



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

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION SPECIAL MEETING**

**OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET**

TUESDAY, JUNE 18, 2024

5:00 P.M.

AGENDA

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: May 23, 2024
6. **Public Hearing: Special Exception Use – Jake’s Fireworks (6779 West Main Street)**
Jake’s Fireworks is requesting special exception use approval to operate a fireworks tent at 6779 West Main Street from June 20 to July 5, 2024.
7. Other Updates and Business
8. Adjournment

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

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Cheri Bell	216-5220	cbell@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Neil Sikora	760-6769	nsikora@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Michael Chapman	375-4260	mchapman@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Greg McComb	375-0487	gmccomb@oshtemo.org	
<u>Ordinance Enforcement:</u>			
Rod Rought	216-5222	rrought@oshtemo.org	
<u>Parks Director:</u>			
Vanessa Street	216-5233	vstreet@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Jodi Stefforia	375-4260	jstefforia@oshtemo.org	
<u>Public Works Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF A MEETING HELD MAY 23, 2024**

Agenda

Public Hearing: Special Use – Civitas Classical Academy

Civitas Classical Academy is requesting special exception use approval to establish a K-6 private school within Immanuel Fellowship Church at 6015 West H Avenue.

Public Hearin: Special Use & Site Plan – Friendship Animal Hospital

Friendship Animal Hospital is requesting special exception use and site plan approval to establish a veterinary clinic at 6476 Valley Industrial Drive.

Public Hearing: Tentative Preliminary Plan – Westport Village Site Condominium

Phase 3 Visser Developers of Kalamazoo, LLC is requesting approval for the division of phase 3 of the Westport Village planned unit development on West H Avenue into phases 3 and 4; and step one tentative preliminary plan approval for phase 3 of Westport Village consisting of 17-units.

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, May 23, 2024, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Deb Everett, Vice Chair
 Alistair Smith
 Zak Ford, Township Board Liaison
 Scot Jefferies
 Scott Makohn
 Jeremiah Smith

MEMBERS ABSENT: Philip Doorlag, Chair

Also present were Jodi Stefforia, Planning Director; James Porter, Township Attorney; Colten Hutson, Zoning Administrator; Jennifer Wood Recording Secretary; and approximately 11 interested persons.

Call to Order and Pledge of Allegiance

Vice Chair Everett called the meeting to order at approximately 6:00 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

Vice Chair Everett asked if there were any changes to the agenda.

Ms. Stefforia requested the addition of two items under agenda item 9, Other Updates and Business, moving Building Tour to item D. and adding B. Accessory Buildings in the Village core area and C. Special Meeting request.

Vice Chair Everett added the requested items to the agenda.

Public comment on non-agenda items

The Vice Chair asked if anyone present wished to speak on non-agenda items. Since no one responded, she moved to the next agenda item.

Approval of the Minutes of the Meeting of May 9, 2024

Vice Chair Everett asked for additions, deletions, or corrections to the Minutes of the Meeting May 9, 2024.

Mr. Jefferies **made a motion** to approve the Minutes of the Meeting of May 9, 2024, as presented. Mr. Ford **seconded the motion**. The **motion was approved** unanimously.

Public Hearing: Special Use – Civitas Classical Academy

Mr. Hutson presented the staff report dated May 16, 2024, which is incorporated herein for special exception use by Civitas Classical Academy. Joshua Bakker, on behalf of Civitas Classical Academy, is requesting special use approval to establish a private K-6 school within the existing principal building located at 6015 W H Avenue. Two existing rooms within the subject building will serve as classrooms for students enrolled in the K-6 program.

Project summary:

6015 W H Avenue is located along the south side of W H Avenue and west side of N 10th Street. The K-6 private school is proposed to be located within two classrooms located in the basement level of the existing building on-site. Classroom sizes range anywhere from 205 square feet to 480 square feet. Approximately 25 children, between the grades of kindergarten through sixth grade are being proposed, as well as two teachers, and one administrator. The applicant has also indicated that no buses will be circulating throughout the site as all children will be dropped off and picked up by their respective parent or guardian. The school's hours and dates are proposed to be Monday through Friday from August through June from 8:00 am through 3:00 pm. Drop offs and pick-ups are proposed to be thirty minutes before and after the beginning and end of school, 7:30 am and 3:30 pm, respectively.

Recommendation:

Planning Department staff recommend the approval of the proposed special exception use for the K-6 school at 6015 W H Avenue with the following conditions:

1. The school will serve up to 25 children.
2. Hours of operation will be 8:00 am through 3:00 pm, with drop offs and pick-ups thirty minutes before and after, Monday through Friday.
3. All existing circulation aisles, fire lanes, and emergency vehicle turning areas on-site shall be maintained at all times and directional striping and directional signage be provided to the site.
4. The applicant shall provide a designated outdoor play area consistent with the Michigan Administrative Code R 400.8170 and State of Michigan (Department of Licensing and Regulatory Affairs).
5. Documentation from the State of Michigan (Department of Licensing and Regulatory Affairs) approving the proposed private school shall be provided to the Township.
6. A sign permit application shall be submitted to the Township for review and approval if the applicant wishes to add any type of signage to the site.

The applicant was not present to speak about the project at this time.

Vice Chair Everett asked for public comments, hearing none, Vice Chair closed the public comments.

