OSHTEMO PLANNING DEPARTMENT CHAPPERE R

TOWNSHIP









Legislative Requirements

Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) requires the Planning Commission to prepare an annual report for the Township Board documenting the administration of the Zoning Ordinance. It is also a requirement to outline possible future amendments to the Ordinance. This report fulfills this obligation for 2017 and provides updates on the activities and projects planned for 2018.

The Planning Department has expanded the scope of the report to further document the activities of the Zoning Board of Appeals and the administrative activities of the Planning Department staff. By doing so, the document provides a more complete picture of the Planning and Zoning activities in the Township. This report is submitted to the Township Board for review and consideration as it develops its own work plans and budgets for the coming years.

PLANNING COMMISSION

ORDINANCE AMENDMENTS

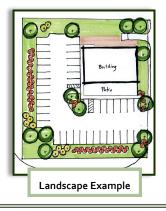
Off-Street Parking - Several recommended changes were sent to the Township Board within Section 68: Off-Street Parking of Motor Vehicles. The revisions included; ensuring circulation aisles were regulated within the parking ordinance, that accessible spaces be constructed with concrete or similar material instead of asphalt, and to include shared access requirements within Section 68.

Planned Unit Development - The Planning Commission recommended a change to Section 60.400, which regulates Planned Unit Developments (PUD), specifically the way public notice is managed. PUDs are required to first submit a concept plan for the project and then individual site plans. The previous ordinance required public notice to be provided at the time of site plan review, after the concept plan was already approved. The Planning Commission requested a change to ensure public input occurred during the review of the concept plan.

Addressing Requirements - A new section of the Zoning Ordinance was recommended to the Township Board that would regulate placement of property addresses on buildings. Section 77.000: Addressing Requirements for Structures was developed in conjunction with the Fire Department to assist emergency service responders in locating buildings in a timely

manner. This Ordinance is still under review by the Township Board.

Section 75.000: Landscaping - The Planning Commission spent a number of meetings during 2016, with the final reviews in 2017, amending Section 75.000: Landscaping. A complete update of this Ordinance was conducted. The major changes include the following:



- As the size of a site reduces, the amended ordinance requires fewer landscape materials over what the current ordinance would necessitate.
- Right-of-way landscaping is more robust because of a requirement to screen parking lots that face the road.
- The amended ordinance requires more square footage of landscaping on larger sites, but plant materials are relatively similar as the current ordinance.
- Opaque screening is required between incompatible uses.

Section 75 has not yet gone through the public process to be adopted. Staff will include the changes as part of a larger Zoning Ordinance reorganization project.

Zoning Ordinance Reorganization - The Township hired a consulting firm, Wade Trim, to complete a comprehensive review and reorganization of the Zoning Ordinance. This has not occurred since its 1984 adoption. The intent is to resolve any inconsistencies, conflicts and other organizational issues, as well as incorporating best practices not already in place.

In addition, the reorganization will help to modernize the Ordinance to be more user-friendly. This not only assists the public, developers, and other stakeholders to understand zoning ordinance regulations, but allows Township staff to more effectively administer the code.

The reorganization was completed in 2016 but staff placed the project on hold while the Master Plan Update was underway. Staff has begun working with the Planning Commission to complete this work, which is expected to conclude in late 2018 or early 2019.

REZONINGS

The Planning Commission reviewed four rezoning requests in 2017, which is one less application than reviewed in 2016. In addition, two of the requests were Township initiated, which means only two applications were submitted by property owners or potential property owners. All requests were recommended for approval by the Planning Commission to the Township Board, who based their decisions on the Township's Master Plan, the adjacent zoning, general land use patterns and the effects the requested change would have on the surrounding properties.

One of the requests in 2017 was a conditional rezoning, which is a rezoning where the applicant voluntarily provides conditions which limit the use or structures on the land. Conditional rezoning is provided as a mechanism to allow an applicant the opportunity to address anticipated concerns that may be raised by the rezoning request. The conditional rezoning application for an unaddressed 37 acre property (approximately 6400 West Main Street) allowed for the development of a 150,000 square foot office building for the corporate head-quarters of Advia Credit Union. The conditions also provided setbacks from the adjacent residential, included landscape requirements, and ensured the cross-access connections to neighboring properties.

