



SPECIAL EXCEPTION USE APPLICATION PLANNING COMMISSION

WELCOME

On behalf of the Texas Township Board of Trustees, thank you for selecting Texas Township for your next development project. We are proud of the growth our Township has experienced and firmly believe that Texas Township is the premier location for both commercial and residential projects. We are dedicated to exceptional service to our residents, businesses, and developers, and look forward to partnering with you during this process. In this application packet, you will find five sections of information:

1. An application form to be completed and signed by the applicant and legal property owner, including the special exception use standards.
2. A detailed overview of the special exception use and site plan review procedures.
3. A checklist of requirements for the review process.
4. An escrow affidavit form to be completed by the applicant (includes Planning/Zoning fee schedule).
5. The Planning Commission meeting calendar and deadlines.

Additionally, we encourage each applicant to review our ClearZoning Ordinances prior to submission. Here are a few resources that may assist you with the application process:

- Texas Township Ordinances: <http://www.texastownship.org/ordinances/>
- Road Commission of Kalamazoo County: <https://www.kalamazooountyroads.com/>
- Kalamazoo County Drain Commissioner: <https://www.kalcounty.com/drain/>

Our Planning Department is available to assist you through this process and their contact information is below. If you have any questions or concerns, please do not hesitate to reach out.

PLANNING DEPARTMENT CONTACT INFO:

Planner/Zoning Administrator: Julie Johnston, AICP | planner@texastownship.org

Planning Assistant: Jennie Miller | jmiller@texastownship.org

Phone: 269.375.1591

Web: <http://www.texastownship.org/planningzoningdevelopment/>

Welcome to Texas Township!

Julie VanderWiere

Julie VanderWiere
Texas Township Superintendent



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Kalamazoo, MI 49009
P: 269.375.1591
F: 269.375.0791
www.texastownship.org

APPLICATION FORM

Please review the [Texas Township ClearZoning Ordinances](#) that pertain to your project prior to submission of your application.

PROPERTY AND DEVELOPMENT INFORMATION

Project Name: _____

Subject Parcel Street Address: _____

Subject Parcel Number: 3909- _____ - _____ - _____

Area of Subject Property: Acres: _____ - OR - Square Feet: _____

Current Zoning Classification: _____

Current Use of Property: _____

Proposed Use of Property: _____

Legal Description (per deed of record Kal. Co. Register of Deeds): **Please attach.**

General Description of Proposed Development: _____

APPLICANT INFORMATION (Identify the person or organization requesting the special exception use.)

Applicant Name: _____

Organization: _____

Email: _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Applicant Interest: Property Owner Purchaser by Option of Purchase Agreement

Lessee/Tenant Purchaser by Land Contract

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LEGAL OWNER INFORMATION _____ Check here if the applicant is also the property owner.

Legal Owner of Parcel: _____

Legal Owner's Address: _____

City: _____ State: _____ Zip: _____

Email: _____ Phone: _____

REPRESENTATIVE INFORMATION

Representative Name: _____

Organization: _____

Email: _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

I (we), the undersigned do hereby submit one packet that includes: completed and signed application, site plan and any other necessary drawings, supporting documentation, review fee, and escrow for the purpose of obtaining special exception use review from the Planning Commission. In making this application, I (we) acknowledge that the Township Planning Commission has discretion to impose reasonable terms and conditions as a provision of any considered approval.

In making this application, I (we) acknowledge that the Planning Commission will review this special exception use application at a public meeting, that I (we) or a representative on my (our) behalf will be expected to attend the public meeting to provide information and answer questions, and that the meeting will be open to all interested persons who desire to attend. I (we) also grant permission to any Texas Township official or representative to enter and inspect the subject property for purposes related to this application.

Signature of Legal Property Owner: _____ Date: _____

Signature of Applicant: _____ Date: _____

Office Use Only:
Date Received: _____ Time: _____ Received By: _____
App Fee Paid: \$ _____ Check #: _____ Escrow Fee Paid: \$ _____ Check #: _____

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SPECIAL EXCEPTION USE REVIEW CRITERIA

Please complete the following or provide an attachment if additional room is required.

