



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
269-216-5220 Fax 375-7180 TDD 375-7198  
www.oshtemo.org

**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON  
AT OSHTEMO TOWNSHIP HALL  
7275 W MAIN STREET**  
Masks Are Optional in Oshtemo Township Buildings

*(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)*

**THURSDAY, MAY 25, 2023  
6:00 P.M.**

**AGENDA**

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: May 11, 2023
6. **Public Hearing: West Port Village PUD Amendment to Unit 1**  
Jeff Scheffers, on behalf of Visser Property Management, is requesting site plan and special use approval to amend Unit 1, 5401 W H Avenue, within the West Port Village Planned Unit Development to establish an assembly and convention hall use in addition to the existing office space for Visser Construction.
7. Work Session
  - a. Steering Committee, Oshtemo Housing Study
8. Other Updates and Business
9. 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 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. 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.

<b>Oshtemo Township Board of Trustees</b>		
<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>
<b><u>Treasurer</u></b>		
Clare Buszka	216-5260	<a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>
<b><u>Trustees</u></b>		
Cheri Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
Kristin Cole	375-4260	<a href="mailto:kcole@oshtemo.org">kcole@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Kizzy Bradford	375-4260	<a href="mailto:kbradford@oshtemo.org">kbradford@oshtemo.org</a>

<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>			
Greg McComb	375-0487	<a href="mailto:gmccomb@oshtemo.org">gmccomb@oshtemo.org</a>	
<b><u>Ordinance Enforcement:</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 Director:</u></b>			
Anna Horner	216-5228	<a href="mailto:ahorner@oshtemo.org">ahorner@oshtemo.org</a>	

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**DRAFT MINUTES OF A MEETING HELD MAY 11, 2023**

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**Agenda**

**PUBLIC HEARINGS:**

**MORATORIUM ON PRIVATE ROADS/STREETS**

**MORATORIUM ON COMMERCIAL SOLAR AND COMMERCIAL WIND  
TECHNOLOGIES**

**WORK SESSION:**

**INTRODUCTION, AIRPORT ORDINANCE**

**STEERING COMMITTEE, OSHTEMO HOUSING STUDY**

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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, May 11, 2023, commencing at approximately 6:01 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS WERE PRESENT: Anna Versalle, Chair  
Micki Maxwell, Vice Chair  
Phil Doorlag  
Deb Everett  
Zak Ford, Township Board Liaison  
Scot Jefferies  
Alistair Smith

Also present: Iris Lubbert, Planning Director, James Porter, Attorney, Martha Coash, Recording Secretary and six guests, including Emily Petz from the W.E. Upjohn Institute.

**Call to Order and Pledge of Allegiance**

Chairperson Versalle called the meeting to order and invited those present to join in the Pledge of Allegiance.

**Approval of Agenda**

The Chair asked if there were any changes to the agenda. Hearing none, she moved to the next agenda item.

## **Public Comment on Non-Agenda Items**

Mr. Curt Aardema, AVB, 4200 W. Centre Street, noted he had copies of the American Planning Association of Michigan's Zoning Reform Toolkit to Commissioners with a brief description of current zoning challenges outlined in the document, largely due to 50 – 60 year old zoning codes that are no longer relevant.

Commissioners thanked Mr. Aardema and hearing no further comments, the Chair moved to the next agenda item.

## **Approval of the Minutes of the Meeting of April 27, 2023**

Chairperson Versalle asked if there were additions, deletions, or corrections to the Minutes of the Meeting of April 27, 2023.

Hearing none, she asked for a motion to approve the minutes as presented.

Mr. Ford **made a motion** to approve the Minutes of the Meeting of April 27, 2023 as presented. Ms. Everett **seconded the motion**. The **motion was approved** unanimously.

Chairperson Versalle moved to the next item on the agenda.

## **MORATORIUM ON PRIVATE ROADS/STREETS**

Ms. Lubbert asked Commissioners to consider a proposed ordinance for recommendation to the Township Board that would impose a Moratorium on all Private Roads/Streets, until such time as the Zoning Ordinance can be revised to incorporate the necessary revisions to address connectivity and access management to ensure public health, safety, and welfare, associated with the development of Private Roads/Streets.

She explained the Township Zoning Ordinance currently permits the use of Private Road/Streets within various types of developments. Throughout the Ordinance are varying qualifiers and design standards for Private Roads/Streets. Through recent development processes, faults with the various Private Road/Street Standards, or lack thereof, have come to light.

There is a need for a single Private Road/Street Ordinance to properly dictate where and how a Private Road/Street can be developed. Recognizing the need, staff received Township Board approval on April 11th to hire a consultant to work on a Private Road/Drive Ordinance. This ordinance will temporarily inform Private Road/Street standards for all future development within the Township until a more comprehensive review is completed during the larger master planning effort scheduled to start later this year.

She indicated a Moratorium was being requested until the new Private Road/Drive Ordinance is adopted so to avoid additional connectivity, access management, and public health, safety, & welfare issues from being created within the Township. The Moratorium will affect new projects only; it will not delay any projects currently underway.

It is expected the new ordinance can be put in place within six months.

Attorney Porter noted the courts favor a short duration for moratoriums.

Chairperson Versalle determined no one from the public nor any Commissioners wished to comment and asked for a motion.

Mr. Smith **made a motion** to recommend that the Township Board adopt the recommended a Zoning Moratorium Ordinance on all Private Roads and Private Streets for a maximum of six months, until the Zoning Ordinance can be revised to incorporate necessary revisions. Mr. Ford **seconded the motion**. The **motion was approved** unanimously.

Chairperson Versalle moved to the next item on the agenda.

### **MORATORIUM ON COMMERCIAL SOLAR AND COMMERCIAL WIND TECHNOLOGIES**

Ms. Lubbert asked the Commission to consider an Ordinance for recommendation to the Township Board to impose a Moratorium on all Commercial Wind Energy Conversion Systems and Commercial Solar Arrays until such time as the Zoning Ordinance can be revised or developed in a way to ensure the public health, safety, and welfare associated with the development of Commercial Wind Energy Conversion Systems and/or Commercial Solar Arrays.

During a recent legal webinar covering Commercial Wind Energy Conversion Systems and Commercial Solar Arrays, it was brought to staff's attention that the Township Zoning Ordinance does not offer the proper protections against these types of developments.

Attorney Porter noted pressure on power companies to meet future requirements in Michigan which is resulting in their looking for land for development. We need our Ordinance updated to better define what constitutes an essential service so that whatever is allowed provides full protection, is compatible with the Township's priorities and fits in with the needs of the community. Requirements such as location, size, height, minimum acreage, setbacks, noise, glare, berms/barriers and impact on residential neighborhoods need to be addressed. He said the Ordinance could be updated within six months.

Mr. Ford asked what will happen if Consumers currently owns the land and wants to move ahead.

Attorney Porter said his position is that anything not permitted is prohibited. A moratorium will protect the Township.

He noted that if in the next few years local zoning is pre-empted it is possible the Ordinance may not help in the end, but we want to be sure that we have done what we can to make development compatible with Township goals.

Chairperson Versalle asked if members of the public wished to comment. As there were no public or Commissioner comments she asked for a motion.

Mr. Ford **made a motion** to recommend the Township Board adopt the proposed Ordinance to impose a Moratorium on all Commercial Wind Energy Conversion Systems and Commercial Solar Arrays until such time as the Zoning Ordinance can be revised or developed in a way to ensure the public health, safety, and welfare associated with the development of Commercial Wind Energy Conversion Systems and/or Commercial Solar Arrays. Mr. Jefferies **seconded the motion**. The **motion was approved** unanimously.

At this point in the meeting, the Chair moved to a work session for consideration of two agenda items.

## **WORK SESSION:**

### **Introduction, Airport Ordinance**

Attorney Porter noted there is a long existing private airport available for public use off West Main Street. Although a private landing strip is not subject to law under Michigan Airport Law, the State has indicated that to meet regulations the Township is required to develop an airport zoning ordinance chapter within the zoning text. This is not complicated, but will take some work.

He provided a rough draft addressing standards and noted the Zoning Board of Appeals would have the authority to grant variances, though it is expected any requests would be rare.

Mr. Bernie Mein, 10329 Skyview Drive, noted the airstrip has been in existence for over 60 years. About 24 planes are based there. The State does an annual inspection and their rules are followed. Neighbors are consulted when trees need to be removed to meet requirements for safety and are generally agreeable. There is no instrument monitoring available; fair weather flying only for small planes is allowed.

They sponsor a fly-in each August which attracts quite a few participants. There are some fly-ins for convenience when someone is visiting the area for an overnight

stay. He noted the Secret Service landed there some years ago during a Presidential visit. There are no fees attached for visitors using the airstrip. They are not under the jurisdiction of the FAA nor do they receive FAA funding.

Attorney Porter said inclusion of private airports in the Ordinance will provide some control. Enacting the ordinance is not necessary immediately, but we want the State to know it is in process. He expects to make some tweaks to the draft after hearing back from the State and will bring it back to the Commission for a public hearing in a couple of months.

Chairperson Versalle thanked Attorney Porter and Mr. Bernie Mein for their comments and moved to the next agenda item.

**Steering Committee, Oshtemo Housing Study Report**

Emily Petz, representative from the W.E. Upjohn Institute for Employment Research, continued work with the Planning Commission to identify appropriate tools and strategies for the Housing Study. She provided updated strategies for goals one, two, and three, based on the Commission's previous work session discussion.

The group worked through Goals 1 and 2, reviewing the strategies and making adjustments based on their discussion and suggestions from members of the public who were present.

Ms. Petz will return to the next meeting with an updated draft document for further consideration.

Note: Chairperson Versalle did not feel well and left the meeting during this discussion.

**PUBLIC COMMENT**

There were no public comments.

**OTHER UPDATES AND BUSINESS**

Ms. Lubbert told Commissioners two responses to the RFP for work on the Master Plan update were received. One firm will be interviewed next week.

**ADJOURNMENT**

With there being no further business to consider, Vice Chairperson Maxwell adjourned the meeting at approximately 8:33 p.m.

Minutes prepared:  
May 12, 2023

Minutes approved:  
\_\_\_\_\_, 2023

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May 19, 2023



**Mtg Date:** May 25, 2023

**To:** Oshtemo Township Planning Commission

**From:** Colten Hutson, Zoning Administrator

**Applicant:** Jeff Scheffers, Visser Property Management

**Owner:** Visser Property Management

**Property:** 5401 W H Avenue, Parcel Number 05-12-200-201

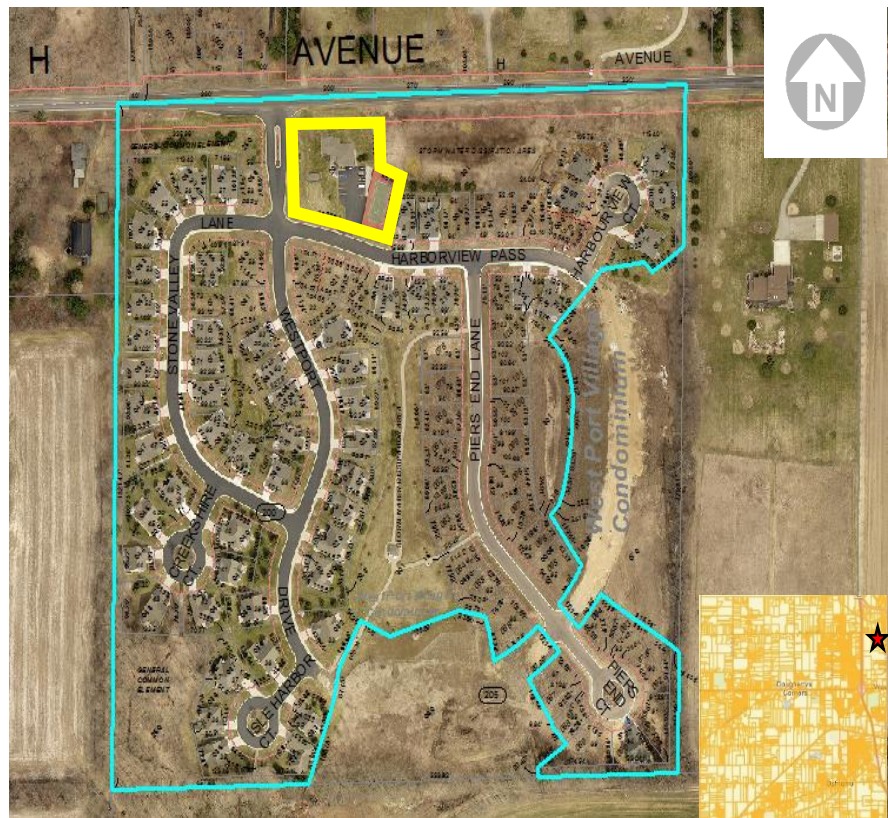
**Zoning:** R-2: Residence District

**Request:** Site plan and special use approval to amend Unit 1 within the West Port Village Planned Unit Development.

**Section(s):** Section 64: Site Plan Review  
Section 65: Special Uses  
Section 49.40: Assembly and Convention Halls

**PROJECT SUMMARY:**

Jeff Scheffers, on behalf of Visser Property Management, is requesting site plan and special use approval to amend Unit 1 within the West Port Village Planned Unit Development (PUD) to establish an assembly and convention hall use in addition to the existing office space for Visser Construction. The applicant is also proposing to modify exterior site elements located at Unit 1, including but not limited to, parking, greenspace, and site amenities. Approved on November 18, 2004, Unit 1 serves as the nonresidential component of the Residential Planned Unit Development for West Port Village. The West Port Village PUD is



located on the south side of W H Avenue, between N Drake Road and US-131, highlighted in blue on the map on the previous page, while the subject property, Unit 1, is outlined in yellow on said visual.

