



7110 West Q Avenue

Kalamazoo, MI 49009

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www.texastownship.org

Planning Commission Workshop

Tuesday, January 11, 2022, at 5:00 p.m.

Meeting will be held in-person and may be viewed at: <https://us02web.zoom.us/j/84042617772>

Public participation via Zoom is no longer available due to expiration of PA 228 and 254 of 2020 (Amendments to Open Meetings Act due to COVID-19).

- 1. Call to Order**
- 2. Roll Call**
- 3. Citizens Comments**
- 4. Set Agenda**
- 5. Election of Officers**
- 6. Minutes**
 - A. December 14, 2021 Meeting
- 7. New Business**
- 8. Old Business**
 - A. Corners Business District draft ordinance – continued review
 - B. Planned Unit Development draft ordinance – continued review
- 9. Commissioner Comments**
- 10. Citizens Comments**
- 11. Adjournment**

The main meeting room at the Texas Township Hall is barrier free and Texas Township will provide reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon seven (7) days' notice to the Texas Township Hall. Individuals with disabilities requiring auxiliary aids or services should contact the Township by writing or calling the Township Hall.



1 **PLANNING COMMISSION WORKSHOP MINUTES – December 14, 2021**

2
3 **CALL TO ORDER/ROLL CALL**

4
5 Chair Corfman called the Planning Commission meeting to order at 5:00 p.m. and
6 Secretary Loeks called the roll. The following Commissioners were present: Chair
7 Corfman, Vice Chair Davis, Secretary Loeks, Treasurer Roberts, Mr. Eavey, Mrs.
8 Buckham, and Mr. Matson. No Commissioners were absent. Also present was Interim
9 Planner/Zoning Administrator Julie Johnston, Planning/Zoning Assistant Jennie Miller,
10 and applicants Andrew Wedel, Paul Schram representing Wedels, Dan Markus
11 representing Calvary Reformed Church, and residents.

12
13 **CITIZEN COMMENT ON NON-AGENDA ITEMS**

14
15 Chair Corfman asked if there were any citizens interested in speaking on non-agenda
16 items. There were none so he moved on to the next agenda item.

17
18 **SET AGENDA**

19
20 Chair Corfman reviewed the agenda and asked if there were any additions or corrections.

21
22 **Motioned by Vice Chair Davis, seconded by Mr. Matson, to accept the agenda as**
23 **written. The motion carried unanimously.**

24
25 **MINUTES – November 9, 2021, Meeting**

26
27 Chair Corfman asked if there were any changes or corrections to the minutes.

28
29 **Motioned by Mrs. Buckham, seconded by Mr. Eavey, to approve the November 9,**
30 **2021, minutes as written. The motion carried unanimously.**

31
32 Chair Corfman moved on to the next agenda item.

33
34 **NEW BUSINESS**

35
36 **PC#21-25 Wedel's Garden Center – Rezoning Request**
37 **3909-01-476-032**
38 **5020 Texas Drive**

39
40 Planner Johnston provided a brief overview of the the Wedel's request for a rezoning to
41 the R-4: Residential District, Multiple Family to allow the construction of a new residential
42 development on approximately eight acres of their existing 20-acre parcel. The subject

43 property is currently part of the Wedel's Garden Center at 5020 Texas Drive, and the
44 applicant plans to submit a land division application for the eight acres if the rezoning is
45 approved. The property is currently zoned C-3: Commercial District, Neighborhood
46 Business, which does not allow residential development.

47
48 Planner Johnston indicated the future land use district for the property is Neighborhood
49 Commercial, which permits lower density "missing middle" housing developments,
50 specifically townhomes, duplexes, and multiple family attached units. The R-3, R-4, and
51 R-5 zoning districts would all be suitable for this type of development in the appropriate
52 location within the Township. These districts range from four to 10 dwelling units per acre,
53 which would permit between 32 to 80 dwelling units on the requested eight acres.

54
55 Planner Johnston continued stating the rezoning would not be considered spot zoning,
56 as the request is residential in character like the uses in the area, it complies with the
57 future land use category of the Master Plan and is similar in size to other larger parcels
58 in the area. In addition, the requested rezoning could be seen as a transition from the low
59 density single-family residential to the south and west of the subject property to the
60 remainder of the Wedel's commercially zoned property.

61
62 The request fulfills many of the considerations for a rezoning. The development of a
63 residential use makes a great deal of sense in this location, especially considering the
64 desirability of Atwater Mill Pond. The uses in the R-4 District could serve as a transition
65 between the existing R-2 and C-3 zoning, providing a step-down in development intensity
66 from low-density residential to large scale commercial uses. With that said, compatibility
67 with the adjacent single-family neighborhoods to the west will be important and therefore
68 consideration of the R-3 District should be reviewed. If a rezoning to a multiple family
69 district is approved, site design will be crucial to reducing impacts. Any new development
70 will require Planning Commission approval, which allows for oversight on setbacks,
71 buffering, and landscaping between any potential residential development and the
72 existing single-family subdivisions.

73
74 Chair Corfman asked if the applicant would like to speak.

75
76 Andrew Wedel, 5020 Texas Drive, thanked the Planning Commission for hearing the
77 request. He stated his family bought the parcel in 1998 and knew at some point they
78 would want to develop this property. It is a nicely wooded piece of property with
79 topography that drops quite a bit down to the lake. The property has been for sale for
80 several years and there was interest to build more commercial uses. Mr. Wedel stated
81 they had a potential buyer who was interested in building storage units, but this did not fit
82 the vision for the property, which was something more compatible with residential.

83
84 Mr. Wedel went on to say that they met with the Road Commission of Kalamazoo County
85 regarding a driveway entrance to the property, which they indicated would be permitted

86 on Texas Drive if it was far enough away from the roundabout. He stated the requested
87 development will be a 55 and up senior community, but no specific plans have been
88 generated.

89
90 Paul Schram from Wightman and Associates representing Wedels stated they were hired
91 to assist the buyer with the survey and potential land division. Mr. Schram believes the
92 rezoning makes sense in this location and there is a strong argument for approval. The
93 buyer has a vision for mixed housing with a combination of attached units and single-
94 family buildings. A high-rise single apartment building is not planned. There were traffic
95 concerns in this area before the roundabout, but now traffic moves fairly swiftly on both
96 Texas Drive and South 12th Street. Finally, due to topography a lift station will likely be
97 needed for the extension of public sewer lines, but public water and sewer are both
98 available to support a multi-family project.

99
100 At the conclusion of the applicant's presentation, Chair Corfman asked for a motion to
101 open the public hearing.

102
103 **Motioned by Secretary Loeks, seconded by Mr. Eavey, to open the public hearing.**
104 **The motion passed unanimously.**

105
106 Mr. Mark Cardwell, 5376 Glen Harbor, stated he just found out about this request last
107 night when Mr. Wedel stopped by his home. He feels like more time is needed to
108 understand the request. His initial concerns are about the density, and how it would
109 impact the lake, but has other more technical concerns about the development. He would
110 like more information about the actual development and more time to consider the
111 implications.

112
113 Mr. Craig Chadwell, 5820 South 12th Street, owns the parcel two lots to the north of the
114 request. He indicated he originally purchased that parcel to develop additional residential
115 uses and believes this area is going to explode with growth. Mr. Chadwell stated he had
116 prior discussions with the previous zoning administrator about his property and its
117 potential. He feels lots of people would enjoy a place on the lake and from his standpoint
118 very few people go out on the lake. He also feels the roundabout has made a huge
119 difference in the traffic concerns of the area.

