is located on private property, that they provide an easement agreement.

Regarding parking, the requirements have been reviewed diligently. There are required parking spaces for repair bays, automotive and repair shops/service stations, showrooms, warehousing. He also noted that there is a shared access reduction on the site. Mr. Mucha explained that, under the parking requirements for the Zoning Ordinance, 129 spaces are required, while the applicant is proposing 134 spaces. Going further, Mr. Mucha, explains that the applicant is requesting that 25% of the spaces are reduced to a 9 foot width, as compared to a minimum of 10 feet, as well as proposing the depth to be reduced to a 18 foot length, as compared to a minimum of 20 feet. He explains that the authority to do so is available in the Zoning Ordinance. Mr. Mucha explained that reducing 32 spaces (or 25%) from a standard width and depth will still meet the intent of the ordinance, and that spaces with alternative dimensions must be labeled as such on the final site plan.

Mr. Mucha continued by mentioning that loading and unloading facilities are proposed along the southwestern portion of the site.

Mr. Mucha mentioned that the setbacks for this zoning district are 170 feet in the front, and 20 feet in the side and rear. He explained that the minimum setback distance between the side and rear shall be 20 feet or the height of the building. Mr. Mucha explained that they are requesting that the applicant identify the side and rear setbacks on the site plan to ensure that the required setbacks are met.

Mr. Mucha explained that landscaping comments were provided by Wightman, and that he would defer the Planning Commission should they have any questions on the landscaping elements.

Continuing on, Mr. Mucha mentions that the applicant has provided lighting details and photometric plan for their review, and based on their submission, they found

that the submitted photometric plan meets the intent of the Ordinance and can be recommended for approval.

Engineering comments, as they relate to stormwater, Mr. Mucha mentioned, have been noted in the staff report in the packet and that additional permit review through MDOT will be required.

Regarding the Fire Department's comments, Mr. Mucha mentions that they noted in their review that the location of the Fire Department Connection needs to be adjusted since the FDC is shown on the building and needs to be remote from the building. He also noted that the closest accessible fire hydrant is located over 400 feet away; therefore, a new fire hydrant will be needed or relocation.

Now Mr. Mucha began the portion of his presentation where he discusses Special Exception Use review criteria. As such, he explains that the special land use requirements are under section 65 of the Zoning Ordinance. He notes that the first requirement is that the proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the district in which the use is located, and is consistent with the Access Management Plan as sites are developed and redeveloped. He noted that to be consistent with the Access Management Plan, that the applicant resizes the stormwater basin to maintain a 150 foot area at the front of the site to provide future cross access to adjoining properties. He noted that Township Engineering staff also supported this recommendation. Further, access to the off-street parking areas shall be provided, not exceeding 30 feet in width, and that such access drive shall be constructed similarly to the parking areas and similarly maintained. Within the new car staging areas, dimensioned at 63 feet, 55 feet, and 35 feet, these areas must be formalized with a landscape island and a clearly defined access lane not exceeding 30 feet. Additionally, the access lane on the west side of the building is dimensioned at 50 feet but must be resized to 30 feet. Further land use requirements, such as the size and location of such outdoor sales business shall not impede pedestrian or vehicular travel by customers or patrons. As Mr. Mucha mentioned before, the Township Access Management Plan includes the recommendation for a frontage road or service drive along West Main Street.

Mr. Mucha notes that a positive finding can be made on other criteria as well on the regulations of Section 65 and for the criteria for used cars, Section 49.170.

Moving to his recommendation, Staff recommends that the site plan and special use application can be recommended for approval with the following conditions:

1. The pedestrian pathway is confirmed to be located within full within the public right-of-way along the northern portion of the subject property. If not fully located within the right-of-way, an easement agreement is executed with the Township for access.
2. Building height is listed on the plan and conforms with the side setbacks illustrated on the site plan.

3. The applicant received a permit from MDOT, provides a Traffic Impact Analysis, and the final plan set is consistent with the plan approved by Oshtemo Township.
4. Finalization of design for on-site stormwater management systems, maintenance agreements for stormwater management systems, and any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance. This condition includes limiting parking access drives to 30-feet and providing space for a service drive on the north of the site.
5. The Township approves the proposal for reduced parking space dimensions for up to 25% of required spaces, as illustrated on the site plan.
6. Comments from Fire Department are addressed.
7. All nonmotorized facilities shown on the approved site plan shall be installed prior to the issuance of a certificate of occupancy.
8. Other comments/requirements as stipulated by the Township or reviewing agencies, if any.

Vice Chair Everett asked staff if they had any comments for staff.

Mr. Ford asked about the drive aisles as they relate to the conditions of approval, and if those were indicated in red on the presentation Mr. Mucha gave.

Mr. Mucha confirmed this was the case.

Mr. Ford noted that in the Off-Street Parking ordinance, there are provisions for bicycle racks, and that he did not see these represented on the site plan.

Mr. Mucha said that he would have to go back to their review of the plan, as he did not know if they addressed this, but that they had worked diligently with the applicant for the parking requirements, and that if that were a requirement from the Planning Commission, then they could add that as a condition of approval.

Next, Vice Chair Everett asked the applicant if he would like to come forward and make a comment regarding his submission.

Mr. Jim Vandenberg introduced himself as the owner and general manager of Maple Hill Auto Group. He explained that this was a project that he excited about. He noted that the property is 18.9 acres, and that Maple Hill Auto Group would be purchasing the front, approximately, ten acres of the site. He noted that they have had a number of meetings with the Township planning the site since there are so many moving parts with the project, such as coordination with manufacturers, Oshtemo Township, and the Kalamazoo Road Commission. He noted that the Township was wanting the Seeco Drive extension through the property to the east property line. He noted that he felt that they have come to a great compromise between the selling client and the buying client. He noted that Maple Hill Auto Group is already attendant of Oshtemo Township and they have been in business in the Township for 29 years. He mentioned that the buy and sell agreement for the property was predicated on the outcome of the meeting, and that at that point they would move to closing. He also mentioned that they would be keeping a lot of green space in the front, would be trying

to put dog runs on site, a cleaning facilities where you could rinse down or remove waste materials, an outdoor play area for kids, a hiking trail that could potentially circulate the entire property, and part of the building would be offered up free of charge to charities and also for charity events, for after hour events. He also mentioned that they have done a lot with the parking and the parking spaces, and the reduction of the parking spaces, as mentioned, is in the bullpen area, which is not a public area, rather where customers cars are parked. He also noted that many of his customers rode bicycles, but that the storage of the bicycles would be occurring inside of the building. He mentioned that they would be keeping the original two-story building on site, but the remaining portion of the building would be demolished. He noted that they would be using the existing building for the corporate offices, offices upstairs, training areas, large lunchrooms, etc. He said that these offices would be in the front of the building facing the landscaping on site. He explained that the waiting room would be on the northwest side of the building, which would essentially be guarded from West Main due to the trees and shrubbery on site. He concluded by asking for any comments from the Planning Commission.

Vice Chair Everett asked the Planning Commission if they had any questions for the applicant.

Mr. Jeremiah Smith asked if Maple Hill Auto would still be in use.

Mr. Vandenberg said that this development would allow one of the "brands" to move to this site from his existing site on West Main (not this site involved in this proposal), leaving the remaining "brands" at the existing site.

Ms. Everett thanked the applicant and opened the Public Hearing on this agenda item.

Mr. Hutson came to the podium to read a public comment from Marcel Burgler that had been received via email to the Planning Staff. This letter expressed support for Maple Hill Auto Group's submission, explaining that he is the property owner of the site immediately east, located at 6479 West Main Street. The letter explained that redevelopment of the parcel by such a strong brand such as Subaru will anchor the site of the retail corridor on West Main and will stimulate additional interest from other retailers and service providers to locate in this area. The letter encouraged the Planning Commission to encourage cross access easements and access points for east-west roads as indicated in the area Master Plan. The letter mentioned that the 48.8 acres west of the parcel are in preliminary planning stages of development.

Hearing no other public comments, Vice Chair Everett closed the Public Hearing and moved to Board Discussion.

Mr. Alistair Smith mentioned the bullpen and the parking spaces that are a reduced width and length and that it concerns him especially if the public had to use the spaces and that once spaces are reduced, accidents such as door dings could occur, and that he did not want to see that happen.

Attorney Porter noted that this parking area is not open to the public and that this is just where cars will be parked before their owners come to pick them up.

Mr. Alistair Smith asked if this would allow public parking spaces to be reduced in the future.

Attorney Porter noted that the way he was reading the recommendation was that this reduced width and length would be restricted to where the company personnel would be parking the cars and not the public.

Ms. Everett asked if there were any other comments or questions. Hearing none, Vice Chair Everett asked for a motion.

Mr. Ford **made a motion** approve Maple Hill Auto Group's site plan and special exception use approval to redevelop 656 West Main Street with the conditions presented. Mr. Jefferies **seconded the motion**. **The motion was approved unanimously.**

Vice Chair Everett moved onto the next item, the Public Hearing for the Tentative Preliminary Plan for Westridge Site Condominiums, and asked staff for their report.

PUBLIC HEARING: Tentative Preliminary Plan – Westridge Site Condominium

Mr. Hutson began his presentation by thanking the Chair.

He explained that the applicant is requesting step one tentative preliminary plan approval for a 41-unit site condominium project located at 7110 W Main Street. He noted that the site is currently serving as a residential use and that the applicant is seeking to demolish the existing structures on-site in order to develop the 41 new single-family homes. He said that the subject project site falls within the R-2: Residence District zoning designation, that the site was approximately 20-acres in size, and is located on the north side of W Main Street between N 7th Street and N 8th Street.

He began his portion of his presentation where he discusses the review against the Subdivision, Site Condominium, and Land Division Ordinance of Article 290. He said that site condominium projects developing under Article 290 require review and approval by the Planning Commission and the Township Board and that the Planning Commission, in this instance, is the recommending body who will need to determine whether to forward a recommendation of approval or denial to the Township Board for their review of this request.

He mentioned that Article 290 includes requirements on arrangement, size, and shapes of building sites, design of streets and pedestrian pathways, stormwater, provisions related to natural features, external factors such as non-motorized and road connections, along with other general site elements.

He said that the first thing he'll discuss are the general zoning and configuration of the parent parcel. As he previously noted, the subject site is zoned R-2: Residence District, which allows single-family site condominium developments as an allowable use within the R-2: Residence District. He noted that the property abuts single-family homes to the north, west, and south as well as Commercial development to the east. He explained that the parent parcel consists of 20 acres and is situated just east of N 7th

Street and directly adjacent to N 8th Street, and that the project site also possesses roughly 720 feet of frontage along W Main and is 1,250 feet deep.

As for the building sites, he noted, they are proposed to range anywhere from 10,600 square feet to 15,683 square feet in area, providing an average site size of 13,193 square feet over the 41-Units, with each site proposed to possess 100 feet of road frontage or greater. He explained that the minimum setbacks for each building site within the development include 30 feet for the front, 10 feet for the sides, and 15 feet for the rear and that all minimum frontage, area, and setback requirements have been met.

Mr. Hutson now mentioned access and circulation, saying that the developer is proposing a street network that is planned to be private consisting of a total of three streets, which will be 28 feet wide curb to curb on a 66-foot-wide private right-of-way. He said that no building site within the development will have exclusive access to W Main Street, and that block lengths shown on the site plan are acceptable and satisfy code requirements. He mentioned that Ridgetop Circle and Vertex Circle are proposed to terminate at the development's north end in cul-de-sacs and are proposed to be temporary turnarounds, which are designed as such as they are meant to facilitate future interconnection, should the 10-acre property adjacent to the north ever be subdivided or condominiumized.

Mr. Hutson mentioned that the applicant has submitted a Traffic Impact Analysis to the Michigan Department of Transportation (MDOT) as a part of the permitting process for a new driveway from W Main Street and that the results did conclude that a new access point in the southwest corner of the parent parcel as proposed would be allowed.

Mr. Hutson now was discussing non-motorized facilities, in which 5-foot-wide concrete sidewalks are proposed on each side of the road throughout the site condominium project, as well as associated ADA ramps and concrete curbing are also proposed at each intersection. He also noted that the Township's Non-Motorized Transportation Plan also identifies a 10-foot-wide shared use path adjacent to the subject site on the north side of W Main Street, which is currently proposed on the site plan in question. It should be noted, Mr. Hutson said, that the subject shared use path will be required to go through MDOT's permitting process since this stretch of W Main Street falls within MDOT's jurisdiction.

Mr. Hutson said that public water and sewer are both being proposed, while construction of municipal water and sewer along the north side of W Main Street between N 7th Street and N 8th Street are currently underway and the site condominium development is proposing to tie into such public infrastructure in the southwest corner of the site and extend it throughout the development. He noted that all existing easements have been illustrated and that easements for water, sewer, gas, electric, stormwater, tree preservation, right-of-way, and temporary turnarounds will be necessary. He also said that all easements will be required to be recorded with the Kalamazoo County Register of Deeds Office.

Mr. Hutson said that two stormwater basins are proposed on the south end of the development, with easements to gain access to the overall development's stormwater basins are currently proposed. He said such access easements are needed for maintenance purposes in the case either basin needs repair, while yard drains to collect stormwater are also proposed in the rear yard for a number of the units in order to accommodate such stormwater needs.

In terms of lighting, Mr. Hutson explained, the developer is proposing street lighting throughout the condominium project. Locations of pole mounted lights are shown on the site plan, noting that a photometric plan satisfying Ordinance requirements will be required to be provided at time of Step 2 Approval.

As a part of the requirements outlined in Article 290, Mr. Hutson mentioned, the applicant has provided a natural features preservation plan identifying trees that will be preserved versus trees that will be removed, with preserved trees in areas where key infrastructure or improvements such as roadways, driveways, and dwelling units are planned to be implemented. He said that, off the 1,635 trees that are 8" or greater in diameter on-site, 457 of which will remain intact meaning that 28% of trees 8" or greater in diameter will be preserved, exceeding minimum code requirements. He also said that tree protection barrier fencing will be also be installed for all trees that will remain intact. He also mentioned that more than 15% of the project site is set aside as designated open space and that a landscaping plan has been provided to the Township as a part of this submission and meets Township Ordinance requirements.

Mr. Hutson explained that both the Fire Department and Engineering have reviewed the proposal and are satisfied with the overall design for Step One Approval.

Near the end of his presentation, Mr. Hutson explained that the Planning Department staff recommend that the Planning Commission forward a recommendation of step one tentative preliminary plan approval to the Township Board for a 41-unit site condominium development located at 7110 W Main Street with the conditions provided in the staff report.

Mr. Hutson thanked the Commission for their time, noting that he would be happy to answer any questions that the Commission has, and also noted that the applicant was present at the meeting to answer any questions that they have as well.

Mr. Ford asked for clarification about the future extension of 8th Street, and whether it will be a public road or will be a part of this development. He also asked if the neighboring property owner, as well as this property, would provide the easement that would hold half of the future road.

Mr. Hutson confirmed that this would be the case, and that essentially 33 feet on the side of the parent parcel would be directly adjacent to 8th Street, and, in efforts to consolidate driveways with the neighboring property to the east.

Mr. Ford asked if the road is constructed in the future if the proposed access driveway would be affected.

Mr. Hutson explained that if the 8th Street extension ever came to fruition that they would be required to close the driveway in the southwest corner of the site that the applicants are currently in the process of acquiring from MDOT and causing the current access point to be a hammerhead turnaround for Fire.

Mr. Ford asked if the applicant was amendable to the proposed.

Mr. Hutson agreed that they were.

Ms. Everett asked if the current site plan could accommodate if 8th Street were to extend north through the property.

Attorney Porter explained that it would have to be a joint effort with the Township and the developer.

Mr. Ford asked if it would also involve the property owner to the east of the applicant's property.

Attorney Porter noted that the Public Works Director has been in conversations with both this developer and the property owner to the east of the property, and that there is a likelihood that the Township may be able to square up 8th Street and then have direct access this way.

Mr. Ford asked if then the centerline of 8th Street would essentially be the currently property line.

Mr. Hutson and Attorney Porter confirmed such.

Ms. Everett asked then if the homes that are proposed on the easternmost part of the development would be accommodated if the road was extended through this part of the proposed development.

Mr. Hutson asked for clarification of the location of where the Chair was discussing.

Attorney Porter explained that the road would require the developer to give a portion of the property and as the road extended north, it would curve inward toward the property to the east. He also noted that he does not expect the extension of the road would be taking the backyard of the proposed homes.

Mr. Hutson then explained where a potential location of the 8th Street extension could go.

Mr. Alistair Smith asked for clarification of where the road would be located in relation to the development.

Mr. Hutson and Attorney Porter provided clarification of the potential location for the 8th Street extension.

Mr. Jefferies followed up by asking for clarification on the location of the potential road extension and whether there would be access to West Main still after the extension is constructed.

Attorney Porter explained where it would be extended out to but noted that that is all future development in cooperation with the Township.

Ms. Everett thanked Mr. Hutson for his presentation and asked if the applicant would like to comment.

At this point, there were technical difficulties with the computer and monitors that display the presentation.

The applicant indicated that he has a large scale format plan and an easel that he could grab due to the technical difficulties.

At this point, Mr. John Lovely, who works with Green Development Ventures LLC and Allen Edwin Homes, the applicant, introduced himself to the Planning Commission. He noted his excitement for the project and explained that they have been working with the Township since the summer of 2023, but recently made the submittal. He notes that he feels that it is a really great project, and if they receive Step 1 approval, that they would be able to turnaround and submit the Step 2 plans pretty quickly.

Mr. Lovely did want to provide clarification about the extension of 8th Street and how their proposal would provide a 33' easement along the eastern property line and then a 66' easement from an Avenue from within the development. Then, the access to West Main would be closed to be a hammerhead turnaround for Fire.

Mr. Lovely noted that he would be happy to answer any questions that the Commission has.

Mr. Ford asked why the applicant would not move the driveway to the site to the east now, rather than later.

Mr. Lovely noted that the timing would not work correctly, and the grading is difficult and is actually above the 18% that is allowed to be graded under the currently site condominium ordinance. He explained that there were also trees in the area that they would like to save. He also noted that MDOT approved the present location of the road.

Attorney Porter noted that he spoke with the Public Works Director, and that the case may have been that MDOT would be more concerned about the location being just offset from 8th Street, making it difficult to square up with 8th Street.

Mr. Ford noted that there is presently open space in the area where the road would connect from the internal Avenue to 8th Street and whether it would put them under open space requirements.

Attorney Porter said that, in light of the public safety, the Township would take that into consideration as part of the process and provide flexibility.

Ms. Everett asked if there were any other questions for the Board.

Mr. Jefferies asked if the Board had to formalize some of the future possibilities.

Attorney Porter noted that the current recommendation is to approve the plan as designed as it is currently proposed. He said that if things come forward, as with any site plan, when there are amendments to it, those amendments will come back to the Planning Commission. He noted that he did not think there was any need to formalize it as it may or may not develop.