The following is a list of the rezoning applications reviewed in 2017:

Total Rezoning Reviews in 2017:			4
Address	Zoning District	PC Recommen- dation	Date
BTR Park 2.0 NW Corner of Drake and Parkview	R-2 to BRP	Approval	Sept 12
Drake Farmstead Park 927 N. Drake Rd	HOZ	Approval	Sept 12
6400 W. Main St Conditional Rezoning	WMSO and R-2 to C	Approval	Oct 10
3926 S. 9th St	AG to RR	Approval	Nov 10

SUBDIVISION/SITE CONDOMINIUMS

Four subdivision or site condominium plans were submitted to the Township for review in 2017. All four developments had

Total Subdivision/Site C	4	
Project Name / Review Step	Location	Approval Date
West Port Village, Phase II Step 3	West of Drake Rd, South of H Ave	June 13
Sky King Meadows III Step 3	East of 9th St, North of KL Ave	Oct 24
Tuscany East Step 3	East of Van Kal, South of L Ave	Dec 12
Autumn Grove Step 2	2083 N. 9th St	On Hold

previously received Step 1 approval, which includes a recommendation from the Planning Commission. Step 2 and 3 of the approval process is managed by the Township Board. Of the four developments, three requested Step 3 approval, which happens after construction of the onsite infrastructure. The Township Board approved all three projects, which included West Port Village Phase 2, Sky King Meadows III, and Tuscany East.

The remaining project, Autumn Grove, submitted for Step 2 review. However, site constraints and approvals from the County had not yet been received so the project was placed on hold by Planning staff until the required documents could be submitted.

The total number of approvals increased by two projects from 2016 when two subdivisions/site condominiums were reviewed.



SPECIAL EXCEPTION USES

A total of 11 Special Exception Use applications were submitted to the Planning Department in 2017, which is three fewer than were evaluated in 2016. All were approved, each with a specific set of conditions, which the applicant was required to meet as part of the development of the project.

Five of the Special Exception Uses were expansions of existing businesses within the Township. These included expansions of Leaders Marine, D & R Sports, Langeland Funeral Home, Meadow Run Knoll (Meadow Run Dog Park and Camp Fido Dog Day Care), and the Harding's Market on Stadium Drive. Expansions of these types are important to the local economy in many ways according to Michigan State University Center for Community and Economic Development. They provide jobs, support the local tax base, allow dollars to be invested and reinvested in the local economy, give consumers more choices, and promote entrepreneurship.

In addition to the five expansions, the Planning Commission approved two new hotels, a Holiday Inn and Holiday Inn Express, within the Westgate PUD. These are the first projects within this 86-acre commercial PUD, which was approved in 2016. Also, a new three-unit building with drive through window was approved within the West Main shopping center. This building now holds a Jimmy John's and Five Guys restaurant.

Two of the Special Exception Uses were approved for temporary outdoor events within the Township: the Oshtemo Rotary Family Festival and Jake's Firework's Tent Sales. This is the same number of events that were approved in 2016. The Oshtemo Rotary Club's event was their first annual community festival fundraiser that included midway rides, concessions, and games.



The Planning Commission often permits staff to administratively review temporary outdoor events once they have been approved through the public hearing process. While only two events were approved by the Planning Commission in 2017, a total of 13 events were held throughout the year.

The Special Exception Use table can be found on the following page.

SITE PLAN REVIEW

In general, the Planning Commission does not review site plans unless they are attached to a Special Exception Use. In 2017, three site plans were submitted to the Planning Commission. One was for a Special Exception Use that had already been approved in 2016 and two site plans were because of their location in either the West Main Street Overlay or the Village Form-Based Code Overlay Districts, which require Planning Commission approval. The three site plans reviewed by the Planning Commission are as follows:

Total Site Plan Reviews in 2017:		3
Project Name / Address	PC Decision	Approval Date
Latitude 42 Restaurant 6101 West Main Street	Approved	March 23
Memory Care Center 6203 Stadium Drive	Approved	July 13
West Main Family Dentistry 6479 West Main Street	Withdrawn	July 13

MEETINGS / ATTENDANCE

The Planning Commission held a total of 20 regular meetings in 2017, with only one canceled. The meetings were held on the second and fourth Thursdays of each month. November and December had only one meeting each due to the holidays. In addition, the Planning Commission held one special meeting for the update to the Master Plan and three joint meetings with other boards of the Township. The joint meetings provided an opportunity to have informal discussions on current and future topics under consideration by the Planning Commission and the Township Board.