120
121 Mr. Jeff Getting, 5176 Atwater, stated he is one of the folks most impacted by the request.
122 As has been pointed out, the property is both master planned and zoned for commercial
123 uses, which were in place when the Wedel's purchased the property. In addition, the past
124 development of the 20-acre parcel has limited the frontage available for this back
125 acreage, which is likely why it was on the market for several years

126
127 Mr. Getting went on to say that the traffic at the roundabout makes it very difficult to get
128 out of his neighborhood onto Texas Drive in the morning and evening. It is also a dragstrip

129 from the roundabout, with cars trying to maximize their speed as they drive towards
130 Birchwood Hills. Allowing additional traffic from a residential development onto Texas
131 Drive is incredibly irresponsible. Mr. Getting stated he mentioned this potential
132 development to Sheriff Fuller, and he also felt it was a bad idea.

133
134 Texas Township is the fastest growing township in the County and the area between
135 Texas Drive and South 12th Street is the fastest growing area in Texas Township. All the
136 other development in this area has been R-2 and character is important. A change to the
137 R-4 District would be significantly different, especially since we do not know what is
138 planned to be built. Mr. Getting suggested tabling the request and taking the time to
139 consider a conditional rezoning. This approach would allow conditions that may help
140 satisfy the people in Atwater and Birchwood neighborhoods. This would also provide an
141 opportunity for the Planning Commission to make an informed decision.

142
143 Mr. Marc Vickery, 5247 Hickory Hill, which is located on the north side of the lake, stated
144 he just heard about the rezoning and feels more information is needed before a decision
145 is made. Atwater Mill Pond is a pristine lake with no invasive species. The density around
146 the lake is about one home per acre and the density of the R-4 District is a concern.

147
148 Ms. Barbara Stewart stated she does not currently live in the Township but is interested
149 in moving into the senior housing project if it is development. She stated this is a beautiful
150 opportunity for people like her.

151
152 Hearing no further requests for public comment, Chair Corfman asked for a motion to
153 close the public hearing.

154
155 **Motioned by Secretary Loeks, seconded by Mrs. Buckham, to close the public**
156 **hearing. The motion passed unanimously.**

157
158 Treasurer Roberts asked Planner Johnston about the public notice that was mailed. She
159 confirmed the gentleman on the northside of the lake would not have received a notice
160 as he is outside the required 300-foot mailing. Treasurer Roberts thought the requested
161 rezoning would be a good transition for this area. Residential is a better use on the lake
162 than commercial. She asked Planner Johnston to confirm what is being asked of the
163 Commission.

164
165 Planner Johnston stated the applicant is requesting the property be rezoned to R-4, and
166 if the Planning Commission is amenable, a recommendation for the rezoning would need
167 to be forwarded to the Township Board for final approval. If the Planning Commission
168 decides to the deny the request, the applicant still has the option to request a review by
169 the Township Board, but they would be going to the Board with a recommendation of
170 denial. Or the applicant can withdraw their request. If an R-3 zoning is being considered,
171 a new public hearing would have to be scheduled.

172

173 Treasurer Roberts reiterated she thought residential made sense in this area, but she
174 was not sure what type made the most sense. Mr. Matson felt the request seemed very
175 vague and more information is needed and was not sure if R-4 or R-3 made the most
176 sense.

177
178 Planner Johnston provided some additional information on the density of the two districts
179 stating R-4 allows five units per acre, or a total of 40 units on the eight-acre parcel. The
180 R-3 District allows up to four units per acre or 32 total units, but only permits duplexes.
181 The maximum height of either district is 35 feet, which could be up to three stories.
182 Finally, the R-3 District allows 60 percent maximum lot coverage and the R-4 District
183 restricts to 50 percent maximum lot coverage.

184
185 Chair Corfman felt something other than commercial is the way to go, but he is not sure
186 what that looks like.

187
188 Secretary Loeks suggested R-3 with a planned unit development (PUD), which would
189 allow the Planning Commission to set a lower density around the perimeter of the
190 property. He also questioned the preservation of the trees on site as it is a heavily wooded
191 area. He would not want to see the site clear cut.

192
193 Mrs. Buckham is concerned about the amount of impervious surface that may be
194 developed and stated the soils are fragile in that area.

195
196 Chair Corfman sympathizes with the traffic concerns, stating traffic is becoming a
197 challenge all over the Township. It is something the Planning Commission deals with at
198 every meeting that a new development is reviewed.

199
200 Mr. Eavey felt some type of buffer is needed for the existing neighborhood, but residential
201 makes more sense than commercial for this property. He also wondered how R-3 with a
202 PUD is different than R-4 conditional rezoning.

203
204 Planner Johnston explained how a conditional rezoning would work, stating it is
205 essentially a contract between the developer and the Township on how the property will
206 develop. The applicant provides conditions that they are willing to abide by that will help
207 alleviate concerns related to their rezoning request. The agreement is recorded at the
208 County and runs with the land. The only way to change the conditions would be through
209 the rezoning public process.

210
211 Secretary Loeks asked about next steps if the Wedels change their application.

212
213 Planner Johnston stated the Township would have to place a new notice in the
214 Kalamazoo Gazette and re-notice the property owners within 300 feet. She thought the
215 application could be tabled to allow the applicant to consider the concerns outlined and
216 resubmit a revised request. That way it would be under the same application and a new
217 fee would not be required. However, the Township may need more escrow funds to
218 ensure the public notice costs are covered.

219 Vice Chair Davis stated he tries to see all the sides of this request. The land is primed to
220 develop, but it must be done in the correct way. The Commission wants to put everyone's
221 best interest at heart.

222
223 Mr. Eavey thought the best route was to table, get the applicant to come back with more
224 detail on the R-4 request or potentially come back with R-3. Treasurer Roberts agreed.

225
226 Mrs. Buckham agreed that tabling the request to get more information was best. If she
227 had to decide today, it would likely be a no to R-4.

228
229 Mr. Wedel asked if the request was tabled, would they have to re-apply?

230
231 Planner Johnston reiterated that she would not ask them to reapply but that the Township
232 would have to ensure new notices were mailed and posted so residents could be involved
233 in the public hearing process.

234
235 Chair Corfman asked if anyone on the Commission was ready to make a motion.

236
237 **Motioned by Treasurer Roberts, seconded by Mr. Matson, to table the R-4 rezoning**
238 **request to allow the applicant time to return with more details on the R-4 or**
239 **consider converting to the R-3 District. The motion passed unanimously.**

240
241 Chair Corfman moved on to the next agenda item.

242
243 **PC#21-26 Calvary Reformed Church – Site Plan Amendment**
244 **3909-16-451-019**
245 **7829 South 5th Street**

246
247 Planner Johnston provided an overview of the application stating Mr. Dan Markus is
248 requesting site plan amendment approval to construct a 2,777 square foot addition to
249 Calvary Reformed Church. The property is zoned R-2 District, which allows churches as
250 a principal permitted use. The existing building is approximately 14,613 square feet, which
251 will increase to approximately 17,390 square feet if the addition is approved. The addition
252 will also mean the site loses sixteen parking spaces, but the number of spaces in the
253 existing parking lot is well over Zoning Ordinance requirements.

254
255 Planner Johnston went on to say the site generally meets all the requirements for site
256 plan approval, however there are two regulations the Planning Commission will need to
257 review. The first is the parking lot landscaping. The existing lot is not designed to current
258 standards and does not really have any parking lot landscaping. However, the lot is
259 surrounded by existing mature trees. The other item is the new lighting planned in the
260 canopies at the two new entrances. A photometric plan was not provided with the site
261 plan, but the placement and type of lighting should not violate the 0.5 foot-candle
262 requirement at the property line.

263
264 Chair Corfman asked if the applicant wished to speak.

