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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

REGULAR MEETING – VIRTUAL

Participate through this Zoom link:
<https://us02web.zoom.us/j/87151867807>

Or by calling: 1-929-205-6099
Meeting ID: 871 5186 7807

(Refer to the www.oshtemo.org Home Page or the third page of this packet for additional Virtual Meeting Information)

**THURSDAY, MARCH 25, 2021
6:00 P.M.**

AGENDA

- a) Call to Order and Roll Call
- b) Pledge of Allegiance
- c) Approval of Agenda
- d) Approval of Minutes: March 11th, 2021
- e) New Business
 - a. Discussion – DRAFT Planning Department Annual Report 2020
 - b. Discussion – Section 57.90 Zoning Ordinance Regarding Nonmotorized
- f) Public Comment
- g) Other Updates and Business
- h) Adjournment

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

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

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

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

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

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

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

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

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

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

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
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Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
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Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

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: 871 5186 7807**

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 teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **871 5186 7807#**

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 MARCH 11, 2021

Agenda

PUBLIC HEARING: SPECIAL USE, OSHTEMO SCHOOLHOUSE #10 ADAPTIVE REUSE

THREE BROTHERS CONSTRUCTION, LLC WAS REQUESTING SITE PLAN AND SPECIAL USE APPROVAL TO CONVERT HISTORIC OSHTEMO SCHOOLHOUSE #10, LOCATED AT 6667 STADIUM DRIVE, INTO A MIXED USE BUILDING WITH FIVE DWELLING UNITS AND ONE COMMERCIAL OFFICE SPACE. SITE PLAN APPROVAL WAS ALSO REQUESTED TO ALLOW FOR OUTDOOR SALES, A WORKSHOP AND STORAGE AREA IN THE HISTORIC BUS GARAGE AND IN A FENCED AREA AT THE REAR OF THE PROPERTY.

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, March 11, 2021, commencing at approximately 6:01 p.m.

ALL MEMBERS WERE PRESENT

AND WITHIN THE TOWNSHIP: Bruce VanderWeele, Chair
Micki Maxwell, Vice Chair
Kizzy Bradford
Deb Everett
Alistair Smith
Anna Versalle
Chetan Vyas

Also present were Iris Lubbert, Planning Director, Karen High, Zoning Administrator, James Porter, Township Attorney, and Martha Coash, Recording Secretary.

Guests attending included Jack Livingstone, Applicant and Owner of Three Brothers Construction and Richard Schramm, Architect.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:01 p.m. and invited those in attendance to join in reciting the Pledge of Allegiance.

Approval of Agenda

Hearing no changes, the Chair let the agenda stand as published.

Approval of the Minutes of the Meeting of February 25, 2021

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of February 25, 2021. Ms. Lubbert noted the date of the previous meeting needed to be changed on page two within the motion. Hearing nothing further Mr. VanderWeele asked for a motion.

Ms. Versalle **made a motion** to approve the Minutes of the Meeting of February 25, 2021 with the date correction as noted. Mr. Smith **seconded the motion**. The **motion was approved** unanimously by roll call vote.

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

PUBLIC HEARING:

**SPECIAL USE, OSHTEMO SCHOOLHOUSE #10 ADAPTIVE REUSE
THREE BROTHERS CONSTRUCTION, LLC WAS REQUESTING SITE PLAN AND
SPECIAL USE APPROVAL TO CONVERT HISTORIC OSHTEMO SCHOOLHOUSE
#10, LOCATED AT 6667 STADIUM DRIVE, INTO A MIXED USE BUILDING WITH
FIVE DWELLING UNITS AND ONE COMMERCIAL OFFICE SPACE. SITE PLAN
APPROVAL WAS ALSO REQUESTED TO ALLOW FOR OUTDOOR SALES, A
WORKSHOP AND STORAGE AREA IN THE HISTORIC BUS GARAGE AND IN A
FENCED AREA AT THE REAR OF THE PROPERTY.**

Ms. High indicated Jack Livingstone, Three Brothers Construction, LLC, was requesting site plan and special use approval to convert historic Oshtemo Schoolhouse #10, parcel 05-35-135-011, located at 6667 Stadium Drive, into a mixed use building with five dwelling units and one commercial office space. Site plan approval was also requested to allow for outdoor sales, a workshop and storage area in the historic bus garage and in a fenced area at the rear of the property. 6667 Stadium Drive is located on the south side of Stadium Drive west of Chime Street.

She told the Board that Oshtemo Schoolhouse #10 was built in the Italianate style in 1870, one of at least 11 schools scattered across Oshtemo Township in the late 1800's. An addition in the 1920's nearly doubled the building size. Schoolhouse #10 was in use until the 1950's when it was replaced by Chime Elementary School. The property was sold to a private owner in 1974. In 1975, the Zoning Board of Appeals granted special exception use approval to convert the former school to multi-family use. It is not known whether this conversion occurred. In the 1980's, a store selling antiques and used furniture operated in the building. It is not known when the retail use ended. In recent years, the building has been vacant and/or used for storage.

She said the 6,256 square foot schoolhouse building has 3,810 square feet on the first floor and 2,446 square feet on the second floor. The proposal under consideration was to renovate the historic structure and construct three one-bedroom dwelling units, ranging in size from 672 square feet to 897 square feet, and one 288 square foot office with showroom on the first floor. One of the first-floor dwelling units

would be ADA accessible. Access to the office and showroom would be separate from access to the dwelling units. Two additional one-bedroom dwelling units were proposed on the second floor, one at 672 square feet and the other at 897 square feet. A two-story building addition, 257 square feet in area, was proposed on the south side of the brick structure to accommodate a second stairway to the upper level. Fifteen parking spaces were proposed to serve the office and residences.

The 4,729 square foot accessory building at the rear of the site, formerly a bus garage, was proposed to be renovated for uses accessory to the proposed office space in the schoolhouse building. This proposal was to convert the former bus garage into a wood workshop area, approximately 1,600 square feet in size, at the north end with the remainder of the building proposed for equipment storage and garage area. A fenced and gated area, encompassing the accessory building and approximately 0.52 acres, is proposed for “an outdoor wood sales yard and accessory related activities”.

She added the applicant’s architect, Richard Schramm, has stated that an application is being prepared to list the building on the National Register of Historic Places and that renovations will be in keeping with historic standards. Proposed renovation of the historic schoolhouse includes repairing the brickwork where required, repairing or replacing the windows and doors to match the existing windows and doors, updating electrical/mechanical systems, and installing a sprinkler system. Proposed renovation of the historic bus garage includes repairing/replacing and painting the siding, repairing/replacing windows and overhead doors, installing a new man door, and updating electrical/mechanical systems as required.

The applicant owns and operates a roofing and tree service business, Three Brothers Construction, with 17 vehicles, four lifts, and multiple crews. The business also includes the creation of wood furniture and sculpture from some of the trees that are cut by the tree service. This proposal is to operate the business entirely from this site. The business office and a furniture showroom are proposed in the historic schoolhouse. The workshop area proposed in the historic bus garage is to be used for creating furniture and sculpture. The remainder of the garage would be used to kiln dry and store logs for future furniture/sculpture, equipment storage and vehicle parking. The applicant states that most processing, including chipping and cutting logs to firewood length, is done at the customer’s location, not at the subject site. The cut logs would be brought to the site and stored outdoors to season until they are ready to sell as firewood. Most firewood would be loaded onto trucks and delivered to customers, though firewood could be purchased on site. Work vehicles would be parked within the garage or fenced area when not in use. Wood processing on site would be limited to use of an electric saw to cut valuable eight to ten-foot-long walnut and cherry logs into slabs for tables or countertops. This would occur approximately twice per month. A bobcat would be onsite to move the walnut and cherry logs or the firewood.

Ms. High noted a request to confer historic overlay zone status on the site has been requested by the applicant. However, this request was not included in the initial application. It was received after the public notice for the project was published.

Because establishment of overlay zone status requires public notice, she said it should not be considered by the Planning Commission at this meeting and was not addressed in the staff report. She said it was important to note, however, that permitted and special uses in the historic overlay zone are based on the underlying zoning. No additional permitted or special uses are conferred.

Ms. High provided the following analysis.

The entire property is in the VC: Village Commercial District. The intent of this district is “to promote a village atmosphere allowing for small-scale mixed land uses and satisfying the land needs for convenience, specialty and personal service establishments primarily serving residents in the immediate and nearby residential areas of the Township”. Article 19 of the zoning ordinance includes a list of permitted, administrative review, and special uses in the VC zoning district. Article 19 also includes site design standards.

The property is also located in the Village Form-Based Code Overlay Zone. Article 34 of the zoning ordinance describes the intent of the overlay zone as follows: “to establish a compact, walkable, and mixed-use environment, and it is meant to create a comfortable, safe, and ecologically sustainable place for all residents to enjoy within the Oshtemo Village area. The Overlay District allows a mix of uses within each neighborhood, so residents do not have to rely exclusively on the automobile. It simultaneously allows for a variety of uses to create vitality and bring many activities of daily living within walking distance of homes”. The regulations of this Article are further intended to ensure that the area covered by the Village Overlay District evolves into new, mixed-use neighborhoods with the following characteristics:

- “The size of each neighborhood reflects a five-minute walking distance from edge to center.
- The mixture of permitted land uses includes stores, workplaces, residences, and civic buildings in close proximity.
- Streets within the Village Form-Based Code Overlay serve the needs of pedestrians, cyclists, and automobiles equitably.
- Public open spaces providing places for informal social activity and recreation.
- Building frontages defining the public space of streets.”