Mr. Lovely noted that they are currently working on drafting their Master Deed and that they would note that the potential connection in the Master Deed as they already have their attorneys working on the easement.

Attorney Porter noted that, once the Master Deed comes through, all of it is reviewed by counsel.

Vice Chair Everett thanked Mr. Lovely and opened the Public Hearing on the item. She also provided clarification that anyone who wishes to speak should provide their name, address, and that they have four minutes to make the comments. She also noted that it is just a comment period, and that they will not have the opportunity to have back and forth on the item.

Mr. Bob Clays, 846 North 7th Street, said that his main concern was the commercial zoning located down the road. He mentioned that before, the front portion of the property was commercial, but now is residential. He questioned if it would hinder what people are able to do with their properties to the west along the north side of West Main for commercial? He noted that residential went all the way to West Main with condos and that now there are only a few lots remaining that could be used for commercial.

Mr. Simon Ashbrook approached the podium and introduced himself as part-owner of the property in question. He noted that him and his father purchased the property about seven or eight years ago. He explained that, when they purchased the

property, they had very different plans. He explained that originally they wanted to create something similar to Gull Meadow Farms in Richland, and at that point, attempted to make a zoning change to commercial to allow that use, and that was not granted. He noted that they then tried to complete a conditional rezoning, and were able to get such granted. He noted that they were not able to move ahead with the meat market that they had planned. As time went on, he noted that, from a financial standpoint, it was tough to pay taxes on a large piece of property such as that. He explained that they were connected with a few different groups, one being AVB, but unfortunately there was a zoning change that was necessary for them to use the property which did not culminate. Since that time, they had been working with Allen Edwin, and that he understood there were different feelings that come to this, but that it could be a good thing for a lot of families and for the community, and that people should consider the positive sides to the proposal as well as the negative sides.

A third gentleman rose and expressed concerns about the traffic and vehicles coming from the property and wondered how it was going to be handled.

Mr. Andy Grooten, 1140 North 7th Street, had concerns about lighting on the site, and had concerns that the lighting on site would be shining onto his property/home as well as others. He was also concerned about traffic, which he felt is already a problem in the area.

Mr. Paul DeHaan rose and explained that he was the property owner of the property immediately east of the development. He said that he had not been communicated to regarding the potential 8th Street extension. He noted that he had a conversation with the Public Works Director, but that no one has come to him to discuss how it affects his property. He noted that he was in favor of it, but that it should be discussed with him as he is the property owner. He also agreed that traffic is a problem and that 8th Street and his driveway do not line up; however, that he is open to lining those up at some point. He noted that financing the project may be an issue, but that there have been discussions regarding that extension for quite some time. He agreed that the corner is dangerous, but that there needed to be a formal discussion with him regarding the matter.

Attorney Porter apologized to Mr. DeHaan, explaining that he had thought that Mr. DeHaan had been contacted by the Public Works Director, but that the potential extension of 8th Street is not a part of the site plan up for approval, and that potential extension should not delay the approval of the site plan.

Mr. Brad Wilson, 745 North 8th Street, explained that he agreed with the comments about the traffic there and that making a left turn out of this area is difficult. He also asked if the units would be rented or owned units, as he noted he would prefer them to be owner-occupied.

Mr. Andy Grooten, 1140 North 7th Street, came to the podium again and asked if the sewer from this development was going to be going into the West Main sewer, and

said that it should go into the manhole in the northeast corner of the property that 7th Street is currently dumping into rather than adding it into the West Main sewer line.

Ms. Sandy Edwards, from Callender Commercial, noted that she was representing the seller, and that this has been a very long process. She explained that they had the property listed for two years, and that it had gone under contract two or three times, but each had been met with an obstacle. She gave credit to Allen Edwin for the work that they put into it to try and make the development viable for the Township and said that she hopes that the Commission gives it the consideration that it deserves because they have tried to put numerous uses on the property, to no avail.

With no other members of the public wishing to comment, Vice Chair Everett closed the Public Hearing and moved to board discussion.

Mr. Ford noted that he had some additional questions for the applicant which will hopefully address some of the questions presented by the public. He asked if the applicant could speak to the concerns about the lighting plan.

Mr. Lovely said that they do show a number of lights on the site plan but the details are not finalized until they get to Phase 2. He explains that it is typically a Consumer's Energy light and they will all be compliant with Township Ordinances. He said they if they do a photometric study, and there's too much light, they will need to reduce it, likewise with too little light, it will need to be increased. Mr. Lovely also noted that the proposed open space is relatively wooded, and that he hopes that by leaving it the way it is, it will help as a sort of buffer.

Mr. Ford explained that someone had a question about a dashed line on the site plan in the open space and said it was proposed as a natural mode walking trail.

Mr. Ford then asked about the traffic study, asking what the engineers said, and whose role is it to determine whether a light would need to be installed.

Mr. Lovely said that they had a professional traffic engineer complete a traffic impact analysis and that they determined that the proposed location was acceptable based on all the existing traffic flows and anticipated traffic flows and that a light was not necessary here. He said that that was a positive recommendation with the traffic impact analysis and then also MDOT is supportive of that location and their analysis.

Attorney Porter explained that putting a traffic light in would be under the jurisdiction of the Michigan Department of Transportation and that the Township has no authority or can require a light to be put in.

Mr. Ford also noted that, although he does not know which way the sewer will be flowing, that they recommend anyone wondering can call the Township and speak to the engineer if they wish to receive more information.

Mr. Jeremiah Smith asked if the homes would be rented or sold.

Mr. Lovely said that the goal is to sell them all, but if for some reason it sits on the market for too long, they may rent it out. He says that their goal is to always sell every single home. He mentions that from a zoning perspective, ownership is not regulated, just the use, so he doesn't ultimately know if they will all sell, but that is the goal.

Attorney Porter confirmed that this is not something the Township regulates (ownership/renting).

Mr. Ford noted that they are meeting all the requirements and it looks acceptable to him.

Ms. Jodi Stefforia confirmed that Step 2 approval goes directly to the Township Board.

Attorney Porter noted that the PC would make a recommendation on the site plan, and then it would go to the Township Board, and then Step Two involves more detailed drawings.

Mr. Jefferies noted that there is no health, safety, or public good that would be affected by approving this, so approval seemed to be the step that they should take.

Mr. Jefferies **made a motion** to recommend Step One approval of Westridge Site Condominiums, located at 7110 West Main Street, with the following conditions:

1. A driveway permit from the Michigan Department of Transportation (MDOT) authorizing the newly proposed curb cut will be required to be obtained at time of submitting formal application for step two approval.
2. Engineering details including, but not limited to access, stormwater management, and water main shall be addressed to the satisfaction of the Township Engineer at time of submitting formal application for step two approval.

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

Vice Chair Everett moved to the next item on the agenda, the Public Hearing for an Ordinance Amendment for Signs and Billboards.

PUBLIC HEARING: Ordinance Amendment – Signs and Billboards

Attorney Porter noted that the updates to the Signs and Billboards Ordinance were due to a SCOTUS case that said some sign ordinances were violating some individuals First Amendment rights, and equal protection rights, and therefore, the sign ordinance needed to be rewritten. Attorney Porter continued by noting that he had asked the Planning Director at the time to review the ordinance, but since things were

so busy, that it could never quite get done. Attorney Porter noted that, specifically, the ordinances provisions regarding directional signs were not content neutral. Attorney Porter noted that the majority of the reworking of the ordinance was done by Iris Lubbert, the previous Planning Director.

Attorney Porter noted that he can try to answer any questions or concerns that the Commission may have regarding the Ordinance, but that his recommendation is that, if there are things to rework, it may be easier to complete after the bulk of the ordinance is adopted, and then come back to amend.

Mr. Alistair Smith asked if the Commission had seen this ordinance before.

Attorney Porter confirmed that the Commission had seen the ordinance before, but that they had to public the public notice and open it up for a public hearing, and that, at this time, it is property published for a public hearing for consideration and recommendation to the Township Board.

Vice Chair Everett opened the Public Hearing. Seeing no members of the public, Vice Chair Everett closed the Public Hearing.

Mr. Ford **made a motion** to adopt the amendments to Section 55: Signs and Billboards and forward a recommendation of approval to the Township Board. Mr. Jefferies **seconded the motion**. The **motion was approved unanimously**.

Vice Chair Everett moved to the next item on the agenda, an Ordinance Amendment to the Setback Provisions.

PUBLIC HEARING: Ordinance Amendment – Setback Provisions

Attorney Porter noted that this Section has been reworked numerous times, and that his main concern was when a property owner has property abutting a major thoroughfare like West Main, and the Township requests a secondary road to be constructed through their property, consistent with the Master Plan and overall design for future roads, that it would cause extensive setbacks from two roads and could potentially be confiscatory. Attorney Porter noted that this was the way to hopefully reduce the setbacks and some of the requirements from the secondary road so that the Township wasn't accused of an improper taking or overstepping what they could as a public agency.

Mr. Hutson noted that at the February 22, 2024, Planning Commission meeting that Ms. Everett and Mr. Doorlag noted that the ordinance amendment currently reads that 50% of the landscaping can be reduced for the entire property, when the intent is 50% of the green belt landscaping requirements along the secondary road can be reduced by 50%.

Attorney Porter noted that the Public Hearing could be opened and then the

motion would be to recommend that the text change to the Township Board with the recommended changes from Mr. Hutson.

Vice Chair Everett opened the Public Hearing, and after seeing none, closed the Public Hearing.

