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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**Work Session
Thursday, June 27, 2019
6:00 p.m.**

AGENDA

1. Call to Order
2. Approval of Agenda
3. Public Comment on Non-Agenda Items
4. Approval of Minutes: June 13, 2019
5. Lighting Ordinance Review
6. Maple Hill South Overlay Zone Review
7. Any Other Business
 - a. Update on O'Reilly Auto Parts site plan
8. Planning Commissioner Comments
9. Adjournment

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

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

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), 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 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. 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>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
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Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
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Mark Barnes	375-0487	mbarnes@oshtemo.org
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<u>Planning Director:</u>		
Julie Johnston	216-5223	jjohnston@oshtemo.org
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Marc Elliott	216-5236	melliott@oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD JUNE 13, 2019

Agenda

PUBLIC HEARING: CAMP WHIMSY SPECIAL USE

CONSIDERATION OF AN APPLICATION FROM DOREEN BELTZ FOR A SPECIAL USE AND GENERAL LAYOUT PLAN TO ALLOW A CHILDREN'S BARN CAMP AND A LIMITED NUMBER OF SPECIAL EVENTS AS A TEMPORARY OUTDOOR EVENT PURSUANT TO SECTIONS 5.40 AND 49.220 OF THE TOWNSHIP ZONING ORDINANCE. THE SUBJECT PROPERTY ADDRESS IS 2582 SOUTH 6TH STREET IN THE RR RURAL RESIDENTIAL DISTRICT. PARCEL NO. 3905-28-430-041.

SITE PLAN REVIEW: O'REILLY AUTO PARTS

CONSIDERATION OF AN APPLICATION FROM MARKETPLACE DEVELOPMENT, LLC FOR SITE PLAN APPROVAL, TO BUILD A NEW O'REILLY AUTO PARTS STORE AT 6297 WEST MAIN STREET. PARCEL NO. 3905-14-405-054.

SITE PLAN REVIEW: BRONSON MEDICAL OFFICE

CONSIDERATION OF AN APPLICATION FROM BRONSON HEALTHCARE GROUP, FOR SITE PLAN APPROVAL TO BUILD A NEW MEDICAL OFFICE BUILDING AT 6210 WEST MAIN STREET. PARCEL NO. 3905-14-288-011.

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, June 13, 2019, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS

WERE PRESENT:

Bruce VanderWeele, Chair
Ollie Chambers
Ron Commissaris
Keisha Dickason
Dusty Farmer, Secretary
Micki Maxwell
Mary Smith, Vice Chairperson

Also present were, Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Nine other persons were in attendance.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and invited those present to join in reciting the "Pledge of Allegiance."

Agenda

The Chair determined no changes to the agenda were needed and let it stand as published.

Public Comment on Non-Agenda Items

The Chairperson asked if anyone in the audience cared to address the Board on a non-agenda item. Hearing none, he moved to the next item.

Approval of the Minutes of May 23, 2019

Chairperson VanderWeele asked if there were any additions, deletions or corrections to the Minutes of May 23, 2019. Hearing none, he asked for a motion.

Ms. Maxwell made a motion to approve the minutes of May 23, 2019 as presented. Mr. Chambers supported the motion. The motion was approved unanimously.

PUBLIC HEARING: CAMP WHIMSY SPECIAL USE CONSIDERATION OF AN APPLICATION FROM DOREEN BELTZ FOR A SPECIAL USE AND GENERAL LAYOUT PLAN TO ALLOW A CHILDREN'S BARN CAMP AND A LIMITED NUMBER OF SPECIAL EVENTS AS A TEMPORARY OUTDOOR EVENT PURSUANT TO SECTIONS 5.40 AND 49.220 OF THE TOWNSHIP ZONING ORDINANCE. THE SUBJECT PROPERTY ADDRESS IS 2582 SOUTH 6TH STREET IN THE RR RURAL RESIDENTIAL DISTRICT. PARCEL NO. 3905-28-430-041.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Johnston for her review of the application.

Ms. Johnston explained the applicant was requesting Special Use and general site layout approval for "Camp Whimsy" an outdoor event to include a barn camp and some special occasions. The barn camp will allow preschool and elementary school age children to access the property for a day camp that would focus on nature exploration and appreciation. The camp would be held four days a week (Monday through Thursday) from 9:00 am to noon. The applicant will be utilizing their small hobby farm for the camp. The existing barn facility will be the focal point for the camp and the special events, with outdoor activities happening throughout the 27-acre parcel.

She said the specific request was for the following:

- 4-day preschool camp limited to eight children from 9:00 am to 11:00 am.
- 4-day elementary camp limited to 10 children from 9:00 am to 12:00 noon.
- Camp will occur Monday through Thursday on the following dates:
 - June 17 – 20, 24 – 27
 - July 8 – 11, 15 – 18, 22 – 25, 28 – 1
 - August 5 - 8
- Two special events for campers – one in the spring and one in the fall.
- Five 2-hour opportunities for private barnyard parties/events, limited to 30 people.

Ms. Johnston noted the applicant received approval from the Planning Commission in 2018 for the barn camp event. The request at that time was for three days a week with two camp times. The applicant's current submittal has changed to one camp per day in 2019. At the conclusion of the public hearing last year it was decided that the barn camp should come back to the Planning Commission as this request was unique and may need closer scrutiny to ensure compatibility with neighboring uses.

She explained the request has also changed in 2019 to include two special events for campers and five opportunities for private parties in the barn. Now that the new Agritourism Ordinance has been adopted, Camp Whimsy would fall under the Category 3 Special Use. The scope of this current application meets the parameters of the new Ordinance.

Staff recommended Ms. Beltz submit under the Temporary Outdoor Event ordinance this year as she did last year as the Agritourism Ordinance was still under review and staff wasn't sure of the timeliness of adoption and Ms. Beltz desire to start her day camp. Next year, Camp Whimsy can apply for their Special Use approval under the Agritourism Ordinance. If approved, the Special Use will remain with the land as long as the Camp and events continue in the same manner each year.

The applicant provided a general layout plan showing the locations of the buildings on site, the driveway for drop-off, and parking area for 14 cars at the northeast corner of the site near the turnaround. Per the applicant's written statement, restroom facilities will be provided within the barn. As long as no additional trailers or equipment are being brought to the subject property for the special events, the Fire Marshal has no concerns with the site. All ordinance requirements have been met.

Ms. Johnston said if the Planning Commission approved the special use and general layout plan, staff would recommend the following conditions:

1. Camp will occur Monday - Thursday from 9:00 am to 12:00 noon as follows:
 - June 17 – 20, 24 – 27
 - July 8 – 11, 15 – 18, 22 – 25, 28 – 1
 - August 5 - 8

2. The seven special events shall be limited to 30 persons, must have at least seven days between events, and must not begin before 8:00 am or extend past 10:00 pm.
3. A parking lot meeting the Agritourism, Category 3 standards must be developed before any of the special events can commence. A new general layout plan must be provided to the Township indicating the placement of the parking lot prior to the first special event.
4. If additional equipment or trailers are brought to the site for the special events, they must meet the setback requirements of the Rural Residential District and be inspected by the Fire Marshal prior to the commencement of the event, if needed.
5. Signage will be placed on the property directing traffic to appropriate child drop-off and parking locations, moving traffic onto the site and away from 6th Street.

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

Ms. Farmer wondered how the required limit of 30 people for retail barn sale events would be managed.

Ms. Johnston acknowledged the limit for these events could not be determined, but suggested the Commission might want to alter that condition (#2). The events will be limited to three per year and need to occur 30 days apart.

Hearing no further questions, the Chair asked whether the applicant wished to speak.

Ms. Dori Beltz, 2582 S. 6th Street, thanked the Board and noted there are no plans for retail barn events in 2019. She said additional parking will be available off the auto loop and involved no land being cleared beyond the current site. She feels everything is set up for a good year.

Ms. Maxwell asked if she is required to obtain state licensing for child care.

Ms. Beltz said she will not have a large enough number of children at one time to be required to obtain state licensing, but that she works with an insurance agent and has liability insurance. Separate camps will be provided for different aged children on different weeks.

Chairperson VanderWeele asked if there were public comment. Hearing none, he moved to Board Deliberations.

Ms. Smith supported the application and felt Camp Whimsy was an excellent example of why the Agritourism Ordinance was created.

Ms. Maxwell expressed concern about 6th Street traffic, but felt the addition of the parking lot will be helpful.

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

Ms. Dickason made a motion to approve the application with the five Staff conditions as listed, with modification to #2 to reference to the event table in the Agritourism, Category 3 ordinance. Ms. Maxwell supported the motion. The motion was approved unanimously.

Ms. Johnston suggested moving ahead with Agenda Item 8, the Bronson Healthcare Group application, as the O'Reilly Auto Parts representatives had not yet arrived.

Chairperson VanderWeele agreed and asked Ms. Johnston for her report on the request for site plan review from Bronson Healthcare Group.

**SITE PLAN REVIEW: BRONSON MEDICAL OFFICE
CONSIDERATION OF AN APPLICATION FROM BRONSON HEALTHCARE GROUP,
FOR SITE PLAN APPROVAL TO BUILD A NEW MEDICAL OFFICE BUILDING AT
6210 WEST MAIN STREET. PARCEL NO. 3905-14-288-011.**

Ms. Johnston said the applicant was requesting Planning Commission approval for the development of a new 12,706 square foot medical office for Bronson primary care. This new building will be addressed as 6210 West Main Street and will be located on the same four-acre parcel behind the existing Bronson FastCare facility. A medical office is a use permitted by right within the West Main Overlay zone, which would generally trigger Zoning Board of Appeals approval. However, Section 35.70: Review Criteria indicates that all development within the Overlay Zone shall be reviewed by the Planning Commission.

She explained the parcel in question is generally flat and has been mostly cleared. A few existing trees can be found around the perimeter of the site. Storm water is managed utilizing the natural grade of the site, locating the new detention pond at the northeast corner of the parcel. The required five percent open space is also located in this corner of the parcel to the east of the detention pond. Placing the open space in this location provides additional protections to the single-family homes that border the site to the north and east.

Access to the site will be from an existing curb cut on West Main Street that serves this parcel and the adjacent Credit Union to the east. In addition, this access point will connect to an east/west access drive that will begin at this curb cut moving west through the Bronson, Advia, and Meijer, terminating at 9th Street. This complies

with the intent of the West Main Overlay, which encourages cross access and limited curb cuts on West Main Street. Bronson has agreed to enter into a cross-access agreement with Advia once both parcels are developed.

She noted the landscaping for the site meets all requirements of the West Main Overlay, providing the required native plantings. The required 5% open space will be provided along the north boundary. Evergreen trees have been placed along the north and east property lines to help screen the building and parking areas from neighboring residential uses. In addition, existing trees are preserved in these locations.

The building will be made primarily of block and brick, with a large glass entry feature. The overall design is similar to the existing FastCare facility, but on a larger scale. Staff believes the design, exterior wall materials, and exterior wall colors meets the intent of Section 35.50.D.6, and fits into the overall development aesthetic of new construction within the West Main Overlay.

Pedestrian amenities are found throughout the site; she noted connecting the medical office with the FastCare building, and connecting this parcel to the pedestrian trail planned on the Advia property.

She indicated the site plan meets all other specific design requirements, such as structural setbacks, building size, site circulation, etc., of the West Main Overlay District.