The Village Form-Based Code Overlay Zone consists of four sub-districts. Just over half of 6667 Stadium Drive, or 0.81 of 1.33 acres, is located in the Village Core sub-district. The remainder of the property, or 0.52 acres, is located in the Village Fringe sub-district. Section 34.30 of the zoning ordinance describes these sub-districts as follows:

“Village Core. The purpose of the Village Core is to provide a pedestrian oriented area with a mixture of commercial, retail, and residential uses integrated horizontally or vertically at a greater intensity than the surrounding area. It is the intent to provide an integrated mix of uses in close proximity to provide an innovative and stimulating environment and encourage walking, biking, and transit use while also accommodating the automobile and boosting the market for

commercial goods and services. This is the heart of the Village and should be the focus of most redevelopment/development efforts.

Village Fringe. The Village Fringe sub-district is an extension of the Village Core sub-district. The sub-district is pedestrian oriented including a network of streets and pedestrian connections. Off the major roads, the Fringe area is a place for residential neighborhoods and other predominately residential uses. There are many areas within the Village Fringe that are or could be available for development or redevelopment. While the Core is the heart of the Village, the Fringe is where the greatest transformation may occur.”

Ms. High explained this request for site plan and special use approval would be reviewed using all appropriate sections of Article 19, VC Village Commercial, Article 34 Village Form-Based Code Overlay Zone, and Article 64, which outlines the requirements for all site plan reviews. Allowable uses are regulated in the VC district.

Special Use Review:

Ms. High indicated the VC district allows just two permitted uses: private one, two and three family dwellings and accessory structures. All other uses are Permitted Uses with Conditions, Administrative Review Uses, or Special Uses. Three Special Uses apply to this request. Each requires the Planning Commission’s review and approval.

1. All new construction, additions, conversions of [buildings](#) to nonresidential use, and exterior facade changes other than routine maintenance.
 - o This Special Use applies because an addition for a stairway to the second floor is proposed at the rear of the historic schoolhouse.
2. Other uses which are determined by the Planning Commission to be similar to those uses permitted in Section [19.20](#) through [19.40](#).
 - o The Planning Commission must determine whether five family dwellings are similar to the permitted use of one, two or three family dwellings.
3. Mixed uses allowing both residential and nonresidential uses within the same building.
 - o This Special Use applies because residences and an office are proposed within the historic schoolhouse building.

She said all Special Use requests must be reviewed against the following criteria.

Section 65.30: Special Use Review Criteria:

A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.

1. **Master Plan:** The Village Form-Based Code sub-district map serves as the Master Plan for the Village area. The north end of the parcel is in the Village Core sub-district and the south end of the parcel is in the Village Fringe sub- district. The intent of these sub-districts is described on page two of the staff report. **In essence, both subdistricts are intended for a walkable mix of commercial and residential uses.** The proposed

residential and office use, as long as it is designed to permit walk-in customers, appears to be consistent with the intent of the Village Core. However, a business like Three Brothers Construction largely falls under the use: “Contractor’s services related to the building trades such as electrical, mechanical, plumbing, general building, excavating, and landscaping”. This is a permitted use within the I-1 and I-2, Industrial Districts – not an allowable use in any other commercial or residential zoning areas. An industrial use does not fall into the uses permitted in either the Village Core or the Village Fringe subdistrict.

Parking of work vehicles, outdoor storage, and any other business-related outdoor activities would not be permitted on this site and would go against the master plan’s intent for this area. In order for this site plan to be approved these industrial components need to be removed from the site plan. The Planning Commission has no authority to approve these activities/accessory uses as it would be considered a use variance which is not allowed to be granted in Oshtemo. However, the VC district does offer some flexibility. The Planning Commission must determine whether the proposed office and showroom for Three Brothers Construction, the wood workshop, equipment and garage area proposed in the existing accessory building, including use of a bobcat on site, is consistent with the intent of the Village Fringe sub-district. She noted that in 2018 site plan approval was granted for an office, showroom and barn workshop for a construction company located in the Village Fringe sub-district at 6825 Stadium Drive. In this instance all storage for the use was required to be kept indoors. This was required for this plan as no outdoor storage is permitted within this zoning district. **Although aspects of Three Brothers Construction may be deemed appropriate for this location by the Planning Commission, outdoor storage of materials or work vehicles is not permitted per Section 19 of the zoning ordinance. The Planning Commission would need to specifically list, as a condition of approval, those activities permitted and not permitted in the accessory building and area proposed for ‘outdoor wood sales yard and accessory related activities’.**

2. **Zoning Ordinance:** The 257 square foot addition proposed at the rear of the 6,256 square foot building is compatible with the district’s intent. Five dwelling units proposed on a 1.33 acre parcel can reasonably be considered similar to the one, two, or three dwelling units that are a permitted use. Per Article 34.50, the dwelling unit density for mixed-use buildings in the Village is based on the requirements for multi-family dwellings. Five dwelling units on 1.33 acres is approximately four dwelling units/acre, which falls within the maximum of eight dwelling units per acre. Mixed uses within a building is an identified Special Use within the VC district and therefore consistent with the Zoning Ordinance. For the Three Brother’s Construction portion of the proposal, as noted in the Master Plan

review section, there are aspects of the proposed use that cannot be permitted in this zoning district and other aspects that the Planning Commission must review and make a determination on.

B. Site Plan Review. The Site Plan Review Criteria of Section 64.80. She provided a site plan and said an analysis of the site plan against Section 64.80 would be addressed.

C. Impacts:

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.** The proposed five dwelling units and office with a showroom are compatible with the existing and planned character of the area. The proposed wood workshop, equipment and garage area in the accessory building could be considered compatible provided that noise and outdoor activities are limited. The outdoor wood sales yard and outdoor accessory related activities, not permitted in or compatible with this zoning district, would have negative impacts on nearby residences in terms of the number of work vehicles entering, leaving and stored on the site. Based on the nature of the business, this could foreseeably occur in early morning or evening hours. Noise generated by workers and equipment, such as a bobcat, in the outdoor sales area could also have a negative impact.
- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.** No potentially adverse effects are foreseen from the five dwelling units and office use proposed in the existing schoolhouse. Similarly, no potentially adverse effects are foreseen from the proposed parking lot, which is on existing pavement. The site currently has two driveways onto Stadium Drive. Due to the proposed use's increase in intensity to the site and the consideration of safety concerns for motorists and pedestrians along an arterial road, one of the two driveways onto Stadium Drive will need to be removed. The site has not been well maintained during its vacant period and renovation of the historic building will have a positive effect on adjacent properties and the community in general. Proposed landscaping and sidewalks will also have a positive effect. In an effort to minimize the potential negative effects of the outdoor wood sales area, the applicant has located it at the rear of the site and proposed an 8-foot-tall solid wood fence for visual screening. As previously stated, outdoor storage and sales is not permitted on this site. However, the fence would minimize the impact of the proposed wood

workshop and garage area from adjacent property owners if these uses are approved by the Planning Commission. A dumpster is located within the fenced area. Gates with Knox Box for fire access are provided at the north and south ends of the fenced area. The south gate, intended for emergency access only, leads to the driveway and parking lot of the former Chime School. A cross access easement from the adjacent property owner is needed to allow use of this gate. If the easement is not obtained, a fire truck turn around area may be required.

- D. **The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.** Outdoor storage and sales are not permitted on this site. The proposed wood workshop, equipment and garage area could disturb existing or future adjacent uses particularly if use of a bobcat and saw are permitted. If approved, the Planning Commission should consider limiting the hours of operation of loud equipment such as saws or bobcats on the site.
- E. **Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.** No changes to the site are planned that would negatively impact existing natural features.
- F. **Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.** There is adequate public infrastructure in place and adequate private infrastructure proposed to support the requested uses.
- G. **Specific Use Requirements: The Special Use development requirements of Article 49.** Article 49 currently has no additional requirements for the consideration of these special uses.

Article 64: Site Plan Review:

Ms. High said Site Plan Review is required for existing sites when the use of a building is changed. Planning Commission review and approval is required when the proposed use is a Special Use. Review criteria is outlined in Section 64.60 - Application Procedure, C - Site Plan. Staff's summary of the requirements and analysis of the proposal is provided below. Because the property was used as a school for decades, development on the site is exists. Changes to the site are described below.

Access and Circulation

Access: The site has two driveways onto Stadium Drive. The Road Commission of Kalamazoo County has indicated that they will require closure of the easternmost drive.

The site plan will need to be revised to show only one driveway while allowing necessary turning radii for fire trucks to circulate through the site. As previously stated, a gated driveway exit leads to adjoining property south of the site. Staff recommended obtaining a cross access easement from the adjacent property owner be a condition of approval. If the easement is not obtained, a fire truck turnaround may be required.

Parking: Per Section 52.100, Minimum Required Parking Spaces, 12.5 parking spaces are required for the five residential dwelling units and two parking spaces are required for the office/retail use, for a total of fifteen required parking spaces. Fifteen parking spaces were proposed, including two ADA accessible spaces. These spaces are located on existing asphalt behind the schoolhouse. Per Section 34.80.B.2, all parking is located in the rear yard. Three parking spaces are required for the wood workshop area in the historic bus garage or one per employee, whichever number is greater, Seven spaces are provided in the garage, though some of this area is proposed for wood and equipment storage. If the wood workshop area were approved, the site plan should be revised to show that parking requirements for the workshop area are met, either inside or outside the existing garage. If located outside the garage, these parking spaces are intended for customer or employee use, not for storing work vehicles or equipment such as the bobcat.

Sidewalk: Per Section 57.90 sidewalks indicated on the Township's Non-motorized Plan shall be installed by the developer when properties adjacent to planned nonmotorized facilities receive site plan approval from the municipality. The Township's Non-motorized Plan shows a sidewalk along Stadium Drive. A proposed sidewalk along Stadium Drive is shown on the site plan, along with proposed internal sidewalks leading to the building and parking lot.

