

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A VIRTUAL MEETING HELD NOVEMBER 12, 2020**

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**Agenda**

**PUBLIC HEARING: REZONING REQUEST**

**STORAGE RENTALS OF AMERICA REQUESTED TO REZONE 1515 S. 11<sup>TH</sup> STREET AND PARCEL NUMBER 05-24-452-010 FROM THE C: LOCAL BUSINESS DISTRICT TO THE I-1: INDUSTRIAL DISTRICT OF THE OSHTEMO CHARTER TOWNSHIP ZONING ORDINANCE.**

**PUBLIC HEARING: FUTURE LAND USE MAP AMENDMENT AND REZONING REQUEST**

**CENTERPOINT CHURCH REQUESTED TO CONDITIONALLY REZONE 2345 NORTH 10<sup>TH</sup> STREET FROM THE R-2: RESIDENCE DISTRICT TO THE R-3: RESIDENCE DISTRICT OF THE OSHTEMO CHARTER TOWNSHIP ZONING ORDINANCE. FOR THIS REZONING TO BE APPROVED THE TOWNSHIP'S ADOPTED FUTURE LAND USE MAP'S DESIGNATION FOR THIS PROPERTY NEEDED TO BE AMENDED FROM 'LOW DENSITY RESIDENTIAL' TO 'MEDIUM DENSITY RESIDENTIAL'.**

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A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, November 12, 2020, commencing at approximately 6:07 p.m.

PRESENT:                    Bruce VanderWeele, Chair  
                                  Kizzy Bradford  
                                  Dusty Farmer  
                                  Micki Maxwell, Vice Chair  
                                  Mary Smith  
                                  Anna Versalle  
ABSENT:                    Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist.

There were also several members of the public present.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:07 p.m. He invited those in attendance to join in reciting the Pledge of Allegiance.

**Approval of Agenda**

Ms. Lubbert asked that proposed meeting dates for 2021 be added to “Other Updates and Business” for potential adoption. Chairperson VanderWeele amended the agenda with the requested addition.

**Approval of the Minutes of the Meeting of September 24, 2020**

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of September 24, 2020. Hearing none, he asked for a motion.

Ms. Smith **made a motion** to approve the Minutes of the Meeting of September 24, 2020 as presented. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously by roll call vote.

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

**PUBLIC HEARING: REZONING REQUEST**  
**STORAGE RENTALS OF AMERICA REQUESTED TO REZONE 1515 S. 11<sup>TH</sup>**  
**STREET AND PARCEL NUMBER 05-24-452-010 FROM THE C: LOCAL BUSINESS**  
**DISTRICT TO THE I-1: INDUSTRIAL DISTRICT OF THE OSHTEMO CHARTER**  
**TOWNSHIP ZONING ORDINANCE.**

Ms. Lubbert explained Storage Rentals of America was requesting to rezone 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 from C: Local Business District to I-1: Industrial District. Between the two parcels, the site has a combined area of approximately 12.53 acres. Storage Rentals of America currently utilizes both sites for their self-storage facility. As part of this review, a land combination application will be required, was submitted and approved, but still needs to be recorded.

The self-storage facility was first constructed in 1975. In July of 2000, the zoning ordinance was amended so that mini warehouses and storage buildings are no longer a special use under C: Local Business District and are now only permitted with Planning Commission approval as a Special Use in the I-1: Industrial District. As such, the self-storage facility at this location is a legal- nonconforming use. The requested rezoning of 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 would make the existing self-storage facility a legal conforming use. The applicant indicated an interest in expanding the self-storage facility in the future by adding possibly one or two more storage buildings. Since the request is for a rezoning, such material shall be considered at the time the applicant submits a site plan for modifying the special exception use.

She noted the currently zoned C: Local Business District, Storage Rentals of America is located on the east side of S 11<sup>th</sup> Street, between KL Avenue and W Michigan Avenue. The self-storage facility abuts US 131 to its east and the railway to its north. Adjacent to the west are zoning districts for R-1: Residence District and I-1: Industrial District. Adjacent to the south is zoned C: Local Business District. Designated

wetlands are situated within the northern section of the property. There are 15 one-story self-storage buildings on site along with one single story office building.

