

**OSHEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD NOVEMBER 9, 2017**

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**Agenda**

**PUBLIC HEARING: REZONING AND SPECIAL EXCEPTION USE – LANGELAND  
FUNERAL HOME**

**CONSIDERATION OF AN APPLICATION FROM LONG ISLAND PARTNERSHIP, LP, ON BEHALF OF GREG LANGELAND, FOR THE REZONING OF A PARCEL OF LAND LOCATED AT 3926 SOUTH 9<sup>TH</sup> STREET FROM THE R-4: RESIDENCE DISTRICT TO THE VC: VILLAGE COMMERCIAL DISTRICT. IN ADDITION, CONSIDERATION OF AN APPLICATION FOR A SPECIAL EXCEPTION USE AT THE SAME ADDRESS TO ESTABLISH A FUNERAL HOME AND CREMATORY, PURSUANT TO SECTION 33.309 AND 60.100 OF THE TOWNSHIP ZONING ORDINANCE. PARCEL NO. 3905-35-330-018.**

**OLD BUSINESS**

- a. Addressing Requirements for Structures Ordinance – Revised**

**ANY OTHER BUSINESS**

- a. Condominium Development Standards Ordinance**
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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, November 9, 2017, commencing at approximately 7:10 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson  
Fred Antosz, Vice Chairperson  
Dusty Farmer, Secretary  
Kathleen Garland-Rike  
Mary Smith  
Bruce VanderWeele

MEMBER ABSENT: Ollie Chambers

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and three interested persons.

**Call to Order and Pledge of Allegiance**

Chairperson Bell called the meeting to order at approximately 7:10 p.m.; the "Pledge of Allegiance" was recited.

## **Agenda**

Chairperson Bell asked if there were any additions, deletions or corrections to the Agenda. Hearing none, she asked for a motion to approve the agenda.

Mr. VanderWeele made a motion to approve the agenda as presented. Ms. Garland-Rike supported the motion. The motion passed unanimously.

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

The Chairperson called for public comment on non-agenda items. Hearing none, she moved to the next agenda item.

## **Approval of the Minutes of the Regular Meetings of October 12, 2017 and October 26, 2017**

Chairperson Bell asked if there were any additions, deletions or corrections to the Minutes of the Regular Meetings of October 12, 2017 or October 26, 2017.

Two corrections were suggested to the Minutes of October 26, 2017: on page two, paragraph three, line five, “her” should be changed to “she” and on page five, paragraph seven, line one, “November” should be replaced with “December.” The Chairperson asked for a motion to approve the minutes.

Mr. VanderWeele made a motion to approve the Minutes of the Regular Meeting of October 12, 2017 as presented, and the Minutes of October 26, 2017 as corrected. Ms. Farmer supported the motion. The motion was approved unanimously.

## **PUBLIC HEARING: REZONING AND SPECIAL EXCEPTION USE – LANGELAND FUNERAL HOME CONSIDERATION OF AN APPLICATION FROM LONG ISLAND PARTNERSHIP, LP, ON BEHALF OF GREG LANGELAND, FOR THE REZONING OF A PARCEL OF LAND LOCATED AT 3926 SOUTH 9<sup>TH</sup> STREET FROM THE R-4: RESIDENCE DISTRICT TO THE VC: VILLAGE COMMERCIAL DISTRICT. IN ADDITION, CONSIDERATION OF AN APPLICATION FOR A SPECIAL EXCEPTION USE AT THE SAME ADDRESS TO ESTABLISH A FUNERAL HOME AND CREMATORY, PURSUANT TO SECTION 33.309 AND 60.100 OF THE TOWNSHIP ZONING ORDINANCE. PARCEL NO. 3905-35-330-018.**

Chairperson Bell moved to the next item on the agenda, a request for rezoning and special exception use, and asked Ms. Johnston for her presentation.

Ms. Johnston told the Board that Long Island Partnership, LP, the owner of Langeland Funeral Home, located at 3926 South 9<sup>th</sup> Street in Oshtemo Township, was requesting the subject property be rezoned from *R-4: Residence District* to the *C: Local*

*Business District* to allow for the development of a crematorium at their existing location. Rezoning is necessary in order to allow a crematorium.

While the current use of the property, *Funeral Home*, is permitted by right in the current zoning classification, per sub-section 24.404 of the Zoning Ordinance, the proprietors now wish to add a small crematory facility to their operations, which is not allowed in the R-4 zoning district. The C District permits crematories and funeral homes as special exception uses under sub-sections 30.410 and 30.402, respectively. This request was made after consultation with staff to determine the best zoning classification based on their needs and the current Future Land Use Plan designation of *Village Commercial*.

