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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**REGULAR MEETING – VIRTUAL**

Participate through this Zoom link:  
<https://us02web.zoom.us/j/87081017181>

Or by calling: 1-929-205-6099  
**Meeting ID: 870 8101 7181**

*(Refer to the [www.oshtemo.org](http://www.oshtemo.org) Home Page or the third page of this packet for additional Virtual Meeting Information)*

**THURSDAY, AUGUST 27, 2020  
6:00 p.m.**

**AGENDA**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: August 13<sup>th</sup>, 2020
6. **Public Hearing: Assembly and Convention Halls**  
Consideration of amendments to the Township Zoning Ordinance, for recommendation to the Township Board, to allow Assembly and Convention Halls as a Special Use within the C: Local Business District, the 9<sup>th</sup> Street and West Main Overlay Zone, and the C-R: Local Commercial District Restricted.
7. New Business
  - a. Discussion: Child and Adult Foster Care Facilities
8. Public Comment
9. Other Updates and Business
10. Adjournment

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

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

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
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<b>Township Department Information</b>		
<b><u>Assessor:</u></b>		
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>
<b><u>Fire Chief:</u></b>		
Mark Barnes	375-0487	<a href="mailto:mbarnes@oshtemo.org">mbarnes@oshtemo.org</a>
<b><u>Ordinance Enf:</u></b>		
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>
<b><u>Parks Director:</u></b>		
Karen High	216-5233	<a href="mailto:khigh@oshtemo.org">khigh@oshtemo.org</a>
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>
<b><u>Planning Director:</u></b>		
Iris Lubbert	216-5223	<a href="mailto:ilubbert@oshtemo.org">ilubbert@oshtemo.org</a>
<b><u>Public Works:</u></b>		
Marc Elliott	216-5236	<a href="mailto:melliott@oshtemo.org">melliott@oshtemo.org</a>

## Zoom Instructions for Participants

### Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

### To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 870 8101 7181**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet or smartphone then you can join via conference call by following instructions below.

### To join the conference by phone:

1. On your phone, dial the toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **870 8101 7181#**

### Participant controls in the lower-left corner of the Zoom screen:



Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press \*9 on your touchtone keypad.**

**Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.**

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**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**DRAFT MINUTES OF A VIRTUAL MEETING HELD AUGUST 13, 2020**

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**Agenda**

**PUBLIC HEARING: SPECIAL USE, ORANGETHEORY FITNESS TEMPORARY  
OUTDOOR EVENT (LASTING MORE THAN ONE DAY)**

**Orangetheory Fitness is seeking Special Use approval to host daily outdoor workouts in their parking lot from 5:30 a.m. to 11:00 a.m. and two to three evenings per week from 5:00 p.m. to 8:00 p.m. at 1750 South Drake Road Suite C. Outdoor workouts are proposed because the State of Michigan shut down indoor fitness facilities because of COVID-19. Use is proposed to continue until fitness facilities can reopen or until weather does not allow.**

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A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 13, 2020, commencing at approximately 6:07 p.m.

**PRESENT:** Bruce VanderWeele, Chair  
Dusty Farmer  
Micki Maxwell, Vice Chair  
Mary Smith

**ABSENT:** Anna Versalle  
Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist.

Guests present were Anne Antor and Heather Reece, Applicant and Owners of Orangetheory Fitness.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:07 p.m. He invited those in attendance to join in reciting the Pledge of Allegiance.

**Approval of Agenda**

Hearing no suggestions for change, Chairperson VanderWeele let the agenda stand as presented.

**Approval of the Minutes of the Meeting of July 30, 2020**

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of July 30, 2020. Hearing none, he asked for a motion.

Ms. Smith made a motion to approve the Minutes of the Meeting of July 30, 2020 as presented. Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Lubbert for her presentation.

**PUBLIC HEARING: SPECIAL USE, ORANGETHEORY FITNESS TEMPORARY OUTDOOR EVENT (LASTING MORE THAN ONE DAY)**  
**ORANGETHEORY FITNESS WAS SEEKING SPECIAL USE APPROVAL TO HOST DAILY OUTDOOR WORKOUTS IN THEIR PARKING LOT FROM 5:30 A.M. TO 11:00 A.M. AND TWO TO THREE EVENINGS PER WEEK FROM 5:00 P.M. TO 8:00 P.M. AT 1750 SOUTH DRAKE ROAD SUITE C. OUTDOOR WORKOUTS WERE PROPOSED BECAUSE THE STATE OF MICHIGAN SHUT DOWN INDOOR FITNESS FACILITIES BECAUSE OF COVID-19. USE WAS PROPOSED TO CONTINUE UNTIL FITNESS FACILITIES CAN REOPEN OR UNTIL WEATHER DOES NOT ALLOW.**

Ms. Lubbert indicated Ann Antor and Heather Reece, with Orangetheory Fitness, were requesting Special Use approval to hold a temporary Outdoor Event (lasting more than one day) in the parking lot behind their business located at 1750 S. Drake Road, within the Corner at Drake PUD.

