

**OSHEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A VIRTUAL MEETING HELD May 14, 2020**

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**Agenda**

**Old Business**

**a. Discussion: Assembly and Convention Halls Definition**

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A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, May 14, 2020, commencing at approximately 6:00 p.m.

**ALL MEMBERS**

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

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Josh Owens and Martha Coash, Meeting Transcriptionist. Guest Gayle Stevens-Miller was also in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m.

**Approval of Agenda**

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

**Approval of the Minutes of the Meeting of April 30, 2020**

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of April 30, 2020. Hearing none, he asked for a motion.

Mr. Commissaris made a motion to approve the Minutes of the Meeting of April 30, 2020 as presented. Ms. Versalle seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item.

## **OLD BUSINESS**

### **a. Discussion: Assembly and Convention Halls Potential Definition**

Ms. Lubbert provided background. She noted that Township Planning Department staff was recently approached by a prospective property owner interested in establishing a wedding/event venue within the commercial portion of the 9th Street and West Main Zoning Overlay. Examining the Township's Zoning Ordinance, staff found no such use is identified as allowable in any zoning district in Oshtemo, despite a handful of such businesses having been located here in the past. In some cases, such as with the Delta Marriott Hotel on S 11th Street, the convention center located there is considered an accessory element to the primary use of the property. In the case that prompted this proposal, the event space would be the property's primary use.

She indicated a general tenet of local zoning is that no reasonable use of land should be outright prohibited in any community and should be allowed somewhere. In the interest of adhering to accepted legal convention and good planning practice, staff proposes a text amendment to the Zoning Ordinance to allow Assembly and Convention Halls as a Special Use in the C, Local Business District and the 9<sup>th</sup> Street and West Main Overlay Zone. Both zoning districts are appropriate locations for this use based on their character and intent. At this time, in order to mitigate any unforeseen consequences or impacts of this use to nearby properties, staff recommended making Assembly and Convention Halls a Special Use so the Township can impose any necessary restrictions on a case by case basis. As the Township gains experience with Assembly and Convention Halls as a primary use, additional criteria can be developed, other zoning districts considered, and the use potentially even transitioned from a Special Use to a Permitted Use with Conditions, which would allow for administrative review and approval.

The Planning Commission initially reviewed the proposed amendment at their regular February 27<sup>th</sup> meeting. After discussion, the Commission agreed to move forward with the proposed changes to Sections 18.40 and 35.40 and set a Public Hearing for their meeting on March 26<sup>th</sup>. Due to COVID-19's impact on the Township's ability to hold open meetings, the public hearing needed to be rescheduled to April 30<sup>th</sup>. At the public hearing the Planning Commission became concerned when they found the ordinance does not define Assembly and Convention Halls. There was concern that if no additional guidance was provided larger Convention Centers (like the Kalamazoo County Expo Center) could accidentally be lumped into the same category. The Planning Commission moved to table the item and asked staff to explore possible definitions that would alleviate their concerns and avoid potential future misunderstandings.

Based on the feedback provided by the Commission at the February 27 meeting, Ms. Lubbert presented a potential definition to consider and discuss:

**Assembly and Convention Hall** – a room or building for the purpose of hosting a party, banquet, wedding or other social event. Assembly and Convention Halls can also be considered a kind of meeting room, function hall, reception hall, or banquet hall.

In addition to a general definition, Ms. Lubbart suggested the Commission consider implementing a maximum capacity or occupancy to be tied to the proposed special use – potentially a different value depending on the zoning district in which the use is allowed. To help with the discussion staff has collected examples of different Assembly and Convention Halls in surrounding areas and organized them by their maximum capacity. Examples of larger venues, convention centers, were also provided for comparison. To start the discussion, she suggested the Commission consider a maximum capacity of 400 persons for Assembly and Convention Halls within the C, Local Business District and a maximum capacity of 200 persons for Assembly and Convention Halls within the 9<sup>th</sup> Street and West Main Overlay Zone.

To ensure that new and existing hotels and other larger establishments permitted within the C district can continue to have portions of their facilities utilized as Assembly and Convention Halls, she also recommend adding language that allows the Planning Commission to grant deviations in the maximum capacity permitted if the applicant can prove the establishment can accommodate the request without negatively impacting surrounding properties. Staff also requested Assembly and Convention Halls be added as a Special Use to the C-R, Local Commercial district, for consistency.

Ms. Lubbart requested direction regarding how to move forward after discussion by Commissioners.

Ms. Maxwell supported including a cap on the size of groups to be accommodated and felt 200 – 400 would be livable.

Mr. Commissaris thought language tied to parking and other requirements would be appropriate.

Ms. Lubbart noted it would be a good way to control usage by including conditions by district in the code. She noted the building code would regulate structural requirements and that there would be some overlap with fire code for access.

Ms. Farmer said those types of items are referenced in the ordinance for outdoor events, so they may not need to be laid out.

At Chairperson VanderWeele's suggestion, Ms. Lubbart said she could look into merging requirements as appropriate.

Mr. Vyas suggested leaving definitions broad but as simple as possible.