Buildings and Structures

Article 34.50 of the Village Form-Based Code Overlay Zone allows three building types along arterial roads in the Village Core: Storefront Buildings, Workplace Buildings, and Stoops/Townhouses. The historic schoolhouse doesn't fit into any of these narrowly defined building types. However, Article 34.50 H. provides flexibility by allowing the Planning Commission to approve a building type not identified, provided that the building type is pedestrian oriented and meets the intent of the Village Overlay District. Because of the schoolhouse's historic significance and its main entrance fronting on Stadium Drive, it is reasonable to conclude that these requirements are satisfied.

In addition to the above flexibility, Article 34.90 allows for non-conforming uses and structures to continue to the extent consistent with health, safety and public welfare purposes. Buildings or other structures that are nonconforming as to placement, frontage, height, design, or other zoning regulations contained in the Overlay standards or elsewhere in the Ordinance may be repaired, replaced, or added to, only to the extent permitted by this section.

1. Additions. A nonconforming building or other structure may be added to, provided that the portion of the building or other structure comprising such addition complies with all requirements of this [Article 34](#).

Setbacks: In the VC district, the front setback requirement is a minimum of 5 feet and a maximum of 20 feet. Side setback requirement is 0 feet. Rear setback is a minimum of 15 feet. The proposed addition, located at the rear of the schoolhouse, meets the side and rear setback requirements.

Signs: Two freestanding signs are proposed. One freestanding sign is permitted. The site plan should be revised to reflect the removal of one freestanding sign.

Gross Floor Area and Floor Area Ratio: The VC district allows a maximum gross floor area of 15,000 square feet. Both the schoolhouse, at 6,256 square feet, and the bus garage, at 4,729 square feet, fall within this requirement. The maximum Floor Area Ratio permitted is 0.25 for sites with multiple buildings. In this instance, the floor area ratio is 0.19, which meets the ordinance requirements.

Residential Density: Per Article 34.50, the [dwelling unit](#) density for mixed-use buildings shall be determined based on the requirements for multi-family dwellings. Five dwelling units on 1.33 acres is approximately four dwelling units/acre, which meets this requirement.

Dimensional Requirements for Dwellings: Section 50.20 requires that one-bedroom apartments have a minimum of 500 square feet of living area per unit. All five proposed apartments exceed this requirement.

Architectural Design: proposed modifications to the historic buildings and the proposed addition meet requirements for architectural design features. The exterior material proposed on the addition is stucco, which is deemed acceptable per the ordinance and will “project a natural appearance.” The roof of the addition will be pitched to match the shape of the existing hipped roof, which also meets ordinance requirements.

Landscaping: Two additional street trees are required and proposed along Stadium Drive. 12 existing trees on the site will be preserved.

Fencing: Per Section 57.60, fences “exceeding six feet in height shall be subject to approval by the appropriate reviewing body” when located in the VC District. An eight-foot-tall fence is proposed, with an eight foot tall rolling gate. The Planning Commission must determine whether an eight-foot-tall fence is appropriate in this instance.

Exterior lighting: No site lighting is proposed at this time.

Engineering

Prein & Newhof, the Township’s civil engineering agent, reviewed the site plan and indicated all requirements are met. Public water and sewer will be extended to the building.

Fire Department

Oshtemo's Fire Department will need to review the site plan to ensure that turning radii are adequate when the eastern driveway is removed from the site plan. If a cross access agreement for the gated exit to the south is not obtained, the Fire Department will also need to review maneuvering space within the fenced area. A fire hydrant is required and shown on the site plan.

Enforcement

Oshtemo Township's Ordinance Enforcement staff requested that two large piles of cut logs, limbs, and brush be removed. If the Planning Commission approves this request, removal of these materials is recommended as a condition of approval.

RECOMMENDATION

Ms. High explained preservation of this significant historic structure is an admirable goal. Staff recommended approval of all aspects of the proposal that are allowed by law. In other words, approval of all proposed Special Uses and site plan improvements *with the exception of* outdoor storage of materials such as firewood and outdoor parking of work vehicles, with the following conditions:

1. Approve the following Special Uses:
 - a) Special Use to allow an addition at the rear of the historic schoolhouse to accommodate stairs to the upper level.
 - b) Special Use to allow five family dwellings where one, two, or three family dwellings are permitted, which is hereby determined to be similar to those uses permitted in Section [19.20](#) through [19.40](#).
 - c) Special Use to allow both residential and nonresidential uses within the historic schoolhouse building.
2. Motion to deny the "outdoor wood sales yard and accessory related activities", which includes denial of any outdoor storage or parking of work vehicles.
3. Wood processing on site would be limited to use of an electric saw to cut eight to ten-foot-long logs into slabs for tables or countertops and will be limited to regular business hours, Monday through Saturday.
4. All references to "outdoor wood sales yard and accessory related activities" shall be removed from the plan. No outdoor storage of materials or work vehicles or outdoor activities for the commercial use are permitted on the site except those described below.
 - a) Activities permitted in the accessory building include a wood workshop area, wood and equipment storage, and parking. Activities permitted in the fenced area around the accessory building include use of a bobcat to move logs and other materials required for making furniture and art.
 - b) Use of the bobcat and other loud equipment is limited to regular business hours, Monday through Saturday.
5. A cross access easement agreement is required for access to the gated exit to the south. If not obtained, a revised site plan shall be submitted that shows removal of the gated exit and maneuvering space as required by the Fire Department.

6. Approval to allow an eight-foot-tall fence as shown on the site plan, per Section 57.60.
7. A revised site plan shall be submitted that shows:
 - a) Elimination of the eastern driveway onto Stadium Drive while meeting Fire Department requirements for turning radii.
 - b) Location of at least three additional parking spaces for the wood workshop area, or an amount equal to the number of employees in the wood workshop area, whichever is greater. If located outside the garage, these parking spaces shall be for customer or employee use only, not for storing work vehicles or equipment such as the bobcat.
 - c) Elimination of one of the proposed free standing signs. (One free standing sign is permitted.)
 - d) Tree species and size at time of planting of the two canopy trees
8. Prior to issuance of a building permit, the existing wood and brush piles will be removed to bring the site into compliance.
9. The accessory building shall not be used for the business until a Certificate of Occupancy is issued for the office and showroom in the historic schoolhouse. However, use of the accessory building for the schoolhouse renovation is permitted.

Ms. High asked Attorney Porter if he had anything to add to the presentation.

Attorney Porter said everyone would love to see the historic schoolhouse preserved and restored. He noted the applicant was advised not to apply for a contractor's yard, as industrial use is not permitted there. Neither the Planning Commission nor the Zoning Board Authority is allowed to grant such use. It is not an "essential service", which would apply to a type of public utility, so an exception for that reason is inapplicable. He strongly urged the Commission to follow the recommendation from Staff.

Chairperson VanderWeele asked if Board members had questions for staff.

Mr. Smith asked why the recommendation from staff allows only walnut or cherry wood to be cut into logs to be used for furniture.

Ms. High said the wording was taken from the applicant's statement but was not meant to limit wood types.

The Chair asked if industrial use allows storing equipment and vehicles in the bus garage.

Attorney Porter indicated that was allowed if they are stored inside and are related to the wood shop.

Ms. High explained what was proposed is more of a craftsman space than an industrial space. A similar compatible use has been approved elsewhere in the Township.

Ms. Lubbert added that the Planning Commission has flexibility in this area. In 2018 a similar proposal, all internal, was approved. It is the Commission's prerogative to review the requested use and determine if it is consistent with Village requirements.

Mr. Vyas was concerned about noise pollution from the shop for residents, especially in light of the pandemic which has increased the need to work and attend school from home.

Ms. High said the shop will be outside of the schoolhouse in the outer building. The applicant says use of the saw will be infrequent, but that could change over time and should be considered.

Mr. Vyas cited the need to act proactively in case circumstances change in the future.

The Chair noted Chime School is close by.

Hearing no further questions from Commissioners, the Chair asked if the applicant and architect for this proposal wished to speak.

Mr. Schramm, architect, indicated the schoolhouse is well built and solid and he would like to see it saved. He indicated flexibility within the ordinance and said the opportunity to save it is now, otherwise it will be gone. He noted two buildings are shown as examples to maintain character in the directive – this is one of the two. The plan provides a good use for the building and the applicant is a responsible member of the community and will take good care of the building. Even though a tree removal business is not labeled as an essential service, it is an essential service to the community. He urged the group not to pass up this opportunity to save the building.

Mr. Livingstone said he became involved in this project after re-roofing the schoolhouse for the owner, Mr. Spigelmyer, and found the building was for sale. Mr. Spigelmyer was impressed with his history of bringing buildings back from the dead and chose him to renovate the building. The two of them have shared values. After he put the roof on, he signed a purchase agreement and subsequently received a condemnation notice, even though the building has been in its current shape for 20 years. The soffits permit was delayed for about six months. The building was used as an outdoor toilet during the pandemic by officials. He felt it was a target and that the attorney did not want his business there, but doesn't understand why people want to chase him out. He noted Mr. Spigelmyer had a price of \$250,000 on the property but sold it to Mr. Livingstone for 40% of that price.

He said he renewed his efforts to work with the Township, and noted he has been offered twice what he paid for the property by a party that wants to level the building. He does not understand why he is being chased out when he is willing to renovate. If not welcome, he will go elsewhere and said he has pretty much given up on the project. He plans to close on property for his business on Burdick Street next Thursday. The money he planned to use to renovate will be needed to purchase the alternate site for his business. He thought rejection by the Commission was a foregone conclusion before the meeting. He said that was his position, situation and history.