Ms. Lubbert referred to the Zoning Enabling Act, which allows Townships to zone property, but does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. She noted the considerations as follows:

1. Master Plan Designation

The Township's Future Land Use Plan categorizes this area—east of S 11<sup>th</sup> Street, west of US 131, south of W KL Avenue, and north of W Michigan Avenue as *General Industrial*, a category intended for manufacturing and other industrial development to create job opportunities and increase wages. The designation includes both light and general industrial uses, warehouse and distribution facilities, heavy commercial, and *storage facilities*. Mini warehouses and storage buildings are permissible with Special Use approval from the Planning Commission under the I-1: Industrial District. From a zoning perspective, the present land use would be consistent with the site's current activity Future Land Use Map, and the Township's Zoning Ordinance. Should approval for the rezoning be granted, it would follow the Township's vision in terms of land use for this area.

2. Consistency of the Zoning Classification in the General Area

Rezoning 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 to I-1: Industrial District would be consistent with current zoning in nearby parcels. The site is currently adjacent to two other industrial uses. These uses include West Side Beer Distributing and a Consumer's Energy Company substation.

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

A pattern already exists west of S 11<sup>th</sup> Street on the south side of W KL Avenue, where numerous industrial facilities have been established, increasing in consistency and intensity westbound while approaching S 9<sup>th</sup> Street. With there being properties to the south zoned as C: Local Business District, the existing commercial uses will act as a buffer to the properties south and west of the site. Due to there being industrial users already established in the area, and this use being in accordance with the Future Land Use map, the rezoning will allow the property to match the established character of the area.

4. Utilities and Infrastructure

Public water and sewer are available at 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010. Any future development on the subject site that requires such public infrastructure needs will be mandated to pay the appropriate water and sewer fees and physically connect to these systems prior to a certificate of occupancy. Regarding the transportation network, the intersection to the north at W KL Avenue and South 11<sup>th</sup> Street is well controlled by a traffic signal. The intersection to the south where S 11<sup>th</sup> Street crosses W Michigan Avenue is also

controlled by a traffic signal. This section of 11<sup>th</sup> street already supports several commercial and industrial uses; staff is of the opinion that if this rezoning is approved, and any other potential industrial use follows, it will not negatively affect the area. Furthermore, the Township's Non-Motorized Transportation Plan does identify a six foot wide Shared Use Path adjacent to the subject site. It should be noted that such facility shall be installed in accordance with Township Sidewalk/Shared Use Path Construction Standards if any expansion is proposed in the future. Three foot wide bike lanes have already been established in both northbound and southbound directions in this portion of S 11<sup>th</sup> Street.

5. Reasonable Use under Current Zoning Classification

Both 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 were once regulated as a special exception use under the C: Local Business District zoning classification. However, mini warehouses and storage facilities such as this do not bring any retail value or other common business characteristics or activity you would typically find in a commercial establishment. The Township identified that mini warehouses and storage facilities were no longer suitable in the C: Local Business District zoning classification as self-storage facilities have been categorized as an industrial use for the past 20+ years. Through the rezoning, the applicant is making efforts to eliminate the legal non-conforming use and make the site comply with the Township's Zoning Ordinance and Future Land Use Plan. The rezoning achieves the Township's goals and also fits the applicant's vision for the site.

6. Effects on Surrounding Property

Rezoning these two properties to the I-1: Industrial District will not have a negative effect on surrounding properties. The applicant has indicated the site's use will not be modified in a significant way in the foreseeable future and rezoning the property will allow for further compatibility in terms of development for surrounding properties. The gradual shift from commercial to industrial from the northern portion of S 11<sup>th</sup> Street to the south side of W.KL Avenue (directly west of S 11<sup>th</sup> Street) is becoming prevalent. With an existing pattern of industrial character and uses in the area, the rezoning would complement adjacent zoning districts.