In general, she said, all other zoning requirements have been met. Since her written report was sent to Commissioners, the photometric plan was updated to resolve the building lighting concern and a draft open space dedication document was submitted and reviewed by the Township Attorney. These issues have been resolved. The only remaining zoning issue was related to parking.

Per the requirements of the Off-Street Parking Ordinance, this site should have a maximum of 66 parking spaces. The site plan outlines 78 spaces for this medical office. Per Section 52.50.I, sites with more than 50 parking spaces may request additional spaces beyond the maximum allowance based upon documented evidence of actual use and demand provided by the applicant. The ordinance goes on to say the Planning Commission should also consider impacts on the property and surrounding properties including any natural features before permitting additional spaces. The applicant has provided a letter requesting the additional 12 spaces shown on the site plan.

Ms. Johnston noted the outstanding concerns to be resolved were:

1. The Planning Commission will need to determine if the additional 12 spaces are needed based on the applicant's request.
2. A deed will need to be recorded dedicating the required open space in perpetuity.
3. A cross-access agreement between Bronson and Advia will be needed once the sites are developed.

Ms. Johnston said if the Planning Commission was amenable to approving the site plan, Staff recommended attaching the follow conditions:

1. The open space document must be recorded with the County prior to the issuance of a certificate of occupancy.
2. A cross-access agreement with the adjacent property owner to the west prior to the issuance of a certificate of occupancy.

She added the Planning Commission would also need to render a decision on the requested 12 additional parking spaces, which exceed the maximum allowed by the Off-Street Parking Ordinance and referred to a letter from Gregory Milliken, AIPC, dated May 22, 2019, detailing the need for the extra requested parking spaces.

Chairperson VanderWeele asked if Commissioners had questions.

Ms. Farmer asked if the number of staff was taken into account.

Ms. Johnston said the Off-Street Parking Ordinance for offices does not consider employee counts. We do have some parking requirements that do consider the number of employees on the largest shift, but it was not applicable to this request.

Attorney Porter said they plan on 25 staff members all the time with 4-7 additional as needed. Their staffing is different than a lot of other office uses.

Mr. Commissaris asked about parking lot lighting.

Ms. Johnston said lighting is addressed on the site plan and is very similar to what was approved for the Advia project.

Hearing no further questions, the Chair asked if the applicant wished to speak.

Mr. Dan Lewis, AR Engineering explained a Pro Med transfer of physicians from Borgess to Bronson requires a new office building. This was an easy site to move forward on since the property is already owned by Bronson. The building design is the same as one currently in use in Battle Creek on Helmer Road. He indicated they are in agreement with the conditions recommended by staff. Required documents will be provided after the site is built and before building occupancy. He said the number of parking spaces requested is needed as a result of learning from their experience at the Battle Creek facility. He noted there will be a lot of staff and that the building is designed for efficient use.

Chairperson VanderWeele asked if there were questions from the Board.

Ms. Smith asked if FastCare will remain open.

Mr. Lewis said it would remain open; it provides totally separate services.

In response to a question from Ms. Dickason who wondered whether x-rays, etc. will be available at the new location, Mr. Lewis said they would not be provided.

Chairperson VanderWeele asked if anyone from the public cared to speak. Hearing no one, he moved to Board Deliberations.

Ms. Maxwell felt the rationale provided for extra parking was persuasive.

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

Ms. Maxwell made a motion to approve the Bronson Healthcare application for site plan approval subject to the two Staff conditions as listed, and the inclusion of the twelve extra requested parking spaces. Ms. Farmer supported the motion. The motion was approved unanimously.

**SITE PLAN REVIEW: O'REILLY AUTO PARTS
CONSIDERATION OF AN APPLICATION FROM MARKETPLACE DEVELOPMENT,
LLC FOR SITE PLAN APPROVAL, TO BUILD A NEW O'REILLY AUTO PARTS
STORE AT 6297 WEST MAIN STREET. PARCEL NO. 3905-14-405-054.**

Chairperson VanderWeele moved to the next item on the agenda and asked Ms. Johnston for her report.

Ms. Johnson indicated the applicant is requesting Planning Commission approval for the development of a new retail store for O'Reilly Auto Parts located on vacant property addressed as 6297 West Main Street. Similar to the Bronson application, a retail store is a use permitted by right within the West Main Overlay zone, which would generally trigger Zoning Board of Appeals approval. However, Section 35.70: Review Criteria indicates that all development within the Overlay Zone shall be reviewed by the Planning Commission.

The West Main Overlay Zone is an optional overlay that allows those properties fronting West Main Street the opportunity to develop as commercial instead of residential as dictated by the underlying R-2 zoning. Utilizing this optional zone requires the applicant to conform to a higher level of regulatory standards than would be required of a property zoned in the C: Local Business District. This is to recognize and support the Overlay's intent to distinguish West Main Street as a significant corridor in the Township.

She said the West Main Overlay has some specific development requirements for new construction. Native landscaping is required along public roadways; building setbacks and landscape buffers should be designed as naturalized green spaces, incorporating sustainable storm water management features; and the design of storm

water management systems shall respond to the natural drainage patterns of the area and should incorporate Low Impact Development standards.

The O'Reilly Auto Parts site plan works to conform to these requirements within the limited size and configuration of the site. The property in question is 1.7 acres and contains some significant topography, which will require substantial grading. Much of the site will need to be leveled to allow for the development of a building. The applicant has included the higher elevation areas in their required dedicated open space.

In addition, she said due to the extensive grading required, many of the existing trees will need to be removed. The applicant has worked to preserve trees primarily along the west property line and along West Main Street. They have also provided a robust landscape plan that meets the native planting requirements of the West Main Overlay.

Ms. Johnston said storm water management is going to be handled mostly by an underground detention area below the eastern parking lot and drive aisle. The necessary grading provides some design challenges for Low Impact Development. The competing requirements of open space and tree preservation against incorporating sustainable storm water management features led to utilizing underground storage. The applicant does provide a rain garden within the West Main Street landscape area, which does meet the requirements of Low Impact Development.

The West Main Overlay requires that at least five percent of the site be set aside as open space. As stated, the dedicated open space is planned along the west property boundary and also within the West Main landscaped area.

Access to the site will be from an existing curb cut on West Main Street that is located on a 22-acre undeveloped piece of property to the east of the subject parcel. This complies with the intent of the West Main Overlay, which encourages cross access and limited curb cuts on West Main Street. In fact, the subject parcel, the 22-acre undeveloped parcel, and the Farm Bureau insurance company east of the subject site, all gain access to West Main Street from this curb cut. Utilizing this curb cut will require a cross-access agreement between the two property owners. Our understanding is the applicant is working to secure this agreement. In addition, the applicant has agreed to provide an access easement to the neighbor to the west when that property develops. A letter to that effect has been provided by the applicant.

The West Main Overlay also requires building design and exterior wall materials to be elevated, creating a design that is complementary and creates a unified development image. Ms. Johnston said Staff provided the applicant with pictures of Latitude 42 and Bronson Fast Care, which are the two buildings along West Main Street that have developed under this Overlay in order to provide an understanding of the Township's expectations with regards to building design and exterior materials.

The applicant provided elevations showing primarily fiber cement lap siding and cement fiber wall panels. Some building elevation changes are offered to break up the facade, with slightly taller column heights and a peak parapet along the front façade that helps screen a flat roof. She noted the Planning Commission would need to review elevation drawings against the Ordinance, as well as the existing construction completed under the Ordinance, for consistency.

She said the site plan meets all other specific design requirements, such as structural setbacks, building size, landscaping, etc., of the West Main Overlay District.

In general, Ms. Johnston said all other zoning requirements have been met. There is one issue related to parking that must be resolved. Staff provided the following calculations in the Staff Report based on 70% net usable square footage of the building (retail space and stockroom/storage) and per Section 52.100, only 19 spaces are required, as follows:

3,334 sq ft of retail X 70% net = 2,333.8 / 150 sq ft per space = 15.5 spaces
6,867 sq ft of stockroom X 70% net = 4,806.9 / 1,500 sq ft per space = 3.2 spaces
Totals 18.7 or 19 spaces

Per Section 52.50.H, the applicant can develop 110 percent of this number, which brings the site to 21 spaces. The applicant has provided 44 spaces, 23 more than allowed.

Since that time, the applicant has provided a floor plan. Staff consistently calculates net parking requirements from either a 70% calculation of gross floor area or through a submitted floor plan. With the new information, staff was able to calculate a maximum parking allowance of 28 spaces, which is still less than the 44 provided on the site plan.

Ms. Johnston pointed out the Off-Street Parking Ordinance does not provide any departure from this standard. Only parking lots with more than 50 spaces can request an additional parking allowance from the Planning Commission. The applicant wished to class the entire building as retail, which staff did not agree with.

Additional spaces cannot be increased by the Planning Commission. The applicant would have to appeal staff's interpretation of the Parking Ordinance to the Zoning Board of Appeals.

She indicated the concerns of the Public Works and Fire Department have been resolved based on the current site configuration. With the reduction in parking required on site, the Public Works department will need to review any changes to the storm water management system.

The site will gain access to West Main Street from an existing curb cut. The applicant intends to improve this access point, requiring work to be completed on another's property. This work will consist of tree removal, grading, and new asphalt to

the vehicle entrance on their site. In addition, the improved curb cut will also require approval from the Michigan Department of Transportation (MDOT).

The applicant will also need permission to work outside of their property lines to the south of their access point to assist with grading on the site. The Erosion and Sedimentation Control Plan indicates the limits of disturbance, which goes beyond the boundaries of their property along the full eastern property line.

To date, Ms. Johnston said the Township has not received any agreements from the neighboring property owner allowing work to be completed on their parcel. This will be needed before work can begin.

Ms. Johnston provided a list of outstanding items/concerns to be resolved:

1. The Planning Commission will need to determine if the proposed exterior building design meets the intent of the West Main Overlay zone.
2. A minimum of 15 parking spaces will need to be removed from the site. The removal of these spaces could alter the storm water management design, requiring additional review by the Township Engineer.
3. A note needs to be placed on the lighting plan which indicates when reduced lighting will be employed.
4. Agreements for the off-site improvements are still needed as of the date of this staff report. The Planning Commission will need to consider if a condition that an agreement is provided will suffice for site plan approval.
5. A cross-access agreement for the use of the existing curb cut on West Main Street.
6. Permission from MDOT to work within the road right-of-way.

Ms. Johnston said if the Planning Commission was amenable to approving the site plan, staff recommended attaching the follow conditions:

1. A revised site plan be provided to the Township showing the correct number of parking spaces. If the storm water management plan is altered due to the change in parking, the Township Engineer or his designee will review and approve the redesigned system. This condition will be completed before the issuance of a building permit.
2. A revised lighting plan with a note indicating when lighting will be significantly reduced during non-operational hours of the business, allowing only lighting necessary for security purposes (the Planning Commission to determine those hours.) This condition will be completed prior to the issuance of a building permit.

3. An agreement from the adjacent property owner to the east that allows off-site improvements to their property. This condition will be completed before any site or building improvements are made on the property.
4. A cross-access agreement with the adjacent property owner to the east that allows use of the existing curb cut. This condition will be completed before any site or building improvements are made on the property.
5. A permit from MDOT allowing for improvements within the West Main Street right-of-way. This condition will be completed before any site or building improvements are made on the property.
6. An executed document for the dedication of the open space must be provided to the Township before a certificate of occupancy is issued on the building.