Chairperson VanderWeele asked if there were Commission questions for the applicant.

Ms. Maxwell asked what kind of equipment would be stored, asked what kinds of work would be done in the workshop, and how many employees he has currently.

Mr. Livingstone said things such as chipping equipment, bucket trucks and dump trucks would be stored. His company has been making wood tables for years; they make nice things, countertops etc. He said he would like to have local artists participate. He has nine employees currently.

She wondered why he needs an eight foot fence.

Mr. Livingstone said he wanted to screen the vehicles from the community.

Ms. Maxwell noted the vehicles would have to be stored inside and asked if he was on board with what the Township was proposing.

Mr. Livingstone said he does not grasp why the second drive would need to be eliminated and was trying to understand the various requirements. He will be spending \$230,000 on Thursday for his new business site, so no longer needs the schoolhouse property and no longer will have funding for this project.

Ms. Maxwell asked if that is the case, why are we here?

Mr. Livingstone said he wanted to know why people are not welcome in the Township.

Hearing no further questions, Chairperson VanderWeele opened a public hearing and asked if anyone wished to comment.

Themis Corakis, the property owner of 6703 Stadium Drive, due west of the schoolhouse property, said brush has been pushed up against his fence for some time. He was all in favor of saving the schoolhouse, but was not for a business in the back.

The Chair closed the public hearing after determining there were no further attendees wishing to comment and moved to Commission Deliberations.

There was speculation regarding what might or might not occur with the property in the future and a desire to approve the renovation and workshop. There was concern regarding outdoor storage as well as noise and activity generated by the tree business.

Attorney Porter advised the commission to address the proposal as presented.

Chairperson VanderWeele asked if the nine recommendations were approved if it would still allow trucks to park in the bus garage, and people to come and go.

Ms. High said that would be the case.

The Chair noted everyone was in favor of renovating the schoolhouse, but not of trucks and employees coming and going from the building in back.

Attorney Porter suggested if the Commission approved the nine staff recommendations for the site plan and special use, it would accomplish what they wanted to do.

Chairperson VanderWeele asked for a motion.

Ms. Versalle **made a motion** to approve the nine staff recommendations as follows regarding the adaptive reuse of Oshtemo Schoolhouse #10.

1. Approve the following Special Uses:

- a) Special Use to allow an addition at the rear of the historic schoolhouse to accommodate stairs to the upper level.
- b) Special Use to allow five family dwellings where one, two, or three family dwellings are permitted, which is hereby determined to be similar to those uses permitted in Section [19.20](#) through [19.40](#).
- c) Special Use to allow both residential and nonresidential uses within the historic schoolhouse building.

2. Motion to deny the "outdoor wood sales yard and accessory related activities", which includes denial of any outdoor storage or parking of work vehicles.

3. Wood processing on site would be limited to use of an electric saw to cut eight to ten-foot-long logs into slabs for tables or countertops and will be limited to regular business hours, Monday through Saturday.

4. All references to "outdoor wood sales yard and accessory related activities" shall be removed from the plan. No outdoor storage of materials or work vehicles or outdoor activities for the commercial use are permitted on the site except those described below.

- a) Activities permitted in the accessory building include a wood workshop area, wood and equipment storage, and parking. Activities permitted in the fenced area around the accessory building include use of a bobcat to move logs and other materials required for making furniture and art.
 - b) Use of the bobcat and other loud equipment is limited to regular business hours, Monday through Saturday.
5. A cross access easement agreement is required for access to the gated exit to the south. If not obtained, a revised site plan shall be submitted that shows removal of the gated exit and maneuvering space as required by the Fire Department.
6. Approval to allow an eight-foot-tall fence as shown on the site plan, per Section 57.60.
7. A revised site plan shall be submitted that shows:
- a) Elimination of the eastern driveway onto Stadium Drive while meeting Fire Department requirements for turning radii.
 - b) Location of at least three additional parking spaces for the wood workshop area, or an amount equal to the number of employees in the wood workshop area, whichever is greater. If located outside the garage, these parking spaces shall be for customer or employee use only, not for storing work vehicles or equipment such as the bobcat.
 - c) Elimination of one of the proposed free standing signs. (One free standing sign is permitted.)
 - d) Tree species and size at time of planting of the two canopy trees
8. Prior to issuance of a building permit, the existing wood and brush piles will be removed to bring the site into compliance.
9. The accessory building shall not be used for the business until a Certificate of Occupancy is issued for the office and showroom in the historic schoolhouse. However, use of the accessory building for the schoolhouse renovation is permitted.

Mr. Vyas **seconded the motion**. The **motion was approved** unanimously by roll call vote.

PUBLIC COMMENT ON NON AGENDA ITEMS

There were no comments from members of the public.

OTHER UPDATES AND BUSINESS

Ms. Lubbert indicated there have been no developments from the State regarding when in person meetings may be resumed.

Mr. Vyas asked if there is something the Planning Commission can do to ensure the schoolhouse building is preserved.

Ms. High suggested asking the Downtown Development Authority to consider ways of assisting.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 7:05 p.m.

Minutes prepared:
March 13, 2021

Minutes approved:
_____, 2021

DRAFT

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March 17, 2021

Mtg Date: March 25, 2021
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Discussion: DRAFT 2020 Planning Department Annual Report

Background:

Every year the Oshtemo Planning Department produces a report that satisfies the requirements of Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which states that a Planning Commission must prepare an annual report documenting the administration of their municipality's Zoning Ordinance and outline possible future amendments to the Ordinance. The attached report fulfills the obligation for 2020 and provides updates on the activities and projects planned for 2021.

It should be noted that the Planning Department has expanded the scope of the report to further document the activities of the Zoning Board of Appeals and the administrative activities of the Planning Department staff. By doing so, the document provides a more complete picture of Planning and Zoning activities within the Township. This report is intended to not only document past and ongoing activities but also help the Township Board develop its own work plans and budgets for the coming year.

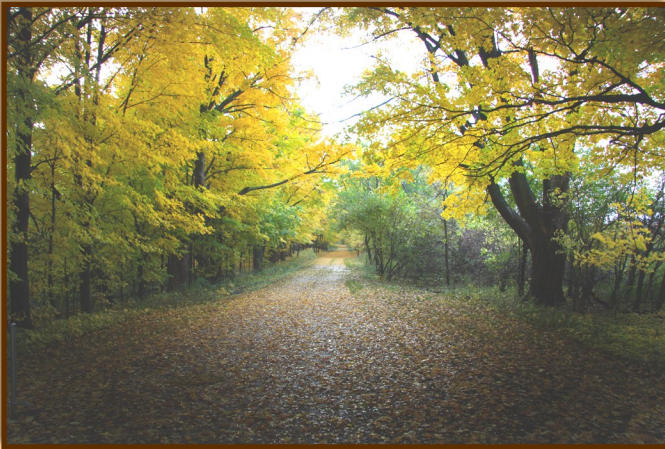
Requested Discussion:

The Planning Commission is asked to review the report and provide feedback to staff. Once the Planning Commission is content with the report it can be finalized and forwarded to the Township Board.

Attachments: DRAFT 2020 Planning Department Annual Report

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OSHTEMO
**DRAFT PLANNING DEPARTMENT
ANNUAL REPORT**
2020
TOWNSHIP



Legislative Requirements

Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) requires the Planning Commission to prepare an annual report for the Township Board documenting the administration of the Zoning Ordinance. It is also a requirement to outline possible future amendments to the Ordinance. This report fulfills this obligation for 2020 and provides updates on the activities and projects planned for 2021.

The Planning Department has expanded the scope of the report to further document the activities of the Zoning Board of Appeals and the administrative activities of the Planning Department staff. By doing so, the document provides a more complete picture of the Planning and Zoning activities in the Township. This report is submitted to the Township Board for review and consideration as it develops its own work plans and budgets for the coming years.

PLANNING COMMISSION

2020 ORDINANCE AMENDMENTS

Lighting— Concerns were expressed about how the Outdoor Lighting Standards Ordinance (Section 54.60) implemented in September 10th, 2019 could be interpreted, specifically the Ordinance’s intent and the general usage of outdoor upward lighting. After multiple discussions, the Planning Commission agreed to amend the section so that the option to use upward lighting as a means to illuminate building facades was completely removed in order to be consistent with the Dark Sky Initiative and the original intent of the lighting code. The Planning Commission held a public hearing for the drafted amendment on February 27, 2020 where a motion to recommend approval to the Township Board was unanimously accepted. After discussion, the Township Board adopted the Lighting Ordinance amendment in May 2020.

Keeping of Livestock and Honey Bees Ordinance — In February 2019, a resident came to a Planning Commission meeting requesting the Township consider allowing the keeping of honey bees as a permitted use. In reviewing the Zoning Ordinance, bees were not addressed and therefore were not permitted. In December 2019, the Planning Commission forwarded a proposed amendment to 57.80 Keeping of Poultry, Swine, Horses, or Livestock to the Township Board with a motion recommending approval. The proposed amendment would allow for the keeping of honey bees for non commercial purposes (following the Generally Accepted Agricultural and Management Practices). The Board requested additional changes be considered for clarification and returned the amendment to the Planning Commission to further develop. After additional research and discussion, the Planning Commission amended the proposed text to address the Township Board’s concerns and at their April 30, 2020 regular meeting unanimously agreed to forward the amendment back to the Township Board for consideration. After discussion, the Township Board adopted the revised Keeping of Livestock and Honey Bees Ordinance amendment in May 2020.

Setbacks & Accessory Buildings – Concerns were expressed about how the Township was regulating accessory buildings on residential properties, specifically where they were permitted to be located on a parcel, lot, or building site. After review of the Setback and Accessory Buildings Ordinances, the Planning Commission determined that amendments were needed to clarify where accessory buildings would be permitted and ensure that the two regulations worked in concert. Other areas of interest when considering changes to the Accessory Building Ordinance, in addition to placement, included: height, the treatment of accessory buildings on lots/building sites vs. parcels, and the overall permitted square footage of detached buildings based on lot size. The amendments to these two ordinance sections started in mid 2019 but have gone through various iterations. The Planning Commission held a public hearing for the drafted amendment on March 12, 2020 where a motion to recommend approval to the Township Board was unanimously accepted. After discussion, the Township Board adopted the Setbacks & Accessory Buildings ordinance amendments in May 2020.

Assembly and Convention Halls— The Township was approached by a perspective property owner who was interested in establishing a wedding/event venue as a primary use on a commercial property. Examining the Township’s Zoning Ordinance, it was 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. The Planning Commission started work on an amendment to allow Assembly and Convention Halls as a primary use within the Township in February 2020. After multiple drafts and discussions a public hearing for the amendment was held on August 27, 2020 where a motion to recommend approval to the Township Board was unanimously accepted. The Township Board adopted the ordinance amendment on September 22, 2020.

Child and Adult Foster Care Facilities—The Township was made aware that the Zoning Ordinance did not identify foster care facilities as allowable uses in any zoning district in Oshtemo. Using State Law MCL 722.111, which outlines the requirements for foster care organizations in Michigan, as a guide, an amendment was drafted which would permit various types of foster care facilities within Oshtemo. This amendment was presented to the Planning Commission at their regular August 27, 2020 meeting. After discussion the Planning Commission unanimously motioned to forward the proposed language to a Public Hearing on September 24, 2020 where a motion to recommend approval to the Township Board was unanimously accepted. After discussion the Township Board adopted the Child and Adult Foster Care Facilities Ordinance amendment in October 2020.

Child and Adult Care Centers— In November 2020 the Planning Commission reviewed a conditional rezoning request that asked to rezone a property to a higher intensity in order for the site to have a Child Care Center. Although the rezoning request was denied as it was considered spot zoning, the topic of Child Care Centers piqued both the Planning Commission’s and Public’s interest. There was a general agreement that child care options are important and more flexibility was needed that would allow for more of this type of service. Staff was asked to review the code and see if there was a way to appropriately allow for more Child Care Centers in Oshtemo. Coincidentally, around the same time as the rezoning discussion, a site plan for initial discussion was submitted to staff that entailed an Adult Care Center. After reviewing the code, it was unclear where and if this use was permitted. After discussion with legal counsel it was determined that this use was comparable to a Child Care Center and that a code amendment would be appropriate. For the sake of efficiency, language to address deficiencies in the code regarding Adult Care Centers was incorporated into the proposed Child Care Center code amendment discussion. This proposed code amendment was introduced to the Planning Commission at their regular December 10, 2020 meeting. After discussion the Commission unanimously approved forwarding the proposed text to a Public Hearing on January 14, 2021 where a motion to recommend approval to the Township Board was unanimously accepted. The Township Board will consider the adoption of these amendments in 2021.

Pools on Corner Lots (front yard setback) - In November 2020 the Zoning Board of Appeals reviewed and unanimously approved a variance request to permit an in-ground pool to protrude 20 feet into the required 30-foot front yard setback. The property in question was a small corner lot located within a plat. As this was not the first variance approved to allow an in-ground pool to protrude into a corner lot’s front yard the Zoning Board of Appeals requested that the relevant code section be sent to the Planning Commission to consider an update to provide some flexibility to in-ground pools on corner lots. Using the discussion at the Zoning Board of Appeals meeting as a starting point, a proposed amendment was intro-

duced to the Planning Commission for discussion at their regular December 2020 meeting. After discussion the Commission approved forwarding the proposed text to a Public Hearing on January 14, 2021 where a motion to recommend approval to the Township Board was unanimously accepted. The Township Board will consider the adoption of these amendments in 2021.

UPCOMING ORDINANCE AMENDMENTS

One of the purposes of the Annual Report is to look ahead to 2021 and anticipate those items that the Planning Commission desires to address or work on over the next 12 months and beyond in the area of planning and zoning. The Planning Commission reviewed a list of their pending ordinance amendments to set priorities. The Planning Commission identified the following three amendments as their top priorities for 2021:

1. 5G
2. Maple Hill South Mixed-Use Overlay District
3. Sidewalk, lighting, dry sewer in developments

Other ordinance amendment topics that were considered and are also on the Planning Commissions project list include: Permitted Uses, Permitted Uses with Conditions, and Special Uses; Village Form Based Code Overlay Zone; Signage; Marijuana; Nonhazardous materials; and Go Green Oshtemo.

REZONINGS

The Planning Commission received four rezoning requests in 2020; four more requests than in 2019. A summary of the rezoning requests are provided below.

Rezoning Reviews in 2020:		4
Request / Address	PC Decision	Public Hearing
R-2 to R-3 / 2963 S 11th St, Unaddressed S 11th St, and 3065 S 11th St	Approved	3/26
AG to RR / Portions of 9037 West G Ave	Approved	7/28
R-2 to R-3 / 2345 N 10th St	Denied	11/12
C to I-1 / 1515 S 11 th Street and Unaddressed S 11 th St,	Approved	11/12

SUBDIVISION/SITE CONDOMINIUMS

No new subdivisions were submitted to the Township in 2020. However, two subdivisions in the process of development approval were reviewed. Mystic Heights received Step 3 approval. The development had previously received Step 1 approval, which includes a recommendation from the Planning Commission. Steps 2 and 3 of the approval process are managed by the Township Board. Staff included this project within this report to more clearly outline the Planning Departments workload in 2020 and to provide continuity of the approval process throughout the life of the developments. Step 3 approval means that all planned infrastructure has been installed within the development, accepted by the Township, and allows the developer to start building homes. It should be noted that in order to meet the legal conditions of approval tied to Mystic Heights, staff created and implemented a new process ensuring that the agreed upon tree preservation efforts are followed. In addition, the third phase of the approved West Point residential condominium project on N 10th St was finalized so building permits for new residential dwelling units can be issued.

SPECIAL EXCEPTION USES

A total of eight Special Exception Use applications were submitted to the Planning Department in 2020, which is four less than were evaluated in 2019. All but one were approved, each with a specific set of conditions, which the applicant was required to meet as part of the development of the project.

The *Total Special Exception Use Reviews in 2020* table can be found on the following page.

Three of the Special Exception Uses were for new construction. Arbor Credit Union on West Main Street wished to expand their site to accommodate their growing facilities and needs. This project included construction of a new service facility onsite. Pathway Solutions, though the request was denied by the Planning Commission, wished to construct a new communication tower on the north western side of the Township. Jiffy Lube requested to build a new car service facility.

One of the approved Special Exception Uses was for a temporary outdoor event within the Township, which is three less than in 2019. The request was from Orange Theory Fitness who wished to hold outdoor work out classes.

The Planning Commission often permits staff to administratively review temporary outdoor events once they have been approved through the public hearing process. While one event was approved by the Planning Commission in 2020, a total of six events were held throughout the year. The *Total Administratively Reviewed Temporary Outdoor Events in 2020* table can be found on page eight of this report.

SITE PLAN REVIEW

In general, the Planning Commission does not review site plans unless they are attached to a Special Exception Use. In 2020, one site plan was submitted to the Planning Commission that did not require special use review, two less than in 2019. The one site plan was reviewed by the Planning Commission because of the significant number of proposed site improvements tied to a previously approved Special Use. The one site plan review by the Planning Commission is as follows:

Total Site Plan Reviews in 2020:		1
Project Name / Address	PC Decision	Approval Date
Maple Hill West Expansion/ 6883 W Main St	Approved	2/27

MEETINGS / ATTENDANCE

The Planning Commission had a total of 27 meetings scheduled in 2020; 24 regular meetings, one special meeting, and two joint meetings. Of the 24 planned regular meetings, 19 meetings were held and five canceled due to lack of agenda items or because of Covid-19 restrictions. Due to necessity, the Township needed to transition to hosting virtual meetings through Zoom. The Planning Commission's regular meetings were held on the second and fourth Thursdays of each month. November and December had only one meeting each due to the holidays. As shown in the table below, the Planning Commission is highly engaged and has a strong participation record. It should be noted that two new members were appointed at the end of 2020: one to replace Commissioner Dusty Farmer, whose term ended, and another to replace Commissioner Ron Commissaris, who passed away on July 21, 2020.

Commission Members	Attendance
Bruce VanderWeele	17/19
Anna Versalle	14/19
Ron Commissaris	12/14
Chetan Vyas	16/19
Dusty Farmer	13/17
Micki Maxwell	17/19
Mary Smith	13/19
Kizzy Bradford	2/2
Deb Everett	0/1

SPECIAL EXCEPTION USES Continued

Total Special Exception Use Reviews in 2020:				8
Project Title / Address	Applicant	Use/Project Summary	PC Decision	Date
Fruit Belt Trail/ unaddressed	Oshtemo Township	Special Use approval to preserve and dedicate 35 acres of land to outdoor public recreation, specifically to install a nonmotorized trail extending from Flesher Field to the Township's south border	Approved	2/27
Panera Drive-Thru/ 5119 W Main Street	Manna Development	Special Use and Site Plan approval to alter the existing building at 5119 W Main St to allow for a drive-thru window, lane, and storage	Approved	3/15
Arbor Credit Union/ 1551 W Main St	Glas Associates	Special Use and Site Plan approval to expand the existing credit union and construct a new member service facility	Approved	4/30
Center Point Church/ 2345 N 10th Street	Center Point Church	Special Use approval to establish a private pre-school for up to 110 children	Approved	4/30
Pathway Solutions/ 8619 S Kl Ave	Pathway Solutions	Special Use and Site Plan approval for a Wireless Communication Tower	Denied	7/16
Jiffy Lube/ 660 W Main Street	Traditional Brand Development Partners, LLC	Special Use and Site Plan approval to construct a new vehicle service facility	Approved	7/30
Orange Theory/ 1750 S Drake Rd	AHRLELMG, LLC	Special Use approval to utilize the existing parking lot to host temporary outdoor workout sessions	Approved	8/13
Bethany Christian Services/ 6350 W Kl Ave	Bethany Christian Services of Michigan	Special Use and Site Plan approval to establish a Child Caring Institution to serve up to 12 minor children in the existing building located	Approved	12/10

ZONING BOARD OF APPEALS

In total, nine applications were reviewed by the Zoning Board of Appeals (ZBA) in 2020. This is up from 2019 by two applications.