Mr. Smith **made a motion** to approve the special exception use requested by Civitas Classical Academy for special exception use to establish a K-6 private school within Immanuel Fellowship Church located at 6015 West H Avenue with the six staff conditions outlined in the staff report:

1. The school will serve up to 25 children.
2. Hours of operation will be 8:00 am through 3:00 pm, with drop offs and pickups thirty minutes before and after, Monday through Friday.
3. All existing circulation aisles, fire lanes, and emergency vehicle turning areas on-site shall be maintained at all times and directional striping and directional signage be provided to the site.
4. The applicant shall provide a designated outdoor play area consistent with the Michigan Administrative Code R 400.8170 and State of Michigan (Department of Licensing and Regulatory Affairs).
5. Documentation from the State of Michigan (Department of Licensing and Regulatory Affairs) approving the proposed private school shall be provided to the Township.
6. A sign permit application shall be submitted to the Township for review and approval if the applicant wishes to add any type of signage to the site.

Mr. Ford **seconded the motion**. The **motion was approved** unanimously.

Public Hearing: Special Use & Site Plan – Friendship Animal Hospital

Mr. Hutson presented the staff report dated May 14, 2024, which is incorporated herein for Friendship Animal Hospital. Laura Billings with Friendship Animal Hospital is requesting special exception use and site plan approval to establish a veterinary clinic at 6476 Valley Industrial Drive.

Project summary:

The applicant, Laura Billings, is requesting site plan and special exception use approval to construct a new 5,792 square foot, veterinary animal hospital at 6476 Valley Industrial Drive. The approximate 2.3-acre site remains vacant in its current state.

The subject project site falls within the I-1: Industrial District zoning designation. Small veterinary animal hospitals are considered a special exception use within the I-1: Industrial District.

Recommendation:

Planning Department staff recommend that the Planning Commission approve the proposed site plan and special use request to allow for the construction of a new 5,792 square foot veterinary animal hospital located at 6476 Valley Industrial Drive with the following conditions outlined in the staff report with the exception of item number one, as based on the legal department's opinion, we are no longer recommending this condition.

1. An updated plan set is submitted illustrating ADA accessible and compliant ramps, including receiving ends, in the southeast corner of Valley Industrial Drive and S 9th Street prior to building permit issuance. This recommendation is no longer applicable as it is on another property. This item is no longer recommended.
2. An updated plan set is submitted to show I-1: Industrial District zoning adjacent to the south and east prior to building permit issuance.
3. Finalization of grading details, stormwater, non-motorized, and any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
4. A non-motorized project application for new sidewalk facilities in the public right-of-way shall be submitted and approved by the Road Commission of Kalamazoo County prior to building permit issuance.
5. All non-motorized facilities on the approved site plan shall be installed prior to issuing a certificate of occupancy.
6. Copies of any necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.

The Commission asked for further information from Mr. Hutson regarding why the first staff recommendation was no longer applicable. Mr. Hutson explained that while technically that area is within public right of way it is adjacent to another property so basically on another person's property, we cannot require off-site improvement.

The applicant, Dr. Laura Billings, the owner of Friendship Animal Hospital, spoke to the Commission about the project and provided some background information. Dr. Billings first joined the practice in 2017 and then purchased it in 2019. The practice is growing and has expanded from one and a half doctors to its current staff of three doctors, creating the need for a larger facility. Dr. Billings expressed her wish to be part of the Oshtemo Township community.

Vice Chair Everett opened up the hearing for public comments.

Mr. Walter Hanson, the designer of Friendship Animal Hospital spoke to the Commission. Mr. Hanson shared that Dr. Billings is looking to build on 9th Street for the exposure it would bring and that it is a site that would allow the business to grow. The property for this project has been vacant for at least 19 years. Mr. Hanson stated that this project will be an asset to the community as it is well-designed and will be attractively landscaped. Mr. Hanson advocates for limited access management for driveways onto main thoroughfares. Due to the curve in the road, connecting with the property to the east would make it difficult for people to find the entry. This is why a joint access has not been arranged with the neighbors as it would not work for Dr. Billings. They have been unable to get a 9th street address, it is currently a side road access. Visibility is very important to Dr. Billings.

One individual spoke against the project.

Mr. Porter clarified for the Commission, based on comments made during public comment, that the Township Planning Department does not issue driveway permits. These are issued by the Road Commission, and they will determine where the driveway will be.

Mr. Ford asked for clarification regarding concerns about the driveway location not being grounds for denial.

Mr. Porter stated that in his opinion, since the Planning Commission does not have the controlling authority to determine where the driveway location is, it is not a valid concern for the Board at this point.

Ms. Stefforia commented that the Zoning Ordinance does not have architectural standards for this use. It is a special use, but the elevations are provided as courtesy, as it is not anything that we can regulate as we do not have zoning language addressing architecture.

Hearing no additional comments, Vice Chair Everett closed public comments.

Mr. Jefferies thanked Dr. Billings for staying in Oshtemo Township.

Mr. Jefferies **made a motion** in support of the site plan and special exception use request to construct a new 5,792 square foot, veterinary animal hospital located at 6476 Valley Industrial Drive based on staff recommendations with the exception of item number one previously listed in the staff recommendations:

- 1, An updated plan set is submitted to show I-1: Industrial District zoning adjacent to the south and east prior to building permit issuance.
2. Finalization of grading details, stormwater, non-motorized, and any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
3. A non-motorized project application for new sidewalk facilities in the public right-of-way shall be submitted and approved by the Road Commission of Kalamazoo County prior to building permit issuance.
4. All non-motorized facilities on the approved site plan shall be installed prior to issuing a certificate of occupancy.
5. Copies of any necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.