Mr. Ford **made a motion** to adopt the amendments to Section 50.60.C, setback provisions for Business and Industrial Districts, with the edits suggested by Mr. Hutson and to forward a recommendation of approval to the Township Board. Mr. Jefferies **seconded the motion. The motion was approved unanimously.**

Vice Chair Everett moved to other updates and business.

OTHER UPDATES AND BUSINESS

Mr. Hutson noted that the Township has (re)welcomed Jodi Stefforia as the Township Planning Director.

Ms. Stefforia said that she felt very welcome and that she had a couple members of the audience approach her during the meeting. She said that she was the Planner at the Township for 14 years up until 2012. She said a few months ago Ms. Cheri Bell approached her about coming back to the Township, and Ms. Stefforia said she is very glad to be back, especially since there is a great community and an engaged Planning Commission, and that she loves serving in that capacity.

Members of the Planning Commission welcomed her back.

ADJOURNMENT

With no further business to consider, Vice Chair Everett adjourned the meeting at approximately 7:25 p.m.

Minutes prepared:
April 4, 2024

Minutes approved:

Memorandum & Request



Date: 3 April 2024
To: Township Board
From: Sierra Lucas
Subject: Tentative Preliminary Plan - Westridge Site Condominium

Objectives

MOTION: I make the motion to approve the Tentative Preliminary Plan for the Westridge Site Condominium development.

Background

This project involves the request for a preliminary site condominium plan for 20.3 acres, located at 7110 West Main St, Kalamazoo, MI 49009, Parcel No. 3905-15-285-010, in the R-2 Residence District.

Information Provided

I have attached the Staff Report, Meeting Minutes, and Recommendation from the Planning Commission for Board review and approval.

Core Values

Sustainability

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON THURSDAY, MARCH 28, 2024

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the request for step one tentative preliminary plan for a 41-unit site condominium development. The subject area for the requested step one tentative preliminary plan is located at 7110 W Main Street, Parcel Number 05-14-285-010, and is more particularly described as follows:

SEC 15-2-12 SE1/4 NE1/4 EXC THAT PT LYING W OF CTR LI N 7TH ST ALSO EXC BEG AT PT ON E&W1/4 LI 725.37 FT W OF E1/ POST THEREOF TH W ALG SD E&W1/4 LI 470 FT TH N 0DEG13MIN E ALG CTR LI N 7TH ST 1326.81 FT TO N LI SE1/4NE1/4 TH S 89DEG41MIN E ALG SD N LI 470 FT TH S 0DEG13MIN W 1326.81 FT TO BEG EXC SO MUCH OF ABOVE DESC DEEDED TO MICH STATE WHY DEPT BY DEED L856 ON P1454 AS RECD REG DEEDS OF KAL CO MICH *

A copy of the Planning Commission Staff Report and draft Meeting Minutes from the March 28, 2024 Public Hearing are attached to this Recommendation.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

Date: April 04, 2024

By: Colten Hutson
Colten Hutson
Township Zoning Administrator

Final Action by Oshtemo Charter Township Board

_____ APPROVED _____
_____ DENIED _____
_____ REFERRED BACK TO PLANNING COMMISSION

April 03, 2024

Mtg Date: April 09, 2024

To: Oshtemo Charter Township Board

From: Colten Hutson, Zoning Administrator

Applicant: Green Development Ventures, LLC

Owner: Simon & Janelle Ashbrook and Mark & Ranita Ashbrook

Property: 7110 W Main Street, Parcel Number 05-15-285-010

Zoning: R-2: Residence District

Request: Step One Tentative Preliminary Plan Approval for a 41-Unit Site Condominium Project

Section(s): Section 290: Subdivision, Site Condominium, and Land Division Ordinance

PROJECT SUMMARY:

Green Development Ventures, LLC, on behalf of the property owner, is requesting step one tentative preliminary plan approval for a 41-unit site condominium project located at 7110 W Main Street. Currently serving as a residential use, the applicant is seeking to demolish the existing structures on-site in order to develop 41 new single-family homes. The subject project site falls within the R-2: Residence District zoning designation. Single-family site condominium developments are considered an allowable use within the R-2: Residence District. The approximate 20-acre site is located on the north side of W Main Street between N 7th Street and N 8th Street. The site under consideration is outlined in light blue on the map to the right.



ANALYSIS:

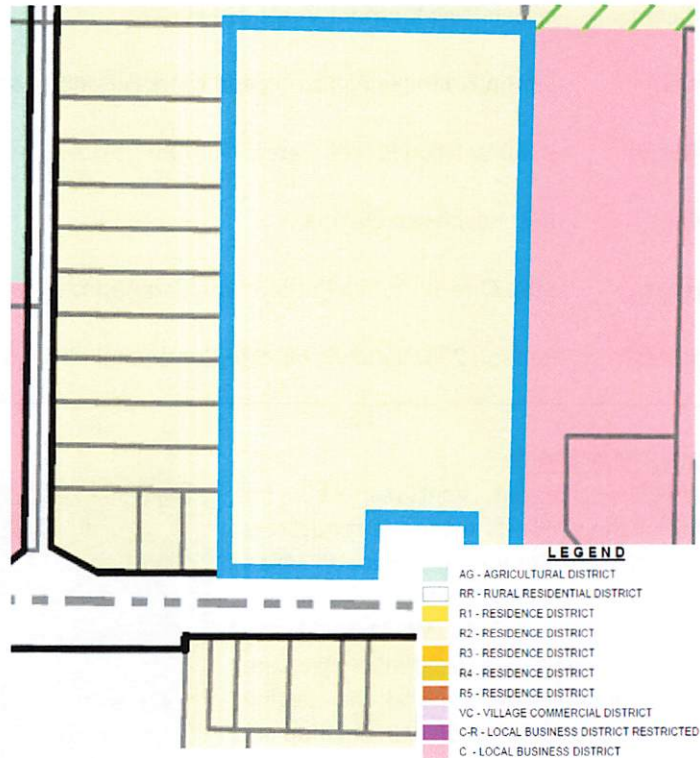
When reviewing an application for a site condominium development request, there is one set of criteria that needs to be considered: the Subdivision, Site Condominium, and Land Division Ordinance of Article 290. Article 290 includes requirements on arrangement, size, and shapes of building sites, design of streets and pedestrian pathways, provisions related to natural features, external factors such as non-motorized and road connections, along with other general project elements.

Site condominium projects developing under Article 290 require review and approval by the Planning Commission and the Township Board. An analysis of the proposed site condominium project against Article 290 of the Ordinance has been provided below.

ARTICLE 290: SUBDIVISION, SITE CONDOMINIUM, AND LAND DIVISION ORDINANCE:

General Zoning:

The subject property is zoned R-2: Residence District. The subject site is adjacent to a residential plat to the west, unplatted single-family home sites to the north and south, and hockey and golf service stores to the east. Zoning wise, R-2: Residence District is adjacent to the north, south, and west. C: Local Business District abuts the subject property to the immediate east. Within the R-2: Residence District, single-family residential developments are categorized as permissible uses. All general zoning requirements have been met. A snapshot showing the surrounding zoning is provided to the right.



Parent Parcel Configuration:

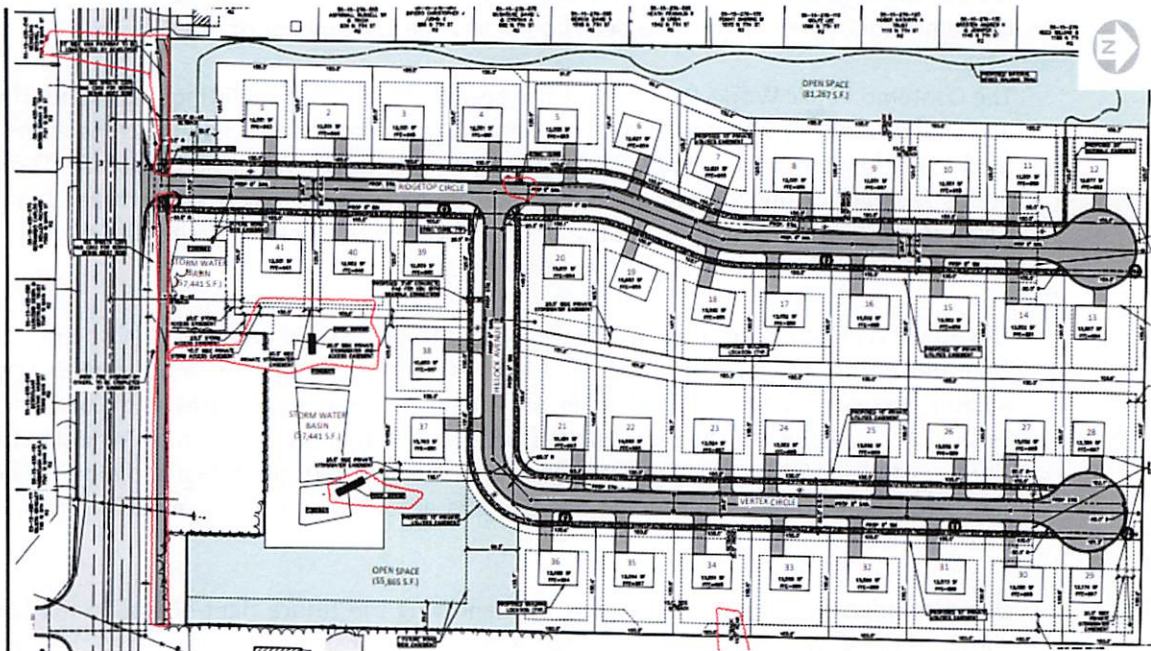
The overall project site is about 20 acres in size and has approximately 720' of frontage abutting the W Main Street public right-of-way. The depth of the parent parcel is about 1,250'. The property is located on the north side of the road, around 400' east of the intersection of N 7th Street and W Main Street and is directly adjacent within the N 8th Street and W Main Street intersection. Although the parcel in question lacks water features or wetlands, the property encompasses mildly rolling terrain and significant woodland. The parent parcel's current configuration exceeds the minimum property area (50,000 square feet min.) and minimum frontage requirements (200' min.) outlined in the Ordinance for unplatted parcels located within the R-2: Residence District.