SITE PLAN REVIEWS

Five site plans were reviewed by the ZBA in 2020, which is two more than were considered in 2019. Of these reviews, two were for new construction, and three were for additions to existing buildings. See summary table at the top right.

DIMENSIONAL VARIANCES

The ZBA reviewed four dimensional variance requests in 2020, the same amount as in 2019, see the *Total Dimensional Variance Requests in 2020* table at the bottom of the page for a summary. A variance is a “license to use property in a way not permitted under the ordinance.” If the Township received a large number of variance applications each year on a specific ordinance requirement, it could mean there is something wrong with that ordinance, necessitating a review that may warrant an ordinance revision.

Variations are considered carefully and under normal circumstances rarely granted. The approval rates tend to be high for dimensional variances within the Township because of Planning staff efforts to filter requests that do not meet the legislative and legal requirements for granting approval, including: ensuring the spirit of the ordinance is observed, public safety is secured, substantial justice done, a practical difficulty exists, there is a unique circumstance found on the property, and that the problem is not self-created.

MEETINGS / ATTENDANCE

ZBA meetings are scheduled on the fourth Tuesday of each month. In 2020, of the twelve regularly scheduled meetings, eight were held and four canceled due to lack of agenda items or restrictions due to Covid-19. In addition, the ZBA was invited to the two joint meetings that were held in 2020. As shown on the table on the right, the ZBA is highly engaged and has a strong participation record. It should be noted that Dusty Farmer was appointed at the end of 2020 to replace Board member Cheri Bell, whose term ended.

Total Site Plan Reviews for 2020:			5
Project Name/ Location	Use	Decision	Date
Ashley Home-store Addition/ 5157 W Main St	Commercial	Approved	1/28
Stadium and 11th Office Building/ 2240 S 11th Street	Office	Approved	4/28
One Way Prod- ucts Addition/ 5933 W Kl Ave	Industrial	Approved	7/28
Advance Poured Walls/ Unaddressed	Industrial	Approved	12/15
One Way Prod- ucts Addition/ 5933 W Kl Ave	Industrial	Approved	12/15

Board Members	Attendance
Ollie Chambers	2/8
Cheri Bell	4/7
Micki Maxwell	7/8
Neil Sikora	7/8
Anita Smith	6/8
Fred Antosz	7/8
Fred Gould	7/8
Dusty Famer	1/1

Total Dimensional Variance Requests in 2020:				4
Address	Applicant	Variance	Date	Decision
3274 S 6 th St	Logan Wingard	A 40-foot front yard setback from the public right-of-way where a 70-foot setback would be required for a new carport.	4/48	Approved
6699 W Main St	Universal Sign, Inc.	A sign deviation of 20 square feet.	5/26	Approved
798 Laurel Wood St	Melvina Gillespie	A 4-foot rear yard setback where a 10-foot setback	8/25	Approved
5359 Sweet Briar Dr	Frank H. and M. Jamie Jeremy	A 10-foot front yard setback where a 30-foot setback would be required for a new inground pool.	11/17	Approved

PLANNING DEPARTMENT REVIEWS



Township Hall

The Planning Department processes all of the development applications that are submitted to the Township, including rezoning requests, variances, site plans, building, sign, and sidewalk permits. In 2020, a total of 393 applications were reviewed by Planning Department staff, which is 55 less applications than reviewed in 2019 and 42 more than in 2018.

The Zoning Ordinance grants the authority to the Planning Department to administratively review and approve site plans in certain instances. These include minor amendments to a previously approved site plan, accessory buildings that meet certain criteria, one-day temporary outdoor events, and communication tower co-locations or upgrades. A total of 13 administrative development reviews were conducted in 2020, which is five less than completed in 2019. A brief summary of the 2020 staff level reviews are found below and on the following page.

In addition to the applications noted above, the Planning Department also completed reviews for land divisions, sign permits, and building permits. These reviews account for a significant portion of the Zoning Administrator’s daily activities.

COMMUNICATION TOWER CO-LOCATIONS OR UPGRADES

Total Communication Tower Reviews in 2020:		1
Address	Applicant	Approval Date
6831 Stadium Dr	AT&T	9/18

BUILDING PERMITS

Planning Department staff reviews building permit applications that are subject to zoning compliance as determined by the Southwest Michigan Building Authority to ensure that all requirements of the zoning ordinance are met. Staff also checks for any conditions of approval that may have been placed on the property by the Planning Commission or Zoning Board of Appeals during the plan review and approval process. In 2020, the Township issued 487 building permits, which is a 21 percent decrease from the 591 reviewed in 2019. Of the total number of permits issued, 292 or 60 percent required zoning review by the Township Zoning Administrator. This is a slight decrease from the 310 building permits that required zoning review in 2019.

SIGN PERMITS

Sign permits were down by 8 percent in 2020. A total of 41 sign permits were issued, which is nine less than 2019. New signs were just over half of the permits issued in 2020, at 24 permits. The remaining 17 permits were for temporary signs or panel replacement signs. The majority of the total sign permits were issued to addresses on West Main Street, with the remaining sign permits primarily on Stadium Drive and the Drake Road and 9th Street corridors.

LAND DIVISIONS

In 2020, the Zoning Administrator worked with the Assessing Department to review 13 land division, re-description, or combination applications, which is up by two applications from 2019. The task of the Zoning Administrator is to ensure that the requested change to property boundaries meets all of the area requirements established in the Township’s Zoning Ordinance.

SIDEWALK PERMITS

In 2015, the Township initiated a sidewalk permitting process to help ensure new sidewalk development meets regulatory standards. These requirements incorporate the Americans with Disabilities Act standards for accessible design. The permit requires both a pre- and post-concrete pour inspection, which is managed by the Ordinance Enforcement Officer. In 2020, a total of 27 sidewalk permits were issued. This is a 45 percent decrease from 2019 when 49 permits were issued. The number of sidewalk permits issued is indicative of the residential construction occurring in the Township.

MINOR AMENDMENTS TO AN APPROVED SITE PLAN

Total Minor Amendments Administratively Reviewed in 2020:			7
Address	Applicant	Use	Approval Date
7561 Stadium Drive	TKBII Investments	Installation of a 500 gallon above ground fuel tank	6/23
2345 N 10th St	Center Point Church	Playground for Preschool	7/17
7100 Stadium Dr	Diekema Hamann Architecture & Engineering	Office renovation	8/26
5622 W Main St	Maple Hill Auto Group	New charging stations	10/19
6585 W Kl Ave	Dunshee Body and Frame	1,900 sqft addition and parking lot expansion	10/22
West Port Village Condominiums	Visser Construction	Sidewalk relocation	11/6
5650 W Main St	Two Squared Development	Amendment to the proposed Westgate Access Driveway	11/6

TEMPORARY OUTDOOR EVENTS

Total Administratively Reviewed Temporary Outdoor Events in 2020:			5
Address	Applicant	Event	Approval Date
8456 Stadium Dr	Lawton Ridge Winery	Food truck on site Wednesday evenings April 15th through October 28th	3/10
6660 W Main	TNT Fireworks	Temporary outdoor sales of fireworks from the parking lot from June 24 – July 5, 2020	6/1
5034 S Kl Ave	The Good Stuff Fireworks	Temporary outdoor sales of fireworks from the parking lot from June 18 – July 9, 2020	6/9
5215 Century Ave	Sportsman's Warehouse	Sportsman's Warehouse Grand Opening June 25th—27th	6/25
5030 W Main Street	Wahmhoff Farms	Outdoor Christmas tree sales event November 25th through December 23rd	10/23



March 18, 2021

Mtg Date: March 25, 2021
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Discussion - Section 57.90 Zoning Ordinance Regarding Nonmotorized

Background:

Oshtemo Township continues to grow and simultaneously, the Township is hearing community requests for a quality of life that is connected by sidewalks and paths. Over the years the Township has adopted several policies and ordinances to establish a physical and cultural environment that supports and encourages safe, comfortable, and convenient ways for a diverse population of pedestrians and bicyclists to travel throughout the Township and into the surrounding communities. The most recent of which was through the *Go!Green Oshtemo – 5 Year Parks and Recreation Master Plan*. Part of the plan included an action strategy to continue to require provisions for nonmotorized transportation facilities with site plan reviews. The Ordinance language that continues to implement this action strategy is Section 57.90, language provided below.

“For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required within public street rights-of-way and/or private street easements unless the reviewing body grants a deviation from this provision. Deviation may be considered if the street is a cul-de-sac, or if there are constraints as the result of severe topography or natural features.” (57.90 Sidewalks)

In essence, Section 57.90 does three things: 1) when a site plan is submitted to the Township, any and only the nonmotorized facilities shown on the adopted Nonmotorized Facilities Map, attached, needs to be installed as part of the site plan review and approval process, 2) An internal sidewalk network is required within the site itself (including a connection from the proposed development to the adjacent nonmotorized path – if there is one), and 3) the reviewing body can grant a deviation if warranted.