Mr. Ford **seconded the motion**. The **motion was approved** unanimously.

Public Hearing: Tentative Preliminary Plan – Westport Village Site Condominium Phase 3

Ms. Stefforia presented the staff report dated May 13, 2024, which is incorporated herein for Westport Village Site Condominium Phase 3. Visser Developers of Kalamazoo, LLC is requesting approval for the division of Phase 3 of the Westport Village planned unit development on West H Avenue into Phases 3 and 4; and step one tentative preliminary plan approval for phase 3 of Westport Village consisting of 17-units. There is also a minor change to enlarge a lot size in Phase 2.

Because this is a site condominium, it requires step one review and approval by the Planning Commission and the Ordinance of State Act require the Planning Commission to hold a public hearing on step one review of any plat or site condominium. Tonight is the public hearing for step one review. As the project goes through step two and step three, that is where the detailed construction plans will be submitted, and they will go directly to the Township Board with review behind the scenes with Planning and Engineering. Step three approval is after all the utilities are in and homes can start being built.

Project summary:

Jeff Scheffers on behalf of the property owner, Visser Developers of Kalamazoo LLC, is requesting approval to modify the West Port Village planned unit development (PUD) to split Phase 3 into two phases: Phases 3 and 4 and the reconfiguration of unit 88 in Phase 2. The applicant is also requesting step one tentative preliminary plan approval for approval of the revised Phase 3 which contains 17 building sites. West Port Village site condominium development is on the south side of West H Avenue between US 131 and Drake Road within the R-2: Residence District zoning designation.

This project has been underway for a couple decades. The project started in 2004 as just a two-phase project but since then, the property owner has amended the PUD a couple times. Most recently, it was to break Phase 2 into Phase 2 and Phase 3. Now they are asking to split Phase 3

into Phase 3 and Phase 4. It does not change the underlying approval of the project to make this change.

Previously, the non-motorized pathway was required along H Avenue when half of the homes in Phase 2 were completed. We are at that point now, but are suggesting it be established in 2025. The process the Road Commission has in place to build a non-motorized facility in the right of way is very cumbersome and likely impossible for them to complete it yet this year. Plus, the Township is planning to put a section of path on West H Avenue in 2025 once the roundabout is completed. It makes sense to coordinate the projects.

A minor change to modify the size of Units 87 and 88 from the original plan is also being requested.

The current homeowner's association can agree to take in the new development, or a separate association can be established given the number of years that have passed since the condominium was established.

Recommendation

Planning Department staff recommend that the Planning Commission 1) approve the amendment to the phasing plan to allow Phase 3 to become Phase 3 and Phase 4 including and a minor adjustment to a unit in Phase 2 which is already in the established condominium; and 2) forward a recommendation of step one tentative preliminary plan approval to the Township Board for Phase 3 of the West Port Village site condominium – a 17-unit addition subject to the following conditions.

1. The requirements of the Public Works Director listed in this report be satisfied.
2. H Avenue non-motorized path be established in 2025..
3. Sidewalks be established as each unit is completed and continue through the driveway as was required in Phase 2.
4. Condominium documents establishing the new condominium or amendments to the existing condominium documents be provided for Township Attorney review and approval before a building permit is issued in Phase 3.

Mr. Ford asked about the need for additional access to H Avenue based on the number of units that exist in the PUD.

Ms. Stefforia stated she would have to look back at Phase 1 as this was probably discussed but waived because we allowed private streets. There is no opportunity with the cul-de-sacs to extend and connect to another project that connects to Drake or H Avenue.

Mr. Porter advised that was probably a matter of timing. Phase 1 was approved as a general overall concept. Back in 2005, there may not have been a requirement for a second access, but it should have been reviewed and addressed at that time.

Ms. Stefforia advised that Phase 1 was not reviewed through the site condominium review process like we are completing now for Phase 2, 3, and 4. It was probably just a special

exception use approved by the Planning Commission not looking at the General Ordinance which has the criteria for the dead-end street length limits and the number of units on a single access point language.

Mr. Porter clarified on the expansion of the development. It can be expanded in the current association if the association agrees to that. If they don't, the developer can set up a separate condominium homeowner's association. It is not subject to the vote of the other condominium owners because they have existing easements and rights to access that property. It is not dependent on the homeowner's association as the owner has reserved the right in the current homeowner's association documents to be able to build this project and use the streets, utilities, and access.

Jeff Scheffers, on behalf of the property owner Visser Developers of Kalamazoo LLC, addressed the Commission. The design of Phase 3 and Phase 4 will be similar to that of Phase 1 and Phase 2. By adhering to the original approval, the project can continue without seeking new approval. If a different approach were taken, reapproval would have been required, and an additional entrance might have been necessary. Dividing Phase 3 into Phase 3 and Phase 4 helps keep construction confined to one side. A few of the last remaining lots in Phase 1 and Phase 2 are currently being worked on to infill and then keep the construction traffic to Phase 3. Once the project progresses further, they will seek approval from the Planning Commission for Phase 4. Phase 2 is ongoing.

Vice Chair Everett opened up the hearing for public comments.

Ms. Stefforia informed the Commission that a letter of support was received and is included in the packet.

The President of the homeowner's association spoke and informed the group they are working with the developer towards a merger.