Commissioners	Regular Meetings Attended
Fred Antosz, Vice Chairperson	20
Cheri Bell, Chairperson	19
Wiley Boulding, Sr. (resigned Aug 24)	13
Ollie Chambers	19
Dusty Farmer (Township Board Liaison)	20
Kathleen Garland-Rike (began Oct. 12)	3
Mary Smith	19
Bruce VanderWeele	19

SPECIAL EXCEPTION USES Continued

Total Special Exception Use Reviews in 2017:				11
Project / Address	Applicant	Use	PC Decision	Date
Harding's Pharmacy Window 6430 Stadium Drive	FTCH on behalf of Family D, LLC	New pharmacy window and façade improvements	Approved	Feb 9
Holiday Inn/Express (Westgate PUD) West Main / US131	Kalamazoo Hotels, LLC / Oshtemo Hotels, LLC	New Holiday Inn and Holiday Inn Express hotels in the Westgate PUD	Approved	March 9
Meadow Run Knoll 1030 South 8th St	Meadow Run Knoll, LLC	New building to house Camp Fido Dog Day Care, Tip Top Tails Dog Training, and The Thirsty Hound Café	Approved	April 13
Oshtemo Rotary Family Festival 5030 West Main St	Oshtemo Rotary Club	Temporary outdoor carnival fundraiser event with midway rides, concessions, and games	Approved	April 13
Building Pad 5131 West Main St	West Main 2000, LLC	New 3-unit building for retail or restaurant uses, currently houses Jimmy John's and Five Guys restaurants	Approved	May 11
Pressure Reduction Station 10146 West Main St	Oshtemo Township	New pressure reduction station for the public water system	Approved	May 11
West Port Village West of Drake Rd, South of H Ave	Visser Developers of Kalamazoo	Amendment to reduce the lots in Phase II by one and to relocate the non-motorized pedestrian path	Approved	May 11
Jake's Fireworks 6430 Stadium Drive 6800 West Main St	Jake's Fireworks	Temporary outdoor event to sell fireworks for the 4th of July holiday at two locations: Harding's and Menard's parking lots	Harding's lot approved Menard's lot denied	June 8
Leaders Marine 8500 West Main St	Delta Design Systems, LLC	New service building with 28 bays for boat service and repair	Approved	July 13
D & R Sports 8178 West Main St	Randy VanDam	Expansion of the outdoor boat display area	Approved	Sept 14
Langeland Funeral Home 3926 South 9th St	Long Island Partnership, LP	Expansion of a crematorium	Approved	Nov 9

ZONING BOARD OF APPEALS

In total, nine applications were reviewed by the Zoning Board of Appeals (ZBA) in 2017. This is a fairly significant decline from 2016, when 17 applications were reviewed.

SITE PLAN REVIEWS

A total of four site plans were reviewed by the ZBA in 2017, which is four less than were considered in 2016. Of these reviews, two were for new construction on vacant sites, which included a new manufacturing facility for Select Products, Ltd. and an administrative office and equipment storage garage for an excavating company.

The remaining two site plans were for expansions of existing businesses. All of the requests were approved.

ADDITIONAL REVIEWS

The Zoning Ordinance has also granted the ZBA with the authority to grant relief from Section 68.420 of the Off-Street Parking Ordinance, allowing deferment of required parking spaces. The owner of property at 7755 Stadium Drive, an industrially-zoned property, requested deferment of three parking spaces where 12 were necessitated by the Zoning Ordinance. The building is currently vacant and the 12 space requirement was based on the most intense use allowed in the zoning district. Depending on the use that finally occupies the building, these spaces may or may not be needed. The ZBA granted the deferment