Ms. Lubbert concluded her presentation with the recommendation that the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject properties from the C: Local Business District to the I-1: Industrial District with the following stipulation:

1. The Approval for Land Combination and related documents shall be recorded with the Kalamazoo Register of Deeds by 12/31/2020. A copy of the recorded documents will be provided to the Planning Department.

Chairperson VanderWeele thanked Ms. Lubbert for her presentation and asked whether Commissioners had any questions for her. Hearing none, he asked whether the applicant wished to speak.

Mr. Kevin Oliver thanked the Commission for considering his request and said he would be happy to answer any questions.

Ms. Maxwell asked if the wetland shown is actually designated as a wetland and wondered whether it could be filled in.

Mr. Oliver said he is not aware of such a designation but the survey is close to complete at which point that will be known.

Ms. Lubbert noted any changes of that nature would first be required to go through site plan review.

Attorney Porter confirmed that any site changes will be carefully looked at during site plan review, but add that this type of details should not be considered with the rezoning request.

Hearing no further comments or questions, Chairperson VanderWeele moved to a Public Hearing. As there were no comments from the public, he moved to Board Deliberations.

Ms. Maxwell wondered why the zoning designation should not just be left as is?

Attorney Porter said there is a downside from a legal standpoint. For instance, if buildings on this site burned down, replacement would be impeded by the zoning ordinance. It makes sense to bring the zoning into compliance with the ordinance.

Ms. Lubbert added that the use under the current zoning designation is 'grandfathered' in so no changes to the existing site layout would be permitted. With the rezoning the use would become compliant and the applicant would be allowed to make modifications to the site.

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

Ms. Versalle **made a motion** to forward a recommendation of approval to the Township Board for the rezoning of the subject properties from the C: Local Business District to the I-1: Industrial District based on the staff report and with the following stipulation:

1. The Approval for Land Combination and related documents shall be recorded with the Kalamazoo Register of Deeds by 12/31/2020. A copy of the recorded documents will be provided to the Planning Department.

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

Chairperson VanderWeele moved to the next agenda item, recused himself due to a relationship with Centerpoint Church, and asked Vice Chairperson Maxwell to chair the meeting for this item.

Vice Chair Maxwell agreed and asked Ms. Lubbert for her presentation.

**PUBLIC HEARING: FUTURE LAND USE MAP AMENDMENT AND REZONING REQUEST**

**CENTERPOINT CHURCH REQUESTED TO CONDITIONALLY REZONE 2345 NORTH 10<sup>TH</sup> STREET FROM THE R-2: RESIDENCE DISTRICT TO THE R-3: RESIDENCE DISTRICT OF THE OSHTEMO CHARTER TOWNSHIP ZONING ORDINANCE. FOR THIS REZONING TO BE APPROVED THE TOWNSHIP'S ADOPTED FUTURE LAND USE MAP'S DESIGNATION FOR THIS PROPERTY NEEDED TO BE AMENDED FROM 'LOW DENSITY RESIDENTIAL' TO 'MEDIUM DENSITY RESIDENTIAL'.**

Ms. Lubbert explained Centerpoint Church was requesting to conditionally rezone their 21.2 acre property located at 2345 North 10<sup>th</sup> Street, from R-2, Residence District to the R-3, Residence District. For this rezoning to be approved, the Township's adopted Future Land Use Map's designation for this property would need to be amended from 'Low Density Residential' to 'Medium Density Residential'.

She noted on April 30<sup>th</sup>, 2020 Centerpoint Church was granted Special Use approval from the Planning Commission to establish a private preschool at 2345 N 10<sup>th</sup> Street. Centerpoint Church requested this conditional rezoning in order to have a Child Care Center onsite to widen their services to care for children under the age of 30 months. She said if this rezoning was approved, the applicant would need to apply for Special Use approval for the Child Care Center - a Special Use within the R-3, Residence District.

Ms. Lubbert provided the following information for consideration.