What exactly that deviation can be was not specified in the code. As such, the Township’s reviewing bodies have over the years waived the requirement to install sidewalk with a number of different approaches. Most recently by requiring the applicant to sign a sidewalk SAD agreement. It has also become common practice that if the property in question cannot directly connect to an existing nonmotorized facility a deviation is granted so to avoid “sidewalks to nowhere”.

The Township Board discussed this section of the code and the Township’s current sidewalk policies at their March 9th regular meeting. At that meeting the Board agreed that sidewalks should be installed more aggressively in urbanized areas of the Township, the “sidewalks to nowhere” argument is no longer a valid reason for a deviation in those urbanized areas, and this section of the code needs to be revisited and refined.

Requested Discussion:

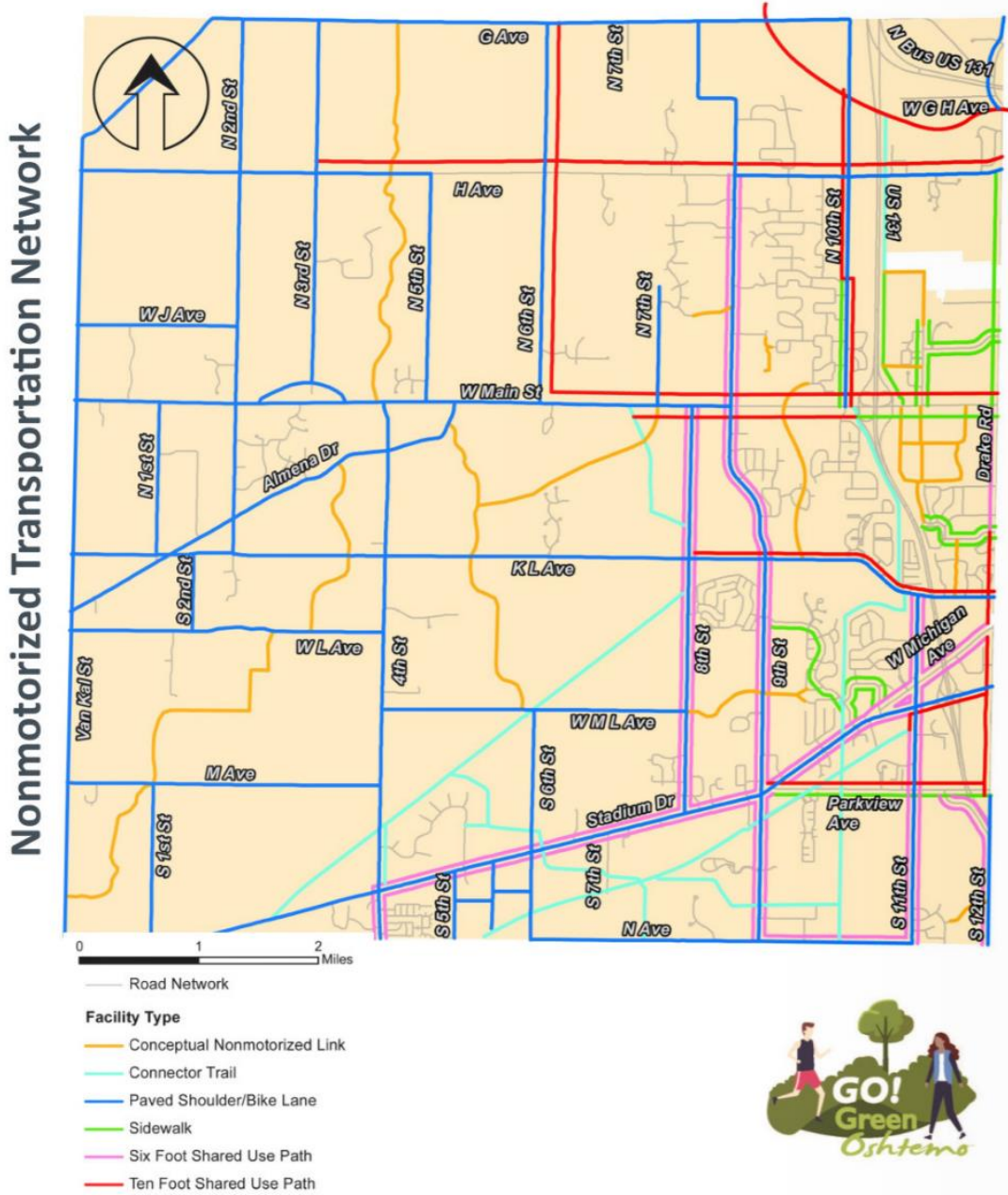
The Planning Commission is asked to review Section 57.90 of the Ordinance per request of the Township Board and provide feedback to staff on how to proceed. To help inform the discussion a number of relevant

supplemental documents are attached to this memo.

Attachments: Adopted Nonmotorized Plan, Updated Township Zoning map, KATS MPO map with Urbanized Area

Nonmotorized Transportation Implementation

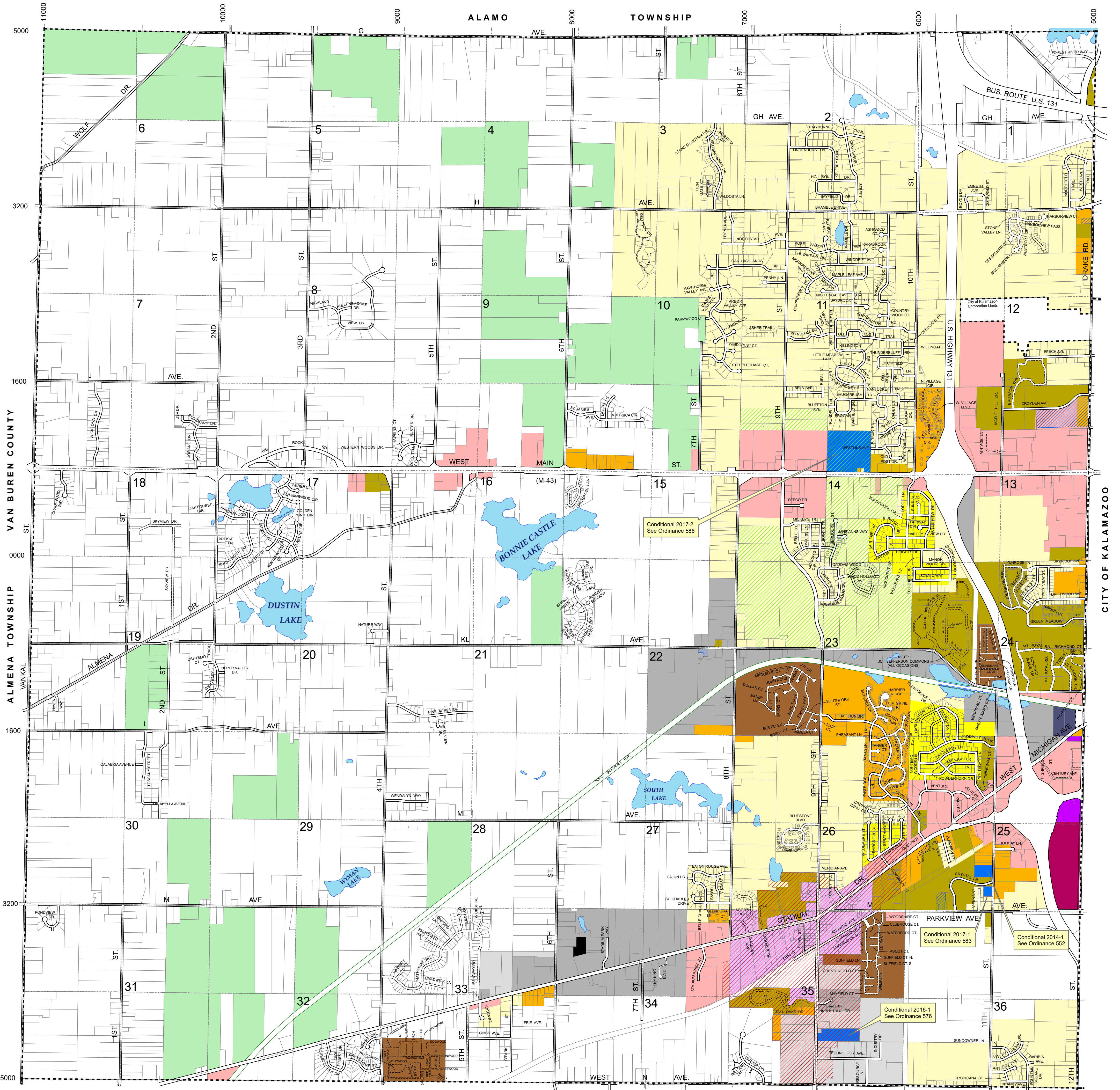
The Nonmotorized Transportation Network Map provides both multi-use paths and sidewalks that follow roadways, as well as ideas for off-road connections intended throughout the Township. This is a long-range plan of existing and envisioned facilities that will connect the entire Township. The intent of the future nonmotorized efforts is to create a network of links to adjacent jurisdictions, provide access to destinations within and around the Township, and ensure a system of “loop connections” throughout the community.



