

**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: