



1                   **PLANNING COMMISSION REGULAR MEETING MINUTES – JANUARY 24, 2023**

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3                   **CALL TO ORDER/ROLL CALL**

4                   Chair Corfman called the meeting to order at 6:00 p.m. and Vice Chair Davis called the  
5 roll. The following were present: Chair Corfman, Vice Chair Davis, Commissioners Roberts,  
6 Eavey and Matson. Also present was Zoning Administrator Lovely, Recording Secretary Kerr,  
7 and approximately 30 interested persons. Absent Secretary Loeks and Commissioner  
8 Buckham.  
9

10                   **PUBLIC COMMENTS**

11                   There were no comments.  
12

13                   **ADOPTION OF MEETING AGENDA**

14                   Chair Corfman reviewed the agenda. Motion by Eavey, seconded by Matson, motion  
15 carried, to adopt the agenda as presented.  
16

17                   **ELECTION OF OFFICERS**

18                   Commissioner Roberts asked if the current officers were willing to continue in their positions.  
19 Motion by Roberts, seconded by Eavey, motion carried, to reappoint Mike Corfman as Chair,  
20 Bart Davis as Vice Chair, and Larry Loeks as Secretary.  
21

22                   **APPROVAL OF MEETING MINUTES – January 10, 2023, Workshop Meeting Minutes.**

23                   Commissioner Roberts noted under Commissioner Comments the statement she made  
24 concerning the superintendent search and trustee interviews were intermingled and provided  
25 Mr. Lovely with clarified wording.

26                   Motion by Eavey, seconded by Davis, motion carried, to approve the January 10, 2023,  
27 Workshop Meeting Minutes, as corrected by Commissioner Roberts.  
28

29                   **NEW BUSINESS**

30                   PC#23-01 Schafer Development Rezoning – Public Hearing

31                   Mr. Lovey explained that the applicant Steven and Aaron Schafer of Schafer Development  
32 LLC, are requesting a conditional rezone of property on W. N Ave. In a conditional rezone the  
33 developer can provide as much or little information as they want. The concepts of what the site  
34 would look like are tied to the rezone. The property is currently zoned R-2 Residential District,  
35 Single Family and they would like it rezoned to R-5 Residential District, High Density, Multiple-  
36 Family. Their plan is to construct a one-story ranch apartment home community on  
37 approximately 25 acres. He further explained that the Planning Commission only makes a  
38 recommendation to the Township Board, and it is the Township Board that makes the final  
39 decision. If the development does not happen after 18 months, the property is rezoned back to  
40 the original R-2 zoning.

41                   The subject parcel is within the 9<sup>th</sup> Street Sub-Area Plan, and the future land use designation  
42 is Mixed-Use, Flexible. According to the Plan, the R-3, R-4, R-5, O-1, C-1, and Planned Unit  
43 Development are all suitable within this future land use designation. Residential districts range  
44 from four to 10 dwelling units per acre and would permit up to 250 dwelling units on this parcel.  
45 However, the applicant is proposing 166 single family ranch townhome units. Mr. Lovely outlined  
46 the specific land uses in the area and that the subject parcel is undeveloped farmland.

47 The parcel will have access to W. N Avenue, which is a County Primary Road and as a  
48 condition of the rezoning the developer will extend the public right of way and Beatrice Drive  
49 along the south property line. The rezoning fulfills the intent of the South 9<sup>th</sup> Street Sub-Area,  
50 which is to allow increased density in this area of the Township. This proposed development in  
51 the R-5 District could serve as a transition between the recently approved higher density  
52 attached multiple family development directly to the west and existing commercial use along  
53 South 9<sup>th</sup> Street, providing for a step-down in development intensity. Public water and sewer are  
54 available.

