

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A VIRTUAL MEETING HELD MARCH 11, 2021

Agenda

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

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

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

ALL MEMBERS WERE PRESENT

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

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

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

Call to Order and Pledge of Allegiance

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

Approval of Agenda

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

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

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

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

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

PUBLIC HEARING:
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FENCED AREA AT THE REAR OF THE PROPERTY.

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

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

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

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

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

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

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

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

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

Ms. High provided the following analysis.

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

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

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

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

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

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

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

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

Special Use Review:

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

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

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

Section 65.30: Special Use Review Criteria:

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

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

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

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

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

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

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

C. Impacts:

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.** The proposed five dwelling units and office with a showroom are compatible with the existing and planned character of the area. The proposed wood workshop, equipment and garage area in the accessory building could be considered compatible provided that noise and outdoor activities are limited. The outdoor wood sales yard and outdoor accessory related activities, not permitted in or compatible with this zoning district, would have negative impacts on nearby residences in terms of the number of work vehicles entering, leaving and stored on the site. Based on the nature of the business, this could foreseeably occur in early morning or evening hours. Noise generated by workers and equipment, such as a bobcat, in the outdoor sales area could also have a negative impact.

- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.** No potentially adverse effects are foreseen from the five dwelling units and office use proposed in the existing schoolhouse. Similarly, no potentially adverse effects are foreseen from the proposed parking lot, which is on existing pavement. The site currently has two driveways onto Stadium Drive. Due to the proposed use's increase in intensity to the site and the consideration of safety concerns for motorists and pedestrians along an arterial road, one of the two driveways onto Stadium Drive will need to be removed. The site has not been well maintained during its vacant period and renovation of the historic building will have a positive effect on adjacent properties and the community in general. Proposed landscaping and sidewalks will also have a positive effect. In an effort to minimize the potential negative effects of the outdoor wood sales area, the applicant has located it at the rear of the site and proposed an 8-foot-tall solid wood fence for visual screening. As previously stated, outdoor storage and sales is not permitted on this site. However, the fence would minimize the impact of the proposed wood

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

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

Article 64: Site Plan Review:

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

Access and Circulation

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

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

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

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

Buildings and Structures

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

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

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

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

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

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

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

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

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

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

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

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

Engineering

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

Fire Department

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

Enforcement

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

RECOMMENDATION

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

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

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

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

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

Chairperson VanderWeele asked if Board members had questions for staff.

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

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

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

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

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

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

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

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

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

The Chair noted Chime School is close by.

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

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

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

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

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

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

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

She wondered why he needs an eight foot fence.

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

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

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

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

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

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

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

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

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

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

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

Ms. High said that would be the case.

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

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

Chairperson VanderWeele asked for a motion.

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

1. Approve the following Special Uses:

a) Special Use to allow an addition at the rear of the historic schoolhouse to accommodate stairs to the upper level.

b) Special Use to allow five family dwellings where one, two, or three family dwellings are permitted, which is hereby determined to be similar to those uses permitted in Section [19.20](#) through [19.40](#).

c) Special Use to allow both residential and nonresidential uses within the historic schoolhouse building.

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

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

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

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

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

PUBLIC COMMENT ON NON AGENDA ITEMS

There were no comments from members of the public.

OTHER UPDATES AND BUSINESS

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

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

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

ADJOURNMENT

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

Minutes prepared:
March 13, 2021

Minutes approved:
March 25, 2021