**BACKGROUND:**

On November 18, 2004, the Oshtemo Township Planning Commission granted site plan and special exception use approval for West Port Village PUD which entailed 133 residential units and one nonresidential unit. The nonresidential unit was approved to serve as office space for Visser Construction as well as a community area for the residents of West Port Village. The applicant is proposing to change the community area component within the nonresidential building to a commercial assembly and convention hall use.

Non-residential uses within a PUD are limited to “Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto... to serve the day-to-day needs of residents in the development (Section 41.60.B). As an assembly and convention hall use does not clearly fall into this category, the applicant requested a text interpretation from the Zoning Board of Appeals. The Zoning Board of Appeals considered the request at their regular March 21, 2023 meeting. After discussion, the Zoning Board of Appeals unanimously interpreted that an Assembly and Convention Hall use meets the intent of Section 41.60.B of the Zoning Ordinance as a neighborhood commercial use. A copy of the draft meeting minutes is attached to this report for reference.

With this interpretation of Section 41.60.B of the Zoning Ordinance, the applicant has submitted a formal application to the Planning Commission requesting to modify Unit 1. In addition to requesting to change the community area component within the nonresidential building to a commercial assembly and convention hall use, the proposed amendments include modifications to the site’s parking, greenspace, and amenities. The office space for Visser Construction will remain.

It should be noted that much of the changes proposed have already been implemented. This application, including the earlier interpretation, was put in motion through code enforcement action. The applicant has been responsive and willing to work with staff to bring the site into compliance.

**ANALYSIS:**

When reviewing this request, there are three sets of criteria that need to be considered: 1) the general site plan review criteria outlined in Section 64 of the Zoning Ordinance, 2) the general special use review criteria outlined in Section 65.30 of the Zoning Ordinance, and 3) the specific requirements for special uses outlined in Section 49.40. Below is an analysis of the proposal against these three sections. Overall, most of the requirements of Section 64, Section 65.30, and Section 49.40 have been met.

**Section 64: Site Plan Review**

**General Zoning Compliance:**

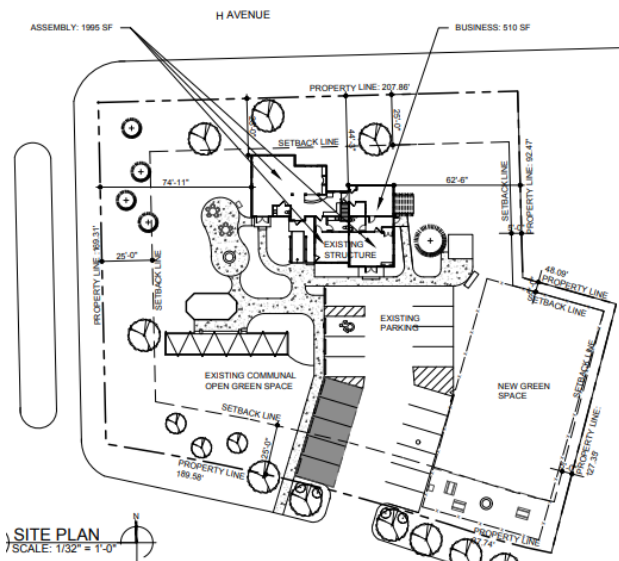
*Zoning:* The subject site is zoned R-2: Residence District and is located in the northeast quadrant of the Township. Unit 1 and the West Port Village development abut single family homes to its north, south, east, and west; however, the majority of the land adjacent to the west and south of the Planned Unit Development are farmland. All uses above are zoned R-2: Residence District. The subject Planned Unit Development is a special use within the R-2: Residence District. The proposed assembly and convention hall use is a special use in the Zoning Ordinance and is an allowable neighborhood commercial use within a Residential Planned Unit Development. The

percentage of land on-site covered by buildings is 5%. The proposed percentage of land reserved for open space is 72%. All general zoning requirements have been met.

### Access and Circulation

**Access:** The number of access points to the site will not change. The subject property currently possesses one access point within the development adjacent to Harborview Pass. There is one point of ingress and egress for the West Port Village PUD along W H Avenue. The drive providing ingress and egress to the development is secured by a sliding automated gate, in which the Oshtemo Fire Department has access to through a knox box.

**Parking:** Unit 1 currently has 14 parking spaces on-site, one of which being ADA accessible. The applicant is proposing to add five parking spaces to accommodate the assembly and convention hall use. All existing and proposed spaces are 10 feet wide by 20 feet deep. The applicant is proposing to maintain 510 square feet of the existing building as office space for Visser Construction with the remaining space to be used for the proposed assembly and convention hall use. Offices require one parking space per each 150 square feet of net floor area. Using this calculation, a total of four parking spaces are required for the office component of the building. The applicant indicates that a maximum of four persons shall occupy the office space at any given time. Assembly and convention halls require one parking space for each three persons allowed within the maximum occupancy load as established by the Township building code. Up to 45 persons are proposed for the assembly and convention hall use. Using this calculation, a total of 15 parking spaces are required for the proposed assembly and convention hall use. In total 19 parking spaces are needed. The applicant will provide 19 spaces. All parking requirements outlined in the Zoning Ordinance for the two uses being proposed have been satisfied.



**Easements:** No changes to easements on-site are proposed. This portion of the review is not applicable.

**Shared Use Path:** An 8-foot-wide shared use path on the south side of W H Avenue will be required to be implemented once construction commences for the third and final phase of the West Port Village development. The shared use path will span along the entire length of the Planned Unit Development's frontage along W H Avenue, which includes the frontage for Unit 1. An internal accessible route from the parking lot to the entrances of the building at Unit 1 has also been provided.

### **Building Design**

*Building Information:* The existing nonresidential building is 2,505 square feet in size and is located in the center of Unit 1. Said building is one-story and is approximately 17 feet in height. A 168 square foot accessory building at 10 feet in height is proposed to the east of the existing nonresidential building on-site. Unit 1 is located on the north end of the Planned Unit Development, immediately east of the main entrance drive into West Port Village. The exterior materials for the nonresidential building include shiplap and brick. Snapshots of the east and south building elevations of the existing nonresidential building on-site at Unit 1 can be found on the images to the right.



*Lot Dimensions:* Unit 1 is roughly one acre in size and is a corner lot within the West Port Village Residential PUD. The subject site fronts right-of-way along three of its property lines. Unit 1 possesses approximately 200 feet of road frontage along W H Avenue, 225 feet of road frontage along Harborview Pass, 170 feet along the main entrance drive into the development, and 230 feet along the east property line. The lot in question exceeds both the minimum property area requirements (10,560 square feet min.) and minimum frontage requirements (100 feet min.) for lots serviced by public water and public sanitary sewer in the R-2: Residence District.

*Setbacks:* Unit 1 within the West Port Village PUD possesses three front yards and one side yard. The property consists of the existing nonresidential building and a proposed 168 square foot accessory building. The minimum front yard setback for this site is 25 feet while the minimum side yard setback is 5 feet. The existing nonresidential building is setback 28 feet from the north property line, 101 feet from the south property line, 74 feet from the west property line, and 63 feet from the east property line. The accessory building is setback 67 feet from the north property line, 123 feet from the south property line, 167 feet from the west property line, and 25 feet from the east property line. The minimum setback requirements for the front and side yards for all buildings on-site have been satisfied.

*Fencing:* The applicant is proposing to retain the existing fencing that was originally installed to service as a barrier for a tennis court and are proposing to amend the tennis court area into a greenspace and picnic area. The existing fence varies between three feet and ten feet in height and is made of black chain link. The fence will continue to serve as a barrier between the gathering area and the neighboring residential uses to the immediate west.

*Lighting:* No changes to site lighting is proposed. This portion of the review is not applicable.

*Signage:* No changes to signage on-site is proposed. This portion of the review is not applicable.

### Landscaping

Additional landscaping is proposed to be installed at the two island locations at the south end of the parking lot near Harborview Pass as well as a new landscaping bed adjacent to the northeast corner of the parking lot. The applicant is, however, proposing a handful of tree plantings that are not native to Michigan and will need to be replaced with a tree species native to Michigan. With the exception of the non-native tree species, all applicable landscaping requirements outlined in Section 53 of the Zoning Ordinance have been met.

### Engineering

Prein & Newhof and the Oshtemo Public Works Department have reviewed the proposal and have noted that all engineering related items are generally acceptable and have no concerns.

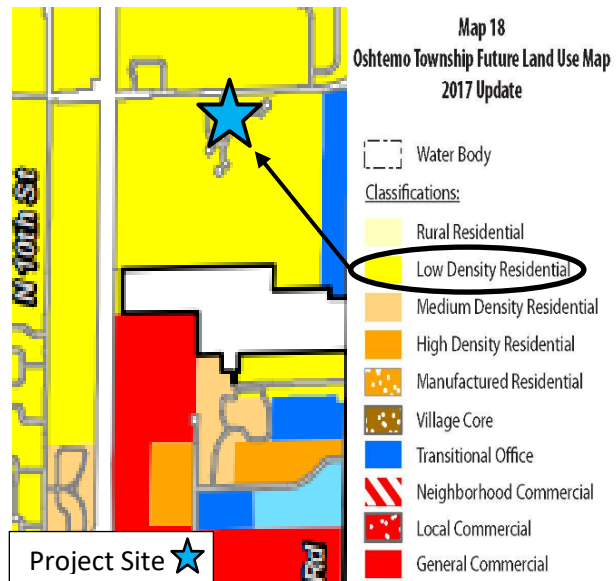
### Fire Department

The Fire Marshal has reviewed the site plan and is satisfied with the proposal. The Fire Department has no concerns.

### 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.**

The Township’s Future Land Use Plan categorizes this area on the south side of W H Avenue, between US-131 and N Drake Road, as *Low Density Residential*. The subject Planned Unit Development is presently zoned R-2: Residence District. All units other than Unit 1 within the West Port Village Planned Unit Development are single family homes. Residential Planned Unit Developments are allowable uses within the R-2: Residence District through special exception use approval by the Planning Commission.



Residential Planned Unit Developments are allowed to have up to 20% of the development consist of nonresidential

uses. Low intensity neighborhood commercial uses serving the day-to-day needs of PUD residents are permitted. The Oshtemo Township Zoning Board of Appeals on March 21, 2023 made an official interpretation of the Zoning Ordinance that assembly and convention halls fell within this category and should be considered as an allowable use within Residential Planned Unit Developments Township-wide. An assembly and convention hall use is proposed within the West Port Village PUD. Per the Zoning Board of Appeals’ ruling, the proposed use meets the intent of the Township’s Master Plan documents for this area and complies with the Township’s Zoning Ordinance subject to Planning Commission approval.

**B. Site Plan Review: The Site Plan Review Criteria of Section 64**

A site plan has been provided. See evaluation under Section 64: Site Plan Review.

**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 nonresidential building containing the office of Visser Construction, a low intensity neighborhood commercial use, and a community space for West Port Village PUD residents has operated as such at Unit 1 since 2005. The nonresidential building already exists on-site. Assembly and convention halls are an allowable neighborhood commercial use within Residential Planned Unit Developments subject to review by the Planning Commission. Adding the assembly and convention hall component will however intensify the use of the building. Due to the scale of the site, the maximum capacity of the proposed assembly and convention hall use is 45. The smaller scale of the proposed assembly and convention hall use is appropriate for neighborhood commercial scale. As previously noted, the site was used as a community space and hosted gatherings for the residents within the West Port Village PUD. It could be argued that the only real change to the use of this building is that what was a private amenity is now being made available to the public. The architectural features of the building are harmonious with the neighboring single-family homes throughout the development and fits the character of the surrounding area. With the proposed use continuing to operate similarly as it has in the past with minimal site changes proposed, appropriate parking being provided onsite, and being in accordance with the Zoning Ordinance, staff has no concerns that the proposed use is will negatively affect neighboring uses.