Due to Covid-19, she said a number of business types are currently required to be shut down for safety purposes, including indoor fitness and gym facilities. As there is no clear end in sight for the shutdown, Orangetheory was requesting to be able to hold outdoor workout sessions in their parking lot so that the business can continue to retain their staff of 15 and reactivate members that provide revenue.

Ms. Lubbert said Temporary Outdoor Events lasting more than one day are considered Special Uses which require review and approval by the Planning Commission. When considering a Special Use request, two sections of the Zoning Ordinance need to be addressed. The first outlines the requirements for Special Uses in general and the second outlines the requirements specific to considering Temporary Outdoor events (lasting more than one day).

Before addressing the specifics of the review criteria, she provided additional details on what was being proposed. The proposed plan was to block off 15 parking spaces with traffic cones and/or 4' tall sections of temporary metal fencing to create a designated work out area. Classes would run from 5:30am-11am daily along with two to three evening sessions per week from 5:00 p.m. – 8 pm. Each class would be limited to 12 people per session. The use is proposed to continue until the State allows indoor fitness facilities to reopen or until the weather becomes inclement. Orangetheory's bathroom facilities located in suite C will be open to support this use.

She said Section 65.30 of the Ordinance outlines the requirements that all Special Uses need to meet for approval. Fitness centers are a commercial use, which is

appropriate for the commercial center into which this request falls. Staff had no concerns about zoning. A full site plan set is not required for outdoor events, but a layout plan is required and was provided. The applicant was proposing to block off 15 of their parking spaces. The two ADA spaces by that area would remain open. However, 2018 aerial photos reveal that there are actually four ADA spaces at this location – two of which and their access aisle are proposed to be blocked off. She recommended the workout area be reconfigured so all four ADA spaces remain open.

Ms. Lubbert said as far as impacts are concerned, the proposal would remove 15 parking spaces from this specific development for an unknown amount of time. There are five suites within this strip mall. Currently the only tenants are Orangetheory Fitness and Firehouse Subs, taking up three of these units. One small suite is vacant in the building and the remaining large suite is currently under construction for a restaurant. The restaurant, however, will not be opening until at least early 2021. Because of this there is currently ample parking available onsite. The proposed special use will not, in effect take away parking needed to support other businesses. The layout will not impact driving aisles, fire lanes, or emergency vehicles.

From a noise perspective, she said outdoor exercise classes will obviously generate more noise than indoor classes, however, the sound levels are not expected to be excessive for a commercial area. There are also no neighboring residential uses that this could impact. The proposed parking lot barrier devices/workout area are located behind the building so the proposed Special Use would not be visible from Drake Road. No outdoor equipment storage or trailer parking is proposed.

Mr. Lubbert indicated that, overall, requirements for this section have been met.

She said the second grouping of criteria needing consideration was under section 49.240, which outlines the considerations for Temporary Outdoor Events lasting more than one day. Overall these requirements have also been met. She noted the fire marshal had no concerns with the proposed layout and that the property owner, Corner @ Drake, LLC, is aware of and supports this request. She also noted the owner has been in communication with their other tenant, Firehouse Subs, about the proposed Orangetheory outdoor classes plan, and they are supportive. Orangetheory will request that their members park in the back row of the parking lot (closest to Costco), which will mitigate the impact on Firehouse Subs.

Ms. Lubbert said Planning Department staff were satisfied the project meets all Special Use requirements and recommended the Planning Commission grant Special Use approval for outdoor workout sessions, subject to the following conditions:

- 1) Revised layout plan of the exercise area be submitted that does not block any accessible parking spaces.
- 2) The Special Use will be allowed until the State allows indoor fitness facilities to reopen or until the weather becomes inclement.

- 3) If for some reason this use does have a negative effect on parking in this development - for example, if the empty units are filled and there isn't enough parking, the Special Use will need to be modified accordingly or cease.

Chairperson VanderWeele thanked Ms. Lubbert for her report and asked if Commissioners had questions for her.

Ms. Smith said she is familiar with the area and noted the usual line of cars at Firehouse Subs during lunch time. She wanted to confirm that they are agreeable to the 5:00 – 8:00 p.m. sessions.