Total Site Plan Reviews for 2017:				4
Project Name	Project Location	Applicant	Use	Approval
Fish Windows	7162 Stadium Drive	Browns Foundation, LLC	Storage building	Jan 24
Lawton Ridge Winery	8456 Stadium Drive	Lawton Ridge Winery, LLC	Storage building	Feb 28
H & K Excavating	7504 Stadium Drive	H & K Excavating, LLC	Office and storage buildings	May 23
Select Hinges	3258 Stadium Park Way	Select Products Limited	Manufacturing facility	June 27

MEETINGS / ATTENDANCE

ZBA meetings are scheduled on the fourth Tuesday of each month. In 2017, six regular meetings were held with six canceled due to lack of agenda items. In addition, the ZBA is invited to the three joint meetings held each year with the other boards of the Township. As previously stated, the joint meetings provide an opportunity to have informal discussions on current and future topics under consideration by the Township.

The adjacent table provides the attendance record for the ZBA members in 2017.

Board Member	Regular Meetings Attended
Bob Anderson (Alternate)	4
Wiley Boulding, Sr. (Planning Commission Liaison)	4
Nancy Culp (Township Board Liaison)	3
Neil Sikora, Vice Chairperson	6
Anita Smith (Alternate)	5
L. Michael Smith	6
James Sterenberg, Chairperson	5

DIMENSIONAL VARIANCES

The ZBA reviewed four dimensional variance requests in 2017, which is down by four requests from 2016. One request was from the Township for a public water system pressure reduction station, which means only three requests came from property owners. This is the lowest number of applications within the last ten years; 2012 being the next smallest at four requests.

A variance is a "license to use property in a way not permitted under the ordinance." If the Township received a large number of variance applications each year on a specific ordinance requirement, it could mean there is something wrong with that ordinance, necessitating a review that may warrant an ordinance revision.

Variances should be considered carefully and under normal circumstances rarely granted. The approval rates tend to be high for dimensional variances within the Township because of Planning staff efforts to filter requests that do not meet the legislative and legal requirements for granting approval, which include: ensuring that the spirit of the ordinance is observed, public safety secured, and substantial justice done; that a practical difficulty exists and there is a unique circumstance found on the property; and that the problem is not self-created.

Total Dimensional Variance Requests in 2017:			4	
Address	Applicant	Variance	Date	Decision
2433 North 5th Street	Matt Basse	Request to vary from the side yard setback to allow for the development of a residential accessory building	Jan 24	Approved
10146 West Main St	Oshtemo Township	Request to vary from the setback and area require- ments to allow for the development of a pressure reduction station for the public water system	March 28	Approved
10540 West J Ave	Michael Noora	Request to vary from the side yard setback to allow for the development of a residential accessory building	March 28	Approved
6101 West Main	Latitude 42 / Betsy DeKorne Trust	Request to eliminate greenspace buffer to allow for an access drive to Lodge Lane	May 23	Approved



PLANNING DEPARTMENT REVIEWS



The Planning Department processes all of the development applications that are submitted to the Township, including rezoning requests, variances, site plans, building and sign permits. In 2017, a total of 293 applications were reviewed by Planning Department Staff. This

is the first year calculating sidewalk permits and land divisions so a complete comparison to 2016 cannot be accomplished. However, based on an assessment of the numbers without these two application types, staff conducted approximately the same amount of reviews in 2017 as 2106.

The Zoning Ordinance grants the authority to the Planning Department to administratively review and approve site plans in certain instances. These include minor amendments to a previously approved site plan, accessory buildings that meet certain criteria, temporary outdoor events, and communication tower co-locations or upgrades. A total of 24 administrative development reviews were conducted in 2017, which is one less than completed in 2016. A brief summary of the 2017 staff level reviews is found below and on the following page.

In addition to the applications noted above, the Planning Department also completed reviews for land divisions, sign permits, and building permits. These reviews account for a significant portion of the Zoning Administrator's daily activities.

COMMUNICATION TOWER CO-LOCATIONS OR UP-GRADES

Total Reviews in 2017:		5
Address	Applicant	Approval Date
5088 W Michigan	AT&T	Jan 18
5088 W Michigan	T-Mobile	May 31
6018 West H Ave	T-Mobile	July 19
5662 W Michigan	T-Mobile	Sept 15
5088 W Michigan	AT&T	Oct 2

BUILDING PERMITS

Planning Department staff reviews building permit applications that are subject to zoning compliance as determined by the Southwest Michigan Building Authority to ensure that all requirements of the zoning ordinance are met. Staff also checks for any conditions of approval that may have been placed on the property by the Planning Commission or ZBA during the plan review and approval process. In 2017, the Township approved 415 building permits, which is a 49 percent increase from the 278 reviewed in 2016. Of the total number of permits issued, 167 or 40 percent required zoning review by the Township Zoning Administrator.