- 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.**

The footprint of the building is not changing as no building additions are proposed. The nonresidential building already exists on the property of Unit 1. The applicant is proposing to expand the parking lot on-site to accommodate the number of parking spaces required by the Zoning Ordinance for professional office space and an assembly and convention hall use. The applicant is also proposing to eliminate the tennis court and make it into a greenspace and picnic area for PUD residents and the public visiting Unit 1. A small 168 square foot accessory building is proposed to be erected to the east of the principal building on-site. All setback requirements for all existing and proposed structures at Unit 1 have been met. Additional landscaping is proposed to be installed throughout the site, especially near the entrance for Unit 1 and the surrounding parking lot area. No changes to screening, fencing, or entrances at Unit 1 are proposed. To ensure that no adverse traffic effects arise from the proposed assembly and convention hall use onto neighboring properties, **staff recommends that the Planning Commission require that all parking associated with the proposed office and assembly and convention hall use will be located on-site at Unit 1 and no on-street parking be allowed.**

**3. 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.**

Adding an assembly and convention hall use to Unit 1 will increase the vehicular traffic traveling to and from the site as more individuals will be driving to this site as users will no longer be limited to just residents within the residential PUD. Additional parking spaces are required to be installed as a new commercial use is being added to Unit 1. The entrance into the West Port Village PUD does have a security gate with coded access. The applicant is proposing that said gate to the community be open from sunrise to sunset and that if there is an event outside of those hours that the gate will be opened upon that particular request. It should be noted that the hours that the gate is open is something that the applicant will need to discuss with the PUD's HOA and not something the Township can require or enforce. Up to 45 persons would be allowed to occupy the proposed assembly and convention hall; including the office, Unit 1 would allow for an occupant load of 49 total persons. The hours of operation for the office space for Visser Construction will continue to be from 7am-5pm Monday through Friday while the assembly and convention hall use is proposed to operate daily from 8am-10pm. **Staff recommends that the hours of operation for the assembly and convention hall use be considered and added as a condition of approval.** Staff does not anticipate that the proposed uses will generate any type of smoke, odors, glare, or visual clutter.

**D. 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.**

The proposed project will be occupying the existing building on-site. No structures are proposed to be expanded or added onto at this site other than a 168 square foot accessory building. The applicant is proposing to decrease the amount of impervious surface on-site by eliminating the tennis court and providing additional open space. The applicant will be adding pavement for parking and concrete for sidewalk and patio area; however, the site modifications that are proposed will not disturb any existing natural landscaping or natural features. Additional landscaping is proposed to be implemented throughout the site. The current percentage of open space on-site will increase to 72%.

**E. 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.**

All units within the West Port Village PUD are adequately serviced by public water and public sanitary sewer. The Residential PUD was approved for sidewalks to be established on one side of the drive aisle while mailboxes occupy the opposite side. Sidewalks are being installed prior to the certificate of occupancy being issued for each respective site. Additionally, an 8-foot-wide shared use path on the south side of W H Avenue will be required to be installed at time of Phase III construction for the West Port Village development.

**F. Specific Use Requirements: The Special Use development requirements of Article 49.**  
See evaluation under Section 49.40.

Section 49.40: 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:**





The Planning Commission has the opportunity to consider whether they believe it is appropriate to impose additional conditions on this request.

**RECOMMENDATION:**

Planning Department staff recommend that the Planning Commission approve the proposed special use and site plan for the proposed modifications to the use and layout of Unit 1 within the West Port Village PUD with the following conditions.

- 1) All conditions of approval previously granted by the Planning Commission for the West Port Village Planned Unit Development shall remain in effect unless specifically modified by Planning Commission action.
- 2) Unit 1 shall consist of an office for Visser Construction and an assembly and convention hall use not to exceed 49 occupants in total. The assembly and convention hall use shall not exceed 45 occupants.
- 3) All parking related to the uses within Unit 1 shall be located on the property. On-street parking shall be prohibited.
- 4) The office hours for Visser Construction shall be limited to 7am-5pm Monday through Friday.
- 5) The assembly and convention hall use shall be limited to the hours of 8am-10pm daily.
- 6) The two tree plantings in the proposed islands shall be changed to a species native to Michigan and installed accordingly. A revised landscaping plan shall be submitted to the Township for review and approval.
- 7) Eliminate the word 'potential' from the annotations on the landscaping plan regarding the fire pit and grill station area.
- 8) Any other additional conditions that the Planning Commission deems necessary.

Attachments: Application, Letter of Intent, Site Plan, Landscaping Plan, Public Comment, and Draft Minutes from the March 22<sup>nd</sup> Zoning Board of Appeals Meeting

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7275 W. Main Street, Kalamazoo, Michigan 49009-9334  
 Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

**PROJECT NAME & ADDRESS** 5401 W H AVE

**PLANNING & ZONING APPLICATION**

Applicant Name : JEFF SCHEFFERS  
 Company VISSER CONSTRUCTION  
5401 W H. AVE  
 Address KALAMAZOO, MI 49009  
 \_\_\_\_\_  
 E-mail ERICA@VISSERLIVING.COM  
269-552-9090/ 269-207-6868 NO FAX  
 Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
 Interest in Property \_\_\_\_\_

THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY

Fee Amount \_\_\_\_\_

Escrow Amount \_\_\_\_\_

**OWNER\*:**

Name VISSER PROPERTY MANAGEMENT  
 Address 5401 W H AVE  
KALAMAZOO, MI 49009  
 Email ERICA@VISSERLIVING.COM  
269-552-9090  
 Phone & Fax \_\_\_\_\_

**NATURE OF THE REQUEST:** (Please check the appropriate item(s))

- |  |   |
|--|---|
| <input type="checkbox"/> Planning Escrow-1042                  | <input type="checkbox"/> Land Division-1090           |
| <input checked="" type="checkbox"/> Site Plan Review-1088      | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086  | <input type="checkbox"/> Rezoning-1091                |
| <input checked="" type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082          |
| <input type="checkbox"/> Zoning Variance-1092                  | <input type="checkbox"/> Text Amendment-1081          |
| <input type="checkbox"/> Site Condominium-1084                 | <input type="checkbox"/> Sign Deviation-1080          |
| <input type="checkbox"/> Accessory Building Review-1083        | <input type="checkbox"/> Other: _____                 |

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): Removal of tennis

court and replace with green space, building to remain as is, add a few parking spaces, update  
landscape areas and community site amenities. Building use to now include small assembly  
meeting rooms with limited seating.

**LEGAL DESCRIPTION OF PROPERTY** *(Use Attachments if Necessary):*

see site plan for description

**PARCEL NUMBER:** 3905- 12-200-201

**ADDRESS OF PROPERTY:** 5401 W. H AVE, KALAMAZOO, MI 49009

**PRESENT USE OF THE PROPERTY:** OFFICE SPACE AND MEETING SPACES

**PRESENT ZONING** PUD **SIZE OF PROPERTY** 1.03 ACRES

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS  
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURES**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.*

\_\_\_\_\_  
**Owner's Signature** *(\* If different from Applicant)*

\_\_\_\_\_  
**Date**

  
\_\_\_\_\_  
**Applicant's Signature**

5-1-23  
\_\_\_\_\_  
**Date**

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**



(269)552-9090  
Visserliving.com  
5401 W H Ave, Kalamazoo, MI 49009

---

To Oshtemo Township Zoning Department:

Visser Construction is proposing to enhance Unit 1 in West Port Village for both the current residents and external individuals patronizing the space. They will be doing this with two changes to the site. These include increasing the available green space and site amenities, and adding some additional parking spaces.

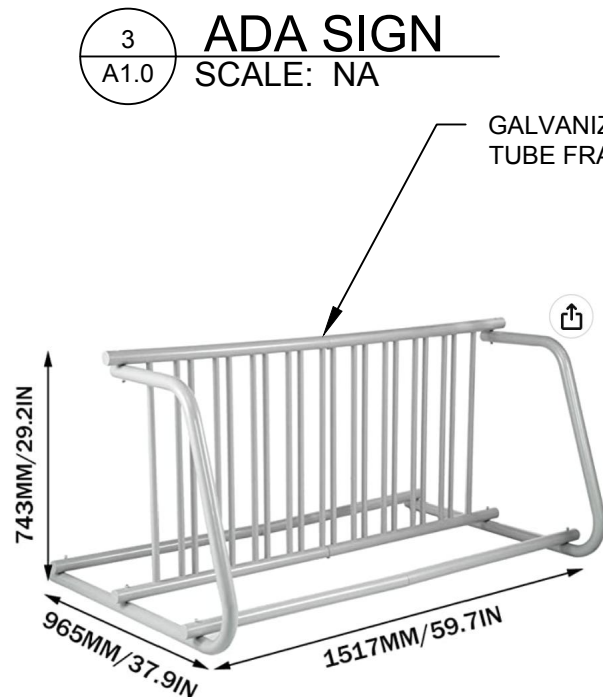
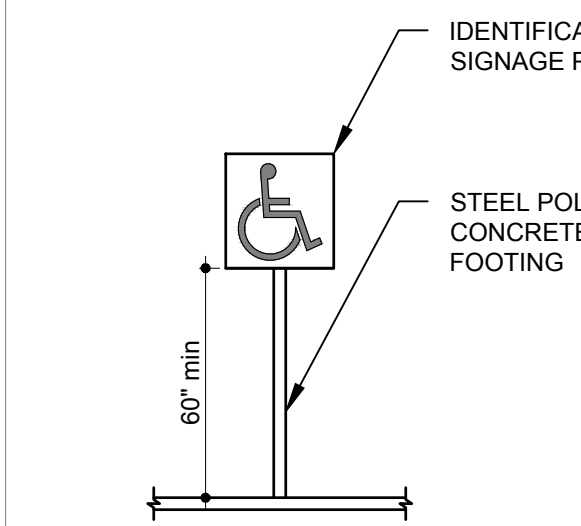
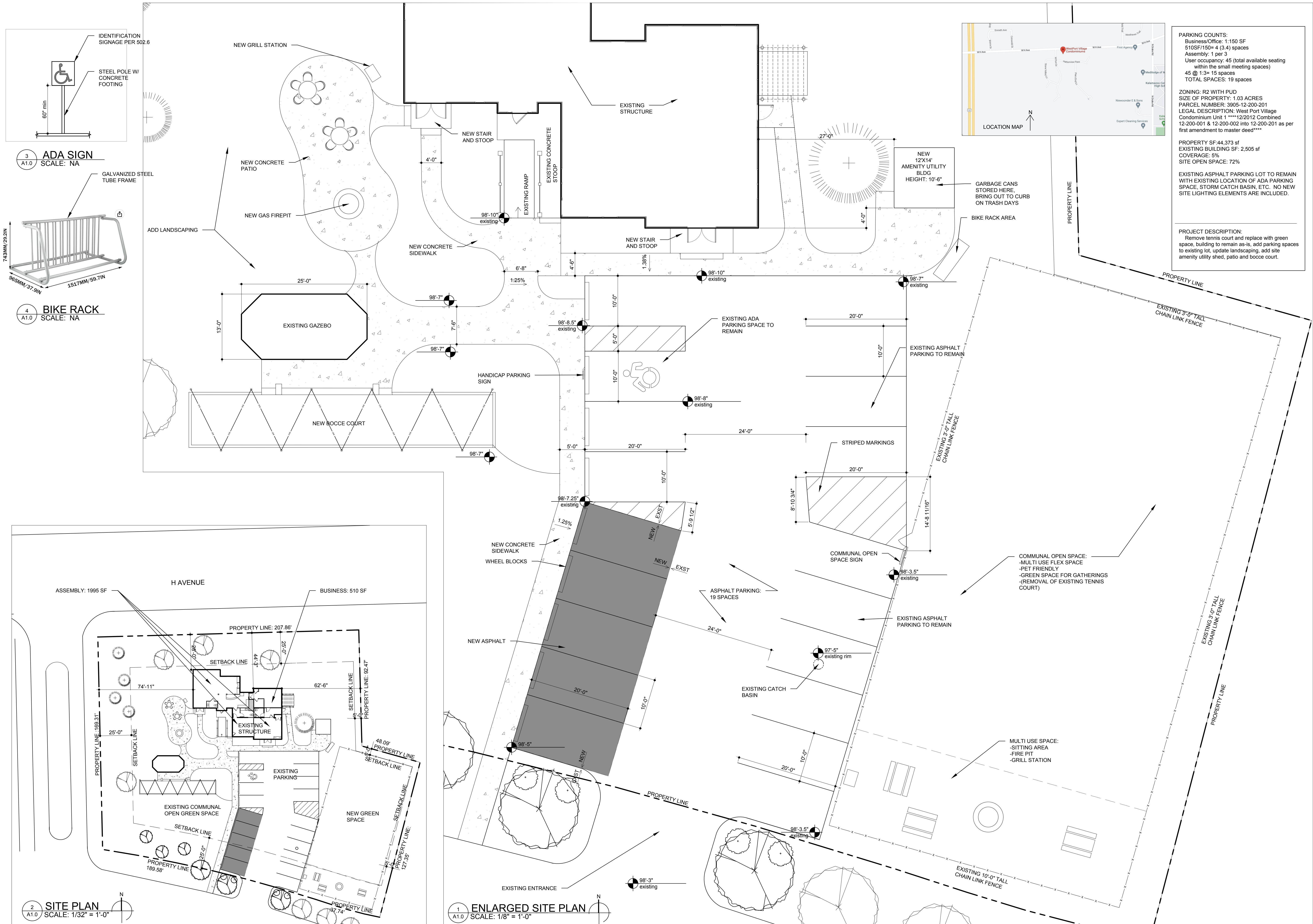
The Oshtemo Township Zoning Board of Appeals recently unanimously interpreted that an Assembly and Convention Hall use meets the intent of Section 41.60.B of the Zoning Ordinance as a neighborhood commercial use for Unit 1 within the residential PUD of West Port Village. This is a change to the approved special exception use permit for the existing nonresidential building. This use is of limited occupancy and is “low intensity” as the spaces are small meeting rooms.

Per the calculations of assembly space and business space within the existing building, we are proposing an increase in parking lot spaces to a total of 19. The site, whether inside or outside the building, is limited to 49 occupants. If occupants are using the outdoor spaces, the indoor restrooms will be accessible to them. The space is reserved for private events/gatherings so the assembly areas do not have regular set hours. In general, the business office for Visser is open from 7am-5pm Monday-Friday, and 8am-10pm availability for the small gathering event spaces with 80% of those events happening after 5pm and on the weekends. The site is not hosting events that require trailers or equipment to be on site or parked. The gate to the community is open from sunrise to sunset. If there is a special meeting request outside of those hours, the gate will be opened upon that particular request.

The current green space of unit 1 is out dated and can not accommodate community events. Since the existing tennis court has had a drastic decline in use by the residents of the development, the proposed modifications for that are removing the current court and replacing it with a grassy area (the asphalt area decreased from 13,848 square feet to 6,744 square feet). The green space will be used as a communal open space. It is pet friendly and offers flex space for yard games and gatherings. The southern portion of the space can be used for grilling, picnicking, and fire pits. In addition to this, there are other amenities that were added elsewhere on the site such as a new bocce ball court, fire pit area, water fountain, seating with patios, and existing gazebo. These are all available for PUD members and to the public. This existing site has existing trees and shrubs that will remain but will be enhanced with new trees, shrubs, plants and flowers. Due to the elevation change on the property, the existing green space is not very visible from the main access road. A small utility shed will now house the herby curby trash cans until they are pulled out on trash days. It will also store tools for site maintenance.

Thank you  
Sincerely,  
Jeff Scheffers  
Member, Visser Construction

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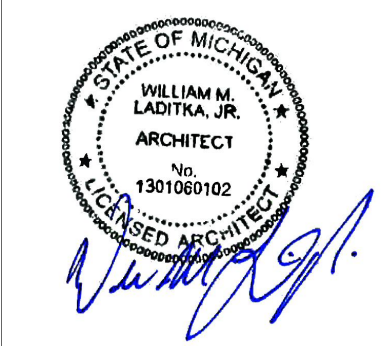
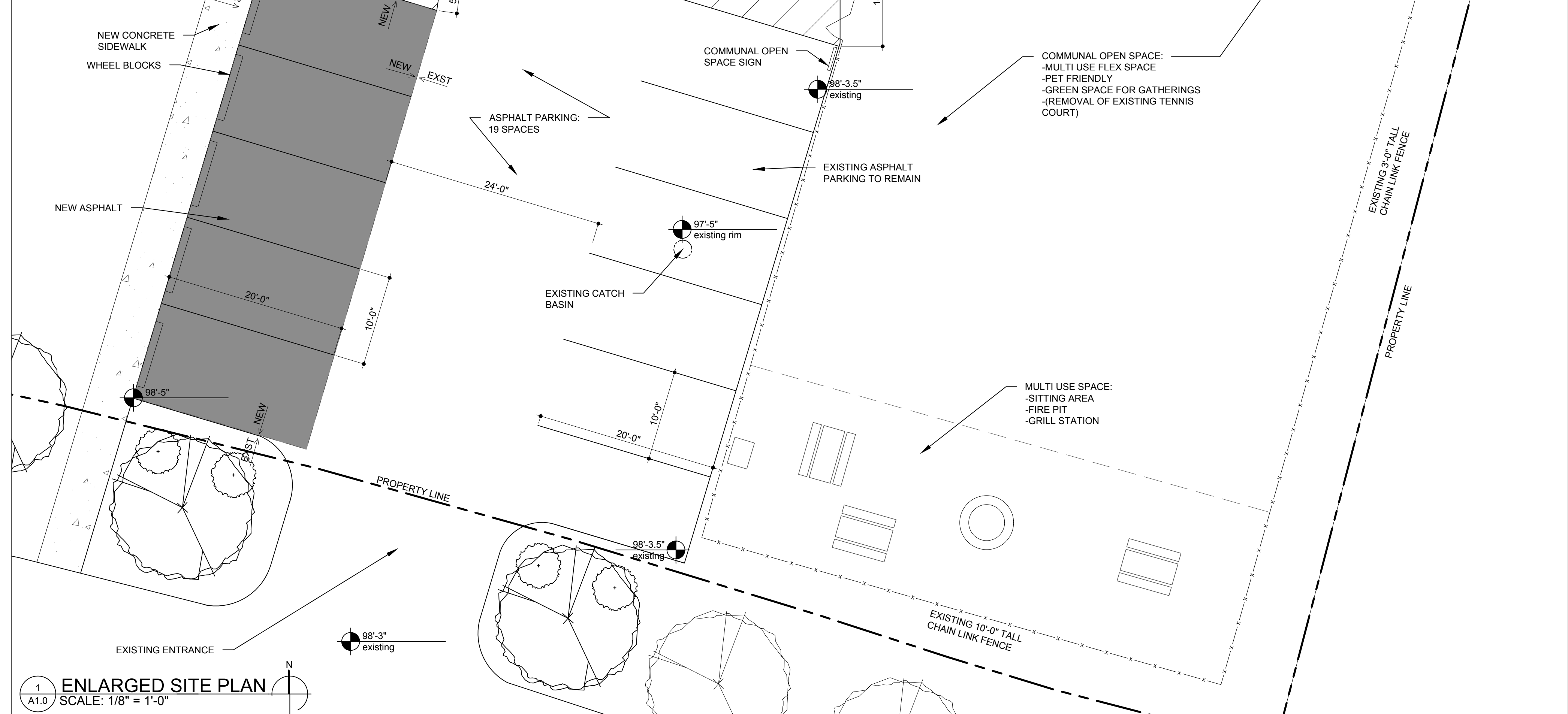
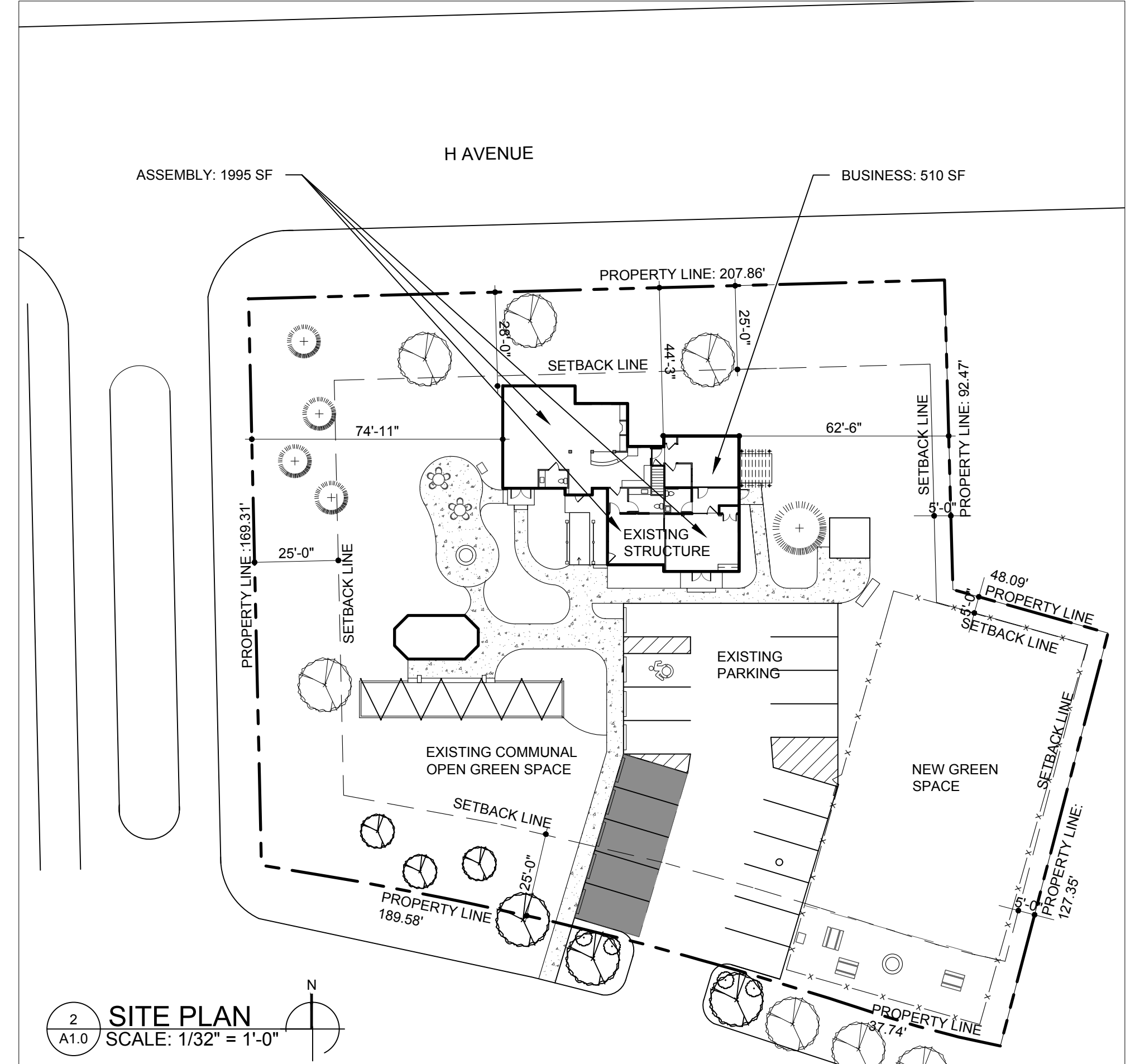
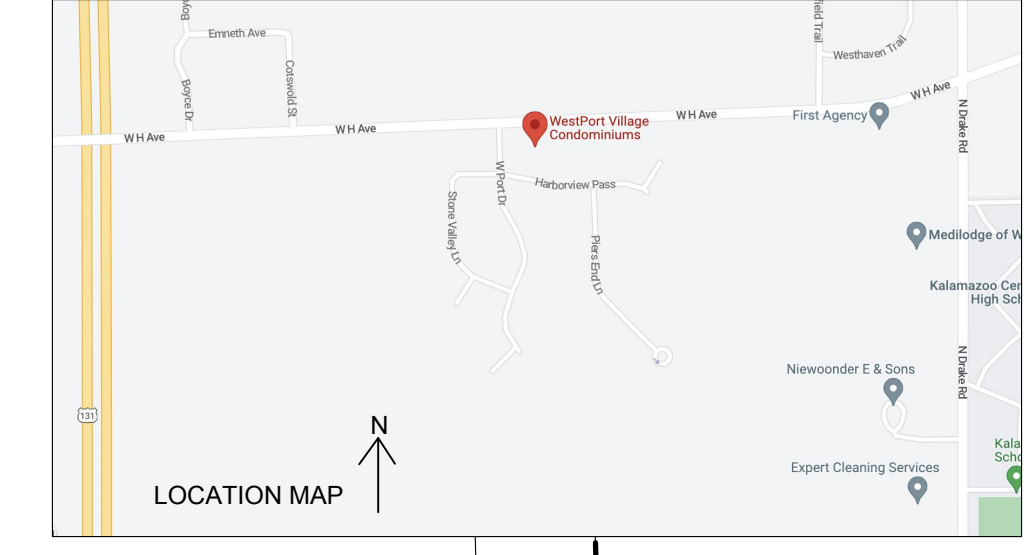


**PARKING COUNTS:**  
 Business Office: 1:150 SF  
 510SF/150= 4 (3,4) spaces  
 Assembly: 1 per 3  
 User occupancy: 45 (total available seating within the small meeting spaces)  
 45 @ 1:3= 15 spaces  
**TOTAL SPACES: 19 spaces**

**ZONING:** R2 WITH PUD  
**SIZE OF PROPERTY:** 1.03 ACRES  
**PARCEL NUMBER:** 3905-12-200-201  
**LEGAL DESCRIPTION:** Westport Village Condominium Unit 1 \*\*\*\* 2/2012 Combined 12-200-001 & 12-200-002 into 12-200-201 as per first amendment to master deed\*\*\*\*

**PROPERTY SF:** 44,373 sf  
**EXISTING BUILDING SF:** 2,505 sf  
**COVERAGE:** 5%  
**SITE OPEN SPACE:** 72%  
**EXISTING ASPHALT PARKING LOT TO REMAIN WITH EXISTING LOCATION OF ADA PARKING SPACE, STORM CATCH BASIN, ETC. NO NEW SITE LIGHTING ELEMENTS ARE INCLUDED.**

**PROJECT DESCRIPTION:**  
 Remove tennis court and replace with green space, building to remain as-is, add parking spaces to existing lot, update landscaping, add site amenity utility shed, patio and bocce court.