However, she said, after reviewing the *VC: Village Commercial District*, staff was suggesting an alternate approach that they believed both supports the property owners desire to expand while maintaining consistency with the Township's Master Plan. While the VC District does not specifically mention Funeral Homes or Crematoriums as permitted uses, Section 33.3000: Special Exception Uses states the following:

*33.309: Other uses which are determined by the Planning Commission to be similar to those uses permitted in Section 33.200 and Section 33.250.*

Ms. Johnston said these are the Permitted Uses and Administrative Review sections, respectively, of the Village Commercial District. In Section 33.250: Administrative Review, Staff believes a number of uses are similar to the requested use. If the Planning Commission agrees, the rezoning to the VC: Village Commercial District is the preferred choice. The funeral home and crematorium would also require special exception use approval as part of the consideration of this application. Rezoning to the VC District would be moot if the Planning Commission does not determine the requested use is analogous to the uses indicated in Section 33.250.

Section 33.250: Ms. Johnston indicated Administrative Review outlines uses such as retail, personal service establishments, professional services, offices and houses of worship, and said funeral homes and their associated services are similar in many ways to these business types. They provide a professional service that often incorporates elements of limited retail and religious observances. In addition, the Village Commercial District in both the Master Plan and the Zoning Ordinance was designed to elicit the development of a traditional "village" center. Funeral homes and their associated uses are a staple of small town, village life. Their inclusion within this district seems a natural extension of the overall intent of the Master Plan.

She explained the subject property, almost seven acres in size, is located on the west side of South 9<sup>th</sup> Street, about 2,000 feet south of the 9<sup>th</sup> Street and Stadium Drive intersection, and immediately south of Flesher Field, a Township-owned public park. This portion of the South 9<sup>th</sup> Street corridor is host to myriad uses, including light industrial, office, outdoor recreation, and even residential. Of particular note, the subject property is adjacent to the Tall Oaks Apartment Homes development, which lies to the west; the two land uses are buffered by a large wooded area.

Ms. Johnston noted the Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. She said Staff felt the proposed rezoning was compatible with the factors to be considered, including: *Master Plan Designation, Consistency of the Zoning Classification in the General Area, Consistency and Compatibility with General Land Use Patterns in the Area, Utilities and Infrastructure, Reasonable Use under Current Zoning Classification, and Effects on Surrounding Property.*

Ms. Johnston explained the request to review the special exception use for the funeral home and crematorium is occurring at the same time as the rezoning due to requirements of subsection 33.309 of the Village Commercial District. As she mentioned previously, this subsection indicates the Planning Commission can approve any use they believe to be similar to the other uses permitted in the district. A rezoning to the VC District is only useful to the applicant if the Planning Commission agrees that the requested uses fit in the district.

She said Section 60.100 of the Zoning Ordinance provides additional review criteria for consideration when deliberating a Special Exception Use request. Many of these criteria are similar to the recognized factors for deliberating a rezoning application. She listed them and indicated Staff believes they are met by the Special Exception Use request.

Ms. Johnston recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject property from R-4: Residence District to VC: Village Commercial District. In addition, she recommended approval of the special exception use for a funeral home and a crematorium, based on the following reasons:

1. The requested rezoning conforms to the Future Land Use Map of the Master Plan.
2. The requested rezoning is consistent with the general land use and zoning patterns for the area.
3. The requested uses meet the criteria for a special exception use as outlined by Section 33.309 of the Village Commercial District and Section 60.100 of the Special Exception Use ordinance.
4. Located on South 9<sup>th</sup> Street, the subject property has limited residential utility compared to the R-4 zoned property to the west and is an appropriate place in which to expand a non-residential use.

Ms. Johnston pointed out if the Planning Commission approves the special exception use, it will be contingent on approval of the rezoning by the Township Board.

Chairperson Bell thanked Ms. Johnston for her report and asked if there were questions from Board Members.

In response to a question from Ms. Garland-Rike as to whether the large wooded area is owned by the funeral home, Ms. Johnston said it is part of the property and that an 85-foot setback will be required to be maintained.

Mr. VanderWeele wondered if the crematory would be a separate building from the funeral home. Ms. Johnston said it would, and that a site plan request would come to the Planning Commission later in the process, if the application is approved.

Ms. Johnston deferred questions regarding possible smoke from the crematory to the applicant.

In answer to a question from Chairperson Bell regarding whether a crematory should be included as a permitted use in the VC: District, Ms. Farmer said she preferred the idea of the Planning Commission deciding whether this is similar to already permitted uses rather than considering a rezoning to the C: Local Business District. Chairperson Bell agreed.