A special exception use may be granted when the Planning Commission finds the Special Exception Use meets the following standards:

1. Please describe how the proposed use does not affect adversely the physical development of the Township outlined in the Master Plan and Zoning Ordinance.

2. Please describe how the proposed use will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood.

3. Please indicate how the proposed use meets any specific standards, which may be outlined in Article 4.0 of the Township Zoning Ordinance.

4. Please describe how the proposed use is compatible with the natural environment and the capacities of public services and facilities affected by the proposed use.

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APPLICATION REVIEW PROCEDURES

The intent of this process is to provide for consultation and cooperation between the developer and the Texas Township Planning Commission in order that the developer may accomplish their objectives in the utilization of their land within the regulations of the Township Zoning Ordinance.

1. Napkin Meeting

Prior to starting the application process, the applicant is ***strongly encouraged*** to meet with Township staff to review the application filing procedures and consult on conceptual plans. The Planner/Zoning Administrator will coordinate with other Township staff that warrant involvement.

2. Application Requirements

For the initial review, applicant shall file the below items no less than five weeks prior to a scheduled Planning Commission Regular meeting:

- One (1) original signed application form
- One (1) completed/signed site plan review (SPR) checklist
- An electronic PDF version of the signed application form
- An electronic PDF version of the signed SPR checklist
- The required application fee
- The escrow fee & signed escrow affidavit
- Five (5) sets of the site plan (all plans to be drawn on uniform sheets no greater than 24" x 36" at a scale not less than one inch (1") equals fifty feet (50')).
- An electronic PDF version of the site plan

3. Staff Review Process

- a) The Township Planner, Building Official, Township Engineer, and Fire Department shall begin the preliminary staff review of the site plan immediately following application submittal.
- b) One week after submittal, a review meeting will be held to discuss and concerns or necessary changes to the site plan.
- c) Three days after the review meeting, a complete set of staff comments will be provided to the applicant.

A special exception use is a land use the Township Planning Commission and Board of Trustees have determined need an extra level of review due to the nature and/or intensity of the use. Through the special exception use process, the Planning Commission can consider the impact the use may have on adjacent properties and the general health, safety, and welfare of the community. Conditions may be attached to any considered approvals to assist with issues of compatibility.

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- d) A revised site plan will be required one week after receiving staff comments. Five (5) sets of the site plan and an electronic PDF version shall be provided.
- e) Staff will complete a second review and discuss with the applicant any final changes to the plan, if needed and time permitting.
- f) One week prior to the Planning Commission meeting, the staff report will be completed and provided to the Planning Commission and applicant.

4. Incomplete Applications

If a complete application is not submitted by the required deadline, the application may be moved to next review cycle and Planning Commission agenda. In addition, if extensive changes are required to the site plan which cannot reasonably be corrected and reviewed in the allotted time or if the requested changes are not completed, the application may be moved to the next review cycle and regular Planning Commission meeting.

5. Special Meetings

Applicants may request a special meeting with the Planning Commission no less than five weeks in advance of the proposed special meeting date, provided that the above procedures are met, a special meeting fee has been paid, and a quorum of the Planning Commission can be assembled.

6. Preparing Meeting Packets

The office shall prepare packets for all Planning Commission members, which shall include all project documentation, revised plans, and staff report. Packets and agendas will generally be prepared and posted the Tuesday prior to the meeting date.

7. Public Notice Requirements

A special exception use application requires a public hearing, and as such, a public notice will be published within the Kalamazoo Gazette and mailed to properties within 300 feet of the subject site no later than 15 days prior to the meeting.

8. Planning Commission Meeting

The Planning Commission will conduct a review of the special exception use and site plan and may grant approval, grant approval with conditions, or deny approval stating their reasons for denial. The Planning Commission may also table the application if additional information is needed.

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REVIEW REQUIREMENTS CHECKLIST

Please complete this worksheet to verify that the site plan materials you submit meet the Planning Commission's expectations for a concise and complete review. Our site plan review process provides opportunities for revisions, however, if we resolve missing information early then we can reduce handling time and unnecessary deliberations or delays.