She noted additional conditions may be needed related to the exterior appearance of the building if the Planning Commission feels it does not comply with the intent of the West Main Overlay Zone.

Chairperson VanderWeele asked if there were questions from Commissioners.

Ms. Farmer commented that the question of 29 parking spaces was not the purview of the Planning Commission. She questioned whether the red painted area shown on the building drawing would have been considered a sign in the past. She also asked about providing a time certain for lighting reduction.

Ms. Johnston said the red area on the building would not be considered a sign and that there is no requirement for exterior building colors. However, the Planning Commission can determine compatibility with the West Main Overlay.

Attorney Porter explained the sign area is limited to just around the lettering.

Ms. Johnston said providing a time certain for lighting reduction has been pretty standard with past site plan approvals and she would recommend that be included as a requirement, likely 10 p.m. to 7 a.m.

In answer to a question from Mr. Commissaris regarding the parking spaces issue, Ms. Johnston said the only option for the Planning Commission currently was to approve the 29 spaces determined by staff. The applicant would then be able to challenge the staff interpretation before the Zoning Board of Appeals. If the site plan is approved tonight, a new site plan would need to be provided with the correct number of parking spaces for Staff review.

Attorney Porter indicated he had reviewed the parking provisions and concurred completely with Ms. Johnston's assessment.

Ms. Smith said the building design is not exactly what she had in mind for the Overlay Zone and wondered if the design is a corporate requirement.

Hearing no more questions, the Chair asked the applicant if he wished to speak.

Mr. Hunter Smith, Marketplace Development, answered Ms. Smith's question saying the business is a franchise and a prototype building. There are different alternatives across the country. O'Reilly hired architects who looked at Latitude 42 and FastCare and provided the design as presented.

In answer to a question from Mr. Commissaris, Mr. Smith indicated there would be 4-5 employees working in the store at the same time. He indicated the number of parking spaces requested was based on customer counts.

The Chair asked Mr. Smith what he would prefer as far as moving forward.

Mr. Smith said he would prefer approval from the Board with the option to go to the ZBA for an appeal on the number of parking spaces.

In answer to a question from Ms. Farmer, Mr. Smith said he did not think it would be a problem to change the red paint color on the building exterior.

Mr. Wise Smith, Marketplace Development, addressed the six conditions for approval recommended by Staff and indicated they were in agreement with all of them.

Chairperson VanderWeele thanked the applicants for their comments and moved to Board Deliberations.

Ms. Farmer reiterated her opinion that the red paint color was not appropriate in the Overlay Zone, which has been in existence about 5-6 years. She felt the parapet roof was fine.

Ms. Smith noted the Overlay Zone is fairly restricted and is concerned that projects meet the requirements to provide the desired atmosphere. If that is abandoned for one occupant, it will open the door for everyone else. The goal is for a suburban look; this building is very commercial looking.

Ms. Farmer noted that in the Overlay Zone the Board has the authority to make a decision each time an application is submitted.

In answer to a question from Ms. Dickason who wondered whether it was the color or the architecture that was objectionable, Ms. Smith indicated the architecture was a problem; Ms. Farmer was more concerned with the color.

Attorney Porter said it is up the Planning Commission to decide whether the design meets the Overlay Zone standard; it is a matter of interpretation.

Ms. Smith suggested tabling the issue so the applicant can check with corporate architects to see if a more complementary design compatible with the intent of the Overlay Zone can be provided.

Chairperson VanderWeele felt the Commission should stand its ground in requesting a building design with architecture that is compatible with the intentions of the Overlay Zone.

He took a poll of the Board regarding the architecture; the result was 4-3 in opposition. He asked for a motion.

Ms. Farmer made a motion to table site plan to give the applicant an opportunity to submit a revised architectural elevation plan that is compatible with the intent of the West Main Overlay Zone to create a unified development image. Mr. Commissaris supported the motion. The motion was approved unanimously.

Mr. Hunter Smith clarified he will request a revised plan to attempt to provide a look that is less boxy and more compatible with a more rural character to meet overlay zone intentions. He will be in touch with Ms. Johnston to try to return to the Planning Committee with a revised plan as soon as possible.

OLD BUSINESS

There was no old business to consider.

ANY OTHER BUSINESS

Commissioners agreed that although there are currently no agenda items planned for the regularly scheduled July 11th meeting, they will meet in order to discuss other planning items. The June 27th meeting will include discussion of the draft Lighting Ordinance and the draft Maple Hill Overlay Ordinance.

PLANNING COMMISSIONER COMMENTS

There were no comments from Commissioners.

ADJOURNMENT

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 7:30 p.m.

Minutes prepared: June 15, 2019

Minutes approved: _____, 2019



June 18, 2019

Mtg Date: June 27, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: DRAFT Lighting Ordinance

The attached document is the most up-to-date DRAFT of the Lighting Ordinance for Planning Commission review.

The final concern with the document based on past review meetings was related to lighting ratios within the site. Staff has recommended some amendments to this section of the code.

The intent of a ratio is to help ensure there is consistent lighting within an area, meaning no pockets of bright or dark. In considering this intent and how it relates to site development, staff agrees within many of the ordinances reviewed, the Dark Sky Society, and the suggestion by Circuit Electric who reviewed the draft ordinance, that we focus the lighting ratio on parking lot areas. Through the use of maximum lumens and the 0.1 foot-candle at the property line, the draft Ordinance is managing much of the light on the site. By also including a ratio in parking lots and drive aisle areas, we are ensuring that there is some consistency of lighting that will assist with public safety.

I've included with this memo the suggestions from Circuit Electric, an internet article from Alliance for Lighting Information, and guidelines from the Dark Sky Society (in particular, Page 6) to assist with our lighting ratio discussion.

If the Planning Commission is amenable with these final changes, we can set the public hearing for this Ordinance.

Thank you.

ARTICLE 54 - LIGHTING
DRAFT 06/27/2019

54.10 INTENT

A. Statement of purpose. The purpose of this Article is to regulate the placement and arrangement of lighting within the Township. These regulations are intended to:

1. Protect the public health, safety and general welfare by regulating lighting levels;
2. Control light spillover and glare;
3. Minimize the detrimental effect of urban sky glow;
4. Encourage lighting systems which conserve energy and costs;
5. Preserve community character and enhance the appearance of the Township;
6. Provide for nighttime safety, and security.

B. Objectives. Outdoor lighting shall satisfy the following objectives.

1. Avoid excessive light spillover onto any adjacent premises;
2. Be shielded, and downward directed so that the light intensity or brightness will not interfere with the enjoyment, health, safety, and welfare of surrounding properties;
3. Control illumination of vertical architectural surfaces.
4. Provide for uniform lighting within sites.
5. Enable the fair and consistent enforcement of these regulations.

54.20 APPLICABILITY

Except as is otherwise provided below, these lighting requirements shall apply to all lighting installed on any property within the Township. Any lighting legally in existence before the effective date of this Ordinance that does not comply with these requirements shall be considered legal nonconforming and may remain, except as detailed in Section 54.80 and subject to the following provisions:

A. Alterations to existing lighting.

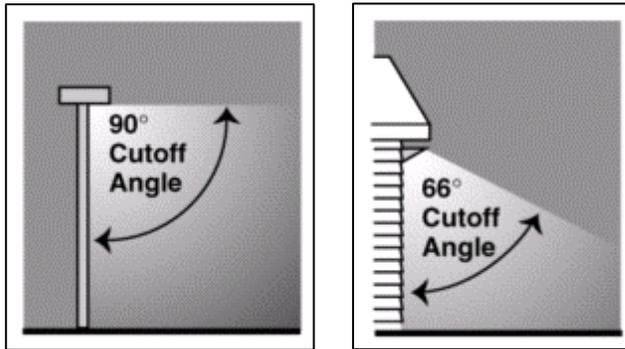
1. When poles and support structures are destroyed or removed, they must be replaced with poles and supports that comply with all of the provisions of this Article.
2. When luminaries are destroyed or removed, they must be replaced with luminaries that comply with all provisions of this Article.

- B. New parking lots or parking lot additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this Article.
- C. New structures, additions, or replacements. When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition, or replacement on the site must meet the requirements of this Article.

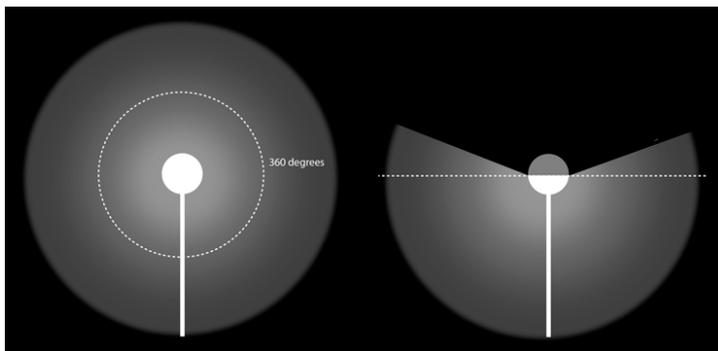
54.30 DEFINITIONS

- A. Ambient lighting - The general overall level of lighting in an area.
- B. Baffle or light shield - An opaque or translucent element to screen a light source from direct view.
- C. Building canopy - A portion of the building, whether structural or architectural in character, that projects outward.
- D. Bulb or lamp - The source of electric light. The term "bulb or lamp" is to be distinguished from the whole assembly (see Luminaire).
- E. Canopy structure - An overhead structure which is designed to allow vehicles or pedestrians to pass under it.
- F. Color rendering index (CRI) - a scale from 0 to 100 percent measuring a light source's ability to show object colors "realistically" or "naturally" compared to a familiar reference source, either incandescent light or daylight.
- G. Encased – a lamp obscured by translucent sheathing.
- H. Existing lighting - Any and all lighting installed prior to the effective date of this Ordinance.
- I. Exterior lighting - Temporary or permanent lighting that is installed, located, or used in such a manner to emit light outside. Fixtures that are installed indoors that are intended to draw attention to the exterior of the building from the outside are considered exterior lighting for the purposes of this Article.
- J. Fixture - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

- K. Fixture, cutoff – A fixture that allows no emissions above the horizontal plane passing through the lowest point on the fixture from where light is emitted.



- L. Fixture, non-cutoff – A fixture that allows light to emit beyond the horizontal plane of the lowest point of the fixture and/or allows light emissions in all directions.



- M. Foot-candle - A unit of measurement for quantifying the brightness of illumination produced on a surface. One foot-candle is equal to one lumen per square foot.
- N. Glare - Harsh, uncomfortably brilliant light caused by the ability to see an unshielded light source.
- O. Kelvin rating – A unit to measure the color temperature of a light source, the higher the Kelvin rating (expressed in K), the whiter the light source.
- P. Lamp - The component of a luminaire that produces the light.
- Q. Light pole - The structure to support and elevate a luminaire.
- R. Light trespass - Light that is unnecessarily emitted beyond the boundaries of the property on which the luminaire is located.
- S. Lighting ratio - The ratio of foot-candles from the minimum to the maximum point calculations or readings for a given area. This ratio is an indicator of lighting uniformity. The lower the ratio the better the uniformity.
- T. Luminaire – The complete lighting system, including the lamp and light fixture.