265 Mr. Dan Markus stated nothing is really changing as far as the use of the building. The
266 Church would just like a designated area for the clothing donations instead of using the
267 sanctuary. He suggested that requiring a landscape plan would be an additional burden
268 on the Church, especially as the parking area is surrounded by woods and natural beauty.
269

270 Treasurer Roberts indicated it did not appear that there would be internal access to the
271 addition. Mr. Markus stated there would be one door from the existing building to the new
272 structure.

273
274 Vice Chair Davis asked about the lighting and if a photometric plan is needed. Mr. Eavey
275 stated he is not concerned as the church is surrounded by full trees and there are no
276 immediate neighbors.

277
278 Chair Corfman asked if there were any other questions or further discussion. Hearing
279 none, requested a motion.
280

281 **Motioned by Secretary Loeks, seconded by Vice Chair Davis, to approve the**
282 **amended site plan to allow the construction of a 2,777 square foot addition with the**
283 **following condition:**

284
285 **Ensure all new lighting planned for the addition must be full cut-off and**
286 **downward directed and will not exceed the required 0.5 foot-candles at the**
287 **property line.**
288

289 **The motion passed unanimously.**

290
291 Chair Corfman moved on to the next agenda item

292 293 **Planned Unit Development Ordinance Amendments – Discussion**

294
295 Planner Johnston stated she placed this request on the agenda to determine if there is
296 any interest in moving forward. She indicated that she and Superintendent VanderWiere
297 met with representatives from Prime Development regarding the potential development
298 of an apartment complex in the 9th Street Subarea. The Subarea Plan outlines two new
299 zoning districts that would allow higher densities in this area, making an apartment
300 complex possible. However, as the Planning Commission knows, there have been other
301 zoning ordinance priorities, so these districts have not been addressed and there is
302 currently no timeline for their development.
303

304 Planner Johnston went on to say that the developers asked if the apartments could be
305 approved as a planned unit development. She outlined the parameters of the PUD
306 ordinance, which is almost exclusively designed for single-family development and would
307 not provide enough density for the type of complex requested. However, with some minor
308 tweaks to the density bonus section of the ordinance, it may be possible.
309

310 Planner Johnston told the developers she would bring this idea to the Planning
311 Commission to see if there was any appetite to make the change. A draft of the potential
312 amendments is included in the packet, which offers a variety of ways density bonuses
313 could be earned.

314
315 Vice Chair Davis asked if this is something the Commission needed to address sooner
316 rather than later?

317
318 Mrs. Buckham stated there are not many areas left for this type of development.

319
320 Chair Corfman felt the owners may decide to do something else if we wait too long. We
321 know there is a market for multiple family dwellings with amenities close to commercial
322 areas.

323
324 Secretary Loeks stated he has been waiting for changes to the planned unit development
325 ordinance for some time.

326
327 Mr. Eavey has concerns about the draft amendments and the allowable density. He stated
328 that lots are getting tight in large neighborhoods. Would there be a requirement for them
329 to be on public water and sewer?

330
331 Planner Johnston stated that if the amendments were approved, the PUD ordinance
332 would be available to any residentially zoned property in the Township. But a PUD is a
333 special exception use, which means the Planning Commission can deny a request if it
334 does not seem appropriate for the area.

335
336 Secretary Loeks confirmed this would be allowed in the Agricultural District, and Planner
337 Johnston agreed.

338
339 Chair Corfman asked the Commission if they wished to continue the discussion at the
340 January 11th meeting, and they agreed.

341
342 Chair Corfman moved on to the next agenda item.

343
344 **OLD BUSINESS**

345
346 **Corners Business District (CBD)**

347
348 The Planning Commission continued to review the proposed amendments to the Corners
349 Business District, making the following changes to the draft text:

- 350
351 1. Existing trees along the right-of-way will be counted towards street tree
352 requirements.
353 2. Preferred trees will be removed from the ordinance.

- 354 3. Asphalt will be removed as protection for parking lot landscaping and language will
355 be included that other suitable materials that have the durability and longevity of
356 concrete may be approved by the Commission.
357 4. Underground water system was changed from “preferred” to “may be utilized.”
358 5. Language will be added that shared storm water systems are strongly encouraged.
359 6. Light poles shall have a maximum height of 15 feet.
360 7. Wall mounted lighting for pedestrian ways shall not be placed higher than 14 feet.

361
362 The Planning Commission will continue with the draft review starting on Building Design
363 at the January 11th meeting.
364

365 Chair Corfman moved on to the next agenda item.

366
367 **COMMISSIONER COMMENTS**

368
369 Chair Corfman stated the Zoning Board of Appeals had no applications, so the December
370 meeting was cancelled.
371

372 Treasurer Roberts shared that the Township Board approved 3-year terms for Vice Chair
373 Davis and Secretary Loeks. She also shared the news regarding the sizable donation to
374 the splash pad from Maple Hill Auto, which brought the Township \$50,000 shy of the
375 funding goal.
376

377 Mrs. Buckham received a nice thank you note from the Splash Pad Committee for her
378 contribution.
379

380 Hearing no further Commissioner comments, Chair Corfman moved on to citizen
381 comments.
382

383 **CITIZEN COMMENTS**

384
385 Mr. Jeff Getting, 5176 Atwater Court, said he has attended a lot of different meetings, and
386 wanted to compliment the Commission on their thoughtful deliberation of the agenda
387 items. He thanked the Commission for tabling the Wedels rezoning until additional
388 information could be provided.
389

390 Chair Corfman asked for a motion to adjourn.
391

392 **ADJOURN**

393
394 **Motioned Mr. Davis, seconded by Mr. Matson, to adjourn the meeting. The motion**
395 **carried unanimously.**
396

397 The meeting adjourned at 7:20 p.m.
398

399 Submitted:

Approved:



7110 West Q Avenue
Kalamazoo, MI 49009
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www.texastownship.org

STAFF MEMO

Meeting Date: January 11, 2022

Date: December 29, 2021

To: Planning Commission

From: Julie Johnston, AICP
Interim Planner/Zoning Administrator

Regarding: Corners Business District – Draft Amendments – Review Continued

The attached draft includes the changes requested by the Planning Commission at the December meeting shown in **blue**. In addition, the modifications previously outlined have been incorporated into the draft language and are no longer shown in blue. Subsection E.vii. Building Design is where the review will need to continue.

At the October review meeting, the Planning Commission requested the requirements of each special exception use to be provided to see if there are any conflicts with the Corners Business District. Below are the uses and their attached conditions.

36-4.13 PLACE OF WORSHIP

- 1. The use shall have frontage on an existing or officially proposed road.*
- 2. Buildings and activities shall not be closer than 50 feet to adjacent residential properties.*

Subsection 2 could be an issue within the Corners Business District.

36-4.36 VETERINARY CLINIC

- 1. The use shall have frontage on an existing or officially proposed road.*
- 2. The use shall have off-street parking facilities to satisfy peak parking needs.*
- 3. Buildings and activities shall not be closer than 25 feet to adjacent residential properties. Shall adhere to rating standards for soundproofing (STC--sound transmission coefficient).*

There should not be difficulty meeting these requirements in the CBD.

36-4.7 VEHICLE REPAIR, MINOR AND MAJOR

- 1. The use shall have frontage on an existing or officially proposed road.*
- 2. The use shall have off-street parking facilities to satisfy peak parking needs.*
- 3. Buildings and activities shall not be closer than 200 feet to adjacent residential properties.*

4. No major repairs or dismantling shall be permitted outside of a closed structure. an otherwise permitted use is prohibited.

The distance requirements of #3 will be an issue in the CBD.