Document Preparation

Each sheet, in its title block, should have an appropriate scale, north arrow, preparation date, title, sheet number, and the entity responsible for preparation of the sheet. Revisions should be dated in the title block and 'bubbled' on each sheet in color. Details may be on separate sheets.

SUBJECT PROPERTY INFORMATION and SURVEY

- Location of subject property in relation to surrounding streets, including dimensions
- The legal description of the subject property
- Any land divisions proposed as part of the development
- Existing elevation contours of the subject property and all land within 200' of the subject property
- Dimensions on all lines, structures, and building setbacks
- Angles of property lines
- Existing and proposed rights-of-way with dimensions
- Easements on and within 200' feet of the subject property
- Structures and improvements (buildings, fences, walls, parking lots, culverts, sidewalks, etc.) on and within 200' of the subject property boundaries
- Identify uses and zoning of all adjacent properties

EXISTING ENVIRONMENTAL CONDITIONS

All natural features including but not limited to:

- Wooded areas and/or trees 8" or more in diameter
- Wetlands, bodies of water, floodplains, etc.
- County Drains, drainage easements, and drainage districts
- Identify areas if within Wellhead Protection Zone and specify capture zone

LANDSCAPING

- Specify the location and use of open spaces on the plan
- Proposed alteration of natural features / topography including existing and proposed grades
- Calculation of landscaping and open space areas as a percentage of site area
- Schedule of landscaping materials including seed mixtures and plant types
- Location of landscaping (trees, shrubs, flowerbeds)
- Natural and manmade drainage channels

UTILITIES (existing and proposed)

- Roads and parking areas, including curb section, driveway, and pavement details within 200'
- Existing and proposed electrical, cable, and fiber lines with construction details
- Existing and proposed water and sanitary sewer lines with construction details existing and proposed
- Stormwater pipes, conveyances, structures, and basins with construction details
- Underground storage tanks

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GRADING and STORMWATER

- Impervious surfaces
- Proposed graded elevation contours
- Detention and retention areas
- Results of soils testing for drainage suitability
- Stormwater calculations for a 3" dispersal over all surfaces
- Drainage easements and districts

FIRE and EMERGENCY ACCESS

- Fire lanes
- Fire department sprinkler and standpipe connections including details
- Fire hydrants existing and proposed with dimensioned radius to extent of all structures from the hydrant
- Knox boxes and Knox Cap connections
- Refer to Texas Township Fire Department documents for requirements

PARKING and CIRCULATION (vehicular and pedestrian traffic)

- Existing, preserved, and proposed rights-of-way
- Driveways and streets, detailing dimensions related to the Access Management Ordinance
- Loading zones proposed; with hours of use and size
- Service lanes
- Parking spaces, barrier free spaces, with angles and dimensions
- Parking calculations, including the use group used to determine required parking
- Land banked parking areas
- Directional signage, wayfinding, and pavement markings
- Show connectivity to existing or planned Township trails (reference current 5-year Parks and Trails Plan)
- Sidewalks and trails with construction details, showing connections and future connections
- Provide Cross Access Agreements for required proposed and future connections
- Barrier free ramp/transition details with ADA required elements

BUILDINGS and ELEVATIONS (including all appropriate dimensions)

- Percentage of buildings and impervious surfaces coverage compared to the area of the subject parcel(s) lot
- Location of all proposed main and accessory buildings and structures
- Existing and proposed main and accessory building heights
- Proposed finished floor elevations
- Floor plans with room designations by occupancy classification and dimensioned, including typical unit layout for multiple family residential
- All proposed grade line elevations
- Square footage of floor space of all proposed main and accessory buildings
- Elevation views of front, sides and rear of proposed buildings, including proposed signage that is compliant with the Zoning Ordinance
- Relation of all proposed buildings to all existing structures on site and within 200 feet of parcel boundaries
- Relation of one proposed building to another including measurements between those buildings, including all projections

WASTE DISPOSAL

- Waste disposal enclosures including protection bollards and construction details with walk-in access
- Indicate the types of containers to be in the enclosure i.e. recycling, grease collection, etc.