Hearing no additional comments, Vice Chair Everett closed public comments.

Mr. Ford **made a motion** to approve the amendment to the phasing plan to allow Phase 3 to become Phase 3 and Phase 4 and a minor change to units 87 and 88 in Phase 2; and 2) forward a recommendation of step one tentative preliminary plan approval to the Township Board for Phase 3 of the West Port Village site condominium – a 17-unit addition with the following staff recommendations:

1. The requirements of the Public Works Director listed in this report be satisfied.
2. H Avenue non-motorized path be established in 2025 instead of 2024.
3. Sidewalks be established as each unit is completed and continue through the driveway as was required in Phase 2.
4. Condominium documents establishing the new condominium or amendments to the existing condominium documents be provided for Township Attorney review and approval before a building permit is issued in Phase 3.

Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

Other Updates and Business

Ms. Stefforia provided the following updates:

A. Comprehensive Plan Visioning Session

The Comprehensive Plan Visioning Session will be held on June 13th at 6:00 p.m. This will be a visioning session as part of the Master Plan process. She encouraged those in attendance to come to the visioning session.

B. Accessory Buildings in the Village Core

A property owner in the village core is interested in being allowed to build an accessory building such as a shed or a garage. This could be written to include verbiage that the architecture of the building would need to match the house. Some of the businesses we want to attract to the village area could benefit from use of this space for storage of items related to their craft. Draft language will be presented at an upcoming public hearing meeting.

C. Potential Special Meeting

A fireworks proprietor is looking to move his tent from the approved location to a new location so it would need a special exception use permit. The Commissioners agreed to June 18th at 5:00 p.m. for the special meeting to hear this request.

D. Building Tour

Following the meeting, Ms. Stefforia offered to escort the Planning Commission on a tour of the building.

Vice Chair Everett invited the applicant from Civitas Classical Academy up to the podium to address the Planning Commission as he just arrived at the meeting.

Mr. John Gilfillan, representing Civitas Classical Academy, spoke in support of the project and addressed questions the Commission had. Mr. Gilfillan informed the Commission that Civitas is a private Christian school with tuition comparable to other private Christian schools in the county, approximately \$7,000 per year. Civitas Classical Academy will part of the Association of Classical Christian schools. It has not yet had a school year but is looking to start in the fall of 2024. Currently there are four applicants but hope to open with 20 students. For the first year, there will not be any scholarships available but in the future hope to be able to offer them depending on fundraising. Right now, fundraising activities are going towards the salary for a teacher. It is their hope that the kids that attend this school will be future leaders.

There being no further business, the meeting was adjourned at 7:02 p.m.

Minutes Prepared: May 27, 2024

Minutes Approved:

[This page left intentionally blank]

June 13, 2024

Meeting Date: June 18, 2024

To: Oshtemo Township Planning Commission

From: Jodi Stefforia, Planning Director

Applicant: Nicole Blair, Jake’s Fireworks

Owner: Tim Shank

Property: 6779 West Main Street (3905-14-305-025)

Zoning: C, Local Business District

Request: Special Use approval for a temporary fireworks tent

Section(s): Section 65: Special Uses

PROPOSAL:

Nicole Blair, on behalf of Jake’s Fireworks, is requesting special use approval to erect and operate a consumer grade fireworks tent at 6779 West Main Street from June 20 to July 5. The subject property is outlined in blue on the map to the right.

OVERVIEW:

The subject property is on the south side of West Main Street, west of 9th Street.

A 40’x by 60’ fireworks tent operating for three weeks is proposed with the following hours of operation:

- 9 a.m. to 10 p.m. June 20 to July 1, July 5
- 8 a.m. to 12 a.m. July 2 to July 4

ANALYSIS:

Temporary outdoor sales/events lasting longer than one day are a special exception use in the C, Local Business District. Temporary uses are allowed a single temporary sign of up to 32 square feet in size.

The special use review criteria are outlined in Section 65.30 of the Zoning Ordinance. An analysis of the proposal against Section 65.30 follows.



Section 65.30: Special Use Review Criteria

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

The Future Land Use Map designates this area of the Township as *General Commercial* designation. The subject property and abutting properties are zoned C, Local Business District. The proposed use meets the intent of the Township's Master Plan and complies with the Township's Zoning Ordinance.

B. Site Plan Review: The Site Plan Review Criteria of Section 64.80

An engineered site plan is not required for a request of this nature. However, a plan showing the general layout of the site such as the tent placement, parking, circulation within the site, etc. has been provided by the applicant and is included in the attachments.

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 fireworks tent is a temporary use of this otherwise vacant parcel. The tent and associated parking will be compatible and appropriate with the commercial nature and use of abutting properties given that it is temporary.

- 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.**

Staff does not foresee a significant impact of the fireworks tent on neighboring properties. The overall site layout demonstrates room for customers and their vehicles to maneuver within the property. All other requirements pertaining to setbacks, access, and parking have been satisfied.

- 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.**

A permit has been secured from LARA to operate the tent at this location. The Fire Marshal has approved the site layout. Noise levels are not expected to exceed what is commonly found in the area. Traffic generated by the tent should be low and spread throughout operating hours leading up to the peak days closest to the 4th of July when three extra hours of sales will occur on three days. The site and access arrangement can accommodate the traffic without disturbing neighboring uses.

-
- D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.**

There are no natural features on the site.

