

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A VIRTUAL MEETING HELD APRIL 30, 2020**

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**Agenda**

**PUBLIC HEARING: REZONING FROM R-2, RESIDENCE DISTRICT TO R-3  
RESIDENCE DISTRICT**

WAYBRIDGE LLC REQUESTED REZONING OF THREE PARCELS LOCATED ON THE EAST SIDE OF S. 11<sup>TH</sup> STREET NEAR PARKIEW AVENUE, BEING 2963, 2999 and 3065 s. 11<sup>th</sup> STREET, FROM THE “R-2” RESIDENCE DISTRICT TO THE “R-3” RESIDENCE DISTRICT OF THE OSHTEMO CHARTER TOWNSHIP ZONING ORDINANCE.

**PUBLIC HEARING: SPECIAL USE, ARBOR CREDIT UNION EXPANSION**  
APPLICANT REQUESTED SPECIAL USE AMENDMENT APPROVAL TO CONSTRUCT A 24,000 SQUARE FOOT ADDITION TO THE EXISTING CREDIT UNION AT 1551 S 9TH STREET AND ALSO CONSTRUCT A NEW 5,125 SQUARE FOOT SERVICE BRANCH ON THE SAME PROPERTY.

**PUBLIC HEARING: SPECIAL USE STARTING POINT PRESCHOOL**  
CENTER POINT CHURCH REQUESTED A SPECIAL USE APPROVAL TO ESTABLISH A PRIVATE PRESCHOOL FOR 106 CHILDREN AT THE EXISTING CHURCH FACILITIES LOCATED AT 2345 N. 10<sup>TH</sup> STREET.

**PUBLIC HEARING: ASSEMBLY AND CONVENTION HALLS**  
CONSIDERATION OF AMENDMENTS TO SECTION 18.40 SPECIAL USES AND SECTION 35.40 SPECIAL USES TO ALLOW ASSEMBLY AND CONVENTION HALLS IN THE C, LOCAL BUSINESS DISTRICT AND THE 9<sup>TH</sup> STREET AND WEST MAIN OVERLAY ZONE.

**OLD BUSINESS**  
KEEPING OF LIVESTOCK AND HONEY BEES

**NEW BUSINESS**  
DISCUSSION - BLADE SIGNS

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A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, April 30, 2020, commencing at approximately 6:00 p.m.

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

MEMBERS ABSENT: None

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 6:00 p.m.

### **Approval of Agenda**

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

### **Approval of the Minutes of the Meeting of March 12, 2020**

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of March 12, 2020.

Ms. Lubbert shared that staff had been contacted by Ms. Gail Miller with the request to remove the second sentence from her public comment paragraph from the March 12<sup>th</sup> meeting Minutes regarding the Oshtemo Township request for special use approval for a two-mile-long nonmotorized trail extending from Flesher field to the Township's south border. In the correspondence Ms. Gail Miller had noted that this sentence did not accurately reflect what she had said. Ms. Farmer provided additional information about the request and asked whether the Commission would be ok with removing this sentence from the Minutes. Mr. VanderWeele noted that he had no issue with removing the requested sentence.

Ms. Maxwell requested that her comment in Other Business be corrected. She noted that the sentence "ITC didn't want to sell their land, so it's a whole different story" should state "ITC didn't want to buy their land, so it's a whole different story."

Ms. Maxwell made a motion to approve the Minutes from the March 12<sup>th</sup>, 2020 Planning Commission meeting with her requested change and the removal of the

sentence requested by Ms. Gayle Stevens Miller. Ms. Versalle 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 report.

**PUBLIC HEARING: REZONING FROM R-2, RESIDENCE DISTRICT TO R-3  
RESIDENCE DISTRICT  
WAYBRIDGE LLC REQUESTED REZONING OF THREE PARCELS LOCATED ON  
THE EAST SIDE OF S. 11<sup>TH</sup> STREET NEAR PARKIEW AVENUE, BEING 2963, 2999  
and 3065 s. 11<sup>th</sup> STREET, FROM THE “R-2” RESIDENCE DISTRICT TO THE “R-3”  
RESIDENCE DISTRICT OF THE OSHTEMO CHARTER TOWNSHIP ZONING  
ORDINANCE.**

Ms. Lubbert said the applicant was requesting the three properties listed above on the east side of S. 11<sup>th</sup> St. be rezoned from R-2: Residence District to R-3: Residence District. For a number of decades this portion of 11<sup>th</sup> St has been transitioning from single-family homes to non-residential uses, and to the north of the subject parcels are a number of R-3-zoned properties accommodating a mix of residential and non-residential uses. Further north, before reaching Stadium Drive, are parcels zoned C: Local Business District. The current zoning of the three parcels—R-2—is primarily intended to facilitate lower density residential development, and dwellings such as single-family homes and duplexes are permitted by right. The R-3 district allows the same, but also has provisions for offices, banks, and three- or four-unit dwellings, all controlled via the Township’s Special Use regulations.

She said 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 listed these considerations as follows:

**1. Master Plan Designation**

The Township’s Future Land Use Plan categorizes this general area as *Transitional Office*, a category intended to buffer low density residential areas from commercial zoning by allowing *limited* non-residential uses along relatively busy roadways that tend to be less desirable for residential development. Under the current Zoning Ordinance, the R-3 zoning category works well to fulfill the conceptual goals of the Transitional Office future land use designation, as it bridges the gap between residential and low-intensity non-residential uses. Furthermore, non-residential uses in the R-3 district such as medical and administrative office buildings are regulated as Special Uses, and at the time of site plan review the Township is authorized to impose restrictions on such in order to mitigate their impact on nearby homes.

**2. Consistency of the Zoning Classification in the General Area**

Although zoning allowing non-residential land use has yet to migrate this far south on the east side of S 11<sup>th</sup> St, nearby properties have long since transitioned to such, and immediately to the north of the three subject parcels is a considerable amount of land zoned R-3, with commercial zoning north of that. Rezoning these parcels would be consistent with nearby zoning and follows the desired land use pattern of buffering commercial land uses from residential.

**3. Consistency and Compatibility with General Land Use Patterns in the Area**

Given the current R-2 zoning of the subject parcels and the properties to the south, this portion of the S. 11<sup>th</sup> St. corridor does still accommodate residential uses, and the area subject to the rezoning request abuts two properties with single-family homes. Immediately to the north and east however a different land use pattern is well established. To the east is a church, and to the north are another church, a medical office building, a hair salon, and a handful of office buildings. Further north can be found a hotel and convention center and a sizeable office complex. A similar pattern is manifesting on the west side of S. 11<sup>th</sup> St., where numerous office and medical uses are found, increasing in consistency and intensity approaching Stadium Drive.

**4. Utilities and Infrastructure**

Public water and sewer are available for the subject properties, and any future development there will have to tap into these systems. Regarding the transportation network, the intersection to the north at Stadium Drive and S. 11<sup>th</sup> St. is well controlled by a traffic signal. The intersection to the south where S. 11<sup>th</sup> St. crosses Parkview Ave is still regulated via a four way stop, but left turn pockets are present in all four directions. A considerable amount of traffic moves through this intersection at times, and it is reasonable to foresee installation of a signal one day, but at this time the Road Commission of Kalamazoo County has not determined that such a treatment is warranted.

**5. Reasonable Use under Current Zoning Classification**

All three subject parcels can hypothetically accommodate dwellings, so there is reasonable use under the current R-2 zoning.

**6. Effects on Surrounding Property**

While this request would not be introducing a new zoning element to the S. 11<sup>th</sup> St. corridor, it could facilitate southward expansion of non-residential uses. Such are closely regulated by the restrictions found in the R-3 district as well as the Township's Special Use mechanism, and staff does not foresee unreasonable impacts for the residences to the south. Uses to the north and east are already predominately non-residential, increasing in intensity moving north towards Stadium Drive.

Ms. Lubbert recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject properties from the R-2: Residence District to the R-3: Residence District for the following reasons:

1. The proposed rezoning is in accordance with the Township's Future Land Use Plan.
2. The requested rezoning is compatible with the surrounding land uses and adjacent zoning classifications.

Chairperson VanderWeele determined there were no questions from Commissioners and asked if the applicant wished to speak.

Mr. Walter Hansen, Building Design Corp., representing the applicant Mr. Way, said he would be happy to answer any questions from Commissioners. He confirmed that the applicant's request was for a rezoning only.

The Chair opened a public hearing for comment. No member of the public present spoke. Ms. Farmer asked to read an email she received from a resident that lives near the area being considered for the rezoning. Ms. Farmer noted that although this email was not specifically submitted in response to the request at hand, it does illustrate the current condition of the corridor and the concern should be considered. The email stated that the resident had substantially invested in her property and was concerned about the amount of trash and garbage from motorists along S 11<sup>th</sup> Street, specifically around the 4-way stop. Ms. Farmer noted that the intersection of concern is directly south of the parcels being considered for the rezoning and felt that this issue would only increase with growth resulting from a zoning change. Ms. Farmer explained that although the Township does not have staff available to provide cleanup, a "no littering" sign will be posted at Parkview and 11<sup>th</sup> Street to help address this concern.

There were no further public comments; the Chair closed the hearing and moved to Board Deliberations.

Mr. Vyas wondered if the Planning Commission could request a traffic light at that location.

Chairperson VanderWeele said traffic lights are under the control of the Road Commission of Kalamazoo County, but we could ask.

Ms. Farmer said it is under the Commission's purview to take traffic into consideration when moving forward with new zoning. She added that the Commission would be able to further consider effects to traffic when the site plans for these parcels are submitted.

The Chair commented that with the gradual move from residential to retail in the area, the resale prices for residential properties will improve. Hearing no further comments, he asked for a motion.