36-4.17 GASOLINE SERVICE STATION

- 1. The use shall have frontage on an existing or officially proposed road.*
- 2. The use shall have off-street parking facilities to satisfy peak parking needs.*
- 3. Buildings and activities shall not be closer than 200 feet to adjacent residential properties.*
- 4. Gasoline pumps or other service appliances shall be set back at least 20 feet from the lot line.*

The distance requirement from residential properties could be an issue for this use.

4.53 BED AND BREAKFAST

- 1. The owner and/or on-site manager must reside on the premises.*
- 2. There must be no more than 6 bedrooms devoted to lodging.*
- 3. No meals, other than breakfast, may be served to patrons.*

No issues with this use.

36-4.10 RESIDENTIAL CARE FACILITIES

- 1. The use shall have off-street parking facilities to satisfy average parking needs.*
- 2. Buildings and activities shall not be closer than 25 feet to adjacent residential properties.*
- 3. Group Day Care Homes: Where use of a property as a group day care home is under consideration, the property whereon a group day care home is proposed to be operated shall be maintained in a manner which is consistent with the visible characteristics of the neighborhood.*

No issues with this use.

4.54 OUTDOOR SEATING FOR SERVING PATRONS ALCOHOLIC BEVERAGES

- 1. The area must be designated on an approved site plan.*
- 2. The area must comply with all Michigan Liquor Control Commission regulations.*

No issues with this use.

4.57 BANQUET HALLS & EVENT CENTERS

- 1. Hours of Operation – During site plan review, the Planning Commission shall establish the hours and frequency of events hosted by the use in the special exception permit.*
- 2. Noise – No unreasonable or unnecessarily loud noise or disturbance shall be created which shall be injurious to the health, peace or quiet of the residents and property owners of the township. Specifically, noise shall not exceed 80 decibels as measured at the property line between the hours of 7:00 a.m. and 10:00 p.m. In addition, noise shall not exceed 75 decibels as measured at the property line between the hours of 10:00 p.m. and 7:00 a.m.*

No issues with this use.

Planning Commission
CBD Review
January 11, 2022

36-4.40 MIXED USE DEVELOPMENT

See attached.

The Corners Business District is not included in the language of this special exception use. Because the District encourages mixed uses, this special exception use may not be needed.

Thank You.

Attachments: Draft Corners Business District amendments
Mixed Use Development ordinance

Corners Business District - Draft Amendments 01-11-2022

A. INTENT

The CBD Corners Business District is a zoning classification specifically designed to support the development of the Texas Corners area as a viable and distinct business district. It uses the Texas Corners subarea plan as the foundation for the district and incorporates design **standards criteria** based upon "~~corridor enhancement guidelines~~" developed by the Township's consultant **to support this future vision**. ~~This criterion~~ **These standards** further differentiates the CBD from other commercial development areas within the Township. The intent is to support a unique mix of office, retail and service uses directed at supporting the personal needs of area residents, while achieving regional interest based upon shopping, entertainment, and restaurant experiences. Toward this end, uses will be in close proximity to one another, or attached, enhancing pedestrian movement and appearance. Buildings are intended to be at a human scale with the size and location of parking facilities blended with landscape improvements and open space.

B. PERMITTED USES

The following permitted uses are to be conducted within an enclosed building with no outdoor storage.

- i. Administrative and professional offices
- ii. Medical **and physical rehabilitation** offices, including clinics
- iii. Banks, credit unions, savings and loan associations, and similar uses
- iv. ~~Art shops, Photographic studios and interior decorating studios~~
- v. Publicly owned buildings, exchanges, and public utility offices, **and public facilities including park and recreation areas**
- vi. Personal service establishments
- vii. Childcare centers or day care centers
- viii. Restaurants, excluding any use of a drive-in or drive-through nature
- ix. Retail sales
- x. **Mixed-use commercial** ~~Shopping centers or plazas~~ supporting two or more permitted uses, with any special exception uses subject to that approval process
- xi. ~~Movie theater,~~ **Video**, audio, or electronics stores, including minor repair or similar uses
- xii. ~~Municipal offices or public facilities including park and recreation areas, or those devoted to communications and emergency services~~
- xiii. Accessory uses or buildings
- ~~xiv. Signs~~
- xv. Indoor recreational facilities, health clubs, fitness centers**
- xvi. Craft shops and art and design studios**
- xvii. Studios for musical, dance, or artistic instruction**
- xviii. Movie theaters, stage theaters, and other places for performing arts**

xix. Interior design studios

xx. Private service clubs, fraternal organizations, and lodges

C. SPECIAL EXCEPTION USE

The following are special exception uses in the CBD Corners Business District. Such uses shall not be subject to the specific conditions listed for special exception uses under Article 36-4: Use Standards, but the **unless exempted by the Planning Commission** may utilize such standards in after consideration of **conflicts with the design standards required herein; adverse impacts to adjacent properties or the district; compatibility with the natural environment and capacities of public services and facilities; and, consistency with the general plan for physical development within the Corners** ~~whether conditions should be imposed related to approval of the request.~~

- i. Package liquor, beer, and wines sales, unless secondary and incidental to the primary grocery business
- ii. Places of worship, private schools or similar businesses related to religion or education
- iii. Veterinary clinics or similar facilities for animal care, including pet shops
- iv. Car washes, fuel stations with eight (8) or fewer pumps, and **minor vehicle service and repair garages, including associated mini-mart retail**
- v. Contractor's establishment, including roofing, plumbing, heating or electrical or suppliers to such business ~~including lumberyards, provided no outdoor storage is permitted~~
- vi. **Attached residential units, per the requirements herein** ~~which shall be attached units, either to a permitted use within this district or to other residential units~~
 - a. ~~Such units, when attached to a commercial use, shall be located on the second floor.~~
 - b. ~~Where abutting existing single family detached dwellings, such units shall be in the form of attached, townhouse style condominiums. In other locations, the density and compatibility of style shall be consistent with adjoining land use.~~
 - c. ~~Each residential unit shall provide for onsite private parking for at least two spaces per unit, with such parking permitted on private access drives as part of the approved development plan.~~
 - d. ~~Design considerations shall include consistency with the standards for review of a PUD under Section 36-4.52.5, including the use of perimeter open space where abutting residential zoning districts.~~
- vii. Bed and breakfast ~~§ 36-4.53~~ or similar lodging establishment that does not exceed six sleeping rooms and in which no meals, other than a breakfast, are served
- viii. Retail laundry and dry-cleaning establishments, not including processing facilities
- ix. Limited and full residential care facilities
- x. Permitted uses that include the outdoor display of goods
- xi. **Permitted uses that** provide outdoor seating for serving patrons alcoholic beverages ~~§ 36-4.54~~
- xii. **Permitted uses that include** drive-through facilities

- xiii. Single business ~~nonresidential building~~ with a maximum ~~floor area (per floor)~~ footprint of greater than ~~15,000~~ 10,000 square feet and maximum ~~building or storefront~~ width greater than ~~120~~ 60 feet.
- xiv. Mixed use development
- xv. Banquet halls/event centers
- xvi. ~~Vehicle service~~
- xvii. ~~Brewpub where the brewing operation is no more than 30 percent of the building square footage~~
- xviii. ~~Craft food and beverage production facility, with no more than 5,000 square feet of gross floor area for production~~
- xix. Funeral homes
- xx. CBD mixed use site condominium developments