SIGN PERMITS

Sign permits were down by 25 percent in 2017. A total of 48 sign permits were issued, which is 16 less than 2016. New or replacement face signs were the majority issued in 2017 at 43 permits. The remaining five permits were for temporary or special event signs. The majority of the total sign permits were issued to addresses on West Main Street, with the remaining sign permits primarily on Stadium Drive and the Drake Road and 9th Street corridors.

LAND DIVISIONS

In 2017, the Zoning Administrator worked with the Assessing Department to review 24 land division, re-description, combination, plat, or site condominium applications. The task of the Zoning Administrator is to ensure that the requested change to property boundaries meets all of the area requirements established in the Township's Zoning Ordinance.

SIDEWALK PERMITS

In 2015, the Township initiated a sidewalk permitting process to help ensure new sidewalk development meets regulatory standards. These requirements incorporate the Americans with Disabilities Act standards for accessible design. The permit requires both a pre— and post-concrete pour inspection, which is managed by the Ordinance Enforcement Officer. In 2017, a total of 23 sidewalk permits were issued. This is the first annual report that staff has tracked sidewalk permits so no historical comparison can be made at this time.

MINOR AMENDMENTS TO AN APPROVED SITE PLAN

Total Minor Amendments Reviewed in 2017:			8
Address	Applicant	Use	Approval Date
6312 Quail Run Drive	Heritage Christian Academy	New Baseball Field	Feb 9
5317 West Main Street	Aldi's Grocery Store	Relocated Store - New Façade and Parking Lot Updates	Feb 13
6339 Stadium Drive	Glas Associates	Building Addition	May 9
5659 West Michigan	HFG Advisors, LLC	Parking Lot Expansion	Aug 1
5455 West Main Street	Wendy's Restaurant	Free Standing Cooler Addition	Aug 21
7755 Stadium Drive	TJ Mihelich	Parking Lot	Aug 24
5220 West Main Street	Ulta Beauty	New Tenant - Façade Improvements	Oct 2
374 South Drake	Group Marketing	Building Addition	Nov 11

TEMPORARY OUTDOOR EVENTS

Total Temporary Events Reviewed in 2017:			11
Address	Applicant	Event	Approval Date
6883 West Main Street	Kalamazoo Kitty	Outdoor Sale	April 17
4001 South 9th Street	Cort Furniture	Tent Sale	May 9
501 North 9th Street	Wal-Mart	Grand Opening Event - Training Center	May 15
5034 West KL Avenue	Good Stuff Fireworks	Tent Sale	June 9
6660 West Main Street	TNT Fireworks	Tent Sale	June 20
4001 South 9th Street	Cort Furniture	Tent Sale	Aug 30
6883 West Main Street	Kalamazoo Kitty	Outdoor Sale	Oct 2
2345 North 10th Street	Centerpoint Church	Trunk or Treat	Oct 2
5030 West Main Street	Wahmhoff Farms	Christmas Tree Sales	Oct 3
4321 South 11th Street	Lighthouse Community Church	Outdoor Nativity	Oct 9
6800 West Main Street	Tree-Ripe Citrus Co.	Outdoor Sale	Nov 30

ORDINANCE ENFORCEMENT

The Ordinance Enforcement Department is responsible for a wide range of Township ordinance compliance oversight, community concerns, and enforcement. The Ordinance Enforcement Officer manages issues that occur under both the Zoning Ordinance and the General Code of Ordinances for the Township. Emphasis is placed on positive interactions, ordinance education and clear communication to resolve conflicts and achieve lasting positive outcomes.

Inter-agency collaboration is essential to ordinance enforcement success in addressing multiple community issues. The Road Commission of Kalamazoo County, Southwest Michigan Building Authority, and the Michigan Departments of Natural Resources, Environmental Quality, Transportation, Human Services and multiple Kalamazoo County offices including Health and Community Services, Animal Services, Environmental Health, Sheriff's Department and the Drain Commissioner have collaborated with the Ordinance Enforcement Department to resolve issues and assist with projects in 2017.