Hearing no further questions, Chairperson Bell asked if the applicant wished to speak.

Mr. Matthew VanDyk, Counsel for the Langelands from Miller-Johnson, 100 West Michigan, indicated he agreed with Ms. Johnston's analysis, introduced Mr. Greg Langeland and Mr. Ernie Kassoff and asked whether Commissioners had questions.

In answer to a question from Chairperson Bell, he indicated this would be the first crematorium in the Kalamazoo area.

He deferred to Mr. Ernie Kassoff, a crematorium expert to answer specific questions about crematories.

Mr. Kassoff indicated no smoke is created and that the only time there would possibly be visible smoke is if a power outage occurred during a cremation; the result would be smoke that would not include particulate matter. The chance of this occurring is very minimal with state of the art equipment that is regularly tested by the Michigan Department of Environmental Quality (MDEQ). The Department of Licensing and Regulatory Affairs (LARA) requires an application for a new crematory. Included with the application is proof of a "Permit to Install" from the Michigan Department of Environmental Quality that meets all DEQ emission standards.

He also indicated the oxygen opacity test levels required by the MDEQ are 20% for eight minutes, but the sensing equipment in the crematorium which will be installed is set to 5%. The level is never allowed to reach 20%. The equipment is reset and inspected every 800 cremations. The State can inspect at any time.

In answer to a question from Ms. Garland-Rike, Attorney VanDyk indicated there was little chance the crematory or stack would be visible outside of the Langeland parking lot.

There was some discussion of the growing use of cremation vs. traditional burial, and the trend for funeral homes to provide lower cost, reduced size burial plot cemeteries for cremains. He indicated the closest crematory to Kalamazoo currently is in Battle Creek.

There were no further questions from the Board and no public comments.

Chairperson Bell moved to Board Deliberations; there was consensus for support of the recommendation from Staff; the Chair asked for a motion.

Ms. Farmer made a motion to forward a recommendation of approval to the Township Board on the rezoning request from R4 to VC per staff's analysis that the request conforms with the Townships Master Plan. In addition, to approve the special exception use for a funeral home and crematory as recommended by Staff, contingent upon approval of the rezoning by the Township Board. Ms. Smith supported the motion. The motion was approved unanimously.

## **OLD BUSINESS**

### **a. Addressing Requirements for Structures Ordinance - Revised**

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston for her report.

Ms. Johnston said the Planning Commission approved the new Addressing Requirements ordinance for a public hearing on August 24, 2017. The original plan was to set the public hearing for October of this year. However, with increased workloads for the Legal Department, additional time was needed. This new Ordinance is now scheduled for a December public hearing.

She explained while preparing the document for the public hearing, Planning staff and the Fire Marshal made some additional amendments to improve the ordinance, as follows:

1. Amended minimum character heights in table 77.1 (increased all but the last row per Fire Marshal's request).
2. Increased minimum character width based on additional research for proper font aspect ratio.
3. Added language to account for a corner property vs. a non-corner property; full address for the former, numbers only for the latter.

4. Added provisions to ensure that structures with a first-floor elevation below road grade still had to mount characters at a visible height from the road.
5. Added language to ensure that any sign that happens to accommodate an address as well as commercial text still has to meet minimum sign setbacks already specified elsewhere in the ordinance.
6. General rearranging for the sake of improved organization.

Ms. Johnston said if the Planning Commission was comfortable with the requested changes to the Addressing Ordinance, staff will continue to include it as part of the planned public hearing in December.

Responding to a concern from Mr. VanderWeele regarding needed clarity regarding where sign placement would be required when a building is substantially below grade, Ms. Johnson thanked him for his input and said an edit would be included to require mounting on a subject structure's wall or on a free-standing sign rather than on a roof.

### **ANY OTHER BUSINESS**

#### **a. Condominium Development Standards Ordinance**

Given the length of the Work Session prior to the regular meeting Chairperson Bell suggested, and there was Board consensus, that this item be moved to the first meeting in January.

### **PLANNING COMMISSIONER COMMENTS**

Chairperson Bell reminded Commissioners of the open house for the Grange on November 11.

Hearing no further comments, she asked for a motion to adjourn.

### **ADJOURNMENT**

Mr. VanderWeele made a motion to adjourn the meeting. Ms. Farmer supported the motion. The motion passed unanimously.

The Planning Commission meeting was adjourned at approximately 8:00 p.m.

Minutes prepared:  
November 11, 2017

Minutes approved:  
December 14, 2017