55 Mr. Aaron Schaver representing Schafer Development, LLC. of Farmington Hills, MI.  
56 provided an overview of the project explaining that it will be a premier one-family apartment  
57 home community. Their use is complementary to the multistory apartment project to the west  
58 and is less intense with an overall density of 166 units. It is designed in mind for the 55+ and  
59 “Active Adult” demographic with high disposable incomes. He provided concept plans and  
60 renderings of the 4 different units they will provide. He has also conversed with the property  
61 owner to the northwest, Alice Pyne, about privacy screening or natural landscaping to shelter  
62 her home. A club house along with pickleball courts are some of the amenities. Sidewalks will  
63 be included although they are currently not shown on the plan, and they are not asking for any  
64 deviations. They are proposing a 40-foot tree preservation along east property line, providing a  
65 shielding to the Consumer Power line. Mr. Schafer, responding to a question, stated there are  
66 no basements although there is ample storage.

67 **Public Hearing**

68 Motion by Davis, seconded Matson, motion carried, to open the public hearing on the  
69 Schafer Development Rezoning Request.

70 Dan Hubbell of 5046 S. 11<sup>th</sup> Street asked for a better way to communicate with residents.  
71 His primary concern is the increased traffic by adding an additional 400 housing units to this  
72 area as it will also increase the need for fire and police protection. Currently, we do not have  
73 much of a police presence. He appreciated the transparency.

74 Robin Ross 5941 W. N Ave stressed that nobody really communicated with them about this  
75 residential rezoning. When inquired, she was informed about the Michigan Zoning Enabling Act  
76 which requires properties within 300 feet of the subject property written notification. In this case  
77 only three individuals were notified. She outlined the past zoning of the area pointing out that of  
78 the 25 acres to be rezoned, 8.766 acres are green space thus resulting in 166 units on 16 acres  
79 or approximately 10 units per acre. If the plan is to be continuous with the surrounding use and  
80 this does not fit with the current single-family homes. She would rather see a residential R-2  
81 subdivision development. She is not opposed to development but would like to see less density.

82 Warner Darwin 5073 S. 11<sup>th</sup> Street stated the pictures provided by Mr. Schafer looked good.  
83 The problem if zoned to R-5 is what happens down the road. If rezoning starts now, where does  
84 it stop? This area already has a lot of traffic and felt Beatrice Drive will eventually be extended to  
85 11<sup>th</sup> Street.

86 Shelly Hoogerheide of 5720 W. N Ave knows there will be development. However, the traffic  
87 on N Ave is horrendous. It does not matter the time of day, she can hardly ever get out of her  
88 driveway, and it will only get worse. Can the road handle all this traffic? This will really disturb  
89 things for all the people there.

90 Rany Lankford of 5162 W. ON Ave explained that N Ave is a thoroughfare and traffic  
91 continues to grow. Before, when he was fire chief, the area was proposed for R-5 zoning and  
92 residents came before the Planning Commission and the zoning was denied. He asked  
93 Commissioners to continue supporting that decision. He understands that N Ave is a primary

94 road and is a connector between Oshtemo, Portage, KVCC, and I-94. The Foxwood  
95 Development off 12<sup>th</sup> Street is expanding and will add more traffic congestion. Rezoning to R-3  
96 makes more sense. Let transition happen but let it happen softer.

97 Lisa Thompson of 5959 W. N Ave explained that her property abuts the property under  
98 consideration for rezoning. She felt rezoning to R-3 to R-4 provided a better buffer to her R-2  
99 single family home. She has already experienced crime in her backyard and only imagines it  
100 increasing. Traffic is already a huge issue; there have already been several accidents in front of  
101 her home which is right next to where they are planning to put the entrance and exit to that  
102 complex. There needs to be a buffer zone from the already approved high density complex.

103 Dave Short 5954 W. N Ave explained that his house is adjacent to the applicant but on the  
104 Oshtemo side. In 1962, N Ave was a gravel road and now it is congested. He felt the project  
105 was premature. He is not against changes but feels unless you live on N Ave, you have no idea  
106 how busy the road is and that is now, before the additional traffic. There needs to be a turn lane,  
107 or the road widened. Beatrice Drive is already jammed with traffic, so a lot of people will utilize N  
108 Ave. Most people that live on N Avenue will not walk along the road because of the traffic. He  
109 was one of the three people that received notice and was unaware of the Authenix project  
110 because he did not fall within the 300-foot notification area. He asked when the road will be  
111 updated and who is advocating for changes.