- E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.**

The Fire Marshal has approved the proposed placement of the fireworks tent and associated parking. Public facilities will not be impacted by this temporary use.

- F. Specific Use Requirements: The Special Use development requirements of Article 49.**

No specific use requirements exist in the zoning ordinance for fireworks tents; therefore, this section is not applicable.

RECOMMENDATION:

Planning Department staff recommend the approval of the proposed special exception use for the Fireworks Tent at 6779 West Main Street, subject to the following conditions:

- 1) A building permit be secured for the tent before erection on the property.
- 2) A temporary sign permit be secured for the single temporary sign permitted by ordinance before placement on the property.
- 3) Dates of operation are limited to June 20 to July 5 in 2024.
- 4) Hours are limited to 9 a.m. to 10 p.m. June 20 to July 1 and July 5; and 10 a.m. to 12 a.m. July 2, 3 and 4.
- 5) Staff may administratively approve this location for Jake's Fireworks in future years, with consent of the Fire Department, if no significant issues arise with the 2024 operation or any subsequent year's operations.

Attachments: Application & attachments

[This page left intentionally blank]



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-375-4260 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS 6779 W Main Kalamazoo MI
49009

PLANNING & ZONING APPLICATION

Applicant Name: Nicole Blair

Company: Jakes Fireworks Inc

Address: 1500 E 27th Terrace

Pittsburg KS 66762

E-mail: _____

Telephone: 620-231-2264 Fax: 620-231-2416

Interest in Property: sale of consumer grade fireworks

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name: Tim Shank

Address: _____

E-mail: tshank@201.com

Phone & Fax: 269-352-4554

Fee Amount _____

Escrow Amount _____

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

- | | |
|---|---|
| <input type="checkbox"/> Pre-Application Review | <input type="checkbox"/> Accessory Building Review – I083 |
| <input type="checkbox"/> Site Plan Review – I088 | <input type="checkbox"/> Rezoning – I091 |
| <input type="checkbox"/> Administrative Site Plan Review – I086 | <input type="checkbox"/> Subdivision Plat Review – I089 |
| <input type="checkbox"/> Special Exception Use – I085 | <input type="checkbox"/> Interpretation – I082 |
| <input type="checkbox"/> Zoning Variance – I092 | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Site Condominium – I084 | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

Set up a fire retardant tent to sale consumer
grade fireworks.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

PARCEL NUMBER: 3905- _____

ADDRESS OF PROPERTY: 6779 W Main Kalamazoo MI

PRESENT USE OF THE PROPERTY: _____

PRESENT ZONING: _____ **SIZE OF PROPERTY:** _____

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

Name(s)	Address(es)
_____	_____
_____	_____

SIGNATURES

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

see Lease Attached _____

Owner's Signature (*If different from Applicant)

Date

[Handwritten Signature]

5-15-24

Applicant's Signature

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Lease Agreement

THIS AGREEMENT, made and entered into this May 7, 2024, by and between 6779 W. Main St., LLC hereinafter referred to as LESSOR, and Jake's Fireworks, Inc. hereinafter referred to as LESSEE.

LESSOR, in consideration of the covenants and agreements hereafter made by LESEE, hereby leases exclusively unto LESSEE on the following described real estate:

6779 W Main Street
Kalamazoo MI 49009

for the purpose of selling and distributing fireworks for the period of June 15, 2024, through July 7, 2024; provided, however, LESSEE shall be allowed to erect and remove his equipment on and from the premises within a reasonable period prior to and following the lease period.

LESSEE AGREES:

1. To pay LESSOR, as rent on the above-described premises, the sum of \$5000, to be paid prior to occupancy.
2. To operate his business on the leased premises in a lawful manner and in full compliance with applicable laws and regulations.
3. To remove all trash, debris, and rubbish that shall have been caused to be placed thereon by LESSEE's operations.
4. To accept liability for any damage that occur on the property from the initial set up until the site is returned to its original condition, including the patching of asphalt due to tent tie downs.

In the event the leased premises are annexed to a city where the sale of fireworks is not permitted, or it is in any other way deemed unlawful to sell fireworks on the leased premises this lease will be terminated, and rental money returned to the LESSEE.

The agreement and covenants shall extend to the heirs and assigns of each of the parties.

Jake's Fireworks will provide a certificate of insurance on or before June 10, 2024.

IN WITNESS WHEREOF, the parties have executed this lease the day and year first above written.