Recurring seasonal problems include: overgrown vegetation, trash, dumping areas / roadside dumping, unpermitted signs, noise, speeding, and storm water runoff / soil erosion. ADA sidewalk and accessibility compliance inspections increased accordingly with the development of new residential and commercial construction in the Township. The Sidewalk Permit, instituted in 2015, continues to assist the Township with ensuring Americans with Disabilities Act compliance.

Enforcement complaints can often be complicated, touching on both General and Zoning Ordinance regulations. As cases are researched, managed, and closed, the Ordinance Enforcement Department staff works to log the complaints in a manner that can be quantified by Ordinance regulation. The table to the right outlines those complaints that were most directly related to the Zoning Ordinance. Page 11 of this report provides an overview of all enforcement actions tracked in 2017.

Total Zoning Ordinance Actions in 2017:	
Violations	Number
Animals	7
Camper Parking / Storage	1
Groundwater Protection	3
Parking Violation	1
Sidewalk Complaint	3
Sidewalk Permit Inspection	23
Signs Removed from ROW	120
Site Plan Compliance / New Construction	5
Storm Water / Soil Erosion	10
Working Without a Permit	13
Zoning Complaints / Ordinance	23



TOTAL GENERAL AND ZONING ORDINANCE ACTIONS

Total General and Zoning Ordinance Actions in 2017:			1,071
Category	No.	Category	No.
ADA Accessibility	2	Advisory/Inquiry	12
Animals	7	Burning	2
Camper/Parking Storage	1	Civil Infraction Citations Issued	30
Complaint Inspection	10	Dangerous Buildings	6
Dismantled Vehicles	34	Dumping Grounds	1
Dumping in R.O.W.	12	Fire	5
General Ordinance Complaints	37	Graffiti	3
Groundwater Protection	3	Liquor License / Inspection	Approx. 420
Litter	18	Loitering	1
Noise	16	Noxious Weeds	3
Nuisance	2	Ordinance Consultation	31
Parking Violation	1	Permits Expired	4
Plant Growth Control	31	Property Maintenance Complaints	33
Property Maintenance Inspections	41	Rental Housing Complaint	11
Rental Housing Inspection	10	Sewer Leak Investigation	1
Sidewalk Complaint	3	Sidewalk Permit Inspections	23
Sidewalk Snow Violation	9	Sign Violation	16
Signs Removed from R.O.W.	120	Site Plan Compliance	5
Storm Water / Soil Erosion	10	Streets	43
Streets—Snow Obstruction	0	Trespass	1
Truck Route	4	Vacant Structure - Monitoring	6
Working Without a Permit	13	Zoning Complaint / Ordinance Enforcement	30

LOOKING AHEAD

One of the purposes of the Annual Report is to look ahead to 2018 and anticipate those items that the Township desires to address or work on over the next 12 months and beyond in the area of planning and zoning. Although it is impossible to predict everything that will arise in the next year, based on current discussions with the Township Board, Planning Commission, and Zoning Board of Appeals, there are certain items that will need to be addressed in the near future.

These items and other projects that the Planning Commission should anticipate tackling in the near future include:

- Reorganization and formatting of the Zoning Ordinance, including amendments to a number of Sections:
 - * Use Requirements
 - * Landscaping
 - * Lighting
 - Setbacks
 - * Signs
 - Access Management Guidelines
- Development of a Transitional Office District and changes to the Commercial District to reflect the recently updated Future Land Use Plan.
- Steps toward implementation of the 2017 Master Plan Update, specifically Rural Preservation Strategies and a new Maple Hill Sub-Area Zoning Ordinance.
- Complete the critical review of the Village Theme Development Plan for possible implementation changes.
- Work with the public, stakeholders, and Oshtemo Township staff on the *Go!* Green Oshtemo Master Plan update, which is a planning project for Parks and Recreation, Conservation, Non-Motorized Transportation, and Cemeteries.

It is anticipated that any and all of these projects can be accommodated within the funding allocated towards planning and zoning in the Township budget.