**SUBJECT PROPERTY:** Currently located in the R-2, Residence District, the existing lot has approximately 1,400 feet of frontage on N 10<sup>th</sup> Street. Neighboring this property directly to the west and southwest are a number of Residential Subdivisions, including: West Port, Countrywood Estates, and Meadowbrook Hills. To the North, East, and southeast are a number of larger un-platted residential lots as well as other churches with frontage to this section of N. 10th Street, including: The Rock Kalamazoo Church, Immanuel Fellowship Church, Kingdom Hall of Jehovah's Witnesses, and People's Church.

**FUTURE LAND USE MAP AMENDMENT:** The Future Land Use Plan and Map were adopted as a part of the 2017 Oshtemo Charter Township Master Plan Update. The Master Plan is a vision for the future of transportation, land use, the economy, environment, and cultural stewardship of our Township. This Plan is revisited at least every five years by the Planning Commission and is the result of countless hours and

efforts of residents, business owners, Township Officials and staff, and consultants over the years. The Master Plan, the Future Land Use Plan and Map can be found at <https://oshtemo.org/master-plan/>.

The Future Land Use Plan defines the vision for land development in Oshtemo Township based on sound planning principles and community input. It builds on the historic development patterns of the community, factoring in the objective to preserve unique environmental features and to protect the rural character of the community. At the same time, the Future Land Use Plan provides direction for anticipated development within the Township in appropriate places for growth.

2345 N 10<sup>th</sup> Street is part of the 'Low Density Residential' land use category. This designation represents the majority of the neighborhoods in the Township as well as those areas planned for future neighborhood development. The Future Land Use Plan emphasizes this land use category as being primarily single-family residential in nature and notes the desire that existing neighborhoods and residential developments be preserved and protected from incompatible land uses. Oshtemo's R-1 and R-2 Residence District zones are appropriate zoning districts for this designation.

The R-3, Residence District is defined as a transitional zoning classification; which allows for three to four family dwellings, office buildings, small animal clinics, banks, etc. A complete listing of allowable uses within the R-3, Residence District can be found in Article 8 of the Townships Zoning Code. Based on the allowed higher intensity of uses, this zoning district is considered to be part of the Future Land Use designation of 'Medium Density Residential'. The West Point Condominium project is zoned R-3 and is an example of the type of uses permitted within the 'Medium Density Residential' district.

Rezoning 2345 N 10<sup>th</sup> Street to R-3, Residence District goes against the Township's adopted Future Land Use Map and Plan. As such, in order for this rezoning to be approved this lot's designation in the Future Land Use Map would need to be amended to 'Medium Density Residential' – in summary the adopted vision for the future development of this area will need to be changed to allow for a higher density zone. By changing this designation any future development considered 'Medium Density Residential' by the Future Land Use Plan would be permitted on this site.

Creating a pocket of 'Medium Density Residential' in the middle of a 'Low Density Residential' area is not appropriate and goes against the Township's and citizens' adopted vision for the area. The 'Medium Density Residential' areas are intended to be used as a transition or, in other words, a buffer between low density residential uses, i.e. single family homes, and commercial zones.

**CONDITIONAL REZONING CONSIDERATIONS:** The applicant requested a conditional rezoning. This means Centerpoint Church offered conditions as part of the request for the rezoning. These conditions are outlined below:

1. Request the conditional rezoning of Centerpoint Church at 2345 North 10<sup>th</sup> Street from the R-2, Residence District to the R-3, Residence District.
2. The facility is currently operating as a Church and a Preschool. The Church in total is 97,000 square ft. and the Preschool occupies 9,000 square ft. of that space.
3. If the property is rezoned, only the addition of a Child Care Center would be permitted. The Child Care Center would serve children under 30 months of age.
4. The total number of children between the Preschool and Child Care Center will never exceed 110.
5. If approved, the Child Care Center would become part of the Preschool's building footprint; the footprint and infrastructure of the Church will not be expanded or impacted by this use.

Ms. Lubbert noted Article 66 of the Township Code outlines the process for a conditional rezoning to be considered, which is consistent with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, she said there are some generally recognized factors that should be deliberated before a rezoning decision is made. She listed those considerations along with staff analysis, incorporating the applicant's proposed conditions, as outlined below:

1. Master Plan Designation

As described in the above 'Future Land Use Map Amendment' section of this report, this rezoning request goes against the adopted Future Land Use Plan for 'Low Density Residential' for this area. Consideration not met.