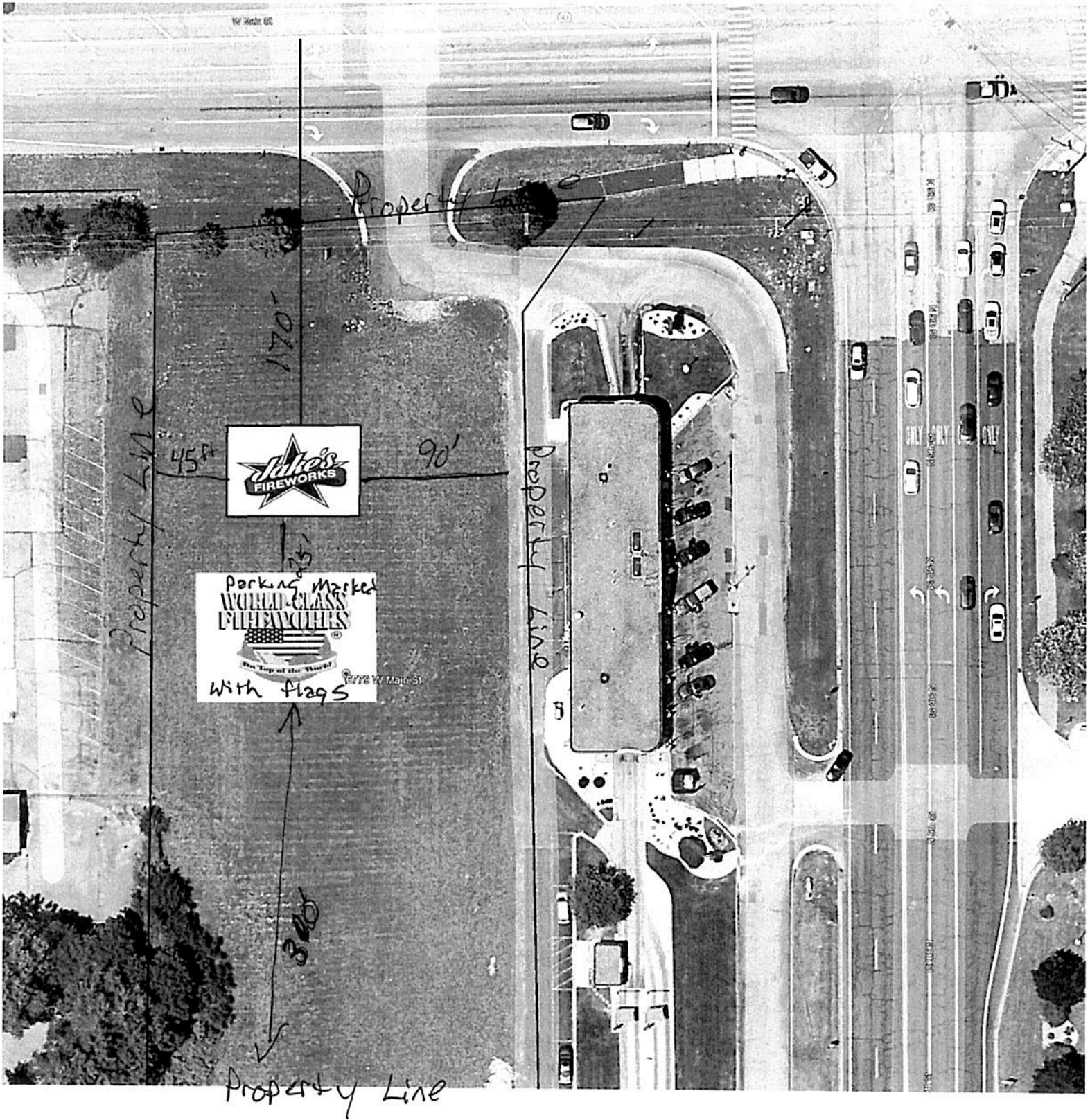

Timothy F. Shank, Member
of 6779 W. Main St., LLC


Jake's Fireworks, Inc

6779 W Main St
Kalamazoo MI

- 40x60

- Parking area is 25^{ft} from tent + will be marked by flags 45 Spaces will be marked.



NO Trailer

SITE PLAN

6779 W Main Street, Kalamazoo, MI 49009

Minimum Separation Distances as shown in plan below:

Buildings: No buildings are located within 20 ft of the tent

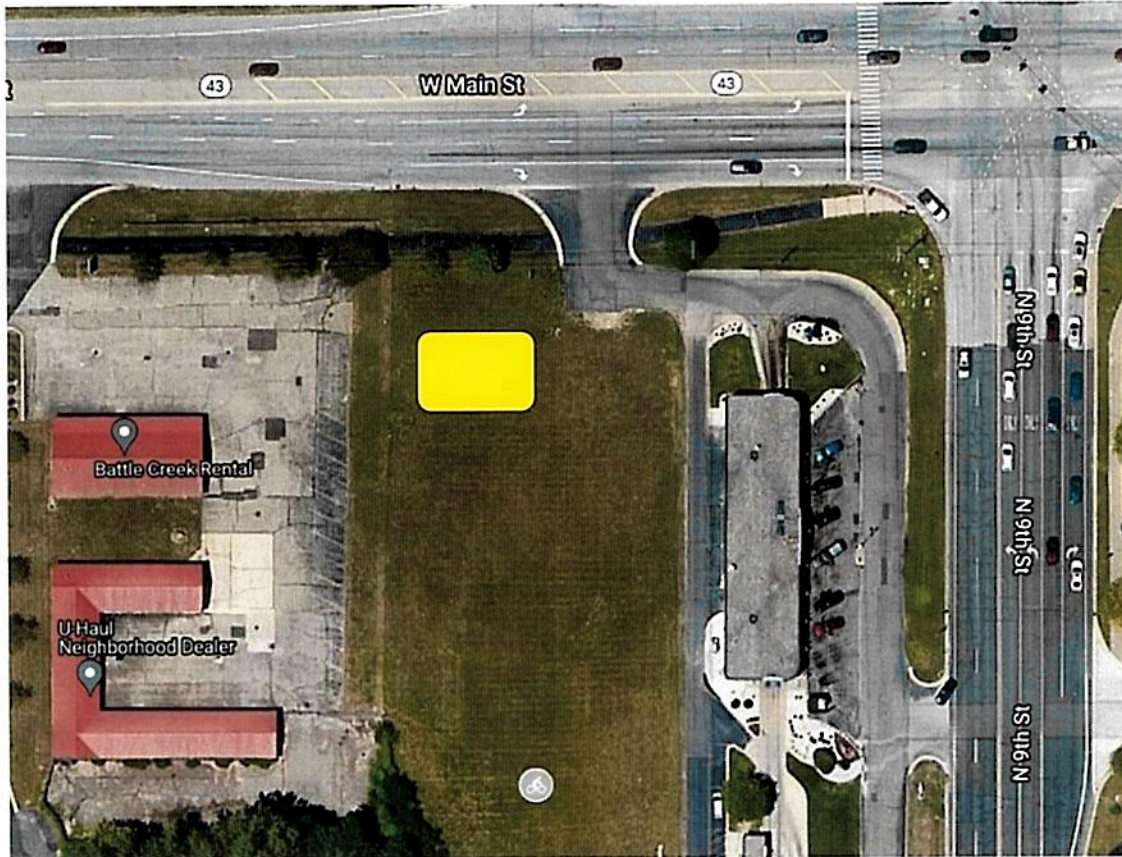
Combustibles: No combustibles are located within 20 feet of the tent