Ms. Lubbert said Firehouse Subs have no objections.

The Chair determined there were no other questions and that Commissioners were in support of the request. He asked whether the applicant wished to speak.

Ms. Anne Antor thanked the Commission for their consideration. She explained at the time Orangetheory closed on March 16 they had over 800 members. The shut-down has been difficult and that all support funds have been exhausted. They have been able to keep their staff employed, want to keep them employed and provide the opportunity for members to return. Their corporate entity has approved the proposed plan.

Commissioners had no questions for Ms. Antor. There was no public present to participate in a Public Hearing. The Chair moved on to Board Deliberations.

Ms. Farmer said she felt this was a great use of the outdoor event provision. Everyone agreed they were in support of this request.

Chairperson VanderWeele asked for a motion.

Ms. Farmer made a motion to approve the Orangetheory Special Use request as presented for outdoor workout sessions, subject to the following three conditions:

- 1) A revised layout plan of the exercise area shall be submitted that does not block any accessible parking spaces.
- 2) The Special Use will be allowed until the State allows indoor fitness facilities to reopen or until the weather becomes inclement.
- 3) If for some reason this use does have a negative effect on parking in this development - for example, if the empty units are filled and there isn't enough parking, the special use will need to be modified accordingly or cease.

Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

## **OLD BUSINESS**



There was no old business to consider.

**PUBLIC COMMENT**

Chairperson VanderWeele determined there were no members of the public present, and moved to the next agenda item.

**OTHER UPDATES AND BUSINESS**

Ms. Lubbert reported she and Township Supervisor, Ms. Libby Heiny-Cogswell, presented the idea of live streaming Planning Committee meetings to the Township Board at their last meeting. They were in support of the proposal and felt Zoning Board of Appeals meetings should be live streamed as well. Streaming will begin with the Planning Commission meeting of August 27. For the time being the meetings will be streamed on the Public Media Network (PMN). Eventually they will be live on Facebook. She noted Comstock and other entities have been doing this for some time.

**ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:27 p.m.

Minutes prepared:  
August 14, 2020

Minutes approved:  
\_\_\_\_\_, 2020

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August 19, 2020



**Mtg Date:** August 27, 2020  
**To:** Planning Commission  
**From:** Iris Lubbert, AICP, Planning Director  
**Subject:** Public Hearing: Assembly and Convention Halls

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Background:

Township Planning Department staff was approached by a perspective property owner who is interested in establishing a wedding/event venue within the commercial portion of the 9th Street and West Main Zoning Overlay. Examining the Township’s Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo, despite a handful of such businesses having been located here in the past. In some cases, such as with the Delta Marriott Hotel on S 11th Street, the convention center there, is considered an accessory element to the primary use of the property. In the case that prompted this proposal, the event space would be the property’s primary use. A general tenant of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention and good planning practice, Staff worked with the Planning Commission to draft an amendment that would allow Assembly and Convention Halls as a primary use within the Township.

The Planning Commission initially discussed the proposed amendment at their regular February 27<sup>th</sup> meeting. After deliberation, the Commission agreed to move forward with the proposed changes to Sections 18.40 and 35.40 and set a Public Hearing for their meeting on March 26<sup>th</sup>. Due to COVID-19’s impact on the Township’s ability to hold open meetings, the public hearing needed to be rescheduled to April 30<sup>th</sup>. At the public hearing the Planning Commission grew concerned when they found that the ordinance does not define Assembly and Convention Halls. The Commission was worried that if no additional guidance was provided larger Convention Centers (like the Kalamazoo County Expo Center) could accidentally be lumped into the same category. The Planning Commission moved to table the item and asked staff to explore possible definitions that would alleviate their concerns and avoid potential future misunderstandings. Staff presented a drafted definition to the Commission at their May 14<sup>th</sup> meeting as well as discussed the possibility of implementing a maximum capacity or occupancy to be tied to the proposed Special Use – potentially a different value depending on the zoning district in which the use is allowed. It was agreed that staff would return to the Commission with a revised definition for Assembly and Convention Halls and drafted Special Use requirements. Staff presented a revised definition to the Planning Commission at their July 30<sup>th</sup> regular meeting along with potential Special Use requirements for Assembly and Convention Halls. After review, the Commission agreed to move the amendments forward to a Public Hearing.

The Township Attorney has reviewed the proposed language and supports the proposed amendments. A notice for the Public Hearing was published on Tuesday, on August 11, 2020.