2. Consistency of the Zoning Classification in the General Area

2345 N 10<sup>th</sup> Street is located in the middle of a large span of R-2, Residence District zoning. Rezoning 2345 N 10<sup>th</sup> Street to the R-3, Residence District is considered 'spot zoning'. Spot zoning is defined as the process of singling out a small section of land for a use classification completely different from that of the surrounding area for the benefit of the owner of such property that is generally at odds with a municipalities' Master Plan and current zoning restrictions. The request to rezone this property to R-3, Residence District is not consistent with the Zoning Classification in the General Area. Consideration not met.

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

When a property is rezoned, that property is permitted to have any of the uses outlined in that zoning district as long as it follows appropriate review procedures. By requesting a rezoning that would allow for only one of the outlined particular uses within the R-3, Residence District the applicant seeks to alleviate the concern of what potential higher intensity use would ultimately

come forward on the site in question. This approach is uncommon but makes sense accompanied by a site plan in areas of the Township that have a specific adopted vision for development that may not be appropriately captured in the current Zoning Code yet. However, in this case there is a distinctive pattern and established vision for the area under consideration to be 'Low Density Residential'. This request goes against the adopted vision of the area. The uses permitted in each zoning district of the code were placed there for a reason by Oshtemo's Planning Commission and citizens in order to control the character and intent of certain areas. If approved, this request would set a precedent that discredits the intent of the Township's Future Land Use Map and planning efforts. Consideration not met.

4. Utilities and Infrastructure

One of the applicants' offered conditions is that the Child Care Center that would result from the rezoning would utilize the existing infrastructure and space within 2345 N 10<sup>th</sup> Street – there would be no new building or addition. This would decrease the impact of the use to the surrounding area. Although no operating times were offered for this use, Staff assumes it would operate the same hours as the approved Preschool. The Preschool was approved to operate Monday through Friday offering full day programs for all Preschool age children with a half-day option. Its earliest available drop off time is 8 a.m. with the latest available pick up time of 6 p.m. If this is the case, the traffic generated by the preschool and in effect the Child Care Center would not conflict with, nor be as impactful as, the traffic generated by the Church. It appears that the site has the infrastructure in place to support this use. If the rezoning is approved, this plan can be further analyzed with the required Special Use approval review. Consideration met.

However, it should be noted that a rezoning to a higher density district is equated with higher intensities in both utility and infrastructure use. Staff cautions that if this conditional rezoning is approved and a precedent is set, then other similar conditional rezoning requests might follow that will put a strain on the infrastructure of the area; which in this case was intended and designed to support only 'Low Density Residential' uses.

5. Reasonable Use under Current Zoning Classification

Under the R-2, Residence District zoning the property is currently successfully operating as a place of worship. The owners also recently gained approval to operate a Preschool for up to 110 children from this location. There is reasonable use under the current zoning classification of R-2. 2345 N 10<sup>th</sup> Street does not need to be rezoned to R-3, Residence District in order for it to be reasonably used. Consideration not met.

6. Effects on Surrounding Property

Although this specific conditional rezoning tied to a Child Care Center may not have direct negative impacts on surrounding properties, as noted in

previous sections of this report, approving this change in the Future Land Use Map and approving this conditional rezoning will set a precedent permitting 'spot zoning' that goes against the intent of the Future Land Use Plan. In essence, it would open the door to other rezoning requests of this nature; not only for other Churches that may want to follow suite and expand their services but also to any property within the Township that wishes to utilize this 'out' from standard zoning practice. Approving this request would in the long term negatively impact Oshtemo as the Planning efforts and vision of the community would be undermined. Consideration not met.

Ms. Lubbert noted the request from Centerpoint Church meets only one of the six considerations and indicated both Legal Counsel and the Planning Department recommended the Planning Commission deny both the request to amend the Future Land Use Map and the conditional rezoning of 2345 N 10<sup>th</sup> Street from the R-2, Residence District to the R-3, Residence District.