Revised site plan 04/29/2023  
 Site plan review 03/24/2023  
 ISSUE DATES  
 © 2023, Intersect studio, llc  
 Project Number: 20-012

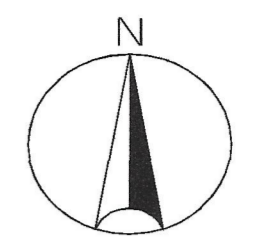
**SITE PLAN**

**A1.0**

# LANDSCAPE PLAN

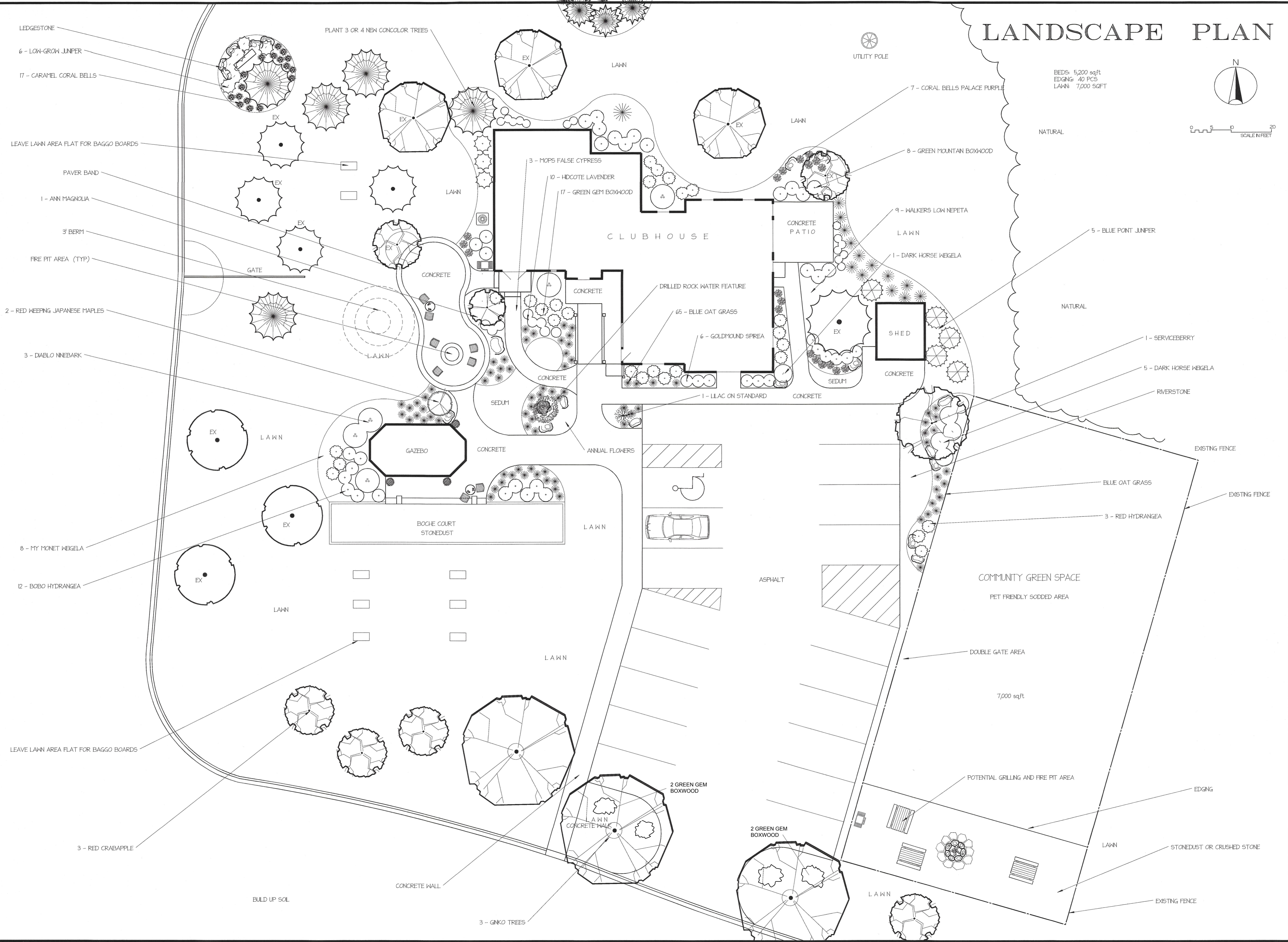


3393 SOUTH 6TH STREET  
KALAMAZOO, MI 49009  
Office (269)375-0334  
Fax (269)375-2664  
www.stlawnservice.com



0 5 10 20  
SCALE IN FEET

BEDS: 5,200 sqft  
EDGING: 40 PCS  
LAWN: 7,000 sqft



THIS DRAWING IS SOLE POSSESSION OF ST LAWN SERVICE, INC AND ANY REPRODUCTION OR USE NOT AUTHORIZED BY ST LAWN SERVICE, INC. WILL BE PROHIBITED. IF THIS DRAWING IS NOT USED BY ST LAWN SERVICE, INC, OR PURCHASED BY THE CLIENT, THE PLAN WILL BE RETURNED TO ST LAWN SERVICE.

**WESTPORT CLUBHOUSE**  
KALAMAZOO, MI  
5401 WEST H AVE.

DATE:  
04/29/2023  
DESIGNER:  
TIM M. PALMER

SHEET:  
1 OF 1



Oshtemo Township Planning Commission  
C/O Mr. Colten Hutson, Zoning Administrator  
7275 West Main St  
Kalamazoo, MI 49009

Re: Minutes from Oshtemo Charter Township Zoning Board of Appeals Meeting of 03/21/2023

Dear Mr. Hutson,

As a longtime association member of West Port Village Condominiums, I am writing to you to express my concerns about the impending request by Visser Property Management to continue the use of Corner 401 (formerly our clubhouse or Unit 1) as an Assembly and Convention Hall. As stated in the minutes of the 3/21 meeting the decision has been made to allow Assembly and Convention Halls as an acceptable neighborhood commercial use in a Residential PUD. I also read that future requests would be reviewed on a case by case basis.

Below is a detailed list of concerns that I ask you to share with the Oshtemo Township Planning Commission on my behalf as the Commission reviews Visser Property Management's request to allow an Assembly and Convention Hall within West Port Village Condominium. These concerns are a direct result of observations made while Visser Property Management conducted business last year at Corner 401, as an Assembly and Convention Hall. My concerns show that Corner 401, as it has operated in the past and would presumably in the future, does not have proper controls and limitations thus cause it to be incompatible and detrimental to the West Port Village Condominium.

1. Initial Design Intent – Based upon the minutes of the Oshtemo Township Planning Commission meeting of November 18, 2004 the intended use of the Unit 1 (formerly the clubhouse) was to provide space for use by the developer/builder and members of the West Port Village Condominium. Residents bought property within the condominium with the understanding that it was an amenity for condominium owners, and to this day, it is still listed in Developer's advertising as such. To my knowledge, neither have my association dues been used for maintenance, upkeep or support of this facility; nor do I believe that the association has ever paid for me to have access. Access to the exercise room and equipment was given freely by the developer from the very beginning. As I understand it, Visser Property Management unilaterally ended my access in 2021.
2. Security – West Port Village Condominium is a gated community with typical closing hours between dusk and dawn. Our community and Corner 401 (proposed Assembly and Convention Hall) can only be accessed via our entrance gate. Visser Property Management has opened the gates and left the gates open during the time the facility was in use by non-residents, at times beyond the normal gate operating schedule, resulting in compromised security for all residents.

Historically, there has been no Visser Property Management presence during the use of the property. Shortly after Corner 401 opened for business, during a late night event by held by non-residents, there was a "pranking" conducted by event attendees which involved doorbell ringing at one nearby home, at least.

3. Parking – During previous events conducted at Corner 401 by non-residents, vehicle parking has not been sufficient for event attendees. In these cases, Harborview Pass has been congested with parking on both sides of the street and on vacant lots. At times, traffic has been restricted to one lane.
4. Property Values – I am concerned that having an Assembly and Convention Hall that is commercial in nature will negatively affect my property values due to the added traffic in the neighborhood, the wear and tear on our private roads and the congestion at the entrance to our neighborhood.
5. Future – Should an exemption be made for an Assembly and Convention Hall and that business fails, what is to prevent the facility to be used as a salon, 7-Eleven or a butcher shop?

The following comments are related to the minutes of the Zoning Board of Appeals meeting of March 21, 2023. After reading the minutes for these proceedings I feel compelled to specifically address:

1. Unit 1 (formerly the clubhouse) was recently renovated by Visser Property Management and became Corner 401. Prior to the renovation, I believe the exercise room and pickleball courts were the most used assets. The renovated facility has no exercise room and pickleball courts have been removed. With those assets removed Corner 401 has less appeal than before and is even less likely to “serve the day to day needs of residents in the development”.
2. While the initial non-residential use of Corner 401 could not be considered frequent, the events could easily be considered moderate intensity. Should business use increase over time, as I would expect Visser Property Management hopes/envisions, it is conceivable that frequency and intensity could easily climb to the “moderate” category.
3. A business that is inside a gated community with but one access is detrimental to the residential character of West Port Village Condominium. During the zoning board of appeals meeting it appears that parallels were drawn between West Port Village and the Sky King Meadows PUD. Comparing the Sky King Meadows PUD along the 9<sup>th</sup> St commercial corridor to West Port Village sitting along H Ave seems inappropriate. The neighborhood commercial businesses at Sky King Meadows have their own access points off 9th St and do not require patrons to traverse residential areas, park on private streets or gain access via a security gate. It should also be noted that Sky King Meadows has access roads maintained by the county and Corner 401 access is via private roads maintained by the association members.

Thank you in advance for your consideration in this matter.

Sincerely,

A concerned West Port Village Condominium Association member

2509 West Port Drive  
Kalamazoo, MI 49009  
May 15, 2023

Oshtemo Township Planning Committee  
7275 West Main Street  
Kalamazoo, MI 49009

To Whom It May Concern:

I am writing to you in regards to the requested zoning change for the Visser property within the West Port Village condominium community.

I have some grave concerns about security when I am told that the security gate will remain open until midnight the days Visser's venue is rented for various functions. As a community of largely retired people, among them widows and widowers that sought a secure location to live, this encourages the possibility of harassment and vandalism. Some of this has already occurred since the facility has been rented out already from what I understand.

The use of alcohol at events also invites noise and mischief - disruption of the quietude we, as a community, sought when we built here. Since there is no monitoring of people at the venue even legal products from local dispensaries would be allowable. There is the possibility of damage to property, the gate which the Association maintains, and common areas.

Parking along and on both sides of the streets at past events has made it almost impossible to navigate the community. Even with an enlarged parking area, large groups will be still be forced to park along streets not designed for public, or commercial, use.