Tents: No tents will be located within 20 feet of tent

Vehicle Parking: No Vehicle will be allowed within 10 feet of tent. If parking spots are shown in diagram below within 10 feet of tent these spots will be barricaded and marked as to not allow parking.

Stands: No stands are located within 20 feet of tent.

Storage of Consumer Fireworks: No storage of consumer fireworks will occur at this location.



7.4.2 Site Plan. The site plan for tents shall show the location of the tent on the site and indicate the minimum separation distances required by 7.4.7.

7.4.7.2 Temporary Facilities. Temporary CFRS facilities shall be located as specified in Table 7.4.7.2.

*nearest gas station over 50' away

*no flammable gas bulk dispenser within 300ft

[This page left intentionally blank]

□ = 2' x 2'

40' x 60' Tent

Tent Area = 2400SF

Retail Area = 2400SF

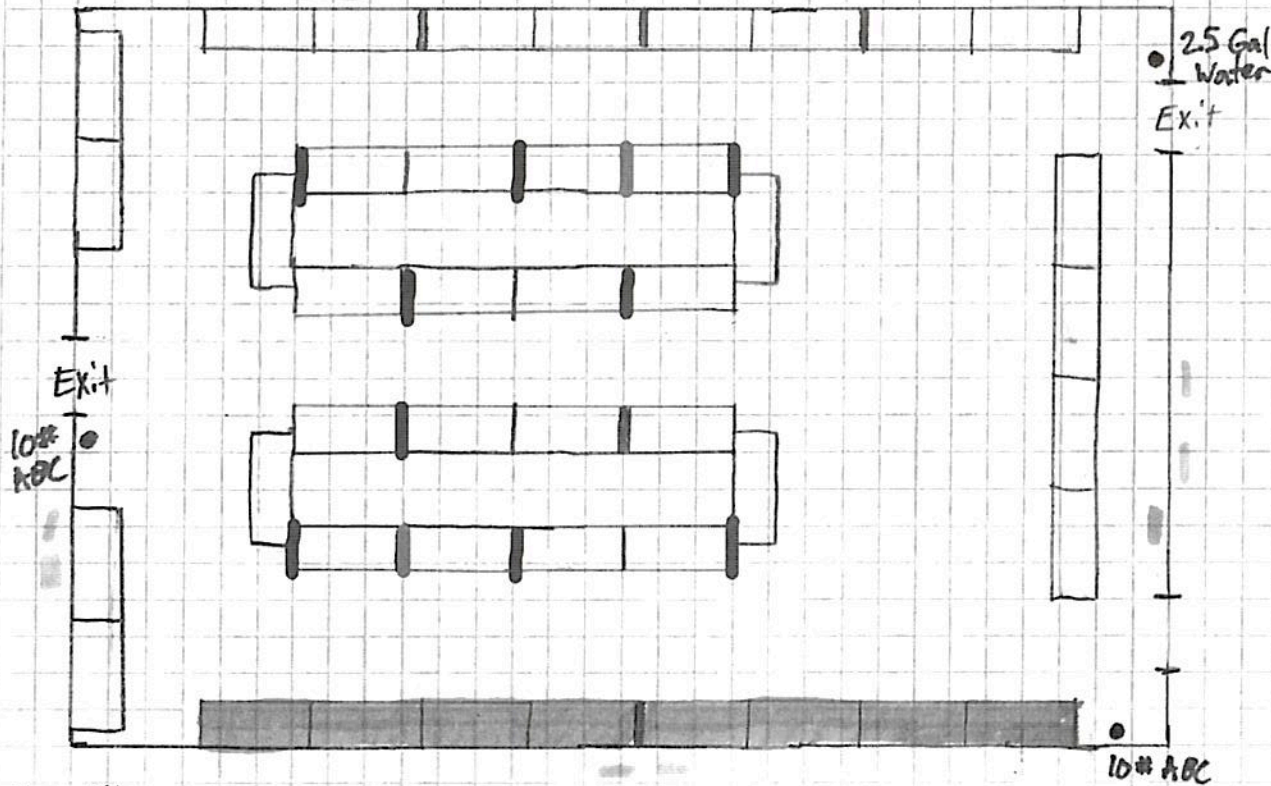
Display Area = 628SF

Floor Area = 1772SF

Business Hours

No Merchandise over 6 feet

No table over 6 feet off the ground



Exit = Illuminated sign and Emergency light with Battery Backup

- = Flame Break

- = No Smoking Sign - Fireworks

- = No Fireworks Discharge within 300 ft

● = Evacuation Plan

■ = Packaged Fireworks

□ = Registers

□ = 2.5' x 6' Table

● = Fire Extinguisher

Fireworks Display Not within 5 feet of Entrance

Fireworks Display Not within 2 feet of Exit

Dry Chemical Fire Ext 10lb x 2
Water Fire Ext 2.5 gallon

Generator Fuel Limited to 5 Gallons

Jake Marietta
Jason Marietta
1500 e. 27th terrace
Pittsburg KS 66762

COMPLAINT INFORMATION:

THE ISSUANCE OF THIS LICENSE SHOULD NOT BE CONSTRUED AS A
WAIVER, DISMISSAL OR ACQUIESCENCE TO ANY COMPLAINTS OR
VIOLATIONS PENDING AGAINST THE LICENSEE, ITS AGENTS OR
EMPLOYEES.

FUTURE CONTACTS:

YOU SHOULD DIRECT INQUIRIES REGARDING THIS LICENSE
OR ADDRESS CHANGES TO THE DEPARTMENT OF LICENSING
AND REGULATORY AFFAIRS BY CALLING (517) 241-8847

YOUR LICENSE MUST BE DISPLAYED IN A PROMINENT PLACE.

GRETCHEN WHITMER
Governor

STATE OF MICHIGAN
Michigan Department of Licensing and Regulatory Affairs

TYPE OF CONSUMER FIREWORKS RETAIL FACILITY: TEMPORARY
ISSUED TO THIS CONSUMER FIREWORKS RETAIL FACILITY PURSUANT TO THE
MICHIGAN FIREWORKS SAFETY ACT, P.A. 256 OF 2011.

THIS CERTIFICATE REMAINS THE PROPERTY OF THE MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS (LARA), AND IS TRANSFERABLE UNDER
CONDITIONS SPECIFIED IN MCL 28.454(b), MICHIGAN FIREWORKS SAFETY
ACT. THIS CERTIFICATE IS SUBJECT TO PAYMENT OF CERTIFICATE FEES FOR
INITIAL AND ANNUAL APPLICATION OR TRANSFER FEES.

Jakes Fireworks
Jakes Fireworks INC
6779 W MAIN ST
KALAMAZOO MI 49009

Certificate Number
CT01862

Expiration Date:
04/30/2025

This document is duly
issued under the laws of
the State of Michigan

CERTIFICATE OF FLAME RESISTANCE



WEISER TENT SERVICE
10 N. INDUSTRIAL DRIVE
MONETT MO 65708

F/R TENT TOP

This is to certify that the materials described below have been flame-retardant treated
(or are inherently nonflammable)

Description - 61" 14oz "F/R" Tent Top/"Gloss" Finish
Colors - White, Royal, Red, Green, Yellow, Sand, Black, Pink, Orange, Purple

Certification is hereby made that:

The articles described on this certificate have been made from a flame-resistant fabric.
Registered and approved by the California State Fire Marshal, equal to or exceeds CSFM,
NFPA 701 - Test 1 (Small Scale, NFPA 701 - Test 2 (Large Scale, CPAI-84, & NYC MEA

The Flame Retardant Process Used WILL NOT be Removed by Washing
And Is Effective For the Life of the Fabric

Seattle Textile - F-14501
John Boyle - F-102.4
California Combining - F-419.01
DAF - F-59301
Shelter Rite - FMVSS302
Lark International - F-92801



CERTIFICATE OF LIABILITY INSURANCE

1827

DATE (MM/DD/YYYY)
5/15/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

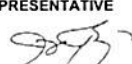
PRODUCER Acrisure, LLC dba Britton Gallagher & Associates 3737 Park East Dr. STE 204 Beachwood OH 44122	CONTACT NAME: PHONE (A/C, No, Ext): 216-658-7100 FAX (A/C, No): 216-658-7101 E-MAIL ADDRESS:														
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Arch Speciality Ins Co</td> <td>21199</td> </tr> <tr> <td>INSURER B : Lexington Ins Co</td> <td>19437</td> </tr> <tr> <td>INSURER C : Axis Specialty Ins Co</td> <td>15610</td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Arch Speciality Ins Co	21199	INSURER B : Lexington Ins Co	19437	INSURER C : Axis Specialty Ins Co	15610	INSURER D :		INSURER E :		INSURER F :
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A : Arch Speciality Ins Co	21199														
INSURER B : Lexington Ins Co	19437														
INSURER C : Axis Specialty Ins Co	15610														
INSURER D :															
INSURER E :															
INSURER F :															
INSURED Jake's Fireworks Inc. 1500 E 27th Terr. Pittsburg KS 66762															

COVERAGES **CERTIFICATE NUMBER: 591596272** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC	Y		052115105	2/15/2024	2/15/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$	Y		UXP1037038-04	2/15/2024	2/15/2025	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N	N/A			WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	Excess Liability #2	Y		P-001-001322008-01	2/15/2024	2/15/2025	Each Occ/ Aggregate \$5,000,000 Total Limits \$10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

CERTIFICATE HOLDER Jake's Fireworks Inc. Pittsburg KS 66762 United States	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--