Mr. Vyas made a motion to forward a recommendation of approval to the Township Board to rezone the subject properties from the R-2: Residence District to the R-3: Residence District for the following reasons:

1. The proposed rezoning is in accordance with the Township's Future Land Use Plan.
2. The requested rezoning is compatible with the surrounding land uses and adjacent zoning classifications.

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

The Chair moved to the next agenda item.

**PUBLIC HEARING: SPECIAL USE, ARBOR CREDIT UNION EXPANSION  
APPLICANT REQUESTED SPECIAL USE AMENDMENT APPROVAL TO  
CONSTRUCT A 24,000 SQUARE FOOT ADDITION TO THE EXISTING CREDIT  
UNION AT 1551 S 9TH STREET AND ALSO CONSTRUCT A NEW 5,125 SQUARE  
FOOT SERVICE BRANCH ON THE SAME PROPERTY.**

Ms. Lubbert explained the subject property, located at the southeast corner of S. 9<sup>th</sup> Street and Quail Run Drive, currently accommodates Arbor Financial Credit Union's headquarters and an integrated member service branch. The applicant plans to add onto the main building in order to expand the administrative operations there. In conjunction with the 24,000 square foot addition, a new 5,128 square foot standalone member service branch is proposed on the parcel, south of the existing facility. On an adjacent property to the north, also owned by Arbor FCU, is a disused office building. The applicant plans to demolish this facility and move parking spaces there that will be displaced by construction of the new member service branch.

Per section 8.40.F of the Zoning Ordinance, banks, credit unions, and savings and loan offices are categorized as Special Uses in the R-3 zoning district, requiring approval from the Planning Commission.

At this time, all Zoning Ordinance requirements, including building setbacks, photometrics, and usage criteria, have been met, although the applicant does still need to combine the smaller property to the northeast with the main project parcel. This will need to be done prior to issuance of a building permit.

She said no new site access is proposed, but there will be considerable changes to the interior circulation and parking scheme:

1. An expanded parking area will be constructed where the disused office building to the northeast of the main facility currently stands.

2. The drive-through accommodations located on the east (back) side of the main facility will be relocated and appended to the new member service branch, making room for the 24,000 square foot expansion.
3. A handful of new parking spaces will be installed for the new branch building.

Ms. Lubbert also noted the applicant was asking to defer 63 of the 277 spaces required by the Zoning Ordinance. As discussed in the attached narrative from Arbor FCU, staffing levels do not yet require the full complement of the ordinance-mandated 277 spaces, although the need is projected to rise over the next decade. As required by the Zoning Ordinance, the requested deferred spaces are conceptually illustrated on the site plan, and it is apparent that sufficient room is available to construct them once necessary. As discussed in the narrative, another parking deferment was granted to this facility in the past, and Township staff has no record of that arrangement causing parking shortages or other problems with the site. The latest deferment request overwrites any past similar actions and the parking analysis included with the site plan is up-to-date and comprehensive. Section 52.120 of the Zoning Ordinance authorizes the Planning Commission to grant parking deferment requests, provided such can be done safely, and that the deferred parking can still be installed—within ordinance requirements—should the Township deem such as necessary at any point in the future. Staff is satisfied with the deferment request and considers valid the rationale in the applicant’s narrative.

Where practical, she said new two-way internal vehicle circulation aisles are designed to be the customary and required 24-foot wide, but where new aisles and drives continue older, 21-foot wide surfaces, the applicant asks that they be allowed to maintain this substandard width, as widening the new paving in affected areas to 24 feet will lead to problematic incongruities in site flow which may cause practical and aesthetic issues. Section 52.50.C of the Zoning Ordinance allows for such dimensional leeway, based on consideration of the following factors:

1. Overall site circulation
  - *Staff comment: No impact or change to overall site circulation will result from granting the request. The Fire Marshal has determined that emergency vehicles will still be able to circulate through the site with the drive widths proposed.*
2. Access to public rights-of-way
  - *Staff comment: No new road connections are proposed. No impact.*
3. Public safety
  - *Staff comment: The Fire Marshal has determined that emergency vehicles will still be able to adequately circulate through the site with the drive widths proposed. Likewise, Township Planning Department staff foresees no material impact on motorists.*
4. Volume of traffic
  - *Staff comment: While the expanded facilities will presumably lead to a proportional increase in the number of vehicles on-site, the requested*

*dimensional reduction is limited and reasonable in scope and is a continuation of certain site characteristics. Staff are not aware of the 21-foot wide drive aisles causing issues with motorists on-site.*

5. Visibility
  - *Staff comment: No impacts to visibility are anticipated.*
6. Location of nonmotorized traffic
  - *Staff comment: The requested reduction in certain drive widths will not negatively impact pedestrian movement on the site. In some instances, the narrower drives will actually mean shorter crossing points as well, improving the non-motorized environment to a limited degree.*
7. Grade and slope of the drive
  - *Staff comment: This request will not affect, nor is it affected by, any grading or slope issues.*
8. Other site considerations which may impact general circulation
  - *Staff comment: Speaking with the project's design engineer, Planning Department staff does feel this is a reasonable request. Mandating that aisles vary in width throughout their runs seems inadvisable and allowing a three-foot reduction in width in order to ensure orderly and reasonable site design is recommended.*

Lastly, Ms. Lubbert said the Township's non-motorized plan calls for a six-foot wide non-motorized facility along the subject property's S. 9<sup>th</sup> Street frontage. Typically, installation of this feature would be required when other site improvements are made, but the applicant has asked that such be waived until the rest of the non-motorized network along this stretch of S. 9<sup>th</sup> Street is installed. She noted the Planning Commission has the authority to grant such a deferment.

She said the landscape plan provided meets all relevant ordinance requirements. Abundant plantings are being added to the site in order to ensure compliance, including a new perimeter buffer along Quail Run Drive. To the south, the new branch building will be flanked by new plantings and the vacant property to the south will continue to be screened from the site by an existing wooded area located on the project parcel.

Prein & Newhof, the Township's civil engineering agent, reviewed the project site plan. The applicant addressed preliminary concerns and no further corrections to the plan are needed.

The Township Fire Marshal is satisfied with the site design, but before a building permit can be issued, he requested the applicant provide him with information regarding key box installation and emergency responder radio coverage in the structure.

Ms. Lubbert noted Section 60.100 of the Zoning Ordinance provides additional review criteria for consideration when deliberating a Special Exception Use request. The proposed project meets the criteria. She particularly highlighted compatibility saying, in general, credit unions, banks, and other types of lending institutions are well



suited for the R-3 district. This use is also not dissimilar to other non-residential facilities in this zoning category, including medical and administrative offices.

Ms. Lubbert said based on the findings included in this report, Township Planning Department staff recommend special use and site plan approval for the Arbor FCU expansion and construction of a new member service branch. Staff also asked the following conditions of approval be included If the Planning Commission approved this item:

1. The Planning Commission approves the requested deferment of 63 parking spaces, as illustrated on the project site plan. OR if the Planning Commission requires installation of the facility at this time, then updated engineering design details of the facility shall be provided to Township staff to be administratively reviewed and approved prior to issuance of a building permit.
2. The Planning Commission approves the 21-foot wide two-way drive aisles where illustrated on the project site plan. OR if the Planning Commission requires the installation of the 24-foot wide two-way drive aisles at this time, then updated engineering design details of the facility shall be provided to Township staff to be administratively reviewed and approved prior to issuance of a building permit.
3. If the Planning Commission grants the requested deferment of construction of the six-foot wide non-motorized facility along S. 9th Street until the rest of the non-motorized network along this stretch of S. 9th Street is installed, the applicant shall provide the Township with a legally binding device ensuring such prior to issuance of a building permit. OR the Planning Commission can elect that the applicant sign a non-motorized SAD form prior to issuance of a building permit. OR if the Planning Commission requires installation of the facility at this time, then engineering design details of the facility shall be provided to Township staff to be administratively reviewed and approved prior to issuance of a building permit.
4. Prior to issuance of a building permit, the applicant shall provide the Township Fire Marshal with any necessary information regarding key box installation and emergency responder radio coverage.
5. Prior to the issuance of a building permit, the property owner shall combine the two constituent parcels that comprise the project site.

Chairperson VanderWeele thanked Ms. Lubbert for her presentation and asked whether Commissioners had questions.

Ms. Maxwell asked whether one motion or separate motions were needed to approve or deny the applicant's request to address the three items for which the applicant was asking for consideration, and the additional two items recommended by staff.

Attorney Porter said one motion was possible but it would be complex.

Mr. Vyas wondered how a need for additional spaces would be addressed in the future if a deferment is granted.

Attorney Porter said if deferment were allowed now, if in the future lack of adequate parking becomes a problem, they would need to add more spaces per ordinance and the Ordinance Enforcement Officer would address that.

Ms. Farmer said she drives past the credit union every day and currently the parking lot is almost always nearly empty. She indicated she was comfortable with deferring the 63 spaces as requested.

Mr. Commissaris wondered how many employees were forecasted to be added.

Ms. Maxwell referred him to the chart provided by the applicant for projected future parking needs.

Chairperson VanderWeele asked if the applicant wished to comment.

Mr. Steve Hasselvort, Project Architect with InForm Architecture, said this project has been worked on for the last 18 months and expects the upgrade to be viable for the next ten years. The last expansion was done in 2008 and is now fully occupied. The goal is to provide an updated, more convenient facility for members and to allow all staff to be housed in the same building, while maintaining the park like setting. He indicated it will be consistent with other branch locations. The existing corporate office will be expanded and renovated to house all staff. The Quail Run building will be torn down for additional parking. They erred on the high side regarding needed parking spaces and indicated that, if approved, the differed parking area may need to be added in 2026.

The Chair determined there were no questions for the applicant and moved to public hearing.

Curt Aardema, AVB, said they have been involved with past projects with Arbor Credit Union as they own land immediately to the east of the 9<sup>th</sup> St. property. AVB is glad to see them expand, thinks they have developed a great site plan and appreciate that they are saving trees. They are in support of the project and hope they will preserve as much of the buffer and trees to the east for the Quail Run development residents. He suggested future parking expansion also take that into account.

Mr. Clark explained the zoning ordinance minimum buffer is 20 feet with a certain number of trees and plantings required. In the future, if the 63 parking spots are installed, the Township would provide oversight at that point. The required buffer regulations for two abutting R-3 properties would be brought to the Planning Commission for approval.

Ms. Lubbert noted it would be appropriate for the Commission to add a condition of approval for the buffer if they wished to.

Mr. Clark said the applicant is actually improving current conditions with a 20 foot buffer. Development to the south would also require a 20 foot buffer.

As there were no further public comments, the Chair closed the public hearing and moved to Board Comments.

Ms. Smith said Commissioners had been instructed when considering financial institution requests to mention if they are depositors. She said she was a depositor at Arbor Financial Credit Union.

Ms. Farmer noted the Township is also a depositor there.

Mr. Commissaris wondered why parking spaces projected to be needed in the future should not be added now.

Ms. Maxwell said trees would need to be removed for something not necessary now. More people may be working and banking remotely in the future so they may not be necessary at all.

Ms. Farmer added there is no need to add the extra pavement now.

Hearing no further discussion, Chairperson VanderWeele asked for a motion.

Ms. Smith made a motion, based on the findings of fact included in the staff report, to recommend special use and site plan approval for the Arbor FCU expansion and construction of a new member service branch, including the three requests from the applicant and the two conditions of approval recommended by staff:

1. Approval of the requested deferment of 63 parking spaces, as illustrated on the project site plan.
2. Approval of the 21-foot wide two-way drive aisles where illustrated on the project site plan.
3. Approval of requested deferment of construction of the six-foot wide non-motorized facility along S. 9th Street until the rest of the non-motorized network along this stretch of S. 9th Street is installed. The applicant shall sign a non-motorized SAD form prior to issuance of a building permit.
4. Prior to issuance of a building permit, the applicant shall provide the Township Fire Marshal with any necessary information regarding key box installation and emergency responder radio coverage.
5. Prior to the issuance of a building permit, the property owner shall combine the two constituent parcels that comprise the project site.

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

Chairperson VanderWeele moved to the next item on the agenda. Chairperson VanderWeele noted that he has a conflict of interest on this item and asked Vice Chair Maxwell to assume the role of Chair for this application. He added that he would be recusing himself from voting on the request. Vice Chair Maxwell asked Ms. Lubbert for her presentation.

**PUBLIC HEARING: SPECIAL USE STARTING POINT PRESCHOOL  
CENTER POINT CHURCH REQUESTED A SPECIAL USE APPROVAL TO  
ESTABLISH A PRIVATE PRESCHOOL FOR 106 CHILDREN AT THE EXISTING  
CHURCH FACILITIES LOCATED AT 2345 N. 10<sup>TH</sup> STREET.**

Ms. Lubbert said Center Point Church was requesting special use approval to establish a private preschool to serve up to 110 children, 30 months to age 5, at the existing church facilities located at 2345 N. 10th Street. The applicant was proposing to renovate approximately 8,000 square feet of underutilized space within their 77,000 square foot facility to service this use. If approved, this request would not change the footprint of the building nor the site layout.

2345 N 10<sup>th</sup> Street falls entirely within the R-2, Residence District. Uses permitted in the R-2 zoning district are outlined in Article 7 of the Township's Zoning Code. *Public and private schools* are identified as a Special Use within this section and requires the Planning Commission's review and approval.

She said when reviewing a Special Use there are two sets of criteria that need to be considered: the general Special Use review criteria outlined in Section 65.30 and the specific requirements for the use in question outlined under Article 49. Below is an analysis of the proposal against these two Sections. Overall, the requirements of both Section 65.30 and Article 49 have been met as outlined here:

**Section 65.30: Special Use Review Criteria:**

- A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.**
- 1. Master Plan:** The Township's Future Land Use Map shows this area as being Low Density Residential, see excerpt to the right. This is consistent with the property's current R-2 zoning classification and the proposed use, see analysis under Zoning Ordinance below.
  - 2. Zoning Ordinance:** The intent of the R-2 District, outlined in Article 7, is to be "designed as a suburban residential district to permit a greater density of residential development than is provided in the rural districts of the Township, together with other residentially related facilities and activities which would serve the inhabitants of the area". All uses outlined in this Article, whether a permitted use, permitted use with conditions, or a special use, are generally considered compatible with this district's intent.