In the initial and current on-line description of West Port, the community is offered a "clubhouse and recreation area... a workout area at your doorstep.. a tennis court." All of these have been converted into a commercial venture, that fronts within the confines of the community and not on H Avenue. And for these reasons, I have to oppose the zoning change.

Truly,



Charles Bryan

# WestPort Village: Oshtemo Condominiums

Beautiful free-standing condominiums within a gated community.

Whether you are looking for added luxury, convenience, or value... our condominium floor plans offer you the flexibility to modify them a number of ways.

*We are particularly happy that you allowed us to “personalize” our model to make it truly “ours” and to make it more functional for our lifestyle.*

*~ WPV Condo Owner*

Our clubhouse and recreation area offers you fun activities and a workout area at your doorstep. Outside enjoy the many benefits like a tennis court, walking trail and picnic pavilion.

Imagine living in the place where neighbors quickly become friends!

***For more, information please call (269) 552-9090. Or, contact us through the website.***

**From:** [Dusty Farmer](#)  
**To:** [Iris Lubbert](#)  
**Subject:** Fwd: Planning Commission meeting on May 25  
**Date:** Friday, May 19, 2023 10:37:43 AM

---

Dusty Farmer, Clerk  
Oshtemo Township  
269-216-5224

---

**From:** Clara Paine <paine79@sbcglobal.net>  
**Sent:** Friday, May 19, 2023 9:04:15 AM  
**To:** Oshtemo <Oshtemo@oshtemo.org>  
**Subject:** Planning Commission meeting on May 25

CAUTION: External Email

We are Douglas & Clara Paine, longtime Oshtemo Township residents. Recently, we moved into a new condo at West Port Village.

We are writing in regard to a planning commission meeting scheduled for May 25. One of the agenda items for that meeting pertains to Corner 401, a meeting space located at West Port Village.

Corner 401 is a beautiful, newly-renovated structure located at the entrance to West Port Village. It is serving as a gathering spot for various social events, such as showers and parties.

Our experiences over the years with the Visser family—encompassing multiple generations—have been overwhelmingly positive. They do things right. We ask that you be supportive of Corner 401; it is a benefit to our township.

Thank you for your consideration of this request.

Douglas & Clara Paine

Sent from my iPad

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**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
DRAFT MINUTES OF A REGULAR MEETING HELD MARCH 21, 2023 AT  
OSHTEMO TOWNSHIP HALL, 7275 WEST MAIN STREET**

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**Agenda**

**SITE PLAN: TAPLIN**

**GLAS ASSOCIATES WAS REQUESTING SITE PLAN APPROVAL FOR A PROPOSED 40,375 SQUARE-FOOT MAINTENANCE AND STORAGE FACILITY LOCATED AT 5070 WEST MICHIGAN AVENUE**

**TEXT INTERPRETATION: SECTION 41.60.B**

**VISSER PROPERTY MANAGEMENT, LLC WAS REQUESTING AN INTERPRETATION OF SECTION 41.60.B OF THE ZONING ORDINANCE TO DETERMINE IF ASSEMBLY AND CONVENTION HALLS ARE AN APPROPRIATE NEIGHBORHOOD COMMERCIAL USE WITHIN A RESIDENTIAL PUD**

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, March 21, 2023, beginning at approximately 3:00 p.m.

ALL MEMBERS WERE PRESENT:

Anita Smith, Chair (arrived late)  
Rick Everett  
Dusty Farmer  
Fred Gould  
Harry Jachym  
Louis Williams, Vice Chair  
Alistair Smith

Also present were Iris Lubbert, Planning Director, Jim Porter, Township Attorney, Colten Hutson, Zoning Administrator, Martha Coash, Recording Secretary, Paul Lippens, Vice President of MCKENNA, and four guests.

**Call to Order**

Vice Chairperson Williams called the meeting to order. Those present joined in reciting the Pledge of Allegiance.

**Approval of Agenda**

Ms. Lubbert indicated there were no changes to the agenda.

Ms. Farmer made a motion to approve the agenda as presented. Mr. Williams seconded the motion. The motion was approved unanimously.

The Vice Chair moved to the next agenda item.

**Public Comment on Non-Agenda Items**

There were no comments on non-agenda items.

**Approval of the Minutes of January 24, 2023**

Vice Chairperson Williams asked if there were changes to the Minutes of January 24, 2023. Hearing none, he asked for a motion.

Ms. Farmer made a motion to approve the Minutes of January 24, 2023 as presented. Mr. Jachym seconded the motion. The motion was approved unanimously.

The Vice Chair moved to the next agenda item.

Chairperson Smith arrived at this point in the meeting.

**SITE PLAN: TAPLIN  
GLAS ASSOCIATES WAS REQUESTING SITE PLAN APPROVAL FOR A  
PROPOSED 40,375 SQUARE-FOOT MAINTENANCE AND STORAGE FACILITY  
LOCATED AT 5070 WEST MICHIGAN AVENUE**

Mr. Paul Lippens, of McKenna presented the findings for the site plan application for the proposed 40,375 square foot maintenance and storage facility located at 5070 West Michigan Ave, noting the applicant received previous approval to construct a 32,875 square foot building by the ZBA on December 13, 2022. The review was based on the revised site plan dated February 22, 2023.

The site is approximately 12.36 acres with frontage along W. Michigan Ave., west of S. Drake Road and is located in the I-2 Industrial District, which permits warehousing as a permitted use. (Section 27.20.E.)

The application notes the three existing buildings on site will be demolished upon completion of the new warehouse facility.

Mr. Lippens noted the applicant was requesting that the previously granted deviation from installation of the interior sidewalk be extended for this revision of the site plan as it remains a security issue.

Under Landscaping, he noted the required 20 foot wide greenbelt should be shown on the site plan.

In the case of interior site landscaping, he said the applicant would need to provide landscaping calculations to ensure this provision is satisfied. In addition he

noted the applicant has been granted 49 tree preservation credits due to the retention of existing mature growth trees on site. He also pointed out that this provision is only partially met due to the installation of site landscaping around the building as it relates to the retention pond screening.

He recommended the additional gravel proposed on the front yard area be removed to reduce the temptation to store equipment in an unauthorized location. Removal will also reduce the required interior site landscaping by reducing the amount of site alterations.

Based on the revised site plans dated February 22, 2023, Mr. Lippens indicated the Taplin Site Plan Application could be recommended for approval subject to the conditions outlined below:

1. A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
2. A permit by the Road Commission of Kalamazoo County authorizing work within the public right-of-way will be required prior to building permit issuance.
3. All watermain connections shall be coordinated with the City of Kalamazoo Department of Public Services. A copy of the City of Kalamazoo water permit shall be provided prior to building permit issuance. Acceptance of watermain construction and testing must be provided prior to issuing a certificate of occupancy.
4. Finalization for the design of the non-motorized facility or any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
5. Prior to any occupancy of the proposed principal building, the existing three structures shall be demolished.
6. Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
7. All non-motorized facilities on the approved site plan shall be installed prior to issuing a final certificate of occupancy.
8. No outdoor storage shall be allowed within the front yard nor the front, side, or rear yard setbacks: the additional gravel area noted in the front yard on the site plan shall be removed.
9. If ownership between 5070 W Michigan Avenue and 5100/5140 W Michigan Avenue changes, a cross-access agreement will be executed and recorded, with approval by the Township Attorney.
10. Additional gravel shown in the front yard be removed to reduce the amount of site alterations project to take place – this will also reduce the amount of on-site landscaping that is required by Ordinance.
11. **SIDEWALK DEVIATION:** The Zoning Board of Appeals approves the request to deviate from Section 57.90 to not install a sidewalk connection from the proposed principal building to the proposed non-motorized facility abutting the public right-of-way appropriate for this industrial site.



12. An updated Landscaping Plan that meets ordinance requirements shall be submitted and approved prior to building permit issuance. The Landscaping Plan shall include:

- i. Clearly delineate the 20-foot required greenbelt on the landscaping plan.
- ii. Provide details pertaining to the type of ground cover to be on site.
- iii. Provide interior landscaping that total 53,975 square feet – not counting the required green belt and parking lot landscaping. Provide calculations of said interior landscaping to ensure compliance with this provision.
- iv. Install screening around the proposed retention pond, such as shrubs or coniferous trees to provide year-round screening.

Chairperson Smith determined board members had no questions and asked if the applicant wished to speak.

Mr. Adam Harvey of Glas Associates, spoke on Taplin Properties' behalf. He indicated after the approval of the site plan in December it was felt that in order to be sure outside storage for equipment would not be needed in the front yard, more square footage was needed to ensure inside storage.

He explained the gravel shown on the site plan will not be added, but is already in place as part of the front yard. It will be used for temporary fleet parking and he noted keeping it in place will prevent additional stormwater runoff.

He also explained they have a concern about condition #5 in the recommendation, as they will need to keep the three buildings in place until the contents can be moved to the new facility. It would be impossible to open if they have to be torn down before the new facility is complete. They expect the new facility to be completed in a November / December time frame.

Ms. Lubbert suggested a change to condition #5 reading “prior to **final** occupancy” rather than “prior to any occupancy,” would allow the building authority and Township to work with Taplin regarding temporary measures in granting occupancy until completion would allow final occupancy to be granted.

Attorney Porter noted it is standard to grant such a temporary occupancy if a project completion delay is warranted.

Mr. Harvey said they had no issues with any of the other requirements and indicated he understood condition #9 would require a cross-access agreement if ownership between 5070 W. Michigan and 5100/5140 W. Michigan changes.

Chairperson Smith thanked Mr. Harvey for his comments and asked if there was a need for board deliberations. Hearing no comment, she asked for a motion.

Ms. Farmer made a motion to approve the site plan request for a proposed 40,375 square foot maintenance and storage facility at 5070 West Michigan Avenue as proposed subject to the following 12 conditions:

1. A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
2. A permit by the Road Commission of Kalamazoo County authorizing work within the public right-of-way will be required prior to building permit issuance.
3. All watermain connections shall be coordinated with the City of Kalamazoo Department of Public Services. A copy of the City of Kalamazoo water permit shall be provided prior to building permit issuance. Acceptance of watermain construction and testing must be provided prior to issuing a certificate of occupancy.
4. Finalization for the design of the non-motorized facility or any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
5. Prior to **final** occupancy of the proposed principal building, the existing three structures shall be demolished.
6. Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
7. All non-motorized facilities on the approved site plan shall be installed prior to issuing a final certificate of occupancy.
8. No outdoor storage shall be allowed within the front yard nor the front, side, or rear yard setbacks: the additional gravel area noted in the front yard on the site plan shall be removed.
9. If ownership between 5070 W Michigan Avenue and 5100/5140 W Michigan Avenue changes, a cross-access agreement will be executed and recorded, with approval by the Township Attorney.
10. Additional gravel shown in the front yard be removed to reduce the amount of site alterations project to take place – this will also reduce the amount of on-site landscaping that is required by Ordinance.
11. **SIDEWALK DEVIATION:** The Zoning Board of Appeals approves the request to deviate from Section 57.90 to not install a sidewalk connection from the

proposed principal building to the proposed non-motorized facility abutting the public right-of-way appropriate for this industrial site.

12. An updated Landscaping Plan that meets ordinance requirements shall be submitted and approved prior to building permit issuance. The Landscaping Plan shall include:

- i. Clearly delineate the 20-foot required greenbelt on the landscaping plan.
- ii. Provide details pertaining to the type of ground cover to be on site.
- iii. Provide interior landscaping that total 53,975 square feet – not counting the required green belt and parking lot landscaping. Provide calculations of said interior landscaping to ensure compliance with this provision.
- iv. Install screening around the proposed retention pond, such as shrubs or coniferous trees to provide year-round screening.

Mr. Williams seconded the motion. The motion was approved unanimously.

Chairperson Smith moved to the next agenda item.

**TEXT INTERPRETATION: SECTION 41.60.B**  
**VISSER PROPERTY MANAGEMENT, LLC WAS REQUESTING AN**  
**INTERPRETATION OF SECTION 41.60.B OF THE ZONING ORDINANCE TO**  
**DETERMINE IF ASSEMBLY AND CONVENTION HALLS ARE AN APPROPRIATE**  
**NEIGHBORHOOD COMMERCIAL USE WITHIN A RESIDENTIAL PUD.**

Attorney Porter indicated that since it had been a long time since the Zoning Board of Appeals has had to consider an interpretation of the zoning ordinance, he distributed a handout listing the “Rules of Construction for Zoning Ordinances”, and walked through it with the group to provide guidance as they considered this issue.

Ms. Farmer asked if they are to look strictly at the ordinance and not the decision of a previous Zoning Board of Appeals.

Attorney Porter confirmed that is correct. The intent should be determined by looking at all the ordinance language and Master Plan documents pertinent to the specific request.