Lots and Building Sites:

Section 290.008 of the Subdivision, Site Condominium, and Land Division Ordinance dictates that any single-family building site located within a site condominium project in the R-2: Residence District zoning classification and served by public water and sewer must be a minimum of 10,560 square feet in size. The presented plan meets this requirement, with the smallest building site being 10,600 square feet in area and the largest at 15,683 square feet. The average site size within the proposed 41-unit site condominium development is 13,193 square feet.

Any single-family building site located within a site condominium project in the R-2: Residence District zoning classification and served by water and sewer shall have a minimum frontage width of 100' as measured at the front building setback. The site plan in question identifies such and shows that all building sites are at least 100' wide at the front building setback line.

The setbacks within the development itself are presented as 30' for the front, 10' for the sides, and 15' for the rear. The minimum setback requirements for the front yard, side yards, and rear yard have all been satisfied for each individual building site. Additionally, since W Main Street is categorized as a designated highway by the Township's Ordinance, no building shall be placed closer than 170' from the center of the right-of-way on W Main Street. The applicant shows that all dwelling units will be setback 170' or more from the center of the W Main Street right-of-way. All minimum setback requirements have been met. A snapshot of the site plan illustrating property dimensions, setbacks, and other general site plan elements can be found below.



Street Rights-of-Way:

The subject site condominium development is proposing a street network that is planned to be private. The transportation network will consist of three streets: Ridgetop Circle, Vertex Circle, and Hillock Avenue. The private streets are proposed to be 28' wide curb to curb on a 66' wide private right-of-way. All curbing at intersections and entrances are proposed to be concrete while the remaining curbing throughout the development is proposed to be bituminous. Block lengths shown on the site plan are acceptable and satisfy code requirements. Ridgetop Circle and Vertex Circle are proposed to terminate at the development's north end in cul-de-sacs. Per the Township's site condominium design requirements, the cul-de-sacs on Ridgetop Circle and Vertex Circle are proposed to be temporary turnarounds. These two proposed cul-de-sacs are temporary in nature as they are meant to facilitate future interconnection, should the 10-acre residential

property adjacent to the north ever be subdivided or condominiumized. No building site within the development will have exclusive access to W Main Street.

Additionally, the applicant was required to obtain a permit for construction of their new driveway and main access point from the Michigan Department of Transportation (MDOT) as the primary road authority along this stretch of M-43. Legally, “reasonable” access is a right of a property owner and, at this time, the parcel only has such along their southern property line that fronts M-43. As a part of the permit requirements, MDOT required a Traffic Impact Analysis (TIA) to determine whether a right taper lane would be warranted and where the driveway could be located based on speeds and other adjacent driveways in proximity that may have turning conflict points.

The TIA results did conclude that the proposed location would be allowed; however, it did not meet all the separation requirements, specifically from the Oshtemo Library driveway. In the review, the consultant recommended that this was the best case because of the time when the Oshtemo Library is open (outside peak hours) and the low number of trips.

The Oshtemo Public Works Department has previously received public inquiries about the offset and conflicts from N 7th Street drivers turning left to eastbound M-43 and patrons of the Library (and Township Park users). Staff reviewed the TIA with MDOT closely and researched crash data in this segment of the corridor and noted that there were not any severe crashes or fatalities. Given this is lawfully required, and the optimal location of any for this site, the driveway in the proposed location is the best option at this time.

The Public Works Director met with the applicant to discuss the principals in Oshtemo’s Master Plan and Access Management Plan and various ways to implement around their site. Most notably, the Access Management Plan on Page 13 identifies “Closures and Consolidation of Existing Access Points” if the opportunities arise in in four areas which one is W Main Street – N 9th Street to N 7th Street. The applicant was very receptive and supportive and did consider all of staff’s recommendations and made adjustments accordingly to their layout to accommodate these efforts.

One way adjustments were made was by identifying the future right-of-way in the southeast corner of the development that could connect to an extension of N 8th Street to the north of W Main Street. This concept of N 8th Street would be half of this development’s property and half on the property to the east. The Public Works Director has also met with this property owner, and the property owner is supportive of this road connection as well (and closing their existing drive). If implemented, the proposed driveway access point in the southwest corner would then be eliminated and become a permanent hammerhead for Fire Department use. Finalization of the design for the additional access point will be a requirement as a part of the step two approval process.

Non-Motorized Facilities:

Per Township requirements, the developer is proposing 5’ wide sidewalks on both sides of the road. All sidewalks are proposed to be made of concrete. A 5’ wide sidewalk is also proposed between Units 11 and 12 via easement to allow for easy access to the proposed natural trail in the designated open space areas for residents. Pedestrian crossing accommodations are also

proposed throughout the development. One pedestrian crossing is proposed at the entrance into the development at the southwest corner of the site on Ridgetop Circle. A second pedestrian crossing is proposed further north on Ridgetop Circle, north of the intersection at Hillock Avenue. A third pedestrian crossing is proposed on the west end of Hillock Avenue, immediately east of the intersection at Ridgetop Circle. Locations where ramps are identified are proposed to be constructed with concrete curb and gutter.

Additionally, the Township's Non-motorized Transportation Plan does identify a HMA shared use path adjacent to the subject parcel on the north side of W Main Street. A 10' wide shared use path in said location is currently proposed on the site plan and will be required to be installed at time of development. Since this segment of W Main Street falls within MDOT's jurisdiction, said non-motorized facility will be required to go through MDOT's permitting process prior to its installation. Detailed plans for the 10' wide shared use path will be required to be submitted at time of applying for step two approval. At this time, the non-motorized facility is proposed to be located within the W Main Street public right-of-way. If the design of the non-motorized facility is modified where portions of such is located outside of the public right-of-way to avoid safety concerns or utility conflicts, an easement will be required to be recorded at the Kalamazoo County Register of Deeds Office.

Utilities and Easements:

Public water and sewer are both being proposed. Construction of municipal water and sewer along the north side of W Main Street between N 7th Street and N 8th Street are currently underway. The subject site condominium development possesses frontage along this stretch of W Main Street and is proposing to tie into said public infrastructure in the southwest corner of the development. Once the public utility work has been completed within the W Main Street right-of-way, the developer would then be able to extend such throughout the development where each single-family home would then be connected to and serviced by the public system.

All existing easements have been illustrated. Since the developer is proposing private streets, easements for water (20' wide) and sewer (30' wide) will be required. A 10' wide easement for private utilities such as gas, electric, and cable is proposed on both sides throughout the road network. Other easements proposed include easements for sidewalk, private stormwater and access, tree preservation, future road right-of-way, and temporary turnarounds. All easements will be finalized during the step two review process and will be required to be recorded with the Kalamazoo County Register of Deeds Office.

Stormwater Management Systems:

Two stormwater basins are proposed on the south end of the development. A stormwater basin owned by MDOT is also located to the immediate south of the proposed basins to accommodate stormwater runoff from W Main Street. Each basin is designed to have their emergency overflows about the MDOT basin so concentrated flows can enter the MDOT basin in the event of a torrential rainstorm that is beyond a 100-year storm. Easements to gain access to the overall development's stormwater basins are currently proposed. Such access easements are needed for maintenance purposes in the case either basin needs repair. Maintenance agreements will also need to be provided as a part of step two approval. Yard drains to collect stormwater are also proposed in the rear yard for a number of the units in order to accommodate such stormwater needs.

Street Lighting:

Although such features are not required to be shown on the site plan until step two review, the applicant does intend to install street lighting throughout the proposed site condominium development. Some streetlights are currently proposed on the plan set. The finalization of lighting details and manufacturer specifications will be reviewed with a photometric plan during the step two review process.

Natural Features and Landscaping:

As a part of the requirements outlined in Article 290, the applicant has provided a natural features preservation sheet identifying trees that will be preserved versus trees that will be removed. A minimum of 20 percent of trees 8” or greater in diameter shall be preserved on-site. Through the tree survey, the applicant identifies that there are currently 1,635 trees that are 8” or greater in diameter on-site, 457 of which will be proposed to remain intact. This would mean that 28 percent of trees 8” or greater in diameter will be preserved, exceeding minimum code requirements. The applicant shows that the trees identified for removal are in areas where key infrastructure or improvements are planned to be implemented. Such areas include roadways, water, sewer, private utilities, driveways, placement of dwelling units, etc. Tree protection barrier fencing at 4’ in height will be installed surrounding individual trees that will be preserved.

A heat map illustrating the variations in slopes, categorizing slopes appropriate for earth change movements versus areas where such activities are prohibited, has been provided in the applicant’s submission. Up to 50 percent of slopes ranging between 12 -18 percent are allowed to be developed whereas no development can occur in areas where slopes exceed 18 percent. In reviewing the heat map provided, all requirements pertaining to slopes within Article 290 appear to be satisfied.

More than 15 percent of the project site (3.15 acres) is set aside as open space. This open space includes dense, wooded areas and steep slopes. It will be accessible to the property owners within the development via natural pedestrian trails that connect to the sidewalks located along the street rights-of-way. Tree preservation easements are also proposed throughout the site condominium development. The appropriate legal mechanisms to protect areas of permanent open space and tree preservation in perpetuity will be required during step two approval.