Attorney Porter said that for zoning purposes what will be permitted has to be

defined by dictating the type of facility by square footage or occupancy.

Mr. Commissaris wondered how much area based on occupancy would be needed outside for events on the grounds.

Attorney Porter noted any uses permitted by the Commission would go through the site plan process. A lot of variables, like parking and access are already in place.

Ms. Lubbert felt there is enough flexibility in the code that a barn or other options could be employed. We want to encourage creativity and flexibility.

Ms. Smith wondered if we would be tying the hands of people who want to hold business meetings because they are not social events.

Ms. Lubbert felt that business meetings would be captured in the proposed definition but would be happy to add language to the definition for clarity.

The Chair asked what the next step would be in the process if the language is moved forward with some modifications.

Ms. Lubbert said she would recommend one more discussion to officially consider amended draft language. She asked what the feeling was about capacities and suggested 200 maximum for the overlay district and 400 for the C, local business district, as the overlay district is more residential in character and more control would be available with a limit of 200 in order to maintain the residential feel.

There was discussion regarding whether it would be better to establish limits based on building square footage and/or the maximum number of attendees allowed.

Chairperson VanderWeele wondered if some more residential areas of the overlay could be further limited so as not to be as disruptive.

Attorney Porter said the overlay district couldn't be further limited other than the size of the structure or maximum attendees to control traffic from that use in the area, but the number of people allowed within the overlay zone could be established as fewer than in the local business district.

Mr. Vyas noted Henderson Castle is one block west of a residential area. A limit of 200 people there is reasonable and there seem to be no problems. He felt 200 people could be accommodated in the overlay zone.

Ms. Farmer agreed with Mr. Vyas, and felt the capacity in the overlay district should be 200.

Chairperson VanderWeele said often buildings are constructed with several halls and wondered if a building has multiple options whether the 200/400 capacities would

be the limit for each hall or for the entire facility.

Ms. Lubbert said she would recommend the maximum would be per building, not per room.

The Chair wondered since the special use exception will be used, whether putting numbers in the overlay language could be avoided and language that would require a building to be compatible with the overlay could be employed instead, or whether that would be too broad.

Attorney Porter said it would be hard to effectively apply the ordinance without more concrete language.

Ms. Smith wanted to be sure that we allow halls rather than convention centers. She said she could go with a definition with or without a maximum attendee number in the overlay zone.

Attorney Porter suggested Ms. Lubbert come back with a 2-tiered definition that would include definition by people or space. Building officials will be consulted to see how many people can be accommodated per square foot. A concrete definition needs to be established.

Ms. Maxwell said she would like to establish limits by defining the number of people allowed. 200 people for buildings with more than one room do not seem like too many.

Ms. Farmer agreed.

Mr. Commissaris said he thought a limit of 200/400 was acceptable and noted the Kalamazoo 10 theatre would make a great multi-room convention hall.

Ms. Farmer noted the Delta Marriot holds 750 and that 400 in the Kalamazoo 10 building is nothing in comparison. She still thinks 200 maximum is appropriate in the overlay zone but that perhaps the maximum occupancy in the C district should be increased.

Mr. Commissaris thought the local business district could handle more than 400, for example, two events with 350 in each room.

Ms. Farmer said one large room often is broken up with movable partitions; that is how Delta Marriot handles two large groups.

Chairperson VanderWeele took a poll of the group to see what their preference was regarding maximum numbers.

All seven Commissioners agreed the maximum in the overlay zone should be

200 and the maximum in the commercial district should be increased to a possible maximum of 750.

Chairperson VanderWeele asked Ms. Lubbert to return to the group with a new definition and maximum numbers allowed to reflect discussion.

### **PUBLIC COMMENT**

The Chair asked Ms. Stevens-Miller if she wished to comment.

She indicated she was attending to listen and had no comment.

### **OTHER UPDATES AND BUSINESS**

Ms. Lubbert reported the Township is working on a Covid-19 “Go back to Work” plan and this plan will eventually also address public meetings. She asked Commissioners to share their thoughts and preferences for what they foresee for future meetings.

Ms. Maxwell noted it is hard to hear some people in the virtual Zoom meetings.

Mr. Owens noted it was a stormy day and that storms can affect connections.

Ms. Farmer said the Township Hall would stream meetings through use of a land/hard line when new protocols are established, which would make it easier for residents to view the regular meetings. The regular equipment would be employed using a camera, so the whole meeting would be viewed rather than individual screens. That would allow viewing and public comment. It would also allow Commissioners to attend and participate virtually as long as there was an in person quorum and new rules to allow such participation will need to be established.

Mr. Owens commented someone would be needed to moderate the meetings.

The Chair wondered how Ms. Lubbert is coming regarding text amendments to allow smaller projects to be done internally by staff rather than having to come to the Commission for action.

Ms. Lubbert said she does not expect to be able to proceed with that amendment until July.

Chairperson VanderWeele asked if there are agenda items for the next regularly scheduled meeting on May 28<sup>th</sup>.

Ms. Lubbert indicated there are three, possibly four items to be included.

## **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 7:09 p.m.

Minutes prepared:  
May 15, 2020

Minutes approved:  
May 28, 2020