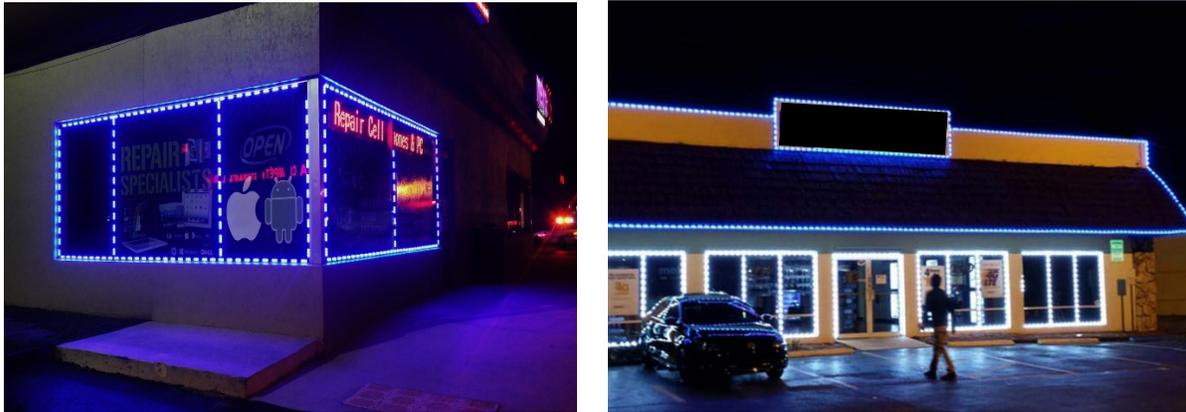
- U. Lumen - A unit of measurement for quantifying the amount of light energy emitted by a light source (power of the light radiated by the light source).
- V. Photometric plan - A diagram prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer, architect, or landscape architect showing predicted maintained lighting levels produced by the proposed lighting fixtures, including any freestanding and building mounted lighting.
- W. Recessed - When a light is built into a structure or portion of a structure such that the light is fully cut off by the structure to which it is attached.
- X. Shielded - A bulb or lamp concealed by a baffle or light shield.
- Y. Spotlight - A luminaire designed to light only a small, well defined area or object.
- Z. Urban sky glow - The brightening of the night sky due to manmade lighting.
- AA. Visibility - Being perceived by the human eye.

54.40 EXEMPTIONS

- A. Emergency lighting necessary to conduct rescue operations, support public safety, provide emergency medical treatment, to illuminate emergency means of egress, or address any other emergency situation.
- B. Lighting operated by a public utility or agency during the course of constructing, repairing, or replacing public utilities and infrastructure.
- C. Temporary construction lighting, provided it is discontinued daily immediately upon completion of the work.
- D. Temporary holiday decorative lighting, from November 15th through January 5th.
- E. Lights on communication towers and other hazards to aerial navigation as may be required by the Federal Aviation Administration.
- F. Lighting used to illuminate a flag of the United States, subject to Section 54.60.D.
- G. Lighting associated with Department of Agriculture recognized agricultural activities.
- H. Typical residential light fixtures on residential buildings and associated accessory buildings, which do not violate Section 54.50, are exempt from the cut-off requirement when mounted at a height of eight feet or less.
- I. All outdoor light fixtures existing and legally installed prior to the effective date of this Ordinance.

54.50 PROHIBITED LIGHTING

- A. Lighting of a blinking, flashing, rotating, or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes.
- B. Beacon and/or search lights except for public safety purposes.
- C. Fixtures that direct light upward unless permitted by this Article.
- D. Roof mounted lighting.
- E. Lighting of an intensity or brightness that interferes with enjoyment, health, safety, and welfare of surrounding properties.
- F. Unshielded luminous tube, LED, incandescent, or fluorescent lighting as an architectural detail on the exterior of any structure or the interior of any windows; including but not limited to rooflines, cornices, eaves, windows, and door openings.



(Examples of unshielded tube lighting)

54.60 OUTDOOR LIGHTING STANDARDS

- A. General Provisions
 - 1. Cut-Off Fixtures. All luminaires are required to be cut-off fixtures, unless otherwise permitted in this Article.
 - 2. Security Lighting. Security or flood lighting shall be attached to buildings and controlled by motion sensors, which extinguish within 10 minutes of activation.
 - 3. Direction of Lighting. Lighting plans shall be designed to direct light into the development and away from adjacent property.
 - 4. Light Levels at Property Line. Site and area lighting of nonresidential properties shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the

property adjacent to residential zoning or uses and 0.5 foot-candles adjacent to all other zoning and uses.

5. Shared Parking Lots. Lighting designed to illuminate shared parking lots that span two or more parcels shall be exempt from the 0.5 foot-candle requirement at the shared property line only.
6. **Parking Lot and Drive Aisle** Lighting Ratio. To provide for uniformity of lighting, the ratio of maximum to minimum levels of light within the ~~illuminated areas~~ **parking lot and drive aisle areas** of a nonresidential property shall not exceed ~~4:1~~ **20:1**. Exception shall be made for those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of the subsection above.
7. Reduced Lighting. Lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. Lighting installations should include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting that affects urban sky glow. The lighting plan shall note when and how this reduction in lighting will occur.
8. Color Temperature and Rendering. Lighting for all nonresidential developments shall have a minimum color rendering index (CRI) of 65 and a Kelvin rating between 4000-5000k.

B. Pole-Mounted Lighting

1. All pole-mounted luminaires shall be affixed horizontally and angled parallel to the ground.
2. No more than two luminaires shall be allowed per pole.
3. Luminaire height of 15 feet or less shall not exceed 12,000 lumens per luminaire and shall be spaced a minimum of 30 feet apart.
4. Luminaire height greater than 15 feet and not exceeding 25 feet shall not exceed 20,000 lumens per luminaire and shall be spaced a minimum of 40 feet apart.
5. Luminaire height exceeding 25 feet shall be subject to approval by the reviewing body. The applicant must prove, to the reviewing body's satisfaction, that pole heights exceeding 25 feet are needed to ensure public health, safety, and welfare. If permitted, such lighting shall not exceed 40,000 lumens per luminaire and shall be spaced a minimum of 50 feet apart.

C. Building-Mounted Lighting

1. Pedestrian walkways and doorways
 - a. Shall not exceed 14-feet in height.
 - b. Each luminaire shall not exceed 8,000 lumens and shall be spaced so the lighting for pedestrian walkways does not exceed 2.0 foot-candles and entryways do not exceed 6.0 foot-candles.

2. Luminaires used for the sole purpose of illuminating a building façade:
 - a. May be up to 1.5 foot-candles averaged over the building façade.
 - b. May be located on the building or be ground-mounted.
 - c. Light generated from said fixtures shall be appropriately shielded so that no light is emitted beyond the building facade.
3. Architectural lighting - The use of architectural features on the building, such as a canopy, which prevent the projection of light beyond the architectural feature may satisfy the intent of this Section and allow the use of noncut-off fixtures, subject to the approval of the reviewing body.

D. Landscape Features and Green Belt Lighting

1. Landscape luminaires may include uplighting, which is specifically directed at the landscape or plant feature.
2. Shall be equipped with shields to help direct light to the landscape or plant feature and to help eliminate light spillover and glare.
3. Shall not exceed 300 lumens per luminaire.
4. Shall not exceed a height of 18-inches above grade.

E. Special Uses

1. Service station/fuel sales canopy structure
 - a. Luminaires shall be recessed so that the lens cover is flush with the lower surface of the canopy and shielded by a fixture or the edge of the canopy so that light is directed downward.
 - b. As an alternative, indirect lighting may be used where uplighting is reflected from the underside of the canopy. When this method is used, luminaires must be shielded so that direct light is focused exclusively on the underside of the canopy.
 - c. Luminaires shall not be mounted on the top or sides (fascia) of a canopy.
 - d. Internally illuminated signs in compliance with the Sign Ordinance may be placed on the fascia of the canopy.
 - e. The total light output directly below the canopy shall not exceed 30 foot-candles.
- ~~2. Outdoor display areas - The ratio of maximum to minimum foot-candles of light for a site which includes outdoor display may increase to 6:1 during hours of operation.~~

3. Outdoor dining areas

- a. Decorative unshielded lighting may be used in outdoor dining areas as long as the lighting does not exceed 1.5 foot-candles and is designed to control light spillover and reduce glare to adjacent properties.
- b. Lighting in outdoor dining areas adjacent to residentially zoned or used land must be extinguished by 11:00 pm or when the business closes, whichever is first.

54.70 INTERIOR LIGHTING

Where interior lighting and/or lighting displays are located within 10 feet of a bay of windows, glass doors, or other transparent areas of a building facade, walls, or roof (e.g., skylights), the lighting shall be shielded or screened to reduce visibility and prevent glare to patrons, individuals on adjacent and nearby properties, and/or motorists on adjacent streets.

54.80 EXISTING LIGHTING

All lighting established prior to this Ordinance shall be so arranged as to avoid glare or direct illumination onto any portion of any adjacent rights-of-way or onto any adjacent premises.

54.90 ADMINISTRATION

A site lighting plan for uses requiring Site Plan review shall be submitted, in compliance with this Article, and shall provide the following information:

- A. Proposed location on premises of all outdoor light fixture(s), including all building-mounted lighting, architectural lighting, and landscape lighting.
- B. Manufacturer specification sheets, cut-sheets, or other manufacturer provided information for all proposed luminaires that provides a description of the illumination devices, fixtures, lamps, supports, reflectors, and other devices, including lumens produced.
- C. The height of all luminaires and poles.
- D. A photometric plan showing foot-candle readings every ten feet within the subject site and ten feet beyond the property lines, including lighting ratios.
- E. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.

Pole Height	Distance	Max. Lumens Per Luminaires	Number of Luminaries
15 foot or Less	20-30 feet Apart	12,000	No More than 2 Luminaires per Pole
15-25 feet	20-30 feet Apart	20,000	No More than 2 Luminaires per Pole
Greater Than 25 feet	40-50 feet Apart	40,000	No More than 4 Luminaires per Pole

** 4 Luminaries with township approval
 **Would require Township Approval

Parking Lot Foot Candles	Standard (Note 1)	Enhanced Security (Note 2)
Min. FC Measure to Grade (Note 3)	0.2 FC	0.5 FC
Max. FC Measured to Grade (Note 3)	4.0 FC	7.5 FC
Uniformity Ratio Min/Max (Note 4)	20:1	15:1
Min. FC Measured at 5 feet above Grade	0.1 FC	0.25 FC

Note: 1 Typical Conditions, Turn off during Non-Use.

Note: 2 May be increased for personal security, Etc. (Requires Township Approval).

Note: 3 Measured on parking lot surface.

Note 4: Highest measured divided by lowest should not be greater than value shown.

Additional Notes Should be Considered

Color Rendering Index (CRI)

Min. of 65 CRI

Kelvin Rating (warm/cool)

4000k-5000k

This would help control the different light color that you sometime see (aka, those ugly yellow sodium fixtures)



[Alliance for Lighting Information](#)

Uniformity Ratios in Ordinances

by [David M. Keith](#)

One of the ways that lighting ordinances restrict outdoor lighting is by mandating the uniformity of the lighting over some of or all of the site. Uniformity ratios are an important part of a complete set of lighting criteria and can have a positive effect on the quality of lighting installations. The level of uniformity over a site however is not the same as the uniformity over part of the site, such as walkways or parking lots. This and other basic aspects of uniformity ratios are obviously not understood in some ordinances and are sometimes grossly misapplied. This reappearance of associated problems due to technical ignorance is much more frequent and significant than necessary.