112 David Homola 5552 W. N Ave explained that his dad built one of the first homes on N Ave  
113 when it was gravel. The traffic is now so bad that it is difficult to get his car out of his driveway  
114 and had to invest in a turnaround just to make that possible. Recently a tree fell in the road and  
115 to keep vehicles out of his and his neighbor's yard he was forced to put up caution tape. Most  
116 residents will not walk or ride a bike on N Ave or 11<sup>th</sup> Street because of the traffic. He is also  
117 concerned about crime and wondered what this will do to property values. He knows the area  
118 will grow but suggested a softer zoning.

119 Mike Shugars of 5242 S. 11<sup>th</sup> Street agrees all that property will be developed eventually.  
120 Personally, he believes that at some time Beatrice Drive will extend through to 11<sup>th</sup> Street. He  
121 thought the area along I-94 could be developed like the area off S. Westnedge adjacent to I-94  
122 with restaurants, hotels and office buildings. He would like to see a fence along the power line,  
123 backing up to the property along N Ave.

124 Justin Oldani 5822 W. N Ave explained that they moved into their home in October. While  
125 viewing the home they did not give much thought to traffic and didn't understand the impact it  
126 would have on their daily lives. He described how dangerous it is to mow the lawn and retrieve  
127 mail. If the road was widened it would encroach on current property, but maybe lowering the  
128 speed limit would be helpful. He agreed with a proposal for a zoning district allowing for less  
129 density. He questioned how closely the developers will be held to their proposal. He expressed  
130 his concern about crime explaining that they previously lived in Portage and a neighbor turned  
131 their home into a multifamily unit which brought crime, drugs, and fires. A lot of older apartment  
132 units fall into disrepair, which usually does not happen with single family homes because of  
133 owner equity.

134 Joan Cavanaugh 5508 W. N Ave lives on the corner of N Ave and 11<sup>th</sup> Steet clarifying that  
135 traffic is more than automobiles, it's UPS trucks, buses, and semis who sometimes remove the  
136 stop sign to make the turn. Very rarely do people stop for the flashing light. Traffic is backed up  
137 coming from 9<sup>th</sup> Street to turn left onto 11<sup>th</sup> Street. She had to put a turnaround in her driveway  
138 so she could access the road. She is concerned about density and crime. She has already been  
139 robbed three times and people from 11th Street trespass in her backyard.

140 Lynn Thomas of 5950 W. N Ave has been in her home 2 years and during that time there  
141 have been two accidents. During the last accident, a vehicle came very close to her home and  
142 debris was spread everywhere. N Ave is dappled due to the Oak Trees making visibility difficult.  
143 The development may be intended as a retirement community, but she guarantees there will be  
144 KVCC students, which will eventually push older people out.

145 John Block of 5942 W. N Ave shared his concerns about traffic, which is a safety concern for  
146 families. He understood zoning balance and encouraged a lower density.

147 Dave Homola 5552 W. N Ave stated he could support some type of assisted living or senior  
148 care facility as those residents typically do not have vehicles or travel much.

149 Motion by Matson, supported by Davis, motion carried, to close the public hearing on the  
150 Schafer Development Rezoning.

151 Questions to applicant.

152 Vice Chair Davis asked the applicant for clarification on whether the development will be  
153 restricted to individuals aged 55 and older. Mr. Schafer clarified it is not capped at 55 or older.  
154 However, most residents are in the 55 and older age group. He also wanted to mention police  
155 protection and crime. They do extensive background checks on applicants and if there is any  
156 criminal history the applicant is denied. The rent will range from \$2,200 to \$2,500 monthly and  
157 renters would need a certain income to qualify which is typically 2 to 3 times the monthly rental  
158 amount. There will also be on-site property management.

159 Commissioner Roberts asked Mr. Lovely to confirm that when calculating the number of  
160 units per acre, it is the total acreage used to tabulate that number, not just the actual space  
161 developed. Mr. Lovely explained that the entire acreage is used in any development to calculate  
162 density, whether single family or not. The R-4 zoning was considered but only allowed up to 5  
163 units per acre and they are proposing 6.5 units per acre, which is lower end of the R-5 district.