Charter Township of Oshtemo

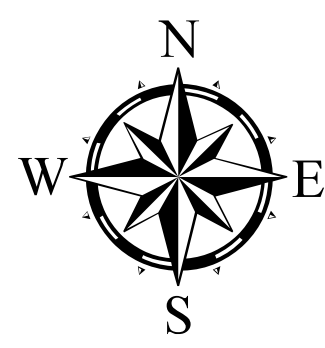
Kalamazoo County, Michigan

Zoning Map



LEGEND

- AG - AGRICULTURAL DISTRICT
- RR - RURAL RESIDENTIAL DISTRICT
- R1 - RESIDENCE DISTRICT
- R2 - RESIDENCE DISTRICT
- R3 - RESIDENCE DISTRICT
- R4 - RESIDENCE DISTRICT
- R5 - RESIDENCE DISTRICT
- VC - VILLAGE COMMERCIAL DISTRICT
- C-R - LOCAL BUSINESS DISTRICT RESTRICTED
- C - LOCAL BUSINESS DISTRICT
- BRP - BUSINESS AND RESEARCH PARK DISTRICT
- I-R - INDUSTRIAL DISTRICT RESTRICTED
- I-1 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- I-2 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- I-3 - INDUSTRIAL DISTRICT SPECIAL
- CONDITIONAL (See Notes On Map)
- 9TH STREET AND WEST MAIN STREET OVERLAY ZONE
- HISTORICAL OVERLAY ZONE
- NEIGHBORHOOD COMMERCIAL OVERLAY ZONE
- VILLAGE FORM BASED CODE OVERLAY ZONE



1,500 750 0 1,500 Ft

Scale: 1" = 1,500'

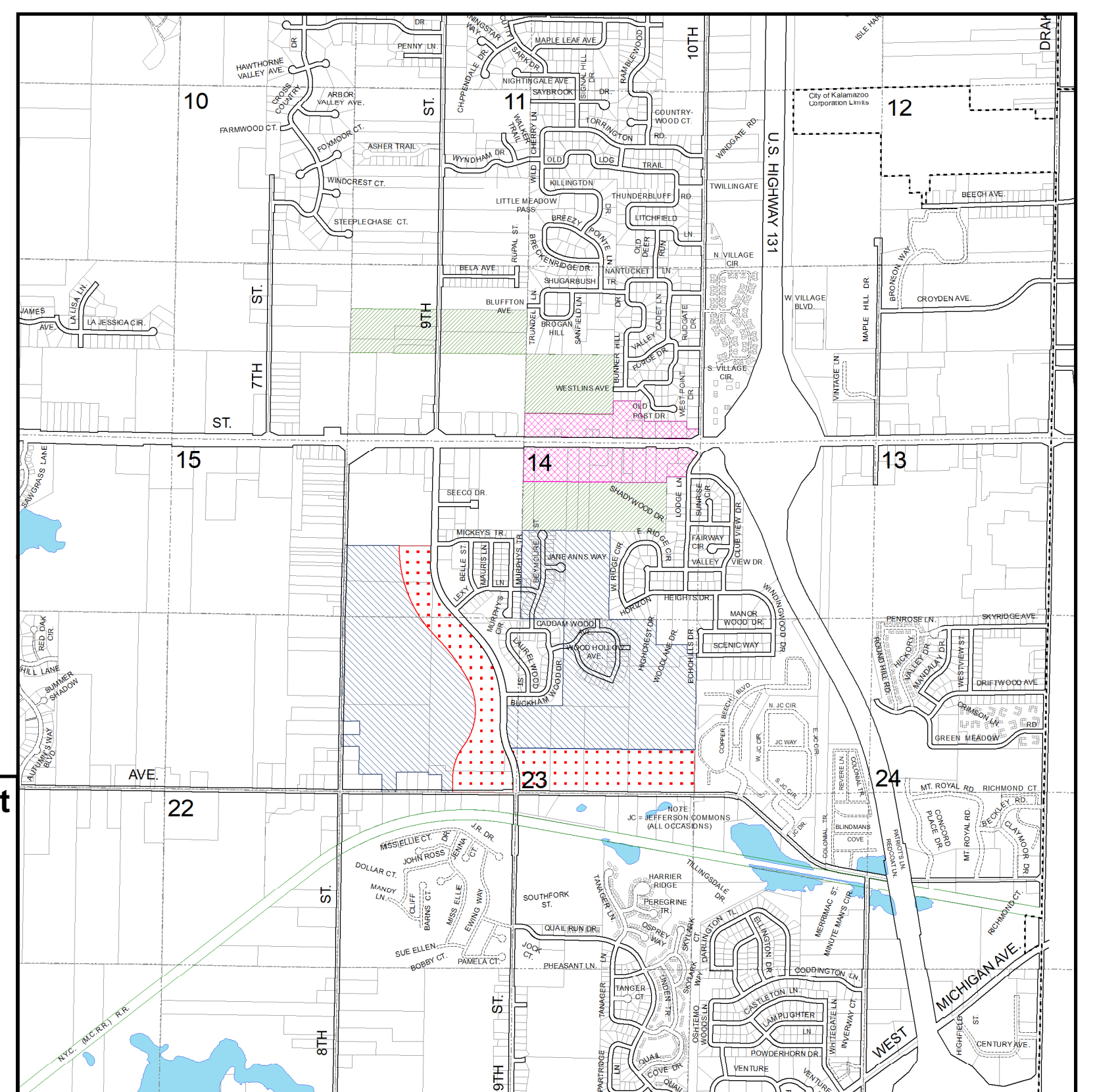
- Public ROW
- Private ROW
- Railroad ROW

Current Through Ordinance Number: 630
Effective: December 22, 2020

Printed: February 2021

9th Street and West Main Street Overlay Zone Designations

- 9th Street Commercial
- 9th Street Residential
- West Main Commercial
- West Main Residential



National Functional Classification for the KATS MPO Boundary



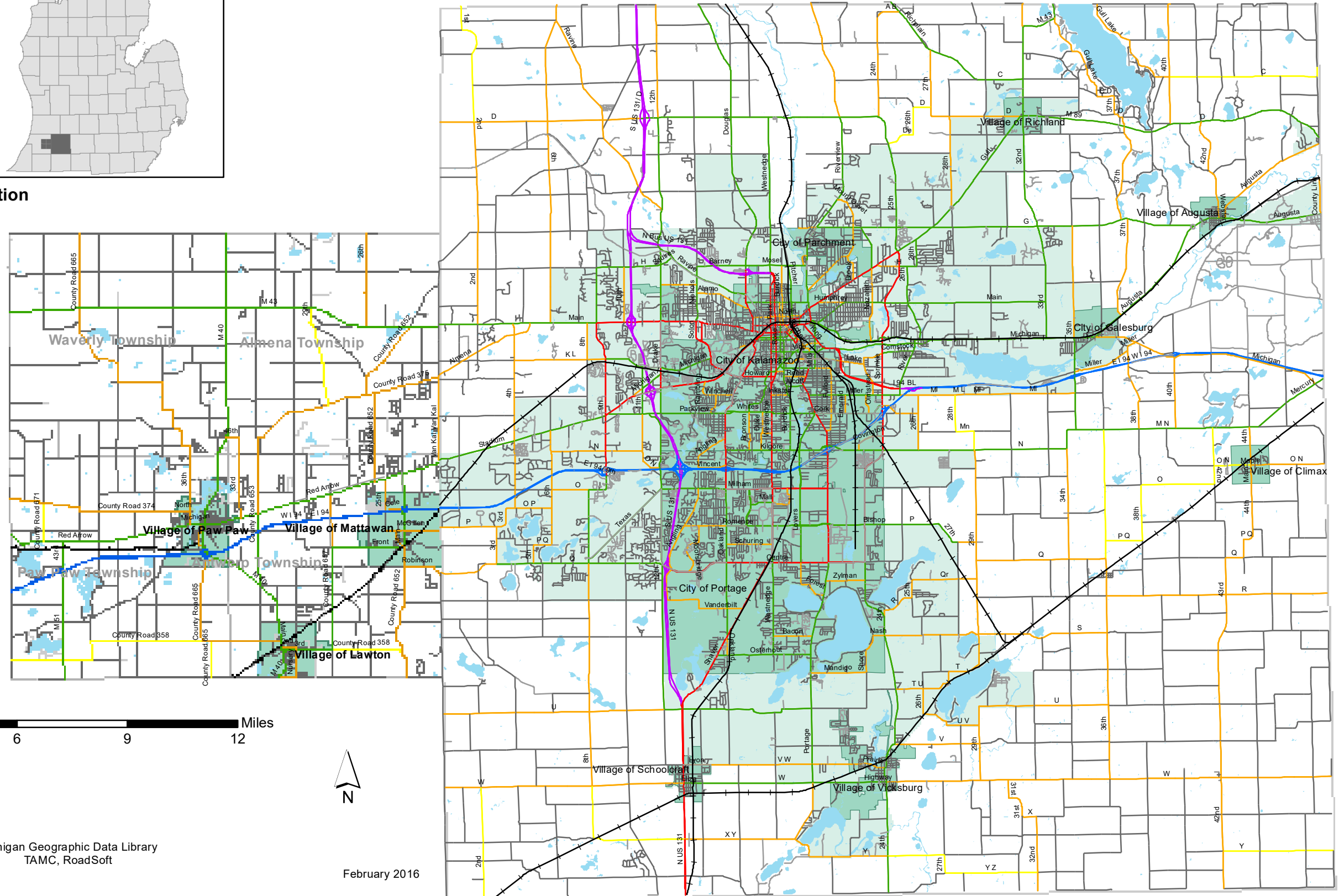
Legend

—+— Railroad

National Functional Classification (NFC)

(NFC)

- 0 = Non-Certified
- 1 = Interstate
- 2 = Other Freeway
- 3 = Other Principal Arterial
- 4 = Minor Arterial
- 5 = Major Collector
- 6 = Minor Collector
- 7 = NFC Local
- Water Features
- City
- ACUB
- County



Michigan Geographic Data Library
TAMC, RoadSoft

February 2016