Summary of Proposed Amendments:

Text amendments to the Zoning Ordinance are proposed to allow Assembly and Convention Halls as a primary

use within the C, Local Business District, the C-R: Local Commercial District Restricted, and the 9<sup>th</sup> Street and West Main Overlay Zone. All three districts are appropriate locations for this use based on their character and intent. In order to mitigate any unforeseen consequences or impacts of this use to nearby properties, it is recommended to make Assembly and Convention Halls a Special Use with conditions. These conditions include maximum capacities or occupancies (depending on the zoning district in which the use is allowed) and specifications that provide flexibility for outdoor event spaces. As the Township gains experience with Assembly and Convention Halls as a primary use, additional criteria can be developed, and other zoning districts considered. To avoid confusion, a definition for Assembly and Convention Halls is also proposed.

Thank you.

Attachments: Proposed Amendments (denoted in red) to 2.20 (Definitions), 18.40 (C: Local Business District, Special Uses), 21.40 (C-R, Local Commercial District Restricted, Special Uses), 35.40 (9th Street and West Main Overlay Zone, Special Uses), and 49 (Requirements for Special Uses).

## 2.20 DEFINITIONS

**Assembly and Convention Hall** - A room or building for the purpose of hosting a party, banquet, wedding, or any other social or business event. Assembly and Convention Halls can also be called meeting rooms, function halls, reception halls, or banquet halls.

## C: LOCAL BUSINESS DISTRICT

### 18.40 SPECIAL USES

- A. **Assembly and Convention Halls**
- B. Child care centers.
- C. Funeral homes.
- D. Private clubs.
- E. Parks of ten acres or less in size, subject to the conditions and limitations set forth at Section 49.90 of this Ordinance.
- F. Nursing, convalescent, handicapped, or senior citizens' homes.
- G. Drive-in service window or drive-through services for businesses.
- H. Retail lumber yards.
- I. New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales or activities connected with retail sales.
- J. Crematories.
- K. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- L. Filling stations, carwashes, public garages or service stations, excluding auto body and auto paint shops.
- M. Drive-in theatres.
- N. Buildings and regulator stations for essential services.
- O. Temporary outdoor events (lasting more than one day).
- P. Brewpub.
- Q. Microbrewery.
- R. Wine Tasting Room.
- S. Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- T. Communication towers.
- U. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- V. Private streets.
- W. Wind energy conversion systems.

## 9TH STREET AND WEST MAIN OVERLAY ZONE

### 35.40 SPECIAL USES

#### A. Residential

The following uses may be located within the 9th Street Residential and the West Main Street Residential section of the Overlay District subject to Special Use approval:

1. Group day care home.
2. Residential planned unit development subject to Article 41.
3. Golf courses, parks, and outdoor recreational areas.
4. Buildings and regulator stations for essential services.
5. Public and private schools.

#### B. Commercial

The following uses may be located within the 9th Street Commercial and the West Main Street Commercial section of the Overlay District subject to Special Use approval:

1. **Assembly and Convention Halls**
2. Brewpub.
3. Buildings and regulator stations for essential services.
4. Child care centers.
5. Commercial planned unit developments subject to Article 41.
6. Craft food and beverage production facility.
7. Crematories.
8. Drive-in service window or drive-through service for businesses, not to include restaurants.
9. Funeral homes.
10. Golf courses, parks, and outdoor recreational areas.
11. Group day care home.
12. Hotels, motels.
13. Indoor theaters.
14. Microbrewery.
15. Nursing, convalescent, handicapped, assisted living, or senior citizens' homes.
16. Private clubs.
17. Public and private schools.
18. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
19. Temporary outdoor events.
20. Veterinary clinics.

- 21. Wine Tasting Room.
- 22. Temporary outdoor event (lasting more than one day)

## **C-R: LOCAL COMMERCIAL DISTRICT, RESTRICTED**

### **21.40 Special Uses**

- A. Hotels, Motels.
- B. **Assembly and Convention Halls.**
- C. Conference center facilities.
- D. Universities, colleges, and/or their activities and facilities.
- E. Restaurants.
- F. Banks, credit unions, and similar financial institutions with drive-through service windows.
- G. Private Clubs.
- H. Essential services.
- I. Commercial planned unit developments.
- J. Temporary outdoor events (lasting more than one day).
- K. Brewpub.
- L. Microbrewery.
- M. Wine Tasting Room.
- N. Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- O. Communication towers.
- P. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- Q. Private streets.
- R. Wind energy conversion systems.