164 Commissioner Eavey asked about the conditional rezoning process and concerns expressed  
165 over “what’s next” and how it bounces back to the original zoning. Mr. Lovely relayed that the  
166 developer does not have to provide information although this applicant willingly did so. If  
167 approved, the entire package is approved which includes concepts, floor area, number of units,  
168 open space, amenities, etc. The developer must adhere to what was submitted i.e., the number  
169 of units cannot exceed 166. The Planning Commission makes a recommendation to the  
170 Township Board. If the Township Board approves the conditional rezoning it is for 18 months. If  
171 the project has not started or an extension granted during that time, the process to revert the  
172 property back to the R-2 zoning would commence.

173 Chair Corfman explained that residents are not alone and that their comments are  
174 appreciated. He created some bullet points from the public hearing addressing concerns:

- 175 • Public Notice. There was concern about the 300-foot notification rule and this is a very  
176 common comment. He appreciates what residents have done by talking to neighbors.  
177 The Township adheres to the Michigan Zoning Enabling Act, a Michigan law that sets  
178 rules for public noticing. He explained that there must be consistency in notification and  
179 the township cannot pick and choose notification standards based on the location and  
180 type of development. Mr. Lovely explained that this is more of a Township Board issue  
181 and residents can provide input to the Board concerning the notification process.
- 182 • Traffic. Everyone mentioned the increase in traffic and that is a challenge. He is not  
183 aware that the Road Commission of Kalamazoo County (RCKC) has anything planned  
184 for upgrading N Ave soon. They are in control of widening the road or mandating a turn  
185 lane, although that is generally required on a primary road if the trips generated warrant  
186 it.

- 187 • R-5 Zoning. There is very little R-5 Zoning, which is correct. The Planning Commission  
188 looks at existing parcels and tries to create a balance between what the community  
189 needs and the desire of existing residents. Individuals want to live here but don't  
190 necessarily want to purchase a home on a large lot, cost is a consideration.
- 191 • Pedestrian Traffic. This is also an issue not just for Texas Township but for Oshtemo as  
192 well. That portion of W. N Avenue turns into I-94 when the highway is closed. He  
193 recently attended the Oshtemo Planning Commission, as a new development is being  
194 proposed across the street from his home and he also stressed the same concerns as  
195 heard tonight.

196 Commissioner Matson agreed with residents and felt that R-3 or R-4 zoning would be more  
197 appropriate as a step-down in density. Even with the proposed lower density he felt it was too  
198 much. With the R-4 zoning there would be 35 fewer units, which would be an improvement but  
199 felt that the R-3 would be a more appropriate way to protect residents.

200 Vice Chair Davis views the proposal as a stepdown from Authenix, a multiple story complex  
201 to single family. The developer is willing to keep a lower density and is willing to work with the  
202 community, which is great. He takes elevation into consideration and would personally rather  
203 have a single-story home in his backyard, which mentally has less of an impact than a 2-3 story  
204 unit "looking down" on him. He felt the Commission needed to take a holistic approach.

205 Chair Corfman addressed the question of "where does it stop" and referred to the Master  
206 Plan and land use process. This is an area that creates challenges as there is pressure both  
207 commercially and on the residential side. He does not see the density going beyond the power  
208 lines. There is a limit of what will be developed along I-94 due to noise issues. Mr. Lovely  
209 explained that the Master Plan is not set up for higher density east of the power lines. The  
210 subject parcel is within the 9<sup>th</sup> Street Sub-Area Plan Mixed-Use, Flexible, which allows  
211 residential developments, smaller commercial developments, and small office buildings.

212 Commissioner Roberts stated that she understood the traffic concerns; however, that is out  
213 of the Township's control and believed with both parcels being developed at approximately the  
214 same time, a turning lane will probably be required. As a conditional rezoning she feels this is a  
215 step-down from Authenix. She explained that any municipality is required to provide a variety of  
216 zoning and Texas Township has always been deficient in multifamily. Where is the most  
217 appropriate place for multifamily? This area has the infrastructure along with public  
218 transportation to support a higher density. She agreed with Vice Chair Davis about elevation  
219 and single-story units are less imposing than 2-3 story apartment buildings.