**Request Overview and Background:**

Mr. Hutson explained Jeff Scheffers, on behalf of Visser Property Management LLC, was requesting an interpretation of Section 41.60.B of the zoning ordinance to determine if Assembly and Convention Halls are an appropriate neighborhood commercial use within a Residential PUD. If determined an acceptable use, it would allow him to establish an Assembly and Convention Hall within the existing building located at 5401 W. H Avenue of the West Port Village PUD. The property in question

was previously approved to serve as the nonresidential component of the Residential PUD for West Port Village. The subject property is located on the south side of W H Avenue, between N Drake Road and US-131.

On November 18, 2004, the Oshtemo Township Planning Commission granted site plan and special exception use approval for 133 residential units and one nonresidential unit. The nonresidential unit was approved to serve as office space for Visser Construction as well as community area for the residents of West Port Village. Per ordinance, up to 20% of a Residential PUD is allowed to be made up of nonresidential development. Since the applicant has the desire to change the community area component within the nonresidential building to an Assembly and Convention Hall use, such a change would require staff, and ultimately the Planning Commission, to evaluate the proposed use against the Township's zoning ordinance and master planning documents.

In reviewing the zoning ordinance for Residential PUDs, Section 41.60.B: Allowable Uses states the following:

*Planned unit developments are restricted to one or more of the following uses regardless of the zoning classification in which the development is located, provided such land uses are consistent with the goals and objectives of the Township Master Plan including the Sub-Area Plans:*

- A. *One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.*
- B. *Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.*

Upon staff review of the language outlined in the zoning ordinance, the applicant was informed the proposed use of an Assembly and Convention Hall did not meet the specific requirements of Section 41.60.B, which details the types of uses allowed within a Residential PUD. An Assembly and Convention Hall does not clearly meet the definition of a low intensity nonresidential use nor does it clearly serve the day-to-day needs of the residents within the PUD.

However, given that the zoning ordinance does not clearly define what a neighborhood commercial use is, and there is some subjectivity within this section of the ordinance, staff deemed it appropriate for the applicant to request a text interpretation from the Zoning Board of Appeals to officially determine if Assembly and Convention Halls are an allowable use within a Residential PUD. Per the documents submitted by

the applicant, they believe that the Assembly and Convention Halls use satisfies the requirements of the zoning ordinance and is neighborhood commercial in nature.

### **INTERPRETATION CONSIDERATIONS:**

Mr. Hutson explained The Ordinance currently permits Assembly and Convention Halls within the following three zoning designations: the C: Local Business District, the C-R Local Commercial District, and the 9<sup>th</sup> Street and West Main Overlay. The C: Local Business District under Section 18.40, the C-R Local Commercial District under Section 21.40, and the 9<sup>th</sup> Street and West Main Overlay Zone under Section 35.40 allow Assembly and Convention Halls as a special exception use. He provided the statement of purpose for each of the three zoning designations and correlating subareas:

- C: Local Business District: This district is designed to permit retail sales and commercial service uses (Section 18.10).
- C-R: This district is designed to allow for a coordinated and planned approach to commercial development in areas with unique physical or dramatic topographical characteristics and/or accessibility limitations. These regulations are specifically intended to provide standards of use and design that recognize and complement Township entrance and other focal point locations. (Section 21.10)
- 9<sup>th</sup> Street and West Main Overlay: This optional Overlay Zone is designed to allow for commercial and residential development along the West Main Street corridor within the West Main Street Sub-Area and the 9th Street corridor within the 9th Street Sub-Area. This Overlay Zone is in keeping with the goals, objectives and standards of the 9th Street Sub-Area Plan and the West Main Street Sub-Area Plan. (Section 35.10)
  - 9th Street Commercial Sub-Area: Uses in this land use designation may consist of office buildings and low intensity commercial, similar to the use and intensity of the commercial development existing as part of the Sky King Meadows PUD (Hannapel Home Center). Auto-oriented and big box type retail are not envisioned in this land use designation. The Planned Unit Development tool will be promoted in this land use designation as a means to effectively and efficiently accommodate limited commercial development while keeping with the goals of this Sub-Area Plan. (Page 190 of the 2011 Master Plan)
  - West Main Commercial Sub-Area: Uses in this land use designation may consist of office buildings and low intensity commercial, similar to what has already developed along the West Main Street frontage between 9th and 10th Streets. Big box type retail is not envisioned in this land use designation. The Planned Unit Development tool will be promoted in this land use designation as a means to effectively and efficiently accommodate commercial development while keeping with the goals of this Master Plan. (page 174 of the 2011 Master Plan)

Assembly and Convention Halls are currently allowed within the 9<sup>th</sup> Street and West Main Overlay that is designated by the Master Plan to permit low intensity commercial development.

Assembly and Conventions Halls are a special exception use when permitted in the zoning ordinance. Uses categorized as a special exception use are typically a more intensive use compared to the uses permitted by right within the respective zoning district or overlay. An example of this would be to look at the R-3: Residence District. Uses permitted by right within the R-3: Residence district include one family dwellings, two family dwellings, and houses of worship. Uses allowed through a special exception use permit within the R-3: Residence District include three and four family dwellings, banks and credit unions, schools, and office buildings. A use is selected as a special exception use because of the unique characteristic of the use which, in the particular zone, involved under certain physical circumstances, and without proper controls and limitations, could cause it to be incompatible and detrimental with the other uses permitted in such zoning district. For this reason, many special uses have specific review requirements and all of them are required to be evaluated by the Planning Commission for compatibility. Assembly and Convention Halls have specific special use review requirements, outlined in Section 49.40 of the zoning ordinance.

The Residential PUD requires that the overall design and all proposed uses be evaluated against Special Use Criteria. The protections of the special use requirements that are present for Assembly and Convention Halls within the other districts which permit this use would be applied in the Residential PUD as well, if permitted. It should be noted that maximum capacities are outlined in Section 49.40 for Assembly and Convention halls within each of the correlating districts it is currently permitted in. If approved, there would be no specifically noted maximum capacity for an Assembly and Convention Halls within a Residential PUD. The Planning Commission would need to determine compatibility on a case by case basis.

Conformance with the Master Plan. The PUD ordinance outlines that uses should be consistent with the goals and objectives of the Township Master Plan. The Master Plan provides three different types of commercial designations within its future land use map; General Commercial, Local Commercial, and Neighborhood Commercial. Mr. Hutson provided descriptions of the three designations:

- **General Commercial:** The intent of the General Commercial areas is to serve both the residents of the community as well as the regional market and transient customers. Uses like big box retail, shopping centers, and auto-oriented uses would be permitted in this district. (page 69 of the 2017 Master Plan)
- **Local Commercial:** The purpose of the Local Commercial designation is to provide low volume commercial businesses that mix well with a variety of land uses including residential, industrial, and general commercial. These uses are not high-volume / high-traffic uses with a significant number of cars coming and going, drive-through service, and/or automobile service. (These elements or

characteristics can detract from the residential character or pedestrian orientation of the surrounding area and are therefore not present in the Local Commercial designation). Examples of uses that could be found in a Local Commercial designation include professional offices, unique shops such as antique shops and specialty food shops, and generally low volume enterprises that do not operate 24 hours a day. (page 68 of the 2017 Master Plan)

- **Neighborhood Commercial:** In support of the Rural Character Preservation Strategy, neighborhood commercial areas will be in strategic locations within the western portion of the Township. Low intensity commercial and retail establishments are permitted that would accommodate a planned mixture of farm service business and other locally oriented service establishments. The intent is to provide services, like a small convenience store, that will support and be compatible with nearby residential development. (page 68 of the 2017 Master Plan)

**Mr. Hutson said based on the description within the Residential PUD ordinance, and the given the location of West Port Village PUD within the Township, it could be argued that the closest Future Land Use designation to the intent of the uses permitted in the Residential PUD is the Local Commercial designation. Depending upon the scale of the Assembly and Convention Hall it could be argued that this use could meet or not meet the intent of the Local Commercial Designation.**

A Residential PUD allows for low intensity, neighborhood commercial uses. The PUD ordinance indicates that low intensity nonresidential uses may be permitted within a Residential PUD. Per Section 41.60.B.2 a Residential PUD allows:

“Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.”

The PUD ordinance nor the Definition section of the Township’s zoning ordinance define what constitutes “neighborhood commercial”.

Residential PUDs require that any nonresidential use permitted shall “serve the day to day needs of the residents in the development”. The zoning ordinance defines an Assembly and Convention Hall as “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”. Although a gathering space to host graduation parties, networking events, bridal showers, and other events is a complimentary service to offer to members of the community, the PUD ordinance specifically states that the nonresidential uses shall

*“serve the day-to-day needs of residents in the development”*. It could be argued that an Assembly and Convention Hall that is open to the general public does not *serve the day-to-day needs of residents in the development* as it would become a destination for others outside of the PUD community to gather in. However, it should be noted that the PUD ordinance does not specify that nonresidential uses within a PUD shall be restricted only to residents of such development.

The openness of the zoning ordinance regarding non-resident activity pertaining to the nonresidential building/use component of a PUD indicates that non-resident activity is appropriate as long as such a use also serves the residents of said PUD and is not detrimental to the residential character. As an example: The Sky King Meadows PUD on the east side of N 9<sup>th</sup> Street consists of a number of single-family homes as well as one nursing home and a home goods store. Both the nursing home and home goods store were approved as appropriate PUD nonresidential uses. The current home good store’s retail service is available to both the general public as well as the residents of the Sky King Meadows PUD. The same is true for the nursing home that was recently constructed in 2020.

#### Previous Interpretations of Allowable Uses within Residential PUDs.

In researching past Zoning Board of Appeals decisions regarding text interpretations for uses allowed within Residential PUDs, Planning Department staff was able to identify one similar case.

1. Oshtemo Assisted Living, 210 N 9<sup>th</sup> Street, 01/22/2019: The applicant sought a text interpretation from the Zoning Board of Appeals to determine if an assisted living facility would be considered an allowable use within the Sky King Meadows Residential PUD. When this project was initially presented to staff, there was some concern that the use did not fit the intent of Section 41.60.B, which states the following:

*Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.*

As this parcel was designated as the nonresidential portion of the PUD, staff was concerned that an assisted living facility did not meet the intent of this section of the zoning ordinance. The applicant requested an interpretation from the Zoning Board of Appeals, who found the following:

*Since assisted living facilities are a low intensity commercial use within the C: Local Business District, they therefore are an acceptable low intensity*



*nonresidential use within the PUD Ordinance. The motion was approved 4 – 1, with Mr. Sikora voting against.*

With the above interpretation of the PUD ordinance, the applicant was free to submit a planning and zoning application for Planning Commission review and approval. Minutes from said meeting are attached.

Details of the specific request. An Assembly and Convention Hall, like the one envisioned by the applicant, consisting of only 2,000 square feet is relatively small compared to other event spaces that are typically associated with hosting private parties, bridal showers, networking events, etc. Vehicles traveling to and from a small-scale Assembly and Convention Hall use would be no different or even less intrusive than the permitted uses of a specialty food store or office use within the local commercial district designation. In that particular case, a smaller Assembly and Convention Hall could arguably be an appropriate neighborhood commercial use as described within the Residential PUD ordinance. The residential character of the exterior of the nonresidential building would be maintained and be consistent with the surrounding residential area. An Assembly and Convention Hall use would be commercial in nature. As a special use, the Planning Commission would be able to evaluate whether any proposed Assembly and Convention Hall would be appropriate as a Residential PUD use. In addition, occupant load requirements through the Southwest Michigan Building Authority would need to be met, parking and other site elements updated as needed to meet the ordinance requirements of this use, and fire and building code would also need to be satisfied.

Reasoning of Applicant.

Mr. Hutson provided a summary of the applicant's rationale for the interpretation request:

- “However, such a distinction between residents and non-residents is not found within Section 41.60 of Oshtemo Charter Township Zoning Ordinance, which states that the allowable uses under a planned unit development include: “[l]ow intensity nonresidential uses such as educational, educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto.””
- “The use of Unit 1 for meetings, showers, and small gatherings is comfortably within the scope of the Ordinance as they are (1) low intensity nonresidential uses of (2) a neighborhood commercial nature.”
- “Upon information and belief, the Zoning Board of Appeals recently interpreted an Assisted Living Facility as an acceptable low intensity nonresidential use within the PUD Ordinance. Similarly, these small gatherings would not constitute a “high” intensity use like a large assembly or public event.”