A landscaping plan in accordance with Article 53 of the Township’s Ordinance has been provided as a part of the applicant’s site plan submission. As a part of this development, the applicant will have to plant at least one canopy tree per 50’ of road frontage on each building site. 2” caliper sugar maple and tulip trees are proposed at least every 50’ and satisfy such requirements. All other landscaping requirements at this time have been met.

REVIEWS BY OTHER DEPARTMENTS:

Engineering Department:

Wightman & Associates and Oshtemo Public Works have reviewed the proposal and overall are pleased with the design. There are a couple of relatively minor items that will need to be modified; however, staff felt it would be more than appropriate for such to be addressed at time of submitting application for step two approval.

Fire Department:

The Fire Marshal has reviewed the site plan for the proposed 41-unit site condominium development and indicated that the Fire Department has no concerns.

RECOMMENDATION:

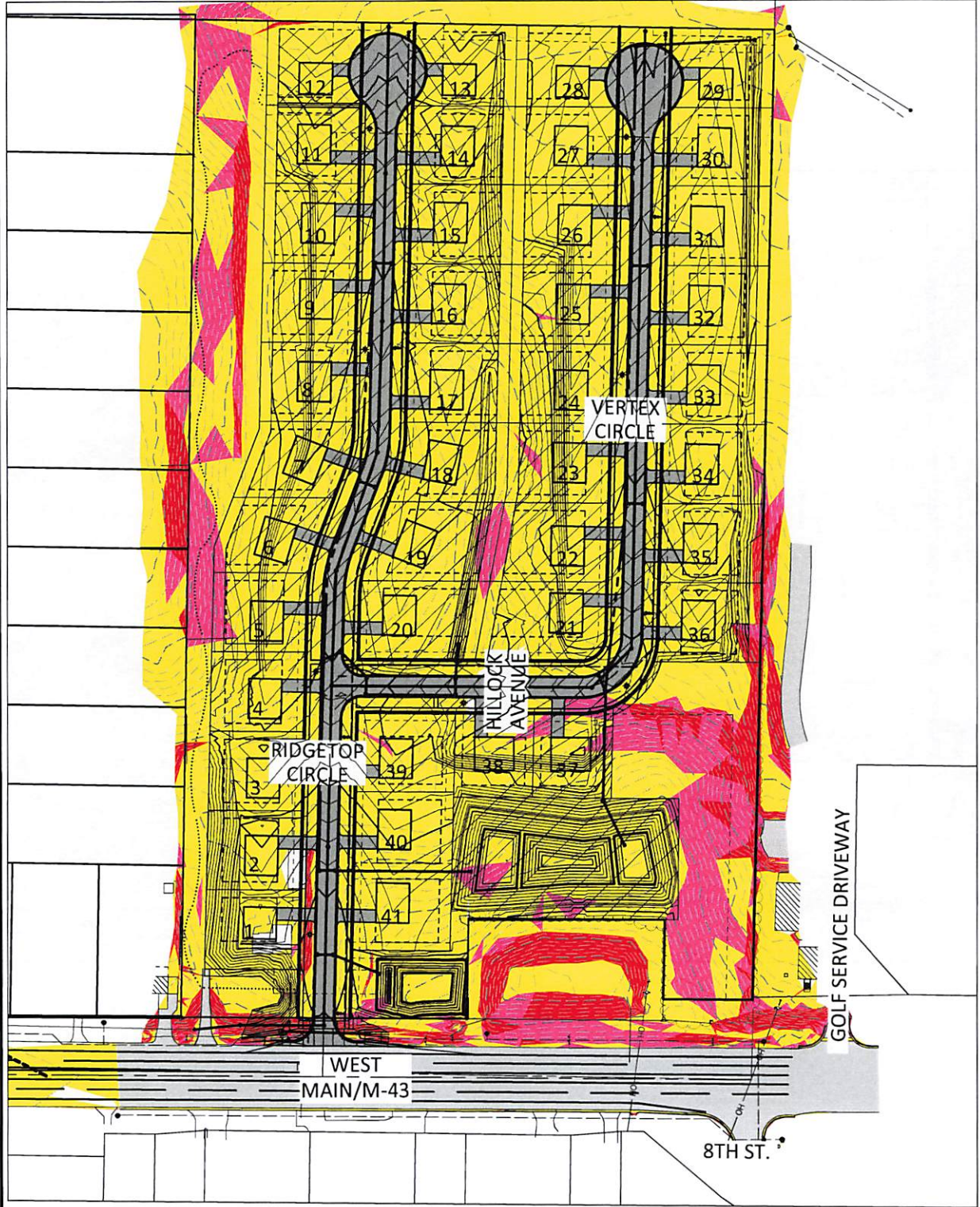
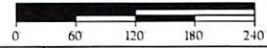
Planning Department staff and the Planning Commission forward a recommendation of step one tentative preliminary plan approval to the Township Board for a 41-unit site condominium development located at 7110 W Main Street, Parcel Number 05-15-285-010 with the following conditions.

- 1) A driveway permit from the Michigan Department of Transportation (MDOT) authorizing the newly proposed curb cut will be required to be obtained at time of submitting formal application for step two approval.
- 2) Engineering details including, but not limited to access, stormwater management, and water main shall be addressed to the satisfaction of the Township Engineer at time of submitting formal application for step two approval.

Attachments: Application and 03-01-2024 Plan Set



SCALE 1" = 120'



LEGEND

- 0-12% SLOPES
- 12-18% SLOPES
- 18%+ SLOPES

7110 WEST MAIN ST
SLOPE HEAT MAP
FEBRUARY 1, 2024

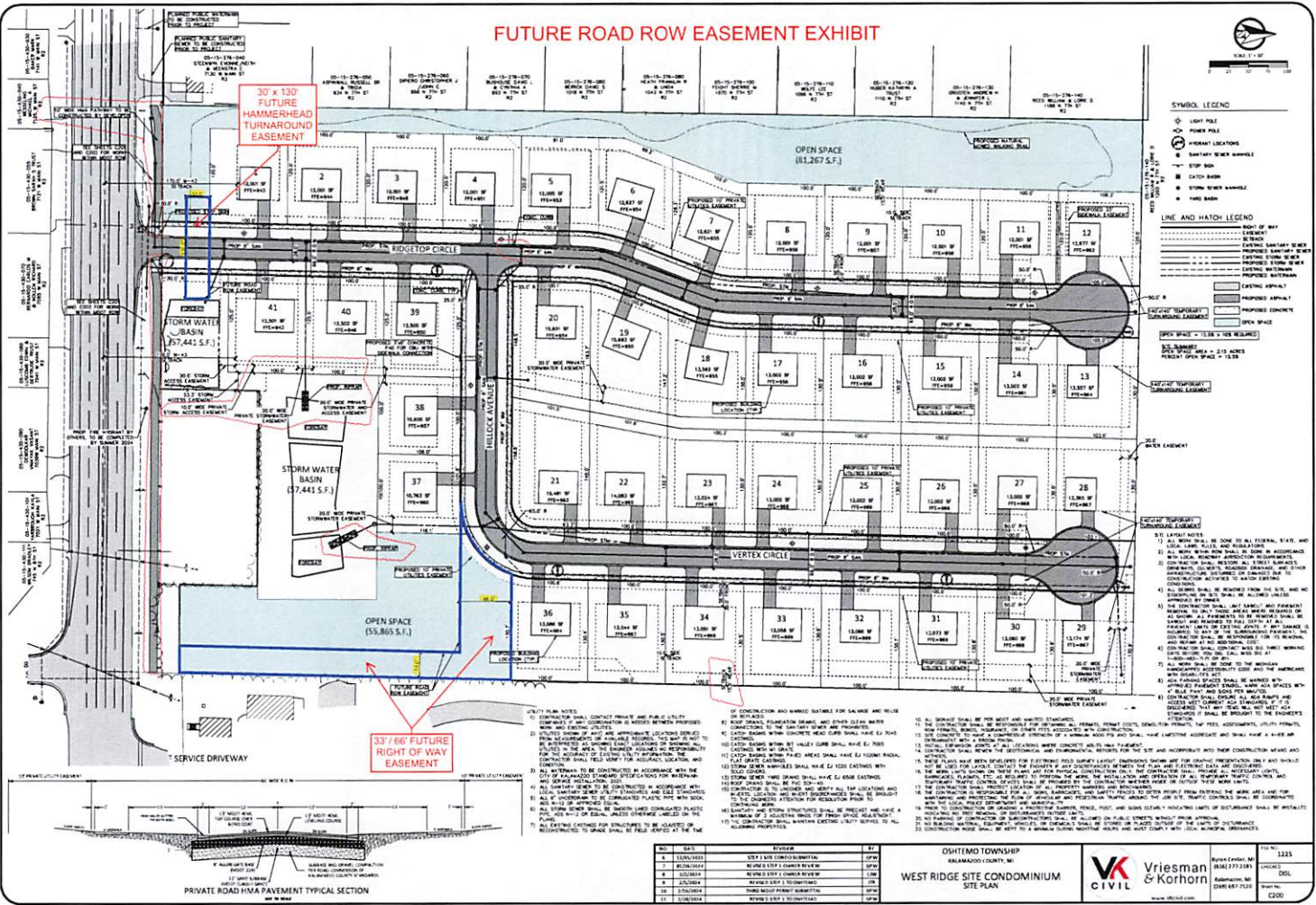


**Vriesman
& Korhorn**

Byron Center, MI
(616) 277-2185
Kalamazoo, MI
(269) 697-7120

www.VKcivil.com

FUTURE ROAD ROW EASEMENT EXHIBIT



SYMBOL LEGEND

- LIGHT POLE
- ⊕ POWER POLE
- ⊙ UTILITY LOCATIONS
- ⊖ SANITARY WATER MAINS
- ⊘ STOP SIGN
- ⊙ CATCH BASIN
- ⊖ STORM WATER MAINS
- ⊙ YARD SIGN