## **49-Requirements for Special Uses**

### **Assembly and Convention Halls**

- A. **Assembly and Convention Halls shall have the following maximum capacities as established by the Township building code if located in one of the following zoning districts:**
  - i. **9th Street and West Main Overlay Zone: 200 people**
  - ii. **C, Local Business District: 750 people**
- B. **Assembly and Convention Halls shall allow for both indoor and outdoor event spaces. Permitted maximum capacity of the site, per item A above, shall be considered the sum of the capacities of all indoor and outdoor event spaces. Outdoor event spaces must be approved by the Planning Commission at the time**

of Special Use and Site Plan approval. The following additional details shall be provided with the submitted site plan for all requests for outdoor event spaces:

- a. A letter of intent, including information on how the outdoor event space will be used, the hours of operation, description on what attempts were made to visually shield the proposed outdoor event space from the road and neighboring properties, and a breakdown of the site's maximum occupancy capacity for the indoor and outdoor event spaces.
  - b. The outdoor event space clearly delineated on the site plan.
  - c. Placement of vehicles, trailers, and all other equipment for outdoor events is shown on the plan and placed away from adjoining residentially used properties and complies with all applicable setbacks.
  - d. Restrooms provided (in building or portable facilities).
  - e. Traffic lanes and additional on-site parking to service outdoor event space to be provided at the rate of 1 space for each 3 persons allowed within the maximum occupancy.
  - f. Fire lanes and emergency vehicle turning areas.
  - g. All activity takes place on subject property.
- C. The Planning Commission may impose additional conditions when found reasonable and appropriate to avoid or mitigate adverse impacts on surrounding properties.





August 20, 2020

**Mtg Date:** August 27, 2020  
**To:** Planning Commission  
**From:** Iris Lubbert, AICP, Planning Director  
**Subject:** Discussion: Child and Adult Foster Care Facilities

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Township Planning Department staff have recently been approached about the possibility for a group home to house 8-10 refugee children under the age of 18. Examining the Township's Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo. A general tenant of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention, good planning practice, and the preservation of Township residents' property rights, staff ask that the Planning Commission consider a text amendment to the Zoning Ordinance to allow this and similar uses in appropriate zoning districts. A preliminary draft of the proposed ordinance amendment is attached. The proposed language is based off of MCL 722.111, which outlines the requirements for Foster Care organizations in Michigan.

At this time, Staff is requesting the Planning Commission to review the proposed changes and provide feedback to staff.

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## **2.20 Definitions**

Adult Foster Care Facility- a State certified facility housing at least one but not more than four adults that receive benefits from community mental health service programs. Shall not be signed.

Adult Foster Care Small Group Home – a State certified facility hosting at least three but not more than 12 adults that receive benefits from community mental health service programs.

Adult Foster Care Large Group Home – a State certified facility hosting at least thirteen but not more than 20 adults that receive benefits from community mental health service programs.

Child Caring Institution - A State certified care facility which allows more than four, but less than 13 minor children on a 24-hour basis.

Foster Family Group Home - A State certified care facility which allows more than four, but fewer than seven minor children on a 24-hour basis.

Foster Family Home – A private home of a State certified caregiver that allows one, but not more than four minor children on a 24-hour basis. Shall not be signed.

### **AG: AGRICULTURAL DISTRICT**

#### **4.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

### **RR: RURAL RESIDENTIAL**

#### **5.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

### **R-1: RESIDENCE DISTRICT**

#### **6.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

### **R-2: RESIDENCE DISTRICT**

#### **7.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

### **R-3: RESIDENCE DISTRICT:**

#### **8.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

#### **8.40 Special Uses**

Larger Child and Adult Foster Care Facilities, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

**R-4: RESIDENCE DISTRICT:**

**9.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

**9.40 Special Uses**

Larger Child and Adult Foster Care Facilities, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

**R-5: RESIDENCE DISTRICT**

**10.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

**9TH STREET AND WEST MAIN OVERLAY ZONE:**

**35.40 Special Uses**

Larger Child and Adult Foster Care Facilities, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

**49 – Requirements for Special Uses**

Larger Child and Adult Foster Care Facilities:

1. Shall not be located closer than 1,500 feet to any of the following:
  - a. Another licensed group childcare home or Child Caring Institution;
  - b. An adult foster care small group home or large group home;
  - c. A facility offering substance use disorder services to seven or more people;
  - d. Community correction center, Half-way house, or similar facility
2. Outside play or social areas are appropriately fenced for the safety of the residents.
3. The residential character of the property shall be preserved and maintained. Any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential buildings in the area.
4. No signs are permitted.
5. One parking space, in accordance with [Article 52](#), shall be provided for each non-resident employee working on site at any one time.