- “Upon our review of the Ordinances, “neighborhood commercial” is left undefined.”
- “While non-residential use should be coordinated with the planned unit development to serve the day-to-day needs of residents in the development,” there is no limitation within the Ordinances to indicate that renting Unit 1 to non-residents is outside of the scope of neighborhood commercial nature. In fact, without the help of the revenue that is derived from such rentals to non-residents, Unit 1 would not be able to stay viable for the use of the residents in the development.”
- “Thus, when interpreting an ordinance to determine the extent of a restriction on the use of property, the language must be interpreted in favor of the property owner where doubt exists regarding intent. *Talcott v Midland*, 150 Mich App 143, 387 NW2d 845 (1985) .”

#### **FINDINGS SUMMARY:**

Mr. Hutson provided the following summary of the interpretation arguments which could influence the Board’s deliberations. He noted that this interpretation should not be considered solely for 5401 W H Avenue within the West Port Village Planned Unit Development. The interpretation should focus on whether an Assembly and Convention Hall is an appropriate use in all Residential PUDs within the Township, existing or not.

- Assembly and Convention Halls are currently allowed within the 9<sup>th</sup> Street and West Main Overlay that is designated by the Master Plan to permit low intensity commercial development.
- The special exception use protections in place in the zoning ordinance for other zoning districts which permit Assembly and Convention Halls would still be applicable. Compatibility with the surrounding area and uses would be evaluated by the Planning Commission.
- A smaller Assembly and Convention Hall could arguably meet the intent of the Master Plan’s “Local Commercial” designation which would be in keeping with the intent of the neighborhood commercial character required by a Residential PUD. However, if permitted, all Assembly and Convention Halls, regardless of size, could be an allowable use.
- An Assembly and Convention Hall use does not clearly meet the “day-to-day needs” of the Residential PUD residents, as required by Section 41.60.B.
- Section 41.60.B of the zoning ordinance does not restrict nonresidential uses to PUD residents only.

## **POSSIBLE ACTIONS:**

Based on the considerations outlined above, Mr. Hutson said the Zoning Board of Appeals might wish to deliberate the following possible actions:

1. Conclude that an Assembly and Convention Hall is neighborhood commercial in nature and therefore is an acceptable use within a Residential PUD.
2. Conclude that an Assembly and Convention Hall is not an acceptable use because it is overall considered an intensive nonresidential use and the use does not serve the day-to-day needs of residents within the Residential PUD.

Mr. Hutson indicated that if assembly and convention halls are deemed an appropriate neighborhood commercial use within a residential PUD, the ZBA would review future requests on a case by case basis to ensure the intention of the ordinance is met.

Attorney Porter noted once the board reached a conclusion their decision needed to be supported with findings of fact as to how the determination was reached. Their decision will affect future requests for assembly and convention halls within PUDs.

Chairperson Smith asked if there were board questions regarding this complex issue.

Attorney Porter agreed this was a unique situation. When they look at the ordinance it should be read as a whole and the intent considered. If there is ambiguity or no restriction, the ZBA's decision should be weighed in the favor of the applicant. The fact that this is a "special use" provides a safety valve. The decision today is to decide whether assembly and convention halls fit in neighborhood commercial within all Township PUDs. Whether in theory one thinks a hall might be too large, that is not part of the decision here. A determination for future individual requests would be up to the Planning Commission.

Ms. Lubbert added this is a big picture issue, should not be just considered for a specific development, as the decision will affect all PUDs.

Ms. Farmer confirmed their decision will affect only PUDs.

Chairperson Smith asked if the applicant wished to speak.

Mr. Jeff Scheffers, Visser Property Management LLC, indicated their perspective on provision of a community room has not changed since construction. The residents have always had use of the community room. This issue arose when they started allowing non-residents to also use the room and directly charging users for the sure. Use of the room will not change for residents, they will just have to go through Visser to

rent it. There will be a cost per use of the room for both residents and non-residents rather than a set fee paid by all residents for upkeep and maintenance.

Attorney Sam Gilbertson provided a summary of the letter he submitted; attached to these minutes.

He explained that residents of West Port Village have paid dues for 19 years in support of the existing community building. Without that income the ability to maintain the facility is jeopardized. If non-residents are also allowed to use the facility, that will provide needed income to support the building.

Ms. Farmer summarized that since dues are no longer collected, funds will need to be found elsewhere which will be accomplished by opening use up to people outside the community at a cost. She said there is nothing in the ordinance that would prohibit that.

Mr. Williams noted the allowable uses as described by the applicant will still serve the day to day needs of the residents.

Hearing no further comments, the Chair moved to Board Deliberations.

Ms. Farmer said if assembly and convention halls are deemed an appropriate neighborhood commercial use within a Residential PUD, residents can still use them if they choose to do so. She felt approval falls in line with that and after hearing all the arguments, she felt they would be an appropriate commercial use within a PUD. As this falls under "special use" the ZBA does not have to worry about specifics as to scale as that would be considered by the Planning Commission as issues arise and should not be considered relevant to decision making on the interpretation request.

Chairperson Smith said although their decision will affect other, future PUDs, the board should not be concerned about the future. The question is whether it is correct to allow assembly and convention halls to be placed in PUDs because of ordinance wording. As the ordinance does not say they are prohibited, they need to stay with what the ordinance does say.

Hearing no further comments, the Chair asked for a motion.

Ms. Farmer made a motion to interpret Section 41.60.B to allow Assembly and Convention Halls (meeting rooms) as an acceptable neighborhood commercial use within a Residential PUD as they can be a low intensity commercial use serving the neighborhood as well as the needs of the residents within the development. Mr. Smith seconded the motion. The motion was approved 6 - 0 by roll call vote: Mr. Gould – yes; Ms. Farmer – yes; Mr. Smith – yes; Mr. Everett – yes; Mr. Williams – yes; Chairperson Smith – yes.

**Other Updates and Business**

Ms. Lubbert reminded board members of the 6:00 p.m. joint board meeting later in the evening and encouraged attendance.

She also informed the group that Township Supervisor, Ms. Heiny-Cogswell had announced she would resign her position as of May 1, 2023. Interviews for a replacement supervisor for the remainder of her term, until November 20, 2024 will be conducted at a April 4 special meeting and an appointment will be made that night. Applications for the position are open until 5:00 p.m. March 24.

**Adjournment**

Chairperson Smith noted the Zoning Board of Appeals had exhausted its agenda. There being no other business, she adjourned the meeting at approximately 6:49 p.m.

Minutes prepared:  
March 22, 2023

Minutes approved:  
\_\_\_\_\_, 2023

DRAFT

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May 19, 2023

**Mtg Date:** May 25, 2023  
**To:** Planning Commission  
**From:** Iris Lubbert, AICP, Planning Director  
**Subject:** Steering Committee, Oshtemo Housing Study

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Emily Petz, a representative from the W.E. Upjohn Institute for Employment Research, will continue to work with the Planning Commission to identify appropriate tools and strategies for the Housing Study. Attached for review are the updated strategies based on the previous work sessions.

**Review of Draft Goals**  
5.24.23 Workgroup Meeting

**Notes:**

- Updated goals and strategies from workgroup meeting conversations

**GOAL 1: A Township where housing (units) production and preservation result in a supply of ownership and rental options that are safe, healthy, and affordable to people of all income levels and demographics.**

Objectives:

1. Produce supply of rental and home ownership housing to meet current or projected needs.
  1. Strategy: Update zoning to allow for Accessory Dwelling Units (ADU). Township wide
  2. Strategy: Open R1 and RR to allow duplexes by right and allow legal conversion of single family to duplexes with design standards that will blend with single family homes
  3. Strategy: Remove zoning barriers for housing projects in designated areas by reviewing the minimum requirements in zoning including parking setbacks, single family lot size, and building square footage required.
  4. Strategy: Participate in the Redevelopment Ready Community program for long term and future developing programs.
  5. Strategy: Expand administrative review ordinance for site plan approval
  6. Strategy: Create pre-approved plans for accessory dwelling units and infill duplexes
  7. Strategy: Allow tax incentives such as NEZ, PILOT, and TIF
2. Preserve quality rental and ownership housing for households of all incomes.
  1. Strategy: Create a housing department
  2. Strategy: Expand rental code enforcement for properties with 5 or less units to ensure health and safety of the residents.
  3. Strategy: Review and improve the rental ordinance and rental inspections
  4. Strategy: Connect and inform opportunities for the lending library in affordable home repair. (Create local lending library?)
  5. Strategy: Provide outreach and education about existing opportunities for homeowner repair programs (newsletter, website, pamphlets for-Tuesday toolman, weatherization, USDA loans, MI Saves etc.)
  6. Strategy: Create an Airbnb ordinance. have a license
  7. Strategy: Explore ways to help minimize HOA fees by setting appropriate development standards for roads and water retention.
3. Consider housing demand and needs for future generations and life stages.
  1. Strategy: Allow zoning for alternative housing types, including condos, tiny homes, cottage courts, townhomes, and accessory dwelling units (ADU).



2. Strategy: Allow single family conversions to duplex or multifamily homes.
3. Strategy: Encourage and allow Cooperatives, Community Land Trusts (CLT) and resident ownership models in mobile home parks to diversity options and opportunities. (Subsides for costs of development)
4. Strategy: Promote and incentivize mixed income and senior housing development projects.

**GOAL 2: A Township where housing contributes to a safe, desirable, environmentally responsible, and sustainable community.**

Objectives:

1. Promote health and safety in neighborhoods close to multiple transportation opportunities.
  1. Strategy: Create process and encourage the creation of neighborhood organizations for community relationship building.
  2. Strategy: Establish structural housing grant programs for low-income homeowners.
  3. Strategy: Incentives for landlords to reinvest in outdated apartments. Improvements could include landscaping, lights, interior updates for health, safety and energy efficiency.
  4. Strategy: Allow existing structures to be rebuilt for up to one to one replacement,
  5. Strategy: Prioritize housing close to existing infrastructure or planned nodes/zones with amenities like stores, farmers market, and other services
  6. Strategy: Update rental code enforcement for all rental properties
2. Promote and facilitate reduction of energy, water and waste in new and existing housing.
  1. Strategy: Increase education and outreach on existing rebates, and weatherization financing for homeowners and landlords. (Consumers rebates, MI Saves, PACE)
  2. Strategy: Encourage more environmental design in zoning approvals for sustainable buildings (rain gardens, solar panels, taller native grasses, permeable pavement, multifamily parking with one tree per 4 cars)
  3. Strategy: Allow density bonuses or other incentive programing for project meeting LEED, Passive house Enterprise Green communities and Energy Star
  4. Strategy: Require minimum recycling percents for demolition.
  5. Create opportunities for composting facilities to homeowners.
3. Promote livable neighborhoods with a mix of housing types and incomes, quality design and a scale and character that respects unique residential neighborhoods.
  1. Strategy: Expand the allowable uses in existing zoning including housing types.
  2. Strategy: Prioritize housing close to existing infrastructure or planned zones with amenities

3. Strategy: Zoning should reflect measures to support new construction with quality design, scale and character
4. Strategy: Encourage traffic calming measures to new and existing roads
5. Strategy: Provide incentives to change existing exterior common areas lights to LED and Dark Sky lights

**GOAL 3: A Township that values accessible parks and the preservation of natural features.**

Objectives:

1. Balance competing demands to create housing options and preserve open space.
  1. Strategy: Promote housing developments that maximize open space, gardens, and parks.
  2. Strategy: Create incentives for developments to add park space that connects to existing natural areas and parks. This could include density in height and lot widths.
  3. Prioritize development around existing infrastructure.
2. Develop standards in housing developments to embrace natural features.
  1. Strategy: Incentives for tree planting and landscaping programs for existing owners and landlords/renters. This could be done through neighborhood associations.
  2. Strategy: Provide education and outreach on native lawn options and seed mixes
3. Work to connect and expand existing parks. (Master Plan)

**Example GOAL 4: A Township that collaborates to support housing opportunities without discrimination.**

Objective Examples:

- Support equal housing opportunities.
  - Strategy Example: Create an anti-discrimination ordinance that applies specifically to housing (For example, federal law prohibits landlords from charging higher security deposits to people in wheelchairs, or families with children. The law also requires landlords to allow reasonable accommodations and reasonable modifications as needed for people with disabilities to fully use and enjoy their homes or prohibit discrimination on the basis of source of income.
- Provide an adequate supply of transitional and/or permanent housing services throughout Oshtemo that are appropriate and meet the specific needs of those who are housing insecure in the Township.
  - Strategy Example: Support the creation of a minimum of 10 transitional or permanent housing opportunities in Oshtemo Township.
- Support Housing First initiatives in Kalamazoo County.
  - Strategy example: Create working relationships with the local Kalamazoo County Continuum of Care, shelters and nonprofit partners to assist with temporary housing for those in Oshtemo Township.