D. ~~Lot, Yard, and Area~~ DIMENSIONAL REQUIREMENTS

- i. **Lot size.** The lot ~~or site~~ shall be of sufficient size to meet required parking standards for such use under Section 36-5.7: **Parking Requirements**.
- ii. **Lot frontage.** Lots shall be required to have enough frontage on a public or private road or an access connector to ensure vehicular access. Frontage may be waived by the Planning Commission if a permanent easement is provided to gain access to a public or private road.
- iii. **Open space.** The lot ~~or site~~ shall provide for **20 percent** open space ~~consistent with the open space requirements under Section 6.1 (Site Plan Review)~~. See subsection E.: **Design Standards** herein for additional open space requirements.
- iv. **Height.** The maximum building height shall be 35 feet, with exceptions for towers, cupolas, or steeples up to a maximum 50 feet in height. **Within 100 feet of property zoned or used single-family, height shall be restricted to 24 feet.**
- v. **Building size.** The maximum **footprint** ~~floor area~~ for a single business **nonresidential building** shall be ~~15,000~~ 10,000 square feet (per floor) and the storefront of an individual building or unit within a multi-unit building shall have a maximum width of ~~120~~ 60 feet. ~~unless an application is made for a special exception use to allow for floor area and storefront width greater than such requirements for the specified and approved use. The Planning Commission may consider a special exception use application for a larger footprint or wider storefront if the design of the building is compatible with adjacent properties and the district and all other design standards can be met.~~
- vi. **Setbacks and build-to lines.**
 - a. On county primary roads the **build-to line** ~~minimum front yard setback for both building and parking areas shall be a minimum of five (5) feet from the preserved right of way if street trees and a minimum 5 foot wide sidewalk are included in the preserved right of way.~~

~~Otherwise, the setback shall be a minimum of twenty-five (25)~~ 10 feet from the actual right-of-way. The maximum building setback from the actual or preserved right-of-way line (county primary roads) shall be 50 feet. This "build-to" line is intended to provide a more consistent setback of buildings and to ~~reduce~~ eliminate parking areas within the front yard. The Planning Commission may waive this requirement where, in its sole reasonable discretion, it determines ~~such a maximum setback~~ the build-to line does not achieve this desire for consistency.

- b. On secondary and private roads, the front yard setback for both building and parking areas shall be a minimum of five (5) feet from the actual right-of-way.

E. DESIGN Criteria and Review **STANDARDS**

The standards required in this subsection do not invalidate the regulations of Article 5.0: Site Standards but may replace or enhance some ordinance requirements. If a conflict exists between this subsection and Article 5.0, the Corners Business District requirements will prevail.

~~Prior to the formal submission of a site plan to the Planning Commission, a preliminary site plan shall be submitted to a five-member design review committee made up of two members of the downtown development authority, one member of the Township Board, one member of the Planning Commission and one member of the general public residing in, or within one mile of, the CBD boundary. Such members shall be appointed by the Township Supervisor and their role shall be to assist the Planning Commission in conducting site plan review and shall be advisory in nature. The criteria to be considered, in addition to the requirements for site plan review, are as follows:~~

- ~~i. Layout and design. The layout and design shall conform to the corridor enhancement guidelines manual, including curb and gutter, sidewalks and lighting standards. In addition, such layout shall be meet access management requirements and be oriented to enhance pedestrian movement and minimize conflict with vehicular circulation and parking areas. Sidewalks and/or bike paths may be required where planned for or for connection to adjoining businesses.~~
- ~~ii. Visual appearance. For retail and personal service business, the visual appearance of the building shall include glass for eye-level display and may include porches, awnings or canopies to provide cover for pedestrians.~~
- ~~i. Landscaping. Landscaping shall be provided between the roadway and the building and/or between the roadway and any parking or service drive. Shade trees shall be planted at intervals not greater than one tree for every 50 to 75 feet along any public street within the CBD or use shrubbery or planting areas where visibility is of concern for pedestrians and motorists. The use of berms or screen fencing (not to exceed 30 inches in height) shall be considered when large expanses of parking or service drives front onto or parallel the public street. Landscape islands within the parking lots are required for any lot or site in excess of 50 spaces at 200 square feet for every ten spaces. A landscape plan shall be submitted with the preliminary plan for review by the design committee.~~
- ~~ii. Exterior lighting. Exterior lighting shall adhere to the standards under Section 36-5.6 and be coordinated with adjoining businesses and to enhance pedestrian movement and safety. Any~~

~~freestanding poles shall be situated within a landscape island or be designed in a manner that blends with the appearance of the development.~~

~~iii. Parking. Parking areas shall be located in a manner that minimizes the conflict with continuous pedestrian movement throughout the CBD. In addition to the access management guidelines and landscaping requirements above, emphasis is placed on reducing the size of individual parking lots unless devoted to shared parking accessible to a number of businesses. Toward this intent, multiuse sites shall not be required to meet parking standards for all uses when it can be shown that days and hours of operation may not overlap between the proposed and existing uses on the site. Where available public parking is within 500 feet of the subject site and connected by sidewalk or bike path facilities, a site plan may be approved with a deficiency in required parking. It is recommended that parking be located within rear or side yards to reduce conflict with pedestrian movement to the establishment.~~

i. Access.

a. Driveway access shall be from secondary or private roads, if available.

b. Driveways shall include concrete curbs at the intersection with a public or private road and shall be a minimum of 26 feet in width for a distance of ?? and a radius of??. Once past this distance, the driveway width may reduce to 24 feet.

c. Sites shall be designed to provide cross-access to neighboring lots. The Planning Commission may waive this requirement if physical impediments prohibit connections.

d. Sidewalks shall be required from the parking lot to the building entrance and to any existing sidewalks within the right-of-way or preserved right-of-way.

e. Sidewalks for nonresidential developments shall be five (5) feet in width. Residential developments shall be four (4) feet in width.

f. Internal sidewalks outside of the right-of-way or preserved right-of-way may be required to connect adjacent properties if such connections improve the walkability of the district. Internal sidewalks may be four (4) feet in width on nonresidential properties if not adjacent to parking lot spaces.

g. If the Township's Parks and Trails Plan indicates bike paths or other nonmotorized trails, they shall be developed between eight (8) and 10 feet wide depending on the intended use.

ii. Open space.

a. Each development project shall provide 20 percent open space.

b. For nonresidential site condominiums, 50 percent of the required open space shall be designed as a separate common element for the entirety of the project, with the remaining 50 percent included in each individual building site.

- c. Storm water detention ponds that are not intended to retain water may be counted as 50 percent of the required open space if designed in a natural or free-form shape and is part of the overall landscape concept for the development.
- iii. Landscape and streetscape elements.
- a. Streetscape. Deciduous street trees shall be required along any public or private road at a rate of one tree per every 50 linear feet. Trees shall be planted at this same interval to create a consistent look down the roadway. For public roads, trees must be planted outside of the actual road right-of-way, but within the preserved right-of-way. Preferred trees are **Flowering Pear and Norway Maple or other** deciduous trees tolerant of the built environment. For areas where visibility is a concern, the Planning Commission may allow low growing plants and shrubs to replace the required tree. **Existing deciduous trees along the road right-of-way may be utilized to meet street tree requirements if approved by the Planning Commission.**
 - b. One small deciduous tree and one shrub or ornamental grass shall be required for every 1,500 square feet of the required 20 percent open space and shall be planted internal to the site.
 - c. If retention or detention ponds are planned, the required open space landscaping shall be used around the storm water feature. Additional decorative landscaping, such as grasses, shrubs, and flowering plants is encouraged to enhance visual appearance of the pond.
 - d. A parking lot landscape feature must be provided at least every 180 linear feet of parking spaces to reduce the impacts of extensive concrete or asphalt. Parking lot landscape features shall be protected by the installation of a raised concrete or **other materials with the same durability and longevity of concrete if approved by the Planning Commission asphalt curb or other suitable means.** A minimum distance of three (3) feet shall be established between any planted tree and the backside of the protection device.
 - e. Flowering plants are encouraged adjacent to building foundations, sidewalks, bike paths, and street furniture to enhance the natural aesthetics of the lot. The use of planter boxes or pots for flowers are also encouraged, where appropriate.
 - f. Evergreen trees are prohibited, except as a natural screen between the Corners Business District and adjacent residential uses as required by Section 36-5.3: Screening, Fencing, and Landscaping.
 - g. Portions of the lot not dedicated to impervious surfaces must be landscaped with an appropriate live plant material.
 - h. Trees and/or shrubs that produce berries or fruit, or that have thorns, or create maintenance or safety concerns are prohibited.
 - i. Street furniture such as benches, bike racks, and waste receptacles may be required by the Planning Commission depending on the use, size of the lot, and location of the development.
- iv. Storm water management.