The first issue is that [uniformity ratios](#) can be defined in many ways and over any area. Therefore any ordinance that does not clearly state what values are being compared in the uniformity ratio is technically incomplete and practically useless. The definition for "uniformity ratio" can vary from average-to-minimum to maximum-to-minimum, and can be applied to vertical or horizontal (or even both) values for either illuminance or luminance - initial or maintained - at grade or above - over the entire site or part of it. The most common uniformity ratio in ordinances is the ratio of the maximum-to-minimum illuminance at grade - [initial](#) - over the entire site.

The possible range of uniformity ratios can make it difficult to understand the implications of uniformity ratios in particular. A ratio of 3:1 for average to minimum is roughly the same as a ratio of 10:1 (to 12:1) for maximum to minimum. Meeting 3:1 and 10:1 ratios as criteria will be around 50-100% more expensive than meeting criteria of 6:1 and 20:1 (to 24:1). As requirements for uniformity increase, the almost all of the costs of lighting systems also increase, as do any pollutions associated with installing and operating the lighting system.

Furthermore the spacing of the calculation points effects the resulting uniformity ratio values. For example, a uniformity ratio of 10.0 for maximum-to-minimum might be easy to meet with spacing of say 20x20 and much more difficult to meet with spacing of 4x4. The same lighting system that produces 8.0 max-to-min on a 10x10 spacing might easily produce 10.0 or higher with 5x5 spacing, especially if the mounting height of the luminaire is under 25 feet. Any specification of uniformity ratios should include consideration of the spacing of calculations points. One reasonable solution is to space the calculation points based on the height of the luminaires, say no more than one-half or one-quarter of the mounting height. This can obviously become micro-management of the lighting desing and submittal, increasing the costs of plan review, and therefore one of the (often hidden) costs of applying uniformity criteria in ordinances.

All of [these example uniformity ratios](#) are to be applied to the relevant part of the site, not over the entire site. Working with these distinct areas means the entry road, parking lot and walkways can each be adequately and uniformly illuminated without having to be explicitly related to each other - or worse, limited by the value at some other point that could be all the way across the site. Applying uniformity ratios to an entire site can be effective, but the values and application need to be reasonable or they become technically wrong and practically useless. This is especially true for any ordinance that also includes restrictions for lighting at the property line, because [this combination of restrictions can create severe limitations for lighting systems](#) - sometimes making it impossible to meet the published [IESNA](#) recommendations.

Finally, applying uniformity ratios to entire sites can require lighting areas that otherwise need not be illuminated at all, or to lower levels. For example, if a uniformity ratio is required to be no more than 10 for maximum-to-minimum, then if the minimum illuminance at the edge of the property is 0.1 fc, the maximum allowed at any point on the site is the 1.0 fc. So the edge of a site may need to be "over-illuminated" to 0.2 fc so that the maximum for some other location on the site can be as high as 2.0 fc. This seems to contradict the goals of the lighting ordinances by increasing illumination at the edge of property, as well as requiring unnecessary lighting along with a corresponding increase in energy use and light pollution.

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GUIDELINES FOR GOOD EXTERIOR LIGHTING PLANS

Prepared by: The Dark Sky Society (<http://www.darksksociety.org/>) 2009

These guidelines have been developed in consultation with lighting professionals (with experience in developing good lighting plans) to aid communities wishing to control light pollution and preserve the night sky.

Outdoor lighting should be carefully designed with regard to placement, intensity, timing, duration, and color. Good lighting will:

- **Promote Safety**

“More light” is not necessarily “better”. If not designed and installed correctly, unsafe glare can result, reducing the effect of lighting which can contribute to accidents and hinder visibility. Lighting that is too bright interferes with the eye's ability to adapt to darker areas.

- **Save Money**

Adhering to professionally recommended light levels provides adequate illumination. Shielded fixtures with efficient light bulbs are more cost-effective because they use less energy by directing the light toward the ground. See this website for cost comparisons: <http://www.netacc.net/~poulsen/lightcost.html>

- **Conserve Natural Resources**

Inappropriate or excessive lighting wastes our limited natural resources and pollutes the air and water by unnecessarily burning our limited supply of fossil fuels.

- **Be Better Neighbors**

Excessive or misdirected lighting can intrude on the privacy of others when light or glare trespasses over property lines.

- **Retain Community's Character and Reduce Skyglow**

Our clear view of the dark starry night sky is a resource to be preserved and protected. Stray and excessive lighting contributes to "light pollution", clutter, and unnatural "sky glow".

- **Protect Ecology of Flora and Fauna**

Research studies indicate that artificial night lighting disrupts the migrating, feeding, and breeding habits of many wildlife species, as well as growth patterns of trees. See references in [The Ecological Consequences of Artificial Night Lighting](#).

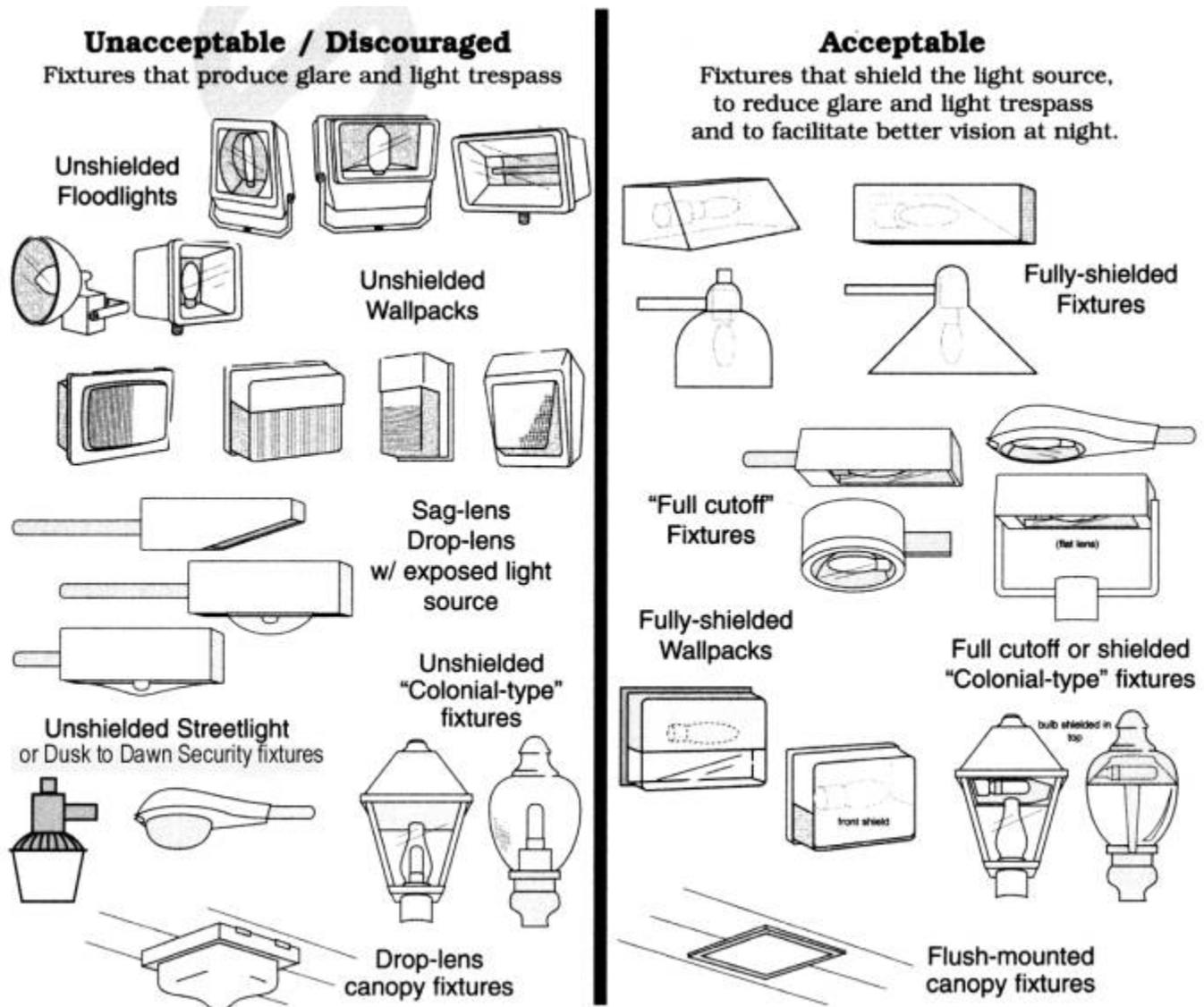
- **Reduce Health Risks**

Light at night not only disrupts your sleep but also interferes with your circadian rhythms. Recent research indicates that intrusive lighting may reduce the production of melatonin, a beneficial hormone, and a resulting raise in the rates of breast and other cancers.

- Included:**
- 1. Diagrams of Acceptable/Unacceptable Lighting Fixtures**
 - 2. How to Develop an Acceptable Lighting Plan**
 - 3. Definitions of Full Cut Off, Shielded, and RLM sign lighting Fixtures**
 - 4. Lighting Plan Submissions**
 - 5. Recommended Illumination Levels for various tasks**

UNSHIELDED FIXTURES

Full Cutoff and Fully Shielded Fixtures



Diagrams courtesy of Bob Crelin

*******Ask your local electrical suppliers for "full-cut off" or "fully shielded" light fixtures. Once you have selected fixtures which are compatible with your architecture and community, contact the manufacturer's representative to see a sample of the fixture(s) and to ask for a free lighting plan. If you have a CAD file, the plan can be easily provided in a short period of time. *******

Most lighting manufacturers have Application Departments which will execute free lighting plans to meet local lighting codes.

See this website for links to manufacturers:

<http://www.darksky.org/mc/page.do?sitePageId=56422&orgId=idsa>

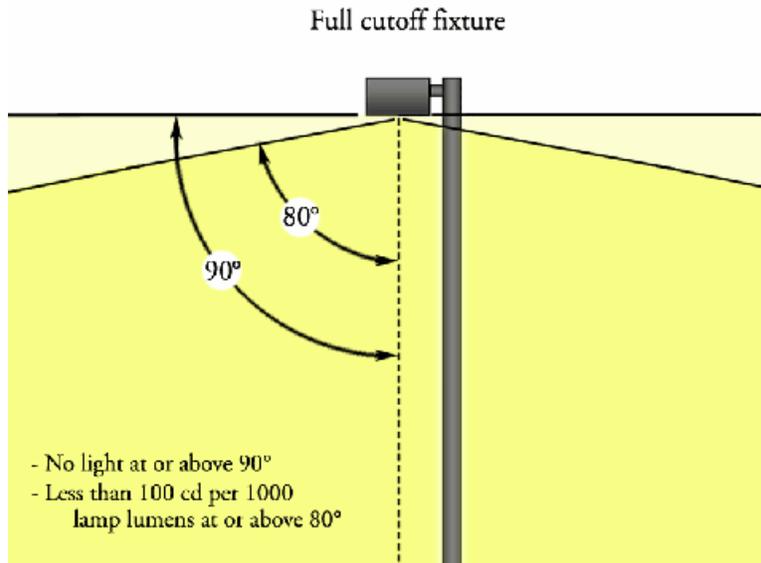
Sample of Web retailers:

www.starrynightlights.com and www.greeneearthlighting.com

How to Develop an Acceptable Lighting Plan

- 1. Identify where as well as when lighting is needed. Confine and minimize lighting to the extent necessary to meet safety purposes.** Plans should define the areas for which illumination is planned. Itemizing each area (e.g. parking lot, doorways, walkways, signage, foliage) with the anticipated hours of use. Commercial outdoor lighting should be used for safe pedestrian passage and property identification, and lit during active business hours and shut off afterward.
- 2. Direct light downward by choosing the correct type of light fixtures.** (See Appendix 3). Specify IES (Illuminating Engineering Society) "Full Cut Off" designated or "fully shielded" fixtures, so that no light is emitted above the lowest light emitting part of the fixture. Top mounted sign lighting is recommended with "RLM" (dish) type shields, and aimed so that the light falls entirely on the sign and is positioned so that the light source (bulb) is not visible from any point off the property or into the roadway to reduce glare. For each one square foot of sign, usually no more than 200 lumens is necessary for good visibility.
- 3. Select the correct light source (bulb type).** Compact fluorescent (2300K) or High Pressure Sodium is recommended unless the light is motion sensor activated, in which case incandescent or the instant start compact fluorescent bulbs can be used. Metal Halide (due to its higher costs, energy use, impact on the environment, and greater contribution to "sky glow") is discouraged, as well as light sources rated over 3000 Kelvin; and outdated Mercury Vapor bulbs are prohibited.
- 4. Utilize "shut off" controls such as sensors, timers, motion detectors, etc.** Automatic controls turn off lights when not needed. All lights should be extinguished no later than one half hour after the close of business. Additional motion sensor activated lighting can be used for emergency access. Avoid "dusk-to-dawn" sensors without a middle of the night shut off control. Lights alone will not serve to "protect" property and are a poor "security" device. Examine other means of protecting property and to discourage criminal activity. Let your local police know that you have a "lights out" policy so that they can investigate if they see lights or activity after hours.
- 5. Limit the height of fixtures.** Locate fixtures no closer to the property line than four times the mounting height of the fixture, and not to exceed the height of adjacent structures. (Exceptions may be made for larger parking areas, commercial zones adjacent to highways, or for fixtures with greater cut off shielding behind the pole mount in commercial zones.)
- 6. Limit light crossing property lines, i.e. "light trespass".** Limit light to spill across the property lines. Light levels at the property line should not exceed 0.1 footcandles (fc) adjacent to business properties, and 0.05 fc at residential property boundaries. Utility leased floodlight fixtures mounted on public utility poles in the public right-of-way should not be used.
- 7. Use the correct amount of light.** Light levels and uniformity ratios should not exceed recommended values, per IESNA RP-33 or 20. (See Appendix 5, Recommended Illumination Levels for various tasks.) "Lumen cap" recommendations for areas to be illuminated are as follows: commercial properties in non-urban commercial zones = 25,000 lumens per acre; for projects in residential and LBO zones = 10,000 lumens per acre. For residential properties: for suburban: 50,000 lumens per acre cap, and in urban areas: 100,000.
- 8. Ask for Assistance** Your Planning Department and local lighting sales representatives can assist you in obtaining the necessary information for good lighting. For large projects over 15,000 lumens: greater energy conservation and control of light pollution, light trespass and glare, may be achieved with the help of a professional lighting designer with "dark sky" lighting plan experience.
- 9. A post installation inspection should be conducted to check for compliance.** Substitutions by electricians and contractors are common and should not be accepted. Final Approved Site Plans will not allow additional exterior fixtures or substitutes without reviews.
- 10. Design interior lighting so that it does not illuminate the outdoors.** Provide interior lighting photometrics for the building's perimeter areas, demonstrating that the interior lighting falls substantially within the building and not through the windows. After closing, interior lighting that extends outdoors needs to be extinguished by the use of shut off timers.

Definition of Acceptable Fixtures: "Full Cut Off", "Fully Shielded", and RLM shield.



- "Full Cut Off" fixtures are independently certified by the manufacturers, and do not allow light to be emitted above the fixture and the fixture reduces glare by limiting the light output to less than 10% at and below 10 degrees below the horizontal.
- If the manufacturer is unable to provide the "cut off" characteristics for a fixture (also called a "luminaire"), the following definition needs to be met, which can usually be determined by a visual inspection:

"Fully Shielded": a fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal. This can be determined by a "field test" or a visual assessment of an operating sample.

- Manufacturers and their representatives can provide photographs of light fixtures as "cut sheets" as well as literature confirming the independently tested "cut off" characteristics of their products. These IES files may be assessed for compliance in a computer program: <http://www.3dop.com/index1.html>
- Photometric layouts for different heights, light sources, and wattages, are also available as "IES" files, upon request or through manufacturers' websites.
- Fixtures must be installed properly, so that the bottom of the fixture is level with the ground. Exceptions are often given for sign lighting which requires vertical lighting:



"RLM" sign lighting shield:

Lighting Plan Submissions

The following information needs to be provided to your municipality's review board which will enable them to evaluate the Site Plan for proper exterior lighting:

The Lighting Plan should be depicted on a site plan, indicating the location of each current and proposed outdoor lighting fixture with projected hours of use. This plan will need to be stamped and certified by a licensed professional, such as an architect or engineer. Many lighting manufacturers can provide free photometric layouts on prepared site plans, to conform to your local requirements.

- (1) The lighting plan should include a KEY to the proposed lighting that provides the following information:
 - Type and number of luminaire equipment (fixtures), including the "cut off characteristics", indicating manufacturer and model number(s).
 - Lamp source type (bulb type, i.e. high pressure sodium), lumen output, and wattage.
 - Mounting height with distance noted to the nearest property line for each luminaire.
 - Types of timing devices used to control the hours set for illumination, as well as the proposed hours when each fixture will be operated.
 - Total Lumens for each fixture, and total square footage of areas to be illuminated. For projects that are in commercial zones, the lumens per net acre to be lit, need not exceed 25,000 lumens. For projects in residential or LBO zones: 10,000 lumens.
 - For all plans of more than three fixtures: A Calculation Summary indicating footcandle levels on the lighting plan, noting the maximum, average and minimum, as well as the uniformity ratio of maximum to minimum, and average to minimum levels*.
- (2) Lighting manufacturer-supplied specifications ("cut sheets") that include photographs of the fixtures, indicating the certified "cut off characteristics" of the fixture.
- (3) Footcandle Distribution, plotting the light levels in footcandles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and street lights.) Show footcandle renderings five feet beyond the property lines.*
- (4) If requested by the reviewing agency, a statement from a lighting professional that a plan, other than that set forth, is needed to meet the intent of these standards.
- (5) An environmental impact statement may be required as to the impact of the exterior lighting proposed on flora, fauna, and the night sky. Location of species sensitive to light at night or the proximity to nature preserves or astronomical observatories or "Dark Sky Parks", needs to be indicated.
- (6) On the Approved Plan it should be noted that no substitutions, additions, or changes may be made without prior approval by the governing authority.

* This information can be obtained from the manufacturer, your lighting supplier, or the manufacturer's representative.

Recommended Illumination Levels for various tasks*

I. Table of Limits of Illumination, measured in footcandles (fc) at ground level unless noted:

<u>Task Area</u>	<u>Avg.</u>	<u>Not to exceed:</u>
1. Active Building Entrance Approach	2.0 fc 0.2 fc	5 fc
2. Gas Station Approach		2 fc
3. Gas Station Pump Area		avg: 5 fc
4. Gas Station Service Area		avg: 3 fc
5. Sidewalks	0.2 fc	5 fc
6. Surface of signs		2 fc

II. Average/Minimum/Uniformity Ratio Limits for Parking Lots:

I. Public Parking Lots -- not to exceed:

<u>Average</u>	<u>Minimum</u>	<u>Uniformity Ratio (Max to Min/Avg to Min)</u>
0.8	0.2	20:1 / 4:1

II. Private Parking Lots -- not to exceed:

<u>Average</u>	<u>Minimum</u>	<u>Uniformity Ratio (Max to Min / Avg to Min)</u>
0.5	0.13	20:1 / 4:1

OR:

III. If illuminance grid lighting plans cannot be reviewed or if fixtures do not provide photometrics and bulbs are under 2000 lumens, use these guidelines:

- 1. Pole shall be no greater in height than four times the distance to the property line.**
- 2. Maximum Lumen Levels for different fixture heights:**

<u>Mounting Height (Feet)</u>	<u>Recommended Lumen Maximums</u>
6	500 - 1000 lumens
8	600 - 1,600 lumens
10	1,000 - 2,000 lumens
12	1,600 - 2,400 lumens

FOOTCANDLE: ("FC") – Is the basic unit of illuminance (the amount of light falling on a surface). Footcandle measurement is taken with a hand held light meter. One footcandle is equivalent to the illuminance produced on one square foot of surface area by a source of one candle at a distance of one foot. Horizontal footcandles measure the illumination striking a horizontal plane. Footcandle values can be measured directly with certain handheld incident light meters.

LUMEN – A unit used to measure the actual amount of light that is produced by a bulb. The lumen quantifies the amount of light energy produced by a lamp at the lamp, not by the energy input, which is indicated by the "wattage". For example, a 75-watt incandescent lamp can produce 1000 lumens while a 70-watt high-pressure sodium lamp produces 6000 lumens. Lumen output is listed by the manufacturer on the packaging.

*** IES, Recommended Practices, (RP-33-99): Lighting for Exterior Environments; and (RP-20): Parking Lots.** The Illuminating Engineering Society of North America (IES or IESNA), is an organization that establishes updated standards and illumination guidelines for the lighting industry.
<http://www.iesna.org/shop/item-detail.cfm?ID=RP-33-99&storeid=1>
<http://www.iesna.org/shop/item-detail.cfm?ID=RP-20-98&storeid=1>



June 18, 2019

Mtg Date: June 27, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: DRAFT Maple Hill South Overlay Zone

The attached document is the third DRAFT of the new Maple Hill South Overlay Zone. The requested updates from the May 9th review meeting were added to the draft. For the Planning Commission's consideration, **red** is new language and ~~strikethrough~~ is language to be removed.

The intent at the June 27th meeting is to continue the systematic review of this draft Ordinance for possible additions or changes.

Thank you.

SECTION XX.000 MAPLE HILL SOUTH MIXED-USE OVERLAY DISTRICT

June 27 Draft

XX.10 INTENT AND APPLICABILITY

- A. **Intent.** The Maple Hill South Mixed-Use Overlay District (MHS-Overlay District) is intended to provide, through comprehensive planning, zoning and project review, for the development of a compact, pedestrian-oriented, mixed-use district, consisting of a planned mixture of commercial, office and technology, residential, and public use, which features high quality and uniform building and site design standards, and which complements and is compatible with adjacent uses. The district is designed to provide residents and visitors with a unique opportunity to meet their needs for housing, employment services, entertainment, and recreation.
- B. **Optional Overlay.** The MHS-Overlay District is established as an optional overlay district, the limits of which are designated on the official Zoning Map of Oshtemo Township. This means that it is overlaid on other, existing zoning districts. Within this optional overlay district, property owners have the option to continue to use their property in the manner permitted in the underlying districts. The overlay district provides additional opportunities and flexibility should property owners choose to avail themselves of those choices. These opportunities within the overlay district, however, do not apply unless the property owner elects to become subject to the overlay district and the standards and procedures contained herein.
- C. **Eligibility Criteria.** In order to qualify as an eligible development under the MHP-Overlay District standards and procedures contained herein, the Planning Commission, shall find that the development demonstrates compliance with the following principles:
1. **Size.** In order to ensure that the intent of this Overlay District is accomplished, projects must be of a sufficient size. A minimum development size of 80 acres of contiguous land shall be required, **which may be developed in phases.**
 2. **Walkability.** Physical infrastructure shall be provided to support pedestrian access and a mix of amenities and destinations within a reasonable walking distance. ~~Blocks shall be short and walkable.~~ Streets ~~should~~ **shall be walkable**, designed for cars, bicycles, and pedestrians, **and comply with the Township's Complete Streets policy.**
 3. **Circulation.** Site access and on-site circulation shall be provided through an interconnected network of streets, sidewalks and other routes. ~~A grid-like~~ **An integrated network of streets shall be established to** ~~that~~ **enable an efficient dispersion of traffic.** Accommodations for transit facilities ~~should be provided~~ **shall be requested.**
 4. **Pedestrian-Oriented.** Sites shall be designed such that vehicles are not the dominant feature. Large expanses of pavement shall be replaced or reduced via on-street parking,

parking structures, shared parking, underground parking, and other parking management strategies.