LINE AND HATCH LEGEND

- EASEMENT
- EXISTING SANITARY WATER MAINS
- EXISTING STORM WATER MAINS
- PROPOSED SANITARY WATER MAINS
- PROPOSED STORM WATER MAINS
- PROPOSED DRIVEWAY
- EXISTING ASPHALT
- EXISTING CONCRETE
- PROPOSED ASPHALT
- PROPOSED CONCRETE
- OPEN SPACE

30' x 130' FUTURE HAMMERHEAD TURNAROUND EASEMENT

33' x 66' FUTURE RIGHT OF WAY EASEMENT

NOTES:

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL LAWS, ORDINANCES AND REGULATIONS.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY EROSION CONTROL MEASURES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SAFETY MEASURES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY TRAFFIC CONTROL MEASURES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SIGNAGE.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY LIGHTING.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY FENCING.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY UTILITIES.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY PAVING.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CURBS AND GUTTERS.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SIDEWALKS.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY BIKEWAYS.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY TREES AND LANDSCAPING.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY FURNITURE AND FIXTURES.
19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SIGNAGE AND MARKING.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY LIGHTING AND ELECTRICAL.
21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY MECHANICAL AND PLUMBING.
22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION AND DEMOLITION.
23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SITEWORK AND GRADING.
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31. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY REPORTS AND DOCUMENTATION.
32. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNICATIONS AND COORDINATION.
33. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY QUALITY CONTROL AND INSPECTIONS.
34. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY AS-BUILT DRAWINGS AND RECORDS.
35. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY TRAINING AND EDUCATION.
36. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SUPPORT AND ASSISTANCE.
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NO.	DATE	REVISION	BY
1	12/15/2018	ISSUE FOR CONSTRUCTION	JKP
2	12/15/2018	REVISED TO SHOW EASEMENT	JKP
3	12/15/2018	REVISED TO SHOW EASEMENT	JKP
4	12/15/2018	REVISED TO SHOW EASEMENT	JKP
5	12/15/2018	REVISED TO SHOW EASEMENT	JKP
6	12/15/2018	REVISED TO SHOW EASEMENT	JKP
7	12/15/2018	REVISED TO SHOW EASEMENT	JKP
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9	12/15/2018	REVISED TO SHOW EASEMENT	JKP
10	12/15/2018	REVISED TO SHOW EASEMENT	JKP

OSHTIEMO TOWNSHIP
SALAMON COUNTY, MI
WEST RIDGE SITE CONDOMINIUM
SITE PLAN

VK CIVIL Vriesman & Korhorn
10000 E. Grand Ave., Suite 100
Ann Arbor, MI 48106-1500
Phone: 734.769.1234
www.vkcivil.com

Project No: 1225
Client: JK
Address: MI 48106-1500
Date: 12/15/2018
Scale: C200



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
 Phone: 269-375-4260 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS

West Ridge (Site Condominium), 7110 West Main, Parcel ID 3905-15-285-010

PLANNING & ZONING APPLICATION

Applicant Name: John Lovely
 Company: Green Development Ventures, LLC
Allen Edwin Homes
 Address: 2186 E Centre Ave
Portage, MI 49002
 E-mail: jlovely@allenedwin.com
 Telephone: 269-391-0542 Fax: _____
 Interest in Property: Developer

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____
 Escrow Amount _____

OWNER*: Refer to attached letter of authorization

Name: Simon & Jenelle Ashbrook and Mark & Ranita Ashbrook
 Address: 41297 CR 380 and 22079 41st Street, Bloomingdale, MI 49026, respectfully
 E-mail: ashbrook.simon@gmail.com and ashbrook1@bloomingdalecom.net
 Phone & Fax: _____

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

- | | |
|---|---|
| <input type="checkbox"/> Pre-Application Review | <input type="checkbox"/> Accessory Building Review – I083 |
| <input type="checkbox"/> Site Plan Review – I088 | <input type="checkbox"/> Rezoning – I091 |
| <input type="checkbox"/> Administrative Site Plan Review – I086 | <input type="checkbox"/> Subdivision Plat Review – I089 |
| <input type="checkbox"/> Special Exception Use – I085 | <input type="checkbox"/> Interpretation – I082 |
| <input type="checkbox"/> Zoning Variance – I092 | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Site Condominium – I084 | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): Step 1 Tentative Preliminary Site Condominium

Submittal for review of 41 new single family units/lots and associated infrastructure/improvements.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):
Refer to attached plans.

PARCEL NUMBER: 3905- 15-285-010
ADDRESS OF PROPERTY: 7110 West Main
PRESENT USE OF THE PROPERTY: Single Family Home
PRESENT ZONING: R2 **SIZE OF PROPERTY:** 20.33

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)
_____	_____
_____	_____

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

Refer to attached letter of authorization

Owner's Signature (*If different from Applicant)

Date



Applicant's Signature

12/5/23

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Memorandum



Date: April 9th, 2024
To: Township Board
From: Anna Horner, P.E., Public Works Director

Objective

Receive Board approval for sale of parcel 05-01-180-005.

Proposed Motion

I make the motion to approve the sale of parcel 05-01-180-005 to the Michigan Department of Transportation in the amount of \$3,999.08 for the purpose of completing highway improvements.

Background

In 2021 the Township acquired this parcel of land in anticipation of the future US-131 Business Loop expansion. Based on the intent behind the acquisition, I am recommending that we request reimbursement (i.e. purchase) equal to the amount of money the Township has spent. The purchase price on 7/23/2021 was \$3,216 and taxes were \$783.08, totaling \$3,999.08. MDOT has completed an appraisal and submitted a good faith offer for easement of \$16,500. The difference will be considered a donation by the Township towards the project.

Information Provided

Sale of Township Property Form



PARCELOUTLINED IN RED.

PROPOSED BUYER AND SALES INFORMATION

Name of Proposed Buyer: _____

Address: _____

Proposed Purchase Price: _____

Additional terms for purchase: _____

****FOR COMPLETION BY TOWNSHIP OFFICIAL OR DEPARTMENT HEAD****

Real Township Property and Personal Property (of value greater than/equal to \$10,000):

Board Decision: ___ Sales Request Approved ___ Sales Request Denied

I, _____, the duly appointed and acting _____ of Oshtemo Charter Township, certify that the Township Board reviewed and approved the above request for the sale of the identified Township property at its Board meeting of _____, 202_. In accordance with the Oshtemo Charter Township "Sale or Disposal of Township Real or Personal Property Policy" I affix my signature below on behalf of the Township Board to approve this request.

Date: _____

Oshtemo Charter Township

Personal Property (of value greater than \$2,000, but less than \$10,000):

___ Sales Request Approved ___ Sales Request Denied

I, _____, the duly appointed and acting _____ of Oshtemo Charter Township, have reviewed this request for the sale of Township personal property of tangible value greater than \$2,000, but less than \$10,000, as approved by _____ (Department Head), and in accordance with the Oshtemo Charter Township "Sale or Disposal of Township Real or Personal Property Policy" I affix my signature below to approve this request.

Supervisor/Clerk/Treasurer

Date: _____

_____,
Oshtemo Charter Township

Department Head

Date: _____

Personal Property (of value less than or equal to \$2,000):

Sales Request Approved **Sales Request Denied**

I, _____, the duly appointed and acting _____ of Oshtemo Charter Township, have reviewed this request for the sale of Township personal property of tangible value less than \$2,000, as approved by _____ (Department Head), and in accordance with the Oshtemo Charter Township "Sale or Disposal of Township Real or Personal Property Policy" I affix my signature below to approve this request.

Supervisor/Clerk/Treasurer

Date: _____

_____,
Oshtemo Charter Township

Department Head

Date: _____

Surplus Personal Property (no market value):

Disposal Request Approved **Disposal Request Denied**

I, _____, the _____ Department Head of Oshtemo Charter Township, have in accordance with the Oshtemo Charter Township "Sale or Disposal of Township Real or Personal Property Policy" completed this form for the disposal of Township surplus personal property, logged the requested item(s) on the departmental disposal spreadsheet, and affix my signature below to approve this request.

Department Head

Date: _____

Memorandum



Date: February 13, 2024
To: Township Board
From: James Porter, Sara Feister
Subject: Employee Handbook Amendments

Objectives

The Legal Department requests the support of the following Employee Handbook Amendments to Section 4.1, Subsection D (2), Overtime, Rate of Pay and Section 5.3, Definitions, Business Casual and Dress-Down Friday.

Background

At the request of the HR Board Work Group, the Legal Department proposes the following Employee Handbook Amendments:

Section 4.1, Subsection D (2), Overtime, Rate of Pay:

Rate of Pay- includes “Full-time election staff be paid at one and one-half (1 ½) times their regular hourly rate after their first eight hours worked during elections.”

Section 5.3, Definitions, Business Casual and Dress-Down Friday:

Business Casual- includes “neat jeans (no tears, holes, or frays).”

Dress-Down Friday- includes “tee shirts, sports shirts, sandals, and tennis shoes.”