- a. The use of underground systems ~~is the preferred method~~ may be utilized for storm water management.
 - b. Shared storm water systems with recorded maintenance agreements are strongly encouraged.**
 - c. If the use of retention or detention ponds are planned, they shall have a natural or free-form shape, rather than square or rectangular design and appearance, and shall be integrated into the overall landscape plan, utilizing natural stone/rock where appropriate.
 - d. If site constraints require a more engineered shape, the design and appearance must be approved by the Planning Commission.
 - e. Retention ponds, which are designed to have permanent water or do not drain with 72 hours, must include some form of aeration, such as fountains.
- v. Parking.
- a. Parking areas shall be prohibited in the front yard of properties located on County primary roads. The Planning Commission may allow one row of parking within the front yard if site constraints limit the ability to place parking in the side or rear yards.
 - b. Parking areas are preferred in the rear and side yards of properties on all other rights-of-ways, including private roads and driveways.
 - c. Parking areas shall be designed to provide safe pedestrian movement to a sidewalk and shall be located in a manner that minimizes any conflict with continuous pedestrian movement throughout the district.
 - d. Reduction in parking spaces may be permitted per the regulations of Section 36-5.7: Parking Requirements and Section 36-5.9: Access Management.
- vi. Lighting.
- a. Site lighting shall be designed to enhance the pedestrian experience, ensuring well-lit sidewalks and pedestrian ways.
 - b. A common lighting theme shall be utilized. Freestanding light poles shall be coordinated with adjacent businesses to provide consistency throughout the district if said lighting is of a modern and streamlined appearance.
 - c. Light poles and wall fixtures that front a road shall be made of metal or a material that looks like metal (iron, steel) and have a dark gray or black appearance.
 - d. Height of freestanding light poles shall be consistent with the scale of the building and the size of the parking area **but no taller than 15 feet**. Light poles shall be placed within landscape islands or be designed in a manner that blends with the appearance of the site.

- e. Wall mounted lighting **for pedestrian ways** shall not be placed higher than 14 feet above adjacent grade.
- f. All lighting shall be LED and designed to be full cut-off and downward directed to protect night skies and reduce light pollution. Architectural features such as a canopy or portico which would stop illumination from projecting beyond the extent of the building meets this intent.
- g. Backlighting of a canopy or awning is prohibited.

vii. Building design.

- a. To develop harmonious character within the district, building design shall consider the architectural style of adjacent structures. Individual expression is encouraged but within the scope of compatibility within the district.
- b. Building facades facing a public or private road shall be composed of at least 50 percent brick, stone, or other decorative masonry material. The remainder of the front façade and all other facades must be consistent in appearance. Synthetic exterior building materials are prohibited unless recommended by the Design Review Committee and approved by the Planning Commission.
- c. Facades facing public or private roads shall have transparent areas that equal at least 50 percent of the façade.
- d. Building façades shall be at least 80 percent earth tone colors. Other colors may be utilized to distinguish the building or enhance the marketing of a specific use.
- e. Long facades facing public or private rights-of-way with no architectural relief are prohibited. Articulation of facades through window bays, alcoves, variations in building depth, vertical building relief such as columns or pilasters, canopies, porticos, etc. shall be required at least every 20 feet. This requirement may be modified if an alternative design approach is recommended by the Design Review Committee and approved by the Planning Commission.
- f. Building entrances shall be designed to be a unique element of the façade, including porches, awnings, canopies, or other architectural feature to provide cover for pedestrians.
- g. Service entrances/loading and unloading areas shall occur in the side or rear yard and shall be effectively screened from street view. Screening may be accomplished by the layout of the building, or a six (6)-foot wall or opaque fence.
- h. All dumpsters or other trash receptacle enclosures shall be incorporated into the building design or shall be located in the side or rear yard and shall be completely screened from view by a six (6)-foot decorative wall or opaque fence that coordinates with the building design.

viii. Signs.

- a. Sign colors shall be consistent with the color scheme chosen for the building.

- b. Signs located on an awning or canopy shall comply with the size standards for wall signs per Section 36-5.8: Signs.
- c. For internally illuminated signs, only the text and/or logo may be illuminated.
- d. Mounting hardware for projecting signs shall be an integral part of the sign design to maintain an attractive façade appearance.

ix. Traffic Control and Street/Drive Names

- a. **Any internal drives/driveways that are designed to provide vehicular access to a building must be assigned a name that has been approved through the Kalamazoo County street naming policies.**
- b. **Addresses will be assigned by the Township utilizing these drives/driveway names.**
- c. **Traffic control devices like stop signs, must be shown on the site plan and meet the Michigan Department of Transportation design requirements.**

x. Residential developments.

- a. Mixed residential and commercial buildings are encouraged within the district.
- b. When attached to a commercial use, residential units shall be located on the second floor or above or shall be located to the rear of the commercial use.
- c. Within 150 feet of single-family zoned property, attached units shall be of a townhome style with no more than six units per building.
- d. Beyond the 150 feet, attached units may be stacked and the number of units may increase to 12 units per building.
- e. An open space buffer zone of 35 feet shall be required between any attached residential developments and property zoned for single-family uses.
- f. One parking space shall be required for every studio, 1.5 spaces for every one bedroom, and 2.5 spaces for every two (2)-bedroom unit. Parking reductions for residential developments are prohibited.

F. DESIGN REVIEW COMMITTEE

- i. **Role.** To promote safe, functional, and attractive development within the district by advocating quality site and building design and ensuring compliance with the design standards outlined herein so projects are built with sensitivity to the district and adjacent properties.
- ii. **Authority.** The Design Review Committee is an advisory body to the Planning Commission **on any development that requires site plan review.** They may note needed changes to a project based on the regulations of this ordinance and may make recommendations based on the context and

design of the development. Recommendations may be considered by the applicant and will be presented to the Planning Commission. For uses permitted by right, recommendations are not a requirement of project approval. For special exception uses, the Planning Commission is authorized to impose reasonable conditions in connection with any approval and may require the project incorporate the Design Review Committee recommendations.

iii. Membership.

a. The Design Review Committee shall be a five-member body consisting of a design professional that has familiarity with the district; a member of the Planning Commission; a member of the Township Board; a member of the Downtown Development Authority; and a member of the general public.

b. Members shall have some professional expertise in the planning, design, or construction professions such as architecture, engineering, environmental design, urban design, planning, or building.

iv. Recommendations. Any recommendations related to design not required by this ordinance must be approved through a majority vote of the Design Review Committee members in attendance at the review meeting. The recommendations approved by majority vote shall be provided to the Planning Commission at the time of site plan review for consideration.

G. APPLICATION PROCESS

i. Applications shall be made in compliance with Section 36-6.1: Site Plan Review, and shall include the following additional information:

a. Elevation drawings that include the type of exterior wall materials and roof materials, and the names of the exterior wall and roof colors. Percentages of wall materials, wall colors, and transparency of the first floor shall also be provided

b. A separate color board with the exterior wall and roof colors.

c. Detail of the proposed sign, including colors to be used.

d. Information on how the site meets the standards for a parking reduction, if requested.

ii. After submittal of an application, the Zoning Administrator will convene the Design Review Committee within 10 days.

iii. The Design Review Committee will provide input to the applicant related to changes needed based on the regulations of this ordinance, as well as recommendations that may improve the site or provide more compatibility between properties.

iv. Within three (3) days of the meeting, the Zoning Administrator will provide, in writing, the Design Review Committee comments, noting those that must be accomplished before Planning Commission consideration and those that are recommendations for the applicant to consider.

- v. Depending on the outcome of the Design Review Committee meeting, the applicant may be required to resubmit an updated site plan for Planning Commission consideration within seven (7) days of receiving written comments.
- vi. The Planning Commission will only review an application after the Design Review Committee has met.

H. EXEMPTIONS. The following projects on existing sites do not require Design Review Committee input:

- i. Cumulative expansion of building square footage of 500 square feet or 10 percent of the structure, whichever is less, as long as all approved exterior wall materials and colors are utilized.
- ii. Changes to improve barrier-free design or compliance with the Americans with Disabilities Act.
- iii. Paving or restriping an existing parking lot, or an expansion to an existing parking lot of no more than eight (8) spaces.
- iv. The construction of retaining walls, fences, screen walls, waste receptacles, sidewalks, antennas, lights, and mechanical equipment on an existing site that meets all Township ordinances.
- v. Accessory structures 200 square feet or less if exterior wall materials and colors are consistent with the approved materials of the primary building.
- vi. Temporary site plan amendments permitted under Section 36-6.1.1.C.
- vii. A change in use in an existing building that does not require an increase in parking.

I. WAIVERS. Any requested waiver from the design standards noted herein shall require a recommendation from the Design Review Committee and approval from the Planning Commission. The Planning Commission must find that:

- i. The waiver advances specific policies and provisions of the Corners Business District Subarea Plan or Master Plan.
- ii. The waiver permits greater compatibility with adjacent properties or promotes a more functional or attractive building and/or site.
- iii. The waiver allows a natural feature that would enhance the site to be preserved.
- iv. The structure has received national, state, or local historic designation.
- v. The project is a remodel of an existing building constructed before the adoption of this ordinance making some design standards impossible to implement.

2.2 DEFINITIONS

Brewpub means a restaurant establishment licensed by the Michigan Liquor Control Commission as a brewpub that manufactures and sells beer for consumption on the premises or for take-out.

Craft food and beverage production facility means an establishment engaged in the onsite, small-scale production of food and beverages with limited to no external effects on adjacent properties, generally involving an onsite retail sales component. Typical examples include bakeries, microbreweries, wineries, or other cottage food operations.

Craft shop means any establishment that produces onsite articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

Footprint means the horizontal area of a building or structure as seen in plan view, measured at grade from the outside of all exterior walls and supporting columns.

Personal services establishment means an establishment or place of business primarily engaged in the nonmedical provision of frequent and/or recurrent services of a personal nature. Related services include barber shops, beauty salons, spas, tanning salons, massage facilities, chiropractic clinics, and other similar establishments. These uses may also include accessory retail sales of products related to the services provided.

***Club, private service* means an organization that requires membership for participation and whose intent is to provide meaningful societal assistance or support, with operations often controlled by the membership, and whose facilities and activities are only open to members and their guests.**

- B. Height. The maximum allowable height for any small turbine/on-site WECS, based upon the combined tower and rotor blade length, shall be 60 feet for parcels of one to less than five acres, 120 feet for parcels of five to less than ten acres, and up to 180 feet for parcels of ten acres or more. The maximum allowable height for any large turbine/utility grid WECS, based upon the combined tower and rotor blade length, shall be 400 feet. The Planning Commission, in consideration of such request, may waive these height and parcel size requirements where, in their sole reasonable discretion, they believe that such proposed location does not negatively impact adjoining properties.
- C. Ground Clearance. For horizontal axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is at least 20 feet. For vertical axis turbines, the area protected from access shall be not less than 200% of the width of the system
- D. Accessibility. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of no less than 12 feet, unless such access is internal to the tower or similar access control is utilized.
- E. Connection to Power Grid. In the case of the WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
- F. Vibration. Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.

- G. Additional Studies. The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.
4. Decommission Plan/Site Reclamation. The applicant shall submit a plan that indicates the anticipated life of the project, the estimated cost and method to ensure the availability of such funds, and the manner in which the site will be reclaimed.

36-4.40 MIXED USE DEVELOPMENT

1. Purpose. The intent of providing for mixed-use development is to allow for a wider range of uses in areas of the Township where such use can achieve the goals of the developer while retaining the compatibility of use associated with special exception use approval. Toward this end, the potential range of uses that may be considered includes residential uses permitted within the R-3, R-4 and R-5 districts, office uses permitted in the O-1 district, and commercial uses permitted in the C-1, C-2 and C-3 districts. The intent is further directed at providing for less-intensive uses in more-intensive districts rather than more-intensive uses in less-intensive districts (such as C-1 uses in I-3 but not I-3 uses in C-1).
2. Location. An application for mixed-use development may include land designated within the Texas Township Master Plan for medium- and high-density residential, office, neighborhood, central and regional commercial, and industrial. Where the underlying zoning does not allow for mixed-use development as a special exception use, only those uses permitted by right shall be included within that portion of the development area. Within this type of application, separation between residential use and more intensive use (in the form of a greenbelt buffer or similar screening) may not be required or desired.



- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement

3. Application. An application shall adhere to the process for all special exception uses under [Section 36-6.3](#), with this application including a separate submission under [Section 36-6.1](#) (Site Plan Review). The submitted site plan shall identify the development area in total, the underlying zoning district(s) and any manmade features within 300 feet of the site perimeter. The Planning Commission shall first consider the application for special exception use and then consider the application for site plan review. All conditions imposed on the approval of the special exception use shall be reflected on the final site plan.
4. Conditions. The following conditions shall apply to any application for mixed-use development:
 - A. The minimum parcel size for any development area shall be five acres. This may include consolidation of parcels for purposes of such application.
 - B. There shall be frontage of at least 330 feet along an existing public road or private road that can support the scope of the proposed mixed use.
 - C. Perimeter setbacks shall adhere to the setback requirements for the underlying zoning district, unless located within the CBD, in which case the Planning Commission shall determine what perimeter treatment, if any, is needed to achieve compatibility between users. Interior setbacks between the proposed uses or separation distance between any proposed or existing buildings within the development area shall be indicated on the site plan. In no instance shall this setback or separation for detached buildings be less than ten feet, or the height of the building, whichever is greater.
 - D. No less than 25 percent of the development area shall be preserved in open space, with such open space to be located both internally (to the benefit of the residents, employees or patrons of the development) and along the perimeter as a buffer from less intensive uses. Emphasis should be placed on pedestrian movement within the site and the connection of the development area to any off-site nonmotorized facilities (sidewalks, bike lanes or bike paths).

- E. If the proposed development is to be constructed in phases, these must be identified on the site plan and any initial phase shall include a use that is a permitted use within the underlying zoning district, unless specifically waived by the Planning Commission. In every instance, the final mix of uses shall include a permitted use within the underlying district.
- F. The applicant may include other special exception uses from the underlying zoning district or from those districts listed for permitted uses under [Section 36-4.40](#). In no instance shall the special exception use exceed a land area of more than 50 percent of the total development area unless specifically waived by the Planning Commission.
- G. The development shall be served by public sewer and water, utilize concrete curb and gutter and adhere to landscape standards listed under [subsection 36-5.3](#).

