

**OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A VIRTUAL MEETING HELD AUGUST 27, 2020

Agenda

**PUBLIC HEARING: ASSEMBLY AND CONVENTION HALLS
CONSIDERATION OF AMENDMENTS TO THE TOWNSHIP ZONING ORDINANCE,
FOR RECOMMENDATION TO THE TOWNSHIP BOARD, TO ALLOW ASSEMBLY
AND CONVENTION HALLS AS A SPECIAL USE WITHIN THE C: LOCAL BUSINESS
DISTRICT, THE 9TH STREET AND WEST MAIN OVERLAY ZONE, AND THE C-R:
LOCAL COMMERCIAL DISTRICT RESTRICTED.**

NEW BUSINESS

Discussion: Child and Adult Foster Care Facilities

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 27, 2020, commencing at approximately 6:02 p.m.

PRESENT: Bruce VanderWeele, Chair
 Dusty Farmer
 Micki Maxwell, Vice Chair
 Anna Versalle
 Chetan Vyas
ABSENT: Mary Smith

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Josh Owens, Assistant to the Supervisor and Martha Coash, Meeting Transcriptionist.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:02 p.m. He invited those in attendance to join in reciting the Pledge of Allegiance.

Approval of Agenda

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

Approval of the Minutes of the Meeting of August 13, 2020

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of August 13, 2020. Hearing none, he asked for a motion.

Ms. Farmer made a motion to approve the Minutes of the Meeting of August 13, 2020 as presented. Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

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

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DISTRICT, THE 9TH STREET AND WEST MAIN OVERLAY ZONE, AND THE C-R:
LOCAL COMMERCIAL DISTRICT RESTRICTED.**

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

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

meeting along with potential Special Use requirements for Assembly and Convention Halls. After review, the Commission agreed to move the amendments forward to a Public Hearing.

She noted the Township Attorney reviewed the proposed language and supported the proposed amendments. A notice for the Public Hearing was published on Tuesday, on August 11, 2020.

Ms. Lubbert reviewed amendments to the Zoning Ordinance proposed to allow Assembly and Convention Halls as a primary use within the C, Local Business District, the C-R: Local Commercial District Restricted, and the 9th Street and West Main Overlay Zone, including proposed definitions. She indicated all three districts are appropriate locations for this use based on their character and intent. In order to mitigate any unforeseen consequences or impacts of this use to nearby properties, she recommended Assembly and Convention Halls be classified as a Special Use with conditions. These conditions include maximum capacities or occupancies (depending on the zoning district in which the use is allowed) and specifications that provide flexibility for outdoor event spaces. As the Township gains experience with Assembly and Convention Halls as a primary use, she said additional criteria can be developed, and other zoning districts considered.

She recommended that, if approved by the Planning Commission, the proposed amendments be forwarded to the Township Board for consideration.

Chairperson VanderWeele asked whether Commissioners had questions for Ms. Lubbert. Hearing none, he moved to public hearing. After determining there were no members of the public present, the Chair moved to Board Deliberations.

There was discussion regarding whether the proposed wording that addressed portable bathroom facilities for outdoor events needed to be modified. After consultation with Attorney Porter it was decided a modification was not needed and the Chair asked for a motion.

Ms. Versalle made a motion to forward the proposed amendments to allow Assembly and Convention Halls as a Special Use within the C: Local Business District, the 9th Street and West Main Overlay Zone, and the C-R Local Commercial District Restricted as presented to the Township Board with a recommendation of approval. Ms. Farmer seconded the motion. The motion was approved unanimously by roll call vote.

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

NEW BUSINESS

a. Discussion: Child and Adult Foster Care Facilities

Ms. Lubbert reported Township Planning Department staff members were

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

Attorney Porter indicated the suggested amendment language mirrors and is in harmony with Michigan State regulations.

Ms. Lubbert indicated the amendments provide definitions differentiating between various scales of foster facilities and the appropriate zoning districts in which they will be allowed. She noted higher density facilities are appropriate in more dense residential districts. She asked the Planning Commission to review the proposed amendments and provide feedback.

Attorney Porter explained although these facilities have not been specifically addressed in the zoning ordinance, and are allowed by state regulations regardless of ordinance, we want to follow due diligence and provide language that is defined by and agrees with State law.

Following discussion and questions answered regarding specifics of the different types of facilities that are permitted, Chairperson VanderWeele polled the group to assess whether there was support for moving forward with the amendment as presented. As the group indicated they were in support of moving forward, the Chair asked for a motion.

Ms. Versalle made a motion to move forward to a public hearing on the amendment to allow child and adult foster care facilities in Oshtemo Township as proposed. Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

OLD BUSINESS

There was no old business to consider.

PUBLIC COMMENT

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

OTHER UPDATES AND BUSINESS

Ms. Lubbert noted this meeting was the first officially live steamed Planning Commission meeting which will allow greater awareness and transparency. She thanked members for their support of this move.

She also reported Governor Whitmer has extended the requirement for governmental meetings to be held virtually through September 2020.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:44 p.m.

Minutes prepared:
August 28, 2020

Minutes approved:
September 24, 2020