Information Provided

Please see the attached proposed redline changes to Section 4.1, Subsection D (2) and Section 5.3, Definitions, Business Casual and Dress-Down Friday of the Employee Handbook.

Core Values

Sustainability, Professionalism

SECTION 4- COMPENSATION



4.1- MINIMUM WAGE, HOURS OF WORK, LUNCH PERIOD, OVERTIME, AND CLOSURE FOR INCLEMENT WEATHER

Purpose: The purpose of this section is to ensure compliance with the state and federal laws for the compensation of all time worked by Township Employees.

Scope: This policy applies to all Township Employees.

Effective: 02/ /2024 09/28/2022

Revisions History: Formerly Sections 4.1 (rev. 12/13/16 02/6/24; eff. 02/28/17 02/ /24), 4.2 (eff. 07/23/02), 4.3 (rev. 02/28/17; eff. 02/13/18), 4.4 (eff. 07/23/02), 4.5 (02/28/17), and 4.6 (rev. 06/14/11; eff. 02/13/18)

DEFINITIONS

Capitalized terms not defined below have the same meaning as given in the “Definitions and General Provisions” section of this *Employee Handbook*.

Minimum Wage Law- refers to the current minimum wage set by the State of Michigan and/or the federal minimum wage provisions contained in the Fair Labor Standards Act (and any amendments thereto). The Minimum Wage Law sets minimum wage and overtime compensation for all Nonexempt Township Employees; Exempt Employees are exempt from the overtime provisions of the Minimum Wage Law.

POLICY

- A. **Minimum Wage.** The Township complies with the Minimum Wage Law in compensating all Employees. Nonexempt Employees will be paid at least the current prescribed minimum hourly wage.
- B. **Hours of Work.** Employees must record all hours worked on their timesheet. Hours recorded on timesheets are the sole basis of calculating hours worked, and compensation owed, to Nonexempt Employees.
 - 1. **Township Office Hours.** The working office hours for the Oshtemo Charter Township Office are from 8:00 a.m. to 5:00 p.m., Monday through Friday.
 - 2. **Assigned Work Hours.** Township Employees will work the hours assigned and approved by their Department Head. Township Employees may work remotely in accordance with the terms of this *Employee Handbook*.

3. **Customer Service Hours.** Monday through Thursday 8:00a.m. to 5:00p.m. and Friday 8:00a.m. to 1:00p.m. The office is closed for lunch from 1:00p.m to 2:00p.m.
 4. **Changes to Office or Customer Service Hours.** The Board may approve temporary (e.g., summer/winter hours), or permanent, changes to these customer service or office hours. The Township Supervisor, Clerk, and Treasurer shall communicate and make decisions regarding closing the office for periodic staff training, emergency situations, or other needs.
- C. **Lunch Period.** Full-Time and Part-Time office and maintenance Employees are allowed a one (1) hour, unpaid, lunch period for every eight (8) hours worked. This section may not apply to all Fire Department personnel.
- D. **Overtime.** Nonexempt Employees will be paid at least the minimum compensational requirement for any overtime in accordance with the Minimum Wage Law.
1. **Authorization and Recording of Overtime.** Overtime must be recorded on the Nonexempt Employee's ~~time sheet~~timesheet and authorized in advance in writing by the Employee's immediate supervisor.
 2. **Rate of Pay.** Overtime for Nonexempt Employees will be paid for work over forty (40) hours per week and shall be at one and one-half (1½) times the Employee's regular hourly rate of pay. Additionally, full-time election staff will be paid at one and one-half (1 ½) times their regular hourly rate after their first 8 hours worked during elections.
 3. **Unauthorized Overtime.** No Employee shall work overtime except as authorized pursuant to this section. An Employee violating this section shall be subject to discipline.
- E. **Inclement Weather and Office Closure/Delay.** When inclement weather occurs, it is the responsibility of the Elected Officials to consider the safety and well-being of the Township's Employees.
1. **Closure/Delay Determination.** If inclement weather should occur during office hours, the Township Supervisor, Clerk, or Treasurer shall have the authority to close the office and send non-essential Employees home to work remotely. The decision will be made by joint discussion of Elected Officials.
 2. **Notification of Closure/Delay.** If inclement weather should occur before or during office hours, the Township Supervisor, Clerk, and Treasurer shall communicate and make a decision regarding delaying the opening of, or closing, the office. If a decision is made to delay opening, or close the office, Employees will be notified in accordance with current Township protocols. The Township shall notify local radio and television stations of the status of the office for the day. Employees should enroll in this automated system to receive the office closure notifications in the format of their preference. The Township will make every attempt to notify Employees by 6:30 a.m. if there is a delay or an office closure.
 3. **Effect of Closure/Delay.** Unless otherwise stated, if the office is closed for the day, or balance of the day, Employees that have the equipment to and are able to work remotely shall work remotely. If the office opening is delayed, internal meetings

scheduled for the remainder of that day will be held as scheduled. If the office is closed, subsequent external & public meetings scheduled for that day shall be cancelled.

4. **Reporting to Work During Office Closure.** Non-essential personnel who are scheduled to work and cannot report to work due to inclement weather shall work remotely. All personnel designated as essential to Township operations by their immediate supervisor and/or an Elected Official must report to work during an office closure.

5. **Working from Home During Closure.** Employees shall discuss with their Immediate Supervisor to identify remote work tasks to have a productive workday during an office closure. Employees who chose not to work remotely when so authorized, or requested, must use PTO to cover their missed work time, or not be paid for the time the office is closed. Failure to perform remote work, or use PTO time for the absence, may result in disciplinary action for an unexcused absence as provided in this *Employee Handbook*.

SECTION 5- EMPLOYEE GUIDELINES



5.3- PERSONAL APPEARANCE STANDARDS

Purpose: The purpose of this section to project uniformity and neutrality toward the public and ensure that Township Employees project a professional image appropriate for the Township and for their assigned role by maintaining their personal hygiene and appearance.

Scope: This policy applies to all Township Employees.

Effective: ~~02/ /2024~~ 09/28/2022

Revisions History: Formerly Sections 5.3 (rev. 02/6/24; eff. 02/ /24) and 6.8 (eff. 09/22/20)

DEFINITIONS

Capitalized terms not defined below have the same meaning as given in the “Definitions and General Provisions” section of this *Employee Handbook*.

Business Casual- means dress shirts, blouses, ~~P~~polo shirts (with collars), mock turtlenecks, sweaters, ~~sport coats and blazers~~, cotton slacks, dresses, capris, neat jeans (no tears, holes, or frays) and tie or slip-on shoes. The following items will be inappropriate for business casual: ~~blue denim jeans,~~ tee shirts, tank tops, and beach sandals/flip flops.

Dress-Down Friday- refers to ~~n~~Non-Business Casual attire that may be worn weekly on a Friday, the day before holidays, or as permitted by the Personnel Director for events. Appropriate attire shall include ~~jeans (including blue denim),~~ long shorts, ~~and~~ a blouse/shirt, tee shirts, sport shirts, sandals and/or tennis shoes.

POLICY

- A. General Guidelines and Considerations.** It is the policy of the Township that all Employees meet required personal hygiene and grooming standards appropriate for their assigned role while working in the office, on-duty, or conducting official Township business in the community. This policy is intended to promote uniformity of the Employees of the Township by addressing specific grooming items.
- B. Dress Code.** All Employees shall be appropriately dressed for their assigned position. If a uniform is required, it will be outlined by the department’s standard operating procedures.
- 1. Office Attire.** Office Employees will wear Business Casual attire except on Dress-Down Friday. The following items will be inappropriate for office Employees:

clothing that is dirty, torn, or otherwise deemed inappropriate for the office by the Personnel Director.

2. **Inappropriate Attire.** Employee clothing that displays any social, political, or commercial marketing message or any profane, derogatory, or harassing content is not appropriate at any time during working hours. It is understood that Township “marketing” apparel for Township sponsored events and/or activities (e.g., a shirt advertising “Music in the Park”, or a ‘fun run’, etc.) is not “commercial marketing” within this policy and is not prohibited hereunder.

C. **Personal Hygiene.** All Employees must maintain proper personal hygiene. Any Employee who has a condition due to a protected category (e.g., race, physical disability, etc.) which affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to their immediate supervisor, Department Head, or Human Resources.

D. **Body Alterations and Markings.** Tattoos, brands, mutilations, or alteration to any area of the body that are inappropriate (as determined by the Personnel Director and/or Human Resources), must be covered.

1. **Inappropriate Markings.** Inappropriate marks (i.e., tattoos, brands, mutilations, scarification) may include, but are not limited to, the following:

- a. Marks that exhibit or advocate discrimination against sex, race, religion, ethnicity, national origin, sexual orientation, age (40 and over), physical or mental disability, medical condition, or marital status.
- b. Marks that promote or express gang, supremacist, or extremist group affiliation.
- c. Marks that depict or promote drug use, sexually explicit acts, and/or other obscene or profane material.

2. **Body Alterations.** Inappropriate body alterations that are those alterations that are visible in any authorized uniform or attire. Examples of inappropriate body alteration may include, but is not limited to, the following:

- a. Tongue splitting or piercing.
- b. The complete, or trans-dermal, implantation of any material (other than hair replacement).
- c. Abnormal shaping of the ears, eyes, nose, or teeth.
- d. Branding or scarification.
- e. Any other body modification, or alteration, that constitutes a deviation from normal anatomical features, which is not medically required or done for religious, cultural, or ceremonial purposes.

E. **Reservation of Rights.** Nothing herein shall limit the Township’s ability to address any other grooming or personal appearance deemed improper for Township Employees.