5. **Mixed-Use.** There shall be a variety of compatible uses, services and building types that serve the needs of residents, workers, and visitors alike. A range of types, sizes, amenities, and uses will enhance a series of inviting functional spaces, including streets and pedestrian-friendly streetscapes, open spaces, courtyards, trails, residential, office, and retail in mixed-use buildings. Varied styles of residential development shall be provided to attract residents of diverse ages, incomes, and lifestyles for example, lofts, townhomes, duplexes, cottages, single-family homes, etc .
6. **District Identity and Physical Design.** A coordinated distinct identity shall be developed for the District to promote a sense of place. Building design shall be elevated with varied building heights, architectural character, and high-quality building materials that provide visual interest at a pedestrian scale. A streetscape aesthetic shall be designed that includes public elements and integrated gateways and signage within the District.
7. **Community Spaces.** Open spaces and community gathering spaces shall be provided within the District to be used as locations to stimulate social interaction, civic events, and recreational activity. Passive open spaces shall be designed to be reflective of the existing landscape and natural features (tree rows, ponds, etc.) of the site. Active plazas and civic spaces shall also be integrated into the overall development.
8. **Compatibility with Adjacent Residential Uses.** The physical height and bulk of buildings shall reduce in size from north to south, providing compatibility in size to the adjacent residential neighborhoods. A transitional land use scheme shall be employed, with the least intensive and lowest density land uses to be located along the southern edge of the District (adjacent to established residential areas).

XX.20 CONTEXT ZONES

The Maple Hill South Mixed Use Overlay District is divided into ~~three~~ four Context Zones. These Context Zones are illustrated on the map herein and are as follows: Gateway (G); **Mixed-Use Transition (MT)**; Town Center (TC); and Neighborhood Transition (NT). The regulations of this Article related to uses allowed, building heights, building design, site orientation, parking and other development standards may vary for each of the Context Zones. The Planning Commission is given the authority to permit flexibility in the delineation of the context zones to encourage innovation in land use and variety of design, layout, type and use of structures.

[Insert Context Zones Map]

XX.30 USES PERMITTED BY CONTEXT ZONE

- A. **Permitted Uses.** The following Context Zone character descriptions shall determine the types of uses which may be allowed. The Planning Commission, may approve any use determined to be compatible with the Context Zone character descriptions, with the exception of prohibited uses listed in Subsection B.

1. Gateway (G) – Lands along the edge of the MHS-Overlay District with frontage along or near U.S. 131 and/or West Main Street are designated in this Context Zone. Land uses within this area will primarily be of a retail, restaurant, entertainment, lodging, office and technology character. Other uses may also be accommodated, including compatible medical, educational, institutional and higher-density residential use.
2. **Mixed-Use Transition - Lands along the edge of the MHS-Overlay District with frontage along or near West Main Street are designated in this Context Zone. Land uses within this area will primarily be of a retail, restaurant, entertainment, and office character, with higher-density residential uses. Other uses may also be accommodated, including compatible medical, educational, institutional and technology uses.**
3. Town Center (TC) – This Context Zone is envisioned as a central focal point of the MHS-Overlay District, with compact mixed-uses that will provide a nucleus to attract future growth. Development will allow for a mix of uses both vertically within buildings and horizontally within blocks. Mixed-use buildings could contain first-floor commercial, retail, and/or office uses, with upper floor office and/or residential uses. Mixed-use blocks allow for single-use buildings in a range of land uses within one block. Commercial uses, professional offices, entertainment facilities and cultural centers are encouraged.
4. Neighborhood Transition (NT) – This Context Zone is anticipated to accommodate a wide variety of residential styles. This could include higher density residential land uses adjacent to the Town Center, Gateway and/or existing commercial development on West Main Street. Traditional single-family detached and/or attached residential uses will be accommodated to serve as a buffer between mixed-uses within the District and the adjacent neighborhoods to the south of the District.
4. ~~Community and Open Space Uses shall also be integrated throughout the development to ensure an exceptional environment for visitors and residents. A central community space area is recommended as a District focal point; this space would be designed to accommodate more active community functions, such as civic events, recreation, and entertainment. Passive open space areas shall serve as buffers and places to experience and enjoy nature.~~ **(Planning Commission did not think this was needed here as community and open space uses are requirements in the development standards. It was determined that this section of the Overlay should just deal with the Context Zones.)**

B. Prohibited Uses. The following uses are specifically prohibited within the MHS-Overlay District:

1. New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales. ~~or activities connected with retail sales.~~
2. Filling stations, carwashes, ~~public garages~~ or service stations, **automobile repair**, auto body, **auto glass repair** and auto paint shops.

3. ~~Automobile repair, service and/or automobile glass repair facilities.~~
4. Drive-in theatres.
5. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
6. Manufacturing, compounding, assembling or treatment of merchandise.
7. Wholesaling, storage **buildings** and/or warehousing of commodities, **mini-storage/warehouses**.
8. ~~Storage buildings and mini-warehouses.~~
9. Outdoor equipment and/or vehicle storage yards.
10. **Commercial** kennels for the breeding, raising and/or boarding of dogs or cats.
11. Adult regulated uses.

XX.40 DEVELOPMENT REQUIREMENTS

A. **Site Development Requirements.** The following regulations shall apply to all development within the MHS-Overlay District.

Context Zone	Height		Placement			Minimum Floor Area per Dwelling Unit	Minimum Required Open Space
	Minimum Building Height (1)	Maximum Building Height	Front and Street Sides	Minimum Side Setback	Minimum Rear Setback		
Gateway (G)	1 story / 18 feet	3 stories / 6 stories with direct US-131 frontage	15 feet (2)	10 feet (2)	20 feet (2)	(4)	15% of net acreage (5)
Mixed-Use Transition	1 story / 18 feet	3 stories	15 feet (2)	10 feet (2)	20 feet (2)	(4)	15% of net acreage (5)
Town Center (TC)	2 stories	5 stories	0 feet required building line (3)	0 feet	0 feet	(4)	10% of net acreage (5)
Neighborhood Transition (NT)	1 story	2 stories	15 feet (2)	10 feet (2)	15 feet (2)	(4)	25% of net acreage (5)

Footnotes to the Development Requirements Table:

- (1) A minimum ground floor height of 12 feet shall be required for all development within the MHS-Overlay District.
- (2) The Planning Commission, may approve reduced setbacks to allow for buildings to be placed in a manner that encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment.
- (3) Buildings shall be placed on lots in relation to their frontages in a manner that encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment. 75% of the building façade must meet the required building line, while up to 25% of the façade can be setback to allow for architectural considerations such as outdoor cafés, plazas, squares or other public spaces. The required build to line and frontage coverages may be modified by the Planning Commission, provided that the location of any proposed building is in keeping with or improves the context of the existing area.

- (4) The minimum floor area per dwelling unit shall be as follows:

<u>Unit Type:</u>	<u>Minimum Floor Area:</u>
Efficiency or 1 bedroom	600 sq. ft.
2 Bedrooms	800 sq. ft.
3 or More Bedrooms	1,000 sq. ft.
Elderly (independent)	525 sq. ft.
Elderly (limited assisted)	425 sq. ft.

- (5) Required open space may include plazas, parks, pedestrian pathways, lakes or similar types of park-like features.

B. Residential Maximum Density and Density Bonus.

1. For the purposes of this Article, net acreage shall be defined as the gross acreage of the development, minus public/private rights-of-way and stormwater detention areas. However, stormwater detention areas may be included within the net acreage if they are designed as functional open spaces, are accessible to pedestrians, and do not require safety fencing.
2. The maximum residential density shall not exceed six (6) dwelling units per net acreage of the development.
3. The inclusion of certain amenities or design options may result in an allowed increase in residential density, referred to as a density bonus. However, the total density bonus shall not result in a residential density of more than eight (8) dwelling units per net

acreage of development. The Planning Commission may determine the density bonus upon a finding that the proposed development would accomplish at least four (4) of the below amenities or design options. If the development is proposed in phases, the Planning Commission may, at its discretion, approve density bonuses for one or more phases, commensurate with the amenities or design options proposed for each phase.

- a. Construction and dedication of land for a public park, plaza, or open space use, if acceptable to the Township.
- b. Development of significant recreational or site amenities such as golf courses, baseball diamonds, tennis courts, basketball courts and community buildings.
- c. In addition to sidewalks required along public streets, the development of pedestrian, bicycle, or other recreational trails for public use that are separated from vehicular traffic, within the development and connecting to adjacent development.
- d. Provision of open space in an amount which is at least 50 percent greater than the minimum open space percentage required by Section XX.40.A.
- e. Significant use of sustainable building design features such as, optimized energy performance, on-site renewable energy, passive solar heating, use of reused/recycled/renewable materials, indoor air quality mechanisms, green roofs, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.
- f. Significant use of sustainable site design features such as stormwater filtration landscaping, low impact stormwater management, permeable surfaces, bioretention facilities, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED).
- g. Provision of other exceptional public benefits within the development, determined by the Planning Commission as sufficient to qualify as one of the four required amenities or design options justifying a density bonus.

C. Road Design.

- 1. The development shall be serviced by an interior street system. If some or all of the interior street system is private, it shall be built in conformance with the standards and requirements of Section 49.160 of the Township Zoning Ordinance. Exceptions to the standards and requirements of Section 49.160 may be permitted by the Planning Commission, where deemed necessary to achieve the intent and eligibility criteria of this Article.

D. Open Space.

1. Designated open space shall be set aside as common land and either retained in an essentially undeveloped or unimproved state or improved as a "public gathering places" to serve the following purposes:
 - a. Conservation of land and its resources
 - b. Ecological protection
 - d. Protect historic and/or scenic features
 - e. Shaping and guiding the development
 - f. Enhancement of values and safety
 - g. Provide opportunities for social interaction
 - h. Provide parkland and active recreational opportunities on a neighborhood scale.
2. Designated open space shall be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.
3. Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
 - a. Recorded deed restrictions
 - b. Covenants that run perpetually with the land
 - c. A conservation easement
 - d. Land trusts.
 - e. Such conveyance shall assure that the open space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:
 - 1) Indicate the proposed allowable use(s) of the designated open space;
 - 2) Require that the designated open space be maintained by parties who have an ownership interest in the open space;
 - 3) Provide standards for scheduled maintenance of the open space;
 - 4) Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is

determined by the Township to be a public nuisance, with the assessment of costs upon the open space ownership.