220 Commissioner Eavey viewed the development as a step down and a way to phase into  
221 single family. If the zoning was reduced to R-4 there would still be more traffic. He has  
222 personally witnessed density growth and experienced the inability to get in and out of your  
223 driveway. it can be painful.

224 Chair Corfman questioned the developer if there was a potential to do something less taking  
225 into consideration purchase and development price versus making a profit. Mr. Schafer  
226 explained that they were very selective in their site selection process and took into consideration  
227 the township's vision for the area allowing for higher density and a more creative development  
228 than the traditional single-family subdivision and that was part of the attraction to this site. Public  
229 safety is always a consideration, including what they must do to be a good corporate citizen to  
230 the residents living next to them. Chair Corfman stated the connection to Beatrice Drive  
231 proposed by both developments takes some of the stress off N Ave and helps with emergency  
232 response.

233 Commissioner Matson questioned whether a lower density development was considered.  
234 Mr. Schafer stated that R-4 was considered but instead felt the low end of R-5 would better  
235 meet their needs stressing that with R-5 zoning they could have 250 units per acre or utilizing a  
236 PUD it could be greater. They are only proposing 166 units. Their plan is the most economically  
237 feasible and they are providing 34% open space.

238 Commissioner Roberts explained that when looking at the map, there is a lot of vacant  
239 property to the east. This development cannot be compared to putting it totally next to single  
240 family density. Mr. Lovely explained that language in the Master Plan calls for the property east  
241 of the power lines to focus on single-family which is typically 1.2 to 3 units per acre.  
242 Commissioner Roberts explained that Bronson owns a lot of property between Beatrice Drive  
243 and I-94. Mr. Schafer explained that developing property near a hospital amenity is an added  
244 value.

245 Motion by Roberts, seconded by Eavey, motion carried, to approve the conditional rezoning  
246 of the Schafer developed as presented, at the January 24, 2023, Planning Commission meeting.  
247 Opposed Matson, and Corfman.

248 Chair Corfman expressed his concerns and was not convinced that the timing was right for  
249 this development. We really need to work in concert with the RCKC to do something about this  
250 road regarding traffic design, flow, and address pedestrian traffic.

251 Vice Chair Davis mentioned there were comments from residents that Commissioners do not  
252 care about what is going on. He does care. He volunteers his time to be on this board and has  
253 been in their position. His background is commercial real estate explaining that is not only your  
254 property value but also about the individual that owns the land and the developer who could lose  
255 everything. It is difficult sitting up here and it involves more than just 166 units versus more or  
256 less. That is the hard part.

257  
258 **OLD BUSINESS**

259 Sign Ordinance Amendment - Continued Review

260 Mr. Lovely provided two different options to make the sign ordinance content neutral. He  
261 suggested the need to act quickly so that the ordinance is enforceable. Option A represents  
262 changes that must be made based on the Township Attorney's recommendations, and Option B  
263 exceeds the recommendations. Both options also include minor recommended changes to the  
264 ordinance such as clean ups that are not related to changes necessitated by the decision in  
265 *Reed v Town of Gilbert*.

266 Mr. Lovey explained the proposed changes to various parts of ordinance.

267 *Section 36-5.8.6.C.i Freestanding Sign Dimensional Requirements (Table)*

268 Temporary Signs in Zoning District A, R-1, R-1A, R-2, R-3 R-4, R-5. Remove Temporary  
269 Sign and under Notes remove One per street frontage permit required, 30 days per year.  
270 Increase maximum size to 24 SF. This allows one sign of 24 SF at a residential development  
271 entrance. Could be temporary or permanent.

272 *Section 36-5.8.6.C.ii Wall Sign Dimensional Standards*

273 Projecting signs may be used in place of wall signs if they are attached to the building,  
274 extend beyond a wall by more than 12 inches but less than 48 inches and have a vertical  
275 clearance of 10 feet *when projecting into a right of way or path of travel intended for bikes and*  
276 *non-motorized traffic. All others must have a minimum clearance to not impede pedestrian foot*  
277 *traffic.*

278 Mr. Lovely explained that he recently reviewed a projecting sign request and realized that a  
279 10-foot vertical clearance would allow clearance for bicycle riders, so they do not hit heads, etc.