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PHOTOMETRICS

- Plan showing lighting in foot candles
- Lighting fixture locations with lamp types and dimensioned pole/post/mount details for both freestanding and wall mounted lighting

REQUIRED PERMITS

Applicant to provide evidence that the site plan has been submitted for review to the affected County, State and Federal agencies, including, but not limited to the Kalamazoo County Road Commission; the County Health Department(s); the County Drain Commission; Michigan Department of Transportation and the Michigan Department of Environmental Quality, as required.

IMPORTANT NOTES

- Staff will conduct a cursory review and if elements listed in this checklist have not been addressed the application will not be accepted for further review.
- An incomplete site plan will not be accepted for review.
- There are no exceptions to deadline requirements.

Signature of Applicant or Representative: _____

Date: _____

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PLANNING / ZONING FEES AND ESCROW AFFIDAVIT

The Charter Township of Texas Board of Trustees is authorized by state statute and the Texas Township Zoning Ordinance to establish fees for the processing of planning, zoning, and development reviews. The Board believes it is reasonable and appropriate to place the cost of processing these applications (or applications involving unusual costs to the Township) onto the applicants involved rather than on the taxpayers of the Township, and as such, has by resolution adopted the following application and escrow fee schedule. The Board intends that planning, zoning, and development review fees and escrow amounts be reasonably proportionate to the costs incurred by the Township for the particular action requested, and that such fees and escrow amounts be used to defray the costs of administering the Charter Township of Texas Code of Ordinances under Michigan law.

Planning Commission Fee Schedule		
Application Type	Application Fee	Escrow Fee
Site Plan Review:		
Nonresidential	\$600 for one structure plus \$50 for each additional structure	\$1,500
Multifamily Residential	\$600 plus \$25 for each residential structure	\$1,500
Site Plan Review Amendment (Planning Commission review)	\$350	\$500
Special Exception Use	\$400	\$500
Planned Unit Development Concept Plan	\$400 (\$800 if concurrent with Step 1 application)	\$500
Plats/Site Condominiums/ Condominium Development/Mixed Use Site Condominium	<ul style="list-style-type: none"> ▪ Step 1: \$600 ▪ Step 2: \$600 ▪ Step 1 & 2 Concurrent: \$1,000 ▪ Step 3: \$600 	<ul style="list-style-type: none"> ▪ Step 1: \$1,500 ▪ Step 2: TBD* ▪ Step 1 & 2: \$1,500+TBD* ▪ Step 3: \$500
Zoning Ordinance Text Amendment	\$600	\$1,500
Master Plan Amendment	\$600	\$1,500
Rezoning/Zoning Map Amendment	\$600 (\$900 if concurrent with a Master Plan Amendment application)	\$1,500
Request for Special Meeting	\$900	N/A
<i>*Escrow for Plats/Site Condominiums Step 2: The Township Engineer will provide an estimate of construction inspection expenses with their Step 1 project review. The Zoning Administrator will review the estimate and the Planning Commission will condition Step 2 approval on providing the escrow deposit.</i>		



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The Application Fees noted above shall be designated to cover the following costs associated with review of an application:

- Applicant's appearance at regular Planning Commission, Zoning Board of Appeals, and/or Township Board meetings
- First-class mailing of 300' public notices as necessitated by the application
- Involvement by Township officers and employees (excluding outside contractors or professionals such as engineers, planners, architects, landscape architects, arborists, legal counsel, etc.)
- **Please note that no part of the Application Fee shall be refundable.**

In addition to the Application Fee set forth above, all other costs incurred by the Township that are directly associated with reviewing and processing an application for certain uses shall be paid (or reimbursed to the Township) from the funds in an Escrow Account established by the applicant as provided herein.

The Escrow Account for uses specified herein are to be established per the fee schedule above, commencing with an initial deposit to the Township Planner at the time of application. No application shall be processed prior to the Application Fee and the initial deposit for the Escrow Account, as set forth above, being deposited with the Township Planner.