She noted that the applicant and other representatives from Centerpoint Church were present and that two letters were received, one from Glynis Fenn and one earlier today from James Palmitessa.

Vice Chairperson Maxwell asked if there were questions for Ms. Lubbert from Commissioners.

Ms. Smith did not understand the need to rezone this property to R-3.

Ms. Lubbert explained that a Child Care Center is not allowed under current zoning.

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

Mr. Larry Harper, Director of Operations at Centerpoint, 2345 N. 10<sup>th</sup> Street spoke and said if approved the hours would not change, would stay within current parameters. He said there would be no change in the number of children to be served. 110 children would be the maximum shared between the Private Preschool and Child Care Center and would have the same impact on the infrastructure. The only change would be the ages of the children. They are trying to impact families currently enrolled and noted more than 60 children being served now also have children under 30 months in the home. The change requested would not have additional impacts on the community. The church sees this change as positive for families and the community. He referred to the letter from Glynis Fenn, included in the PC packet, who said 110 children are too many - he noted that number is not changing. He said he understood the need to protect the community and appreciates that as well as the effort that goes into it.

Vice Chair Maxwell asked if there were questions for Mr. Harper from Commissioners. Hearing none she moved to public hearing and asked if there were comments. Several attendees spoke.

Tara (no last name given), a new church staff member, said she was shocked to find daycare could be offered at the church for such a reasonable price. If the request is approved she would be able to take advantage of daycare for her two year old. The available scholarship opportunity that Centerpoint Church is offering is rare. She thanked the Commission for their consideration.

Jill (no last name or address given), a 40+ year resident who lives behind the church, said she would have welcomed daycare in the neighborhood as a young mother rather than having to travel across town for expensive daycare. That Centerpoint wants to control the rate they charge is a wonderful thing as well as their desire to include the neighborhood in their positive vision for the community. They are always trying to reach out to the community and noted the many free meals they have provided to those in need during the pandemic. Providing daycare for younger children is another opportunity for outreach.

Melanie Ahrens, director at the private preschool, noted families with children currently enrolled are inquiring since they also have children younger than 30 months. She said the pandemic has made it more difficult to find childcare. She read letters and comments from several local families who were supportive of the request for rezoning and agreed to provide them to Ms. Lubbert.

James Palmitessa, 2504 Ramblewood Drive, spoke against the proposal. He recapped the comments he provided in his letter, appended to the minutes.

Ms. Lubbert read the letter from Glynis Fenn, 2300 Ramblewood Drive, who also opposed the request for rezoning. Her letter is also appended to the minutes.

Hearing no further comments from the public, Vice Chair Maxwell moved to Board Deliberations.

Ms. Smith said she felt it was wonderful to want to bring daycare into the neighborhood as she knows the problems in finding preschool and daycare, but the Commission has to be careful and thoughtful about what can be done. The considerations for a rezoning are not met by the request. Other properties in the area also must be considered. Spot zoning for one church, no matter how admirable their intentions, is problematic.

Vice Chair Maxwell asked why Child Care is permitted in a different zoning classification than a Preschool.

Ms. Lubbert said the focus of preschool is on education. Child Care is more of a transactional nature. She gave the comparison to an Adult Day Care or Pet Day Care which are also more akin to a commercial/office type of use.

Attorney Porter agreed that is as good an explanation available. The difficulty isn't the use in and of itself, it is that the conditional rezoning request does not meet zoning ordinance requirements and does not fit within the Land Use Plan. If allowed it would require opening the Land Use Plan for changes along 10<sup>th</sup> Street, looking at restructuring on zoning principles.

Vice Chair Maxwell asked whether there might be a different avenue to accommodate including a Child Care in the R-2 zoning, perhaps as a special use.

Attorney Porter said an R-2 ordinance change within the zoning context would be controversial. If it were just the church it would likely go unnoticed, if a standalone private daycare were proposed it could be problematic. It is the Planning Commission's prerogative to request that a study be done by the Planning Department regarding a possible text change for future consideration to accommodate a Child Care without a zoning change.