The proposed private school is an identified special use within the R-2 district and therefore consistent with the Zoning Ordinance.

**B. 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 Township has already determined that a church at this location is compatible with the planned character of the area and the existing surrounding uses. Center Point Church has a large facility, 77,000 square feet, which supports a congregation of about 1,200 people. The proposed preschool, like a house of worship, is also an institutional use. Converting 8,000 of the Church's 77,000 square feet into a preschool expands the types of institutional uses of the property but does not change its character nor its compatibility with other uses allowed in the District.
- 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 proposed preschool will utilize a portion of the Church's facilities and parking lot. The back of the building, where the preschool is proposed to be located, is approximately 300 feet from neighboring residential properties. There will be no change to the site layout. The Church currently provides 597 parking spaces onsite, 197 more spaces than required by the Zoning Code. A preschool servicing 110 students with 25 full and part time staff requires 62 parking spaces (Section 52.110.E.3). If the preschool is approved, the site would still have an excess of 135 spaces. The proposed special use would not have a negative impact on parking onsite and will in end effect bring the property closer to compliance with the intent of the current parking requirements to minimize excessive areas of pavement.
- 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.** The proposed private school, though run separately following Michigan's Licensing and Regulatory Affairs (LARA) standards, would become one of the Center Point Church's services to the community. This property already accommodates, and neighbors are accustomed to, the traffic flow generated by the Church's Sunday services and special events. The proposed use would operate Monday through Friday offering full day programs for all Preschool age children with a half-day option. The applicant notes that their earliest available drop off time would be 8 a.m.

and latest available pick up time of 6 p.m. The traffic generated by the preschool would not conflict with nor be as impactful as the traffic generated by the Church.

- C. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.** - No changes to the site are planned that would negatively impact existing natural features.
- D. 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.** The proposed use should not be a hindrance to public health, safety, and welfare. The conversion of a portion of this property into a preschool will slightly intensify traffic in the area during times of drop-off and pick-up. However, this change should not significantly impact the level of service for 10<sup>th</sup> Street.
- E. Specific Use Requirements: The Special Use development requirements of Article 49.** Article 49 currently has no additional requirements for the consideration of a private or public school within the Township.

Ms. Lubbert said Planning Department staff was satisfied the project meets all Special Use requirements and recommended the Planning Commission grant Special Use approval for the private preschool for up to 110 children, subject to the following conditions:

1. Prior to the Certificate of Occupancy, documentation is provided to staff verifying that the proposed preschool's curriculum, construction, staffing etc. have meet Michigan's Licensing and Regulatory Affairs (LARA) preschool standards.
2. The Preschool will run Monday through Friday with the earliest available drop off time of 8 a.m. and latest available pick up time of 6 p.m.

Vice Chair Maxwell asked if there were questions from Commissioners.

Ms. Versalle asked if it was expected traffic would be negatively impacted on 10<sup>th</sup> Street.

Ms. Lubbert said the staff felt that the increase would not be impactful.

Hearing no further questions, Ms. Maxwell asked if the applicant wished to speak.

Mr. Larry Harper, representing Center Point Church, said he would be happy to address any questions or concerns the Commission may have.

Hearing none from Commissioners, Ms. Maxwell opened the Public Hearing. There was no one present who wished to speak, but Ms. Lubbert indicated she received a letter from Debra DeMink and Richard Cooper who were in support of the special use zoning request for "Starting Point Preschool. (Letter attached)

Ms. Maxwell moved to Board Deliberations. Hearing none, she asked for a motion.

Mr. Vyas made a motion to grant Special Use approval for the Center Point Church private preschool for up to 110 children, subject to the following conditions:

1. Prior to the Certificate of Occupancy, documentation is provided to staff verifying that the proposed preschool's curriculum, construction, staffing etc. have met Michigan's Licensing and Regulatory Affairs (LARA) preschool standards.
2. The Preschool will run Monday through Friday with the earliest available drop off time of 8 a.m. and latest available pick up time of 6 p.m.

Mr. Commissaris seconded the motion. The motion was approved by roll call vote, 6-0, with Chairperson VanderWeele abstaining.

Chairperson VanderWeele resumed the role of Chair, moved to the next agenda item, and asked Ms. Lubbert to review the item.

**PUBLIC HEARING: ASSEMBLY AND CONVENTION HALLS  
CONSIDERATION OF AMENDMENTS TO SECTION 18.40 SPECIAL USES AND  
SECTION 35.40 SPECIAL USES TO ALLOW ASSEMBLY AND CONVENTION  
HALLS IN THE C, LOCAL BUSINESS DISTRICT AND THE 9<sup>TH</sup> STREET AND WEST  
MAIN OVERLAY ZONE.**

Ms. Lubbert said Township Planning Department staff were recently approached by a prospective 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 proposed a text amendment to the Zoning Ordinance to allow Assembly and Convention Halls as a Special Use in the C, Local Business District and the 9<sup>th</sup> Street and West Main Overlay

Zone. Both zoning districts are appropriate locations for this use based on their character and intent. At this time, in order to mitigate any unforeseen consequences or impacts of this use to nearby properties, staff recommended making Assembly and Convention Halls a Special Use so the Township can impose any necessary restrictions on a case by case basis. As the Township gains experience with Assembly and Convention Halls as a primary use, additional criteria can be developed, other zoning districts considered, and the use potentially even transitioned from a Special Use to a Permitted Use with Conditions, which would allow for administrative review and approval.