At no time prior to the Township's completion of review and processing of the application shall the Escrow Account balance be allowed to drop below \$250.00. If the Escrow Account balance does drop below \$250.00, the Township Planner or their designee will so notify the applicant. The applicant must then deposit an additional amount of at least \$1000.00 or such amount as determined by the Planner or his or her designee to be reasonably necessary to cover anticipated remaining or future expenses, or both.

No further review and processing of the application shall occur until the Escrow Account has been re-established to the appropriate level as determined by the Planner or his or her designee. The Township Planning Commission may stop processing the application if the applicant is more than thirty (30) days in arrears.

The Township may draw funds from the applicant's Escrow Account to reimburse the Township for out-of-pocket expenses directly related to review and processing of the application. Expenses eligible for payment via the applicant's Escrow Account include, but are not limited to, the following:

- *Services of the Township Attorney directly related to the application (including the preparation of development agreements, or review of Master Deeds, if applicable)*
- *Services of consulting civil engineers directly related to the application*
- *Services of consulting traffic engineers and planners directly related to the application*
- *Services of consulting land use planners directly related to the application*
- *Services of other consulting professionals upon request of the Township directly related to the application*
- *Publication of public notices in the Kalamazoo Gazette as necessitated by the application*

The Township Clerk shall maintain records regarding Escrow Accounts and the Township Planner shall authorize the disbursement of Escrow Account funds in writing. Such Escrow Account funds shall be accounted for separately and maintained in a separate bank account or bank account category.



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If an applicant objects to the reasonableness or amount of the Escrow Amount funds it must deposit with the Township or how the funds have been applied, the applicant can appeal to the Texas Township Board. All such appeals shall be in writing and shall be made not later than thirty (30) days after receipt of the disputed Escrow Account billing or the decision of the Planner or his or her designee.

Within ninety (90) days after final Township action on the application or withdrawal of the application by the applicant, the Township shall refund to the applicant any excess escrow funds. No interest shall be paid on refunded Escrow Account money.

No final approval, building permit, certificate of use/occupancy permit, or other similar approvals shall be issued, or final Township zoning approval be deemed granted until the escrow funds are paid in full.

Should the applicant withdraw its application or otherwise fail to complete all actions necessary for the Township to issue a final building permit or final zoning approval, the Township may seek reimbursement for its costs incurred in responding to the application. The Township shall be permitted to take any legal action to collect such costs and shall be permitted to assess all costs and legal fees incurred in the collection process.

I have read the Texas Township Planning & Zoning Application and Fees Policy and agree to abide by the same. I understand that the payment of the prescribed application and escrow fees is intended to cover the Township's cost associated with the processing and/or review of my planning or zoning application and should not in any manner be construed as suggesting any particular outcome for the application. I agree that I shall be obligated to pay the fees prescribed under the policy regardless of whether my application is approved, denied, modified, or withdrawn.

Name: _____
Please Print

Date: _____

Signature: _____

Entity Responsible for Account (Billing Purposes)

Name: _____
Please Print

Mailing Address: _____

City: _____ State: _____ Zip: _____

Email: _____ Phone: _____

Planning Commission 2021 Meeting Dates

Workshop Meeting: 2nd Tuesday | 5:00 p.m.

Regular Meeting: 4th Tuesday | 6:00 p.m.

Development applications are reviewed at the regular Planning Commission meeting.

Meeting Type	Meeting Date	Application Deadline
PC Workshop	January 12	
PC Meeting	January 26	December 29, 2020
PC Workshop	February 09	
PC Meeting	February 23	January 26
PC Workshop	March 09	
PC Meeting	March 23	February 23
PC Workshop	April 13	
PC Meeting	April 27	March 30
PC Workshop	May 11	
PC Meeting	May 25	April 27
PC Workshop	June 08	
PC Meeting	June 22	May 25
PC Workshop	July 13	
PC Meeting	July 27	June 29
PC Workshop	August 10	
PC Meeting	August 24	July 27
PC Workshop	September 14	
PC Meeting	September 28	August 31
PC Workshop	October 12	
PC Meeting	October 26	September 28
PC Meeting	November 09	October 12
PC Meeting	December 14	November 16
PC Meeting	January 26, 2022	December 29

Application Deadline: four weeks prior to meeting date.