Ms. Farmer said many people would be happy to have Child Care available in and around the neighborhood.

Vice Chair Maxwell said Child Care is needed where the children are.

Ms. Smith asked what other uses could be allowed if a change was made to R-3.

Attorney Porter listed a number of uses including offices, 3-4 family developments, banks, credit unions, gravel pits and others. He said there are other possibilities even with conditional rezoning. If allowed, what would we tell other property owners?

Vice Chair Maxwell said she understands why we cannot re-zone as requested.

Ms. Farmer thanked everyone for their comments, noting it is important to hear from the community. She said Centerpoint Church is a fantastic partner with the Township, providing excellent services to the Oshtemo community. She completely understands the struggle. If questioned she would say we should allow Child Care, but that is not what is being considered. Everyone understands the need for affordable and trustworthy Child Care, which is a problem country wide. The Planning Commission should be able to consider ways to allow that activity but it cannot be done with the rezoning request before the Commission. Spot zoning is illegal. The Commission has a greater duty to the community than to push it into litigation to create a precedent. The community created the Master Plan. She would like to explore allowing Child Care in the same places that provide education.

Vice Chair Maxwell agreed and suggested the Commission take up that challenge.

Ms. Versalle also agreed that a discussion that might lead to Child Care is extremely important, but she shared the concerns about the can of worms that could be opened regarding the request before them. She would like to look at other ways to support Child Care where educational opportunities are supported.

Hearing no further discussion, Vice Chair Maxwell asked for a motion.

Ms. VerSalle made a motion to deny the request to conditionally rezone 2345 North 10<sup>th</sup> street from the R-2: Residence district to the R-3: Residence district of the Oshtemo Charter Township zoning ordinance and the subsequent change to the Future Land Use Map based on staff and legal counsel's recommendation due to the fact that the request meets only one of the six rezoning considerations. Ms. Smith seconded the motion. The motion was approved 5-0 by roll call vote, with one abstention (VanderWeele).

Ms. Farmer said the motion for denial should not be an indication that this is the end of discussion for Child Care at Centerpoint Church. We should be able to figure this out.

Attorney Porter felt this issue provided a good discussion and that maybe another avenue can be provided. With the Commission's request for an investigation into a possible text change there is no need for the church to initiate a request.

Ms. Farmer said because of the Covid pandemic, the quicker an investigation can be done the better. Since a textual change would not require rezoning or a change to the Future Land Use Map it should be able to be accomplished a little more quickly.

Mr. Harper said he feels great about everything that has been said. Keeping children together in one facility is even more important during a pandemic.

Vice Chair Maxwell said communication will be kept open.

Ms. Lubbert said she had an amendment idea that could address this issue and will talk about it with Attorney Porter.

Ms. Bradford asked how educational criteria would be handled.

Attorney Porter said that Child Care Centers and Preschools are different under state law and tend to line up with zoning classifications. The question is whether to bring them together or allow them in other zones.

## **PUBLIC COMMENT**

Chairperson VanderWeele resumed the chair and asked for public comment.

Reverend Jeff Porte, lead pastor at Centerpoint Church, thanked Commissioners for their work and candid conversation. He looks forward to continuing to work together to work to make Oshtemo the best area in the city.

Elizabeth (no last name given) said she was impressed with the thoughtfulness and thoroughness of the Commissioners. She loved hearing they believe Child Care is needed and urged that profit vs. nonprofit be considered.

## **OTHER UPDATES AND BUSINESS**

Ms. Lubbert provided a draft of meeting dates for 2021 which will be considered and adopted at the December, 10th Planning Commission meeting.

She also reported Governor Whitmer has extended virtual meeting requirements through December 31st. This will likely be extended again.

Chairperson VanderWeele welcomed the new Planning Commissioner Kizzy Bradford and said the group looks forward to meeting her in person when that becomes possible.

## **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 7:37 p.m.

Minutes prepared:  
November 14, 2020

Minutes approved:  
December 10, 2020