The Planning Commission initially reviewed the proposed amendment at their regular February 27<sup>th</sup> meeting. After discussion, the Commission agreed to move forward with the proposed changes to Sections 18.40 and 35.40 and set a Public Hearing for their meeting on March 26<sup>th</sup>. A notice for the Public Hearing was published on Tuesday, March 10, 2020.

Chairperson VanderWeele asked if there were questions from Commissioners.

Ms. Farmer asked if the Zoning ordinance defines these uses.

Attorney Porter and Ms. Lubbert confirmed that the ordinance does not currently define assembly and convention halls.

Mr. Clark added that the code does however outline parking requirements for these uses.

There was concern and discussion regarding the need to include definitions to differentiate between assembly halls, convention halls, convention centers, and private clubs in order to provide clear requirements so Township properties will be in compliance with zoning.

The Chair moved to public hearing. As there were no comments, he moved to Board Deliberations.

After further discussing Commissioner concern regarding the need to include definitions, Ms. Smith suggested this item be tabled for further development and requested staff to explore definitions for venue types.

Chairperson VanderWeele asked for a motion to table this item.

Ms. Smith made a motion to table the Amendments to Section 18.40 Special Uses and Section 35.40 Special Uses until definitions are provided. Mr. Commissaris seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next item on the agenda.



## **OLD BUSINESS**

### **KEEPING OF LIVESTOCK AND HONEY BEES**

Ms. Lubbert provided some background for this item. She reminded the Commissioners that at the request of the Township Board, the Planning Commission reviewed an amended version of the Keeping of Livestock and Honeybees Ordinance at their regular December 12<sup>th</sup> meeting. The specific questions that the Board asked the Commission to further consider were: “how large can the beehives be?” and “why can’t hives be placed in the front yard?”. The new version of the code included additional changes proposed by staff to address the Township Board’s questions. After discussion, the Commission approved the additional changes and forwarded the new language to the Township Board for consideration and adoption.

However, Ms. Lubbert added that since that time staff has been made aware, through additional public inquiries and additional research, that the proposed language needed to be further clarified to avoid confusion and avoid unintentionally only allowing for one type of beehive configuration within the Township. To address these issues, staff requested the Township Board send the Keeping of Livestock and Honey Bees Ordinance back to the Planning Commission to discuss a number of additional amendments, outlined here:

1. For ease of use, staff recommended the use of a chart to outline the number of colonies permitted based on the size of a lot, parcel, or building site. The number of colonies proposed in the chart is consistent with the previous version of the code and mirrors the Generally Accepted Agricultural and Management Practices (GAAMPs) for farms and farm operations in Michigan.
2. The most concern received from the public regarded the proposed language concerned regulating the size of beehives, which was based on the configuration of the Langstroth hive, arguably the most popular hive for beekeepers. However, there are generally three other types of hives: the Top Bar Hive, the Warre Hive, and the Long hive. By using the Langstroth hive dimensions as maximums, staff confirmed that this would ultimately eliminate the ability for property owners to install other types of hives, for example a Top Bar hive needs to be a minimum of 36” long and the current proposed ordinance language only allows for about 19”. In addition, it was found that limiting the maximum number of boxes in a hive could be detrimental. To allow the maximum amount of flexibility and still control hive size staff found other communities that simply regulated the overall cubic foot volume of a hive; 20 cubic feet being the most common. Following this practice, staff recommends adjusting the code language to allow a single beehive to be 20 cubic feet in volume.
3. GAAMPs notes the need for beekeepers to have a clean water source on their property for their bees to use. The current language of the code states that this water source should be “constant”. Through further research, staff found that this

water source just needs to be in place during the bees' flight season, which is dependent on the weather - generally spring through fall. Requiring a year-round water source, even in winter, could cause difficulties for bee owners and some members of the public have claimed could even harm the bees. Even though staff has not found evidence that a constant water source would cause harm, staff recommends changing the language of the code to be more specific to what bees need to avoid confusion and any potential negative effects or difficulties. To be user friendly, staff also added some examples that were provided by GAMMPs of what an acceptable water source could be.

Ms. Lubbert recommended discussion of these potential changes and noted the Planning Commission might consider a motion to forward the draft Ordinance with any amendments back to the Township Board.

Chairperson VanderWeele determined there were no questions from Commissioners.