280 In this scenario, the projecting sign was not along a path of travel and felt that an exception  
281 could be made for such projecting signs, so long as they still meet minimum clearances for  
282 pedestrian foot traffic.

283 *vi. Billboards.*

284 It was unclear regarding the distance between billboards. The change clarifies that billboards  
285 on the same side of the street are limited to one per linear mile and if on opposite sides of the  
286 street to 1,000 feet.

287 *Temporary Signs*

288 No time limit leading up to the events. Stick to limiting it to 14 days after an event.

289 Commissioner Matson and others felt the temporary signs should be reduced to 12 sq. feet.

290 Mr. Lovely then went over the other minor changes.

291 A consensus was reached to hold a public hearing on option A of the Sign Ordinance for the  
292 February 28, 2023, meeting, subject to the changes discussed.

293

### 294 **COMMISSIONER COMMENTS**

295 Commissioner Eavey stated he was impressed with the audience and the good feedback  
296 they provided and questions that were asked. He questioned Mr. Lovely about a possible tied  
297 vote tally. Mr. Lovely replied that it takes a majority vote for approval or denial; however, the  
298 item could be tabled for further consideration and more time to make tweaks that may be more  
299 favorable to commissioners.

300 Commissioner Roberts stated that the Township Board appointed Michelle O'Neill to fill the  
301 vacant trustee position. The Board will meet again on Monday, January 30, 2023, at 8:45 a.m. to  
302 interview four candidates for the superintendent position and each interview will last  
303 approximately 45 minutes and all candidates have managerial experience.

304 Zoning Administrator Lovely said he will be holding an informational meeting on Wednesday  
305 February 8, 2023, at 5:00 p.m. at the Township Hall to meet with lake residents. The goal is to  
306 listen to general comments and concerns about the lakes regarding current and proposed  
307 regulations. The meeting can be attended in person, joined virtually, or comments can be  
308 submitted in writing or by emailed.

309 Commissioner Matson asked about the status of the approved developments east of  
310 Fletchers. Mr. Lovely stated that the Bosch project is tentatively scheduled to start this spring.  
311 The Callander project is struggling because of increased interest rates. In the time spent  
312 negotiating the Development Agreement for ring road connecting Q Avenue to Texas Drive, the  
313 rates have almost doubled. The developer still desires to move forward.

314 Vice Chair Davis reported that this was the first he had heard about who was appointed to  
315 the trustee position and congratulated Michell O'Neill. He expressed that the lack of  
316 correspondence from the township is a mess. As a candidate, he is very upset that this is the  
317 first time he has heard about who was appointed trustee and the way he found out was not  
318 pleasant.

319 Chair Corfman stated that the Planning Commission can agree to disagree and still walk  
320 away and be a good Planning Commission. At some point in time, road issues must be  
321 addressed. Traffic flow and lack of enforcement are big issues. He relayed that he went to the  
322 Oshtemo Planning Commission meeting concerning a new development planned across the  
323 street from his home and he expressed the same traffic issues. He also reported that the Zoning  
324 Board of Appeals will be meeting tomorrow, Wednesday, January 25, at 6:00 p.m. Mr. Lovely  
325 asked that Chair Corfman keep an eye out for updates in the morning as he has not yet heard  
326 back from the alternate, and the alternate is required to reach a quorum for this meeting.

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**PUBLIC COMMENT**

A Representative from MLive stated he was impressed with the way the Planning Commissioners handled discourse and public comments. Commissioners were able to disagree and still able to have a good discussion. He asked about Authentix and when that development was approved.

**ADJOURNMENT**

Motion by Matson, seconded by Eavey, motion carried, to adjourn the meeting. The meeting adjourned at approximately 8:28 pm.

Submitted: February 3, 2023                      Approved: February 28, 2023  
Recording Secretary Kerr