36-4.41 EARTH REMOVAL, MINING AND PROCESSING OPERATIONS

1. Generally. Prior to approval of a special exception use for earth removal, including marl or peat removal, extraction or mining, or for quarrying or gravel processing in any area of the Township, the Planning Commission shall be certain the following conditions and limitations are or shall be strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township Ordinance controlling such operations. The terms business or operation shall mean the entire scope of such business, including access and transportation to and from such site.
2. Location.
 - A. The minimum parcel size shall be 40 acres.





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STAFF MEMO

Meeting Date: January 11, 2022

Date: December 29, 2021

To: Planning Commission

From: Julie Johnston, AICP
Interim Planner/Zoning Administrator

Regarding: Potential Amendments to the Planned Unit Development Ordinance

After the discussion at the December meeting, the Planning Commission decided to move forward with a review of the attached ordinance amendments for Planned Unit Developments.

One of the positive components of a planned unit development ordinance is the flexibility for developers and the ability for local government to ensure amenities for residents. The current PUD ordinance seems to be designed for single-family development, as only an increase in open space, the preservation of natural open space, or the development of lots that conform better to adjoining residential development are mentioned to achieve the small 10 percent density bonus. In addition, a 10 percent density bonus does not offer a substantial increase in units to make a significant preservation of natural open space worth the potential loss of land. For example, in the R-2 district, which allows 3 units per acre, a 10 percent increase is only 0.3 additional unit per acre, meaning a little over three acres is needed to achieve one bonus unit.

Staff has provided some recommended changes that gives options to achieve a density bonus. In addition, the Planning Commission would review the amenities offered and make some determinations about the maximum allowable density increase. For example, a project may provide an additional 10 percent open space and a club house for residents. Under the suggested amendments, a 10 percent increase would be permitted for the increase in open space and up to five percent may be permitted for the club house. Depending on the amenities provided in the club house, the Planning Commission may decide to only allow an additional three percent increase, for a total of 13 percent density bonus. As currently outlined, the Township Board will have ultimate approval over density bonuses.

The following table outlines the allowable density within each residential district and the maximum allowable density bonus, which is 25 percent, under the suggested amendments. A 20-acre project is utilized as an example.

| Zoning District | Current Ordinance | | Potential Density Bonus | | | |
|-----------------|---|----------------------|-----------------------------|---------------------------------------|---|-----------------------------|
| | Permitted Density (# of units per acre) | Example: 20-acre PUD | Maximum 25 Percent Increase | Maximum Density (# of units per acre) | Example: 20-acre PUD with Density Bonus | Potential Increase in Units |
| AG | 0.33 | 6.6 | 0.0825 | 0.4125 | 8.25 | 1.65 |
| R-1 | 0.66 | 13.2 | 0.165 | 0.825 | 16.5 | 3.3 |
| R-1A | 1.5 | 30 | 0.375 | 1.875 | 37.5 | 7.5 |
| R-2 | 3 | 60 | 0.75 | 3.75 | 75 | 15 |
| R-3 | 4 | 80 | 1 | 5 | 100 | 20 |
| R-4 | 5 | 100 | 1.25 | 6.25 | 125 | 25 |
| R-5 | 10 | 200 | 2.5 | 12.5 | 250 | 50 |
| R-C | 0.1 | 2 | 0.025 | 0.125 | 2.5 | 0.5 |

As expected, the districts with the greatest increase are the multiple family zones, with the maximum density bonus of 2.5 additional units per acre.

Staff is also recommending the removal of the required comparison plan and instead utilize the allowable density of the underlying zoning district. A criticism of many PUD ordinances is that they are complicated and the process to obtain approval can be involved and time consuming. If a density of three dwelling units per acre is allowable for a standard subdivision in the R-2 zone, shouldn't the same density be allowed in a PUD? A developer is going to design any comparison plan to ensure the allowable density is reached, and therefore the underlying zoning could prevail. Only the incorporation of specific amenities would allow a development to go beyond the density that has been established in the underlying zoning district.

Thank You.

4.52 PLANNED UNIT DEVELOPMENT USE STANDARDS

3. Development Requirements

B. ~~Density and Dwelling Unit Computation~~ Density.

- i. **Base Density.** ~~The maximum base density for residential uses in any planned unit development shall not exceed that which would be permitted within the underlying zoning district. in a feasible comparison plan, prepared in accordance with Township regulations pertaining to the underlying zoning, except as provided in subsection E of this Section. For the purposes of this Section, a comparison plan shall consist of a feasible layout of dwelling units which may be permitted by right in accord with the underlying zoning applicable to the proposed site. The comparison plan shall include the information required for site plan review pursuant to Section 36-6.1.2. The maximum number of dwelling units permitted by the Township Board for the planned unit development shall be determined based on the number of units that may be properly developed as shown on the comparison plan. In the case where the proprietor proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use planned and developed in such a way that the required open space, in relation to the permitted density, is adhered to within each phase or accumulated in the earlier phases of the project. This open space may be accomplished through the utilization of conservation easements, or other lawful means, as approved by the Township.~~
- ii. **Bonus Density.** The applicant/developer may request the granting of a bonus density in those situations where the applicant has presented a plan that would exceed the minimum requirements for approval, **as follows:** ~~Such requirements include open space that exceeds 20% of the site, preservation of the natural open space or landscape without changes to grade or landscape and/or reductions in site standards, such as lot area, lot frontage or setbacks that conform better to adjoining residential development areas.~~
 - a. **A one percent density increase for each one percent open space over the required 20 percent, up to a maximum 15 percent density increase. An additional five percent density increase may be granted if the open space plan preserves natural features such as woodlands, wetlands, floodplains, or other unique natural areas.**
 - b. **Active recreation facilities such as tennis courts, basketball courts, playgrounds, etc. may qualify for up to five percent density increase.**
 - c. **Passive recreation facilities such as trailways, clubhouses, barbeque areas, dog parks, etc. may qualify for up to five percent density increase.**
 - d. **Dedication of park areas or trailways for public use, pending the Township Board's approval, may qualify for up to 10 percent density increase based on the need for the facility, whether it is incorporated into a Township plan, or helps to complete an overall nonmotorized system.**

Such bonus shall not exceed ~~10%~~ **25 percent** of the total number of units established by the ~~comparison plan underlying zoning district.~~ and **Approval of a density bonus** by the Township

Board shall be based upon the recommendation of the Planning Commission with a clear rationale as to why such bonus density should be granted. **The Planning Commission shall determine if the additional amenities meet the intent of this ordinance and provide a benefit to the residence of the development or the public. For those that allow up to a certain density bonus, the Planning Commission will review the number, type, and quality of the amenity to determine the allowable density increase.**

4. Applicable Regulations

- C. **In the case where the proprietor proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of uses planned and developed in such a way that the required open space, and permitted density, is adhered to within each phase or accumulated in the earlier phases of the project. If a density bonus is permitted for a project with phasing, the amenity that warranted the bonus must be developed in the first phase of the project. For projects with a density bonus based on multiple approved amenities, an amenity must be included in each phase of the project or developed as part of the first phase. The stages or phases of any planned unit development shall be so structured and scheduled that, if later stages or phases of the development are not implemented, the initial stage shall be consistent with the provisions of this Section and shall not detract from the feasibility of developing the remaining portion of the subject planned unit development area in an appropriate and desirable manner.**

6. Application and Processing Procedures.

B. Preapplication Conference

- ~~iv. A comparison plan indicating the maximum number of dwelling units that may be developed on the site under the terms of the existing provisions of this Chapter, taking into account unbuildable areas as part of this calculation.~~

C. Preliminary Concept Development Plan--Submission and Content

- ~~xiv. A comparison plan indicating the maximum number of dwelling units that may be developed on the site under the terms of this existing Chapter.~~