Attorney Porter said there was no need for a public hearing now since a public hearing was held previously by the Commission, then sent to the Township Board and subsequently was returned to the Planning Commission for further consideration. He added that the public will have another chance to contribute to the discussion at this item's first and second readings with the Township Board.

After determining there were no comments from Commissioners, the Chair asked for a motion.

Ms. Versalle made a motion to approve the changes made by staff and forward the amended version of the "Keeping of Livestock and Honeybees" Ordinance to forward the Township Board for consideration of adoption. Ms. Farmer seconded the motion. The motion carried unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item.

## **NEW BUSINESS**

### **DISCUSSION - BLADE SIGNS**

Ms. Lubbert said in late February of this year Jennifer Wolfe, with Permit Expeditor, approached the Township to explore getting a variance for a sign deviation on behalf of her client, Old Navy. The request was specifically to allow for two projecting blade signs which would hang over a pedestrian walk. However, as the Zoning Ordinance does not mention this type of signage, there is essentially nothing to vary from. It was determined a variance was not appropriate for this request as the Township cannot grant usage variances. For blade signs to be allowed within the township, an ordinance amendment would be needed. Jennifer Wolfe was advised to seek an

audience with the Planning Commission to see if they would be interested in directing staff to draft such a text change and Jennifer Wolfe was present tonight to present her request. Ms. Lubbert asked that after hearing and discussing Jennifer's request the Commission provide staff direction on how to move forward with the Blade Signs request.

Ms. Wolfe gave a brief presentation of the request. She reiterated that the Township's current ordinance does not have regulations in place to support these types of signs and her goal was to help build a signage code that supports her client's needs but more importantly benefits the community. She elaborated on the benefits of blade signs for businesses and how they function. She pointed to the various code language from other communities that allow for blade signs which were included in the Planning Commission packet.

Ms. Maxwell asked what the difference is between a blade sign and a projecting sign.

Ms. Lubbert said they are more or less the same, but blade signs are more oriented to act as wayfinding tools for pedestrians already within a development. She noted that a clear definition for a blade sign would be needed.

Ms. Wolfe added that there are differences between the two and she hoped for an amendment that would elaborate on those differences so that blade signs would be permitted. She added that ideally there would be a category for "blade sign" which identifies placement. A blade sign is a type of projecting sign that would be ideal to add to the code. It would most likely be classified as a wall sign.

Ms. Farmer asked what the purpose would be for a blade sign.

Ms. Wolfe indicated it would be for pedestrian visibility and vehicular traffic as one drives close to a store to identify the business. A blade sign is a good reference point without having to look up for a sign. Often times these signs are hung from a canopy.

Ms. Farmer asked if this would mean that a business could have more signage on their property than the current ordinance allows.

Ms. Lubbert said that would be the case. These signs would not replace and be in addition to the permitted traditional wall signs.

Ms. Smith asked where the location would be for the sign Ms. Wolfe wants.

Ms. Farmer said it would be by Value City Furniture and the Office Max store. She noted she has been on the Planning Commission for about seven and a half years and has participated in two full rewrites of the sign ordinance. She expressed her frustration that every time someone wants something different it requires a full re-write.

She added that based on her experience, allowing blades signs as a type of sign permitted within the township does not seem to fit the direction the township has been heading with their sign ordinance. She also added that the specific development for which this request originated from does not seem to require blade signs due to its layout. A customer would only go to and be on the property to go to this business.

Ms. Smith did not understand why we would allow this. "Old Navy" will be on the doors when you enter and on the windows in addition to the main wall sign. She did not see a purpose in changing the ordinance for a store where a blade sign is not applicable.

Ms. Maxwell said she did not want to change the ordinance for every new type of sign that comes along.

Both Mr. Vyas and Ms. Versalle agreed with the previous comments that there was no need to look at the ordinance.

Mr. Commissaris said the sign ordinance is the most frustrating thing a Planning Commission has to deal with and agreed that he did not feel a need to discuss it further.

Ms. Maxwell added that at this time there were other issues more important for the Commission's and staff's attention.

Chairperson VanderWeele asked Ms. Lubbert to let this issue go.

## **PUBLIC COMMENT**

The Chair determined there was no one present who wished to make a comment.

## **PLANNING COMMISSIONER COMMENTS**

Mr. Commissaris said he liked having the Power Point presentation visible on the Zoom screen and that Ms. Lubbert had provided them a pdf version of her presentation before the meeting.

Ms. Farmer felt it would be valuable to consider Zoom meetings in conjunction with regular meetings in the future for greater public participation.

Attorney Porter said Zoom could also possibly be used by Commissioners who were unable to attend the meeting in person as long as there was a quorum of at least four members of the actual body on site. That would fulfill the requirement of the Open Meetings Act, but It might require an amendment to the bylaws.

Ms. Lubbert said she was glad the virtual meeting was successful and congratulated the group.

## **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:07 p.m.

Minutes prepared:  
May 2, 2020

Minutes approved:  
April 14, 2020