E. Buffer from Adjacent Residential Uses.

1. Where the height and bulk of any proposed residential construction is not equivalent and more intensive than existing adjacent residential development, a greenspace buffer/vegetative screen shall be provided which is acceptable to the Planning Commission in terms of width, height and composition of plant materials.

F. Access.

Item to be discussed. Refer to the "Vehicular Circulation and Connections" narrative from the Maple Hill Drive South Sub-Area Plan.

XX.50 AUTHORITY TO WAIVER DEVELOPMENT REQUIREMENTS.

Regulations relating to the use of land, including permitted land uses, height requirements, yard setbacks, and site improvements shall, in the first instance, be based upon the standards and requirements outlined in this Article. However, the Planning Commission is given the authority to permit flexibility in such standards and encourage innovation in land use and variety of design, layout, type and use of structures, provided any variation granted would also result in the overall design being consistent with the Intent and Eligibility Criteria of this Article, compatible with the adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses.

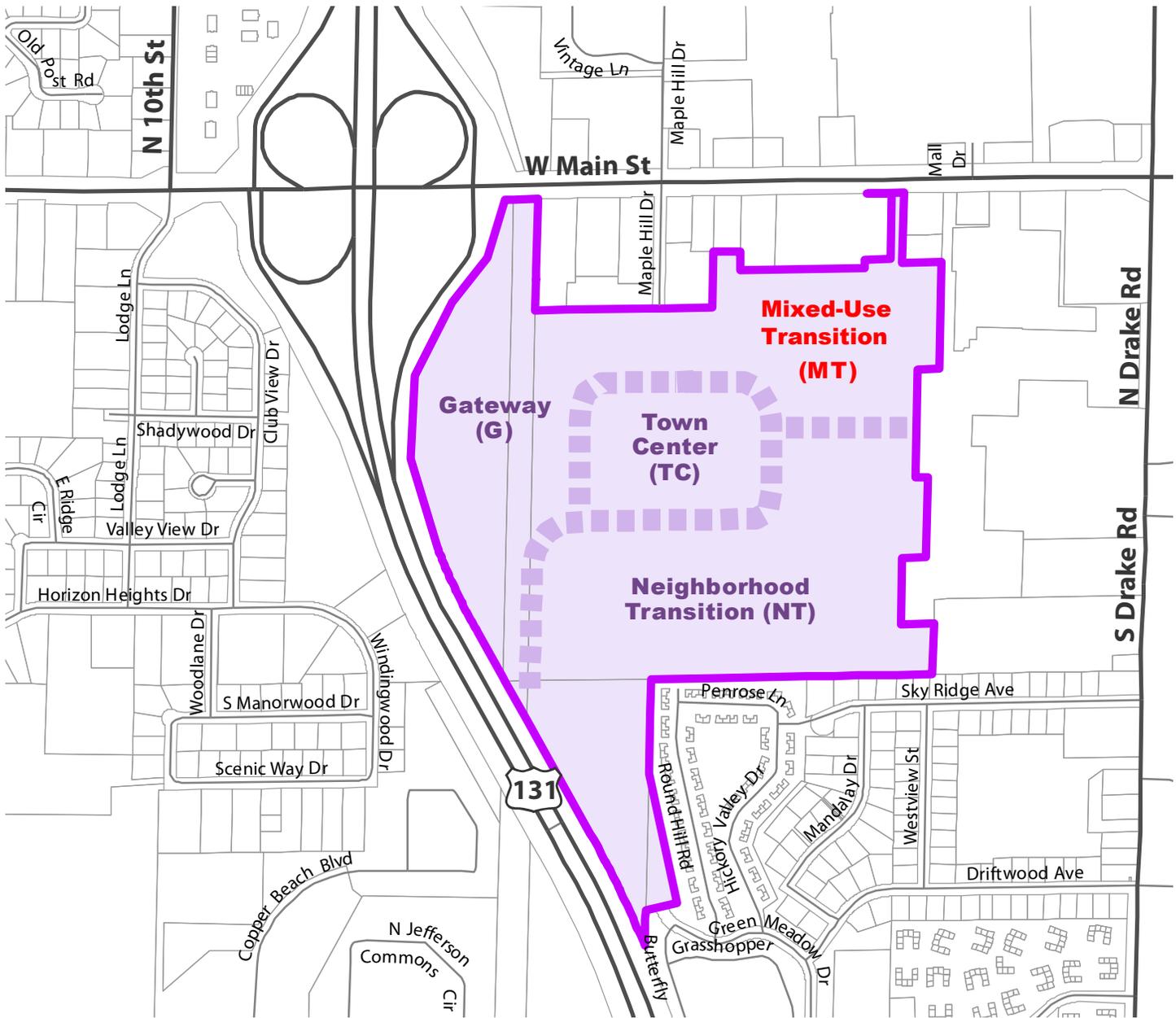
XX.60 APPLICATION AND APPROVAL PROCEDURES

- A. Optional pre-application review(s). Informal pre-application review(s) is encouraged and may be scheduled with the Planning Department and/or Planning Commission, at which the project concept may be reviewed by the applicant, Township staff, and Township consultants.
- B. General Development Plan.
 1. An application proposing the development of land within the MHS-Overlay District shall first be made through the submittal of a general development plan (GDP). An application for review and approval of a GDP may be made by the owners of record or by any persons acting on behalf of the owners of record of the subject parcel. The applicant shall have a substantial interest in the subject property prior to filing; such filing shall be in the name of and signed by all owners. The applicant shall provide evidence of full ownership all land in the proposed project area, such as legal title or execution of a binding sales agreement, prior to approval of the GDP by the Township.
 2. Information required. The general development plan shall consist of a plan of the entire area carried out in sufficient detail as to show topography, land uses proposed, the densities and scale of development, the system of pedestrian and vehicular circulation, including off-street parking areas, and the relationship to adjacent properties and uses. Further, the GDP shall contain all the following information:

- a. A property survey of the exact acreage proposed to be developed, prepared by a registered land surveyor or civil engineer (Scale: 1" = 50');
- b. The intent of nonresidential development, type and gross and net square feet for each area of the site;
- c. The number and type of residential units and residential density for each area of the site;
- d. Location, size, and uses of common open space and recreation areas;
- e. General landscape concept showing woodlands, wetlands and vegetation to be preserved or added, topography, and similar features;
- f. Delineation of areas to be subdivided, if applicable;
- g. General description of proposed water, sanitary sewer, and storm drainage system;
- h. A unified plan for wayfinding and signage within the development;
- i. A plan delineating the location and area of the proposed phases of the development;
- j. A written statement containing the following supporting documentation:
 - 1) A full description as to how the proposed development satisfies the eligibility requirements and design principles of Section XX.10.C;
 - 2) If applicable, evidence of how the proposed development meets the criteria for qualifying for a density bonus outlined in Section XX.40.B;
 - 3) A description of the expected schedule of development including progressive time schedule for each phase of the development;
 - 4) General description of the organization to be established, to own and maintain common open space;
 - 5) General description of covenants, grants, easements, or other restrictions to be imposed upon land or buildings, including easements for public utilities, bylaws, and articles of incorporation for any homeowners' association or cooperative association;
 - 6) Description of applicant's intentions regarding selling or leasing of all or portions of land in the development and of dwelling units;
 - 7) Description of all proposed nonresidential uses, including types of stores and offices;

- 8) The number and type of residential units and calculations of the resultant population;
 - 9) Average initial sales prices of dwelling units for sale and/or average initial rents of rental dwelling units;
 - 10) A draft Development Agreement which establishes the formal rights and obligations of the property owner and Oshtemo Township regarding the future development of the site. The Development Agreement shall, at a minimum, specify: the parties to the agreement; the obligations of the property owner; a term or duration within which the action and obligations of the agreement must be fulfilled by the property owner; vested rights; procedures for determining compliance with the conditions included in the agreement; default remedies; provisions guiding the transfer of rights and obligations to subsequent property owners; and enforcement procedures;
- C. Public Hearing. The Planning Commission shall, upon receipt of a general development plan in proper form, schedule and hold a hearing upon the request and shall notify the applicant and all owners of all contiguous parcels of such hearing.
- D. Standards for Review of the GDP. The general development plan and supporting information shall be reviewed by the Planning Commission. The Planning Commission shall base its determination as to whether the plan meets the following standards:
1. The general development plan shall generally conform to the Intent of this Article as outlined in Section XX.10.A.
 2. The general development plan shall generally conform to the Eligibility Criteria and Design Principles of Section XX.10.C.
 3. The general development plan shall generally conform to the review criteria for special land uses as outlined in Section 65.30.
- E. Decision of the Planning Commission. The Planning Commission shall deny, approve, or approve with conditions the general development plan and supporting documentation. The Planning Commission shall record its conclusions, its decisions, the basis for its decision, and any recommended conditions to be imposed in conjunction with an affirmative decision.
- F. Effect of Approval of the General Development Plan. Approval of the GDP shall indicate the Planning Commission's acceptance of uses, building location, layout of streets, dwelling unit count and type, floor areas, densities, and all other elements of the plan. The approval shall authorize the applicant to then submit, within ninety (90) days, a final draft Development Agreement for review and approval by the Township, with assistance from the Township Attorney.

- G. Development Agreement. For any project involving a financial obligation on the part of Oshtemo Township, approval of the GDP by the Township Board shall be required. The Development Agreement shall attest that the approved GDP and any conditions attached to the approvals, shall be binding on the property owner and upon their heirs, successors, and assigns. Upon approval by the Township, the executed Development Agreement shall be recorded with the Kalamazoo County Register of Deeds Office by the property owner within thirty (30) days of its signing. The property owner shall immediately thereafter provide a certified copy of the recorded Development Agreement with the Township Clerk for record keeping purposes.
- H. Site Plan. Execution of the Development Agreement shall authorize the applicant to file applications for site plan approval for all or phases of the development consistent with the approved GDP phasing schedule and Development Agreement. All site plans shall conform to the approved GDP and shall include the information required by Section 64.60.C. The Planning Department shall have the authority to deny, approve, or approve with conditions all site plans submitted for review under this section. The Planning Department shall record its conclusions, its decisions, the basis for its decision, and any recommended conditions to be imposed in conjunction with an affirmative decision.
- I. Amendments. A property owner may request an amendment to an approved GDP.
1. Minor modifications to an approved GDP may be administratively approved by the Planning Department. Modifications to be considered minor shall include, among other similar modifications, the following:
 - a. A change in residential floor area;
 - b. A change in nonresidential floor area of ten percent or less;
 - c. Minor variations in layout which do not constitute major changes; and/or
 - d. A change in lot coverage of the entire GDP of five percent or less.
 2. Major modifications to an approved GDP shall follow the procedures and conditions required for the original submittal and review in full. Modifications to be considered major changes shall include one or more of the following:
 - a. Change in concept of the development;
 - b. Change in use or character of the development;
 - c. Change in type of dwelling units as identified on the general development plan;
 - d. Change in the number of dwelling units;
 - e. Change in nonresidential floor area of over ten percent;
 - f. Change in lot coverage of the entire GDP of more than five percent;



Maple Hill South Mixed-Use Overlay District: Context Zones **DRAFT - 3/6/19**

-  Major Roads
-  Local Roads
-  Property Lines

Data Sources:
 Oshtemo Township Zoning Map
 Michigan Geographic Framework, v14.

