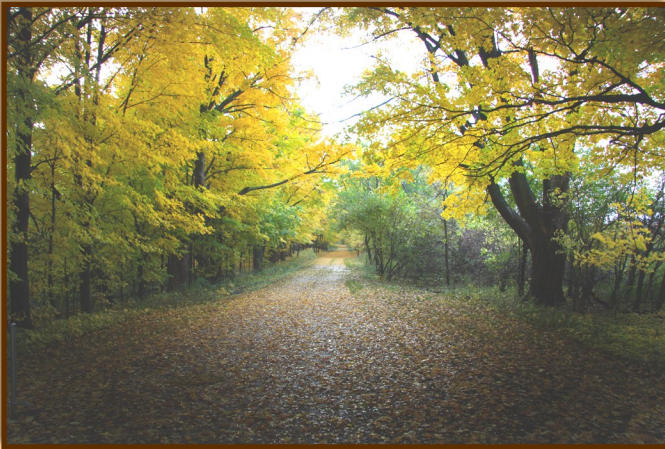


OSHTEMO  
PLANNING DEPARTMENT  
CHARTER  
ANNUAL REPORT  
2020  
TOWNSHIP



## Legislative Requirements

Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) requires the Planning Commission to prepare an annual report for the Township Board documenting the administration of the Zoning Ordinance. It is also a requirement to outline possible future amendments to the Ordinance. This report fulfills this obligation for 2020 and provides updates on the activities and projects planned for 2021.

The Planning Department has expanded the scope of the report to further document the activities of the Zoning Board of Appeals and the administrative activities of the Planning Department staff. By doing so, the document provides a more complete picture of the Planning and Zoning activities in the Township. This report is submitted to the Township Board for review and consideration as it develops its own work plans and budgets for the coming years.

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# PLANNING COMMISSION

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## 2020 ORDINANCE AMENDMENTS

*Lighting*— Concerns were expressed about how the Outdoor Lighting Standards Ordinance (Section 54.60) implemented in September 10th, 2019 could be interpreted, specifically the Ordinance’s intent and the general usage of outdoor upward lighting. After multiple discussions, the Planning Commission agreed to amend the section so that the option to use upward lighting as a means to illuminate building facades was completely removed in order to be consistent with the Dark Sky Initiative and the original intent of the lighting code. The Planning Commission held a public hearing for the drafted amendment on February 27, 2020 where a motion to recommend approval to the Township Board was unanimously accepted. After discussion, the Township Board adopted the Lighting Ordinance amendment in May 2020.

*Keeping of Livestock and Honey Bees Ordinance* — In February 2019, a resident came to a Planning Commission meeting requesting the Township consider allowing the keeping of honey bees as a permitted use. In reviewing the Zoning Ordinance, bees were not addressed and therefore were not permitted. In December 2019, the Planning Commission forwarded a proposed amendment to 57.80 Keeping of Poultry, Swine, Horses, or Livestock to the Township Board with a motion recommending approval. The proposed amendment would allow for the keeping of honey bees for non commercial purposes (following the Generally Accepted Agricultural and Management Practices). The Board requested additional changes be considered for clarification and returned the amendment to the Planning Commission to further develop. After additional research and discussion, the Planning Commission amended the proposed text to address the Township Board’s concerns and at their April 30, 2020 regular meeting unanimously agreed to forward the amendment back to the Township Board for consideration. After discussion, the Township Board adopted the revised Keeping of Livestock and Honey Bees Ordinance amendment in May 2020.

*Setbacks & Accessory Buildings* – Concerns were expressed about how the Township was regulating accessory buildings on residential properties, specifically where they were permitted to be located on a parcel, lot, or building site. After review of the Setback and Accessory Buildings Ordinances, the Planning Commission determined that amendments were needed to clarify where accessory buildings would be permitted and ensure that the two regulations worked in concert. Other areas of interest when considering changes to the Accessory Building Ordinance, in addition to placement, included: height, the treatment of accessory buildings on lots/building sites vs. parcels, and the overall permitted square footage of detached buildings based on lot size. The amendments to these two ordinance sections started in mid 2019 but have gone through various iterations. The Planning Commission held a public hearing for the drafted amendment on March 12, 2020 where a motion to recommend approval to the Township Board was unanimously accepted. After discussion, the Township Board adopted the Setbacks & Accessory Buildings ordinance amendments in May 2020.

*Assembly and Convention Halls*— The Township was approached by a perspective property owner who was interested in establishing a wedding/event venue as a primary use on a commercial property. Examining the Township’s Zoning Ordinance, it was found that 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 there, is considered an accessory element to the primary use of the property. The Planning Commission started work on an amendment to allow Assembly and Convention Halls as a primary use within the Township in February 2020. After multiple drafts and discussions a public hearing for the amendment was held on August 27, 2020 where a motion to recommend approval to the Township Board was unanimously accepted. The Township Board adopted the ordinance amendment on September 22, 2020.

**Child and Adult Foster Care Facilities**—The Township was made aware that the Zoning Ordinance did not identify foster care facilities as allowable uses in any zoning district in Oshtemo. Using State Law MCL 722.111, which outlines the requirements for foster care organizations in Michigan, as a guide, an amendment was drafted which would permit various types of foster care facilities within Oshtemo. This amendment was presented to the Planning Commission at their regular August 27, 2020 meeting. After discussion the Planning Commission unanimously motioned to forward the proposed language to a Public Hearing on September 24, 2020 where a motion to recommend approval to the Township Board was unanimously accepted. After discussion the Township Board adopted the Child and Adult Foster Care Facilities Ordinance amendment in October 2020.

**Child and Adult Care Centers**— In November 2020 the Planning Commission reviewed a conditional rezoning request that asked to rezone a property to a higher intensity in order for the site to have a Child Care Center. Although the rezoning request was denied as it was considered spot zoning, the topic of Child Care Centers piqued both the Planning Commission’s and Public’s interest. There was a general agreement that child care options are important and more flexibility was needed that would allow for more of this type of service. Staff was asked to review the code and see if there was a way to appropriately allow for more Child Care Centers in Oshtemo. Coincidentally, around the same time as the rezoning discussion, a site plan for initial discussion was submitted to staff that entailed an Adult Care Center. After reviewing the code, it was unclear where and if this use was permitted. After discussion with legal counsel it was determined that this use was comparable to a Child Care Center and that a code amendment would be appropriate. For the sake of efficiency, language to address deficiencies in the code regarding Adult Care Centers was incorporated into the proposed Child Care Center code amendment discussion. This proposed code amendment was introduced to the Planning Commission at their regular December 10, 2020 meeting. After discussion the Commission unanimously approved forwarding the proposed text to a Public Hearing on January 14, 2021 where a motion to recommend approval to the Township Board was unanimously accepted. The Township Board will consider the adoption of these amendments in 2021.

**Pools on Corner Lots (front yard setback)** - In November 2020 the Zoning Board of Appeals reviewed and unanimously approved a variance request to permit an in-ground pool to protrude 20 feet into the required 30-foot front yard setback. The property in question was a small corner lot located within a plat. As this was not the first variance approved to allow an in-ground pool to protrude into a corner lot’s front yard the Zoning Board of Appeals requested that the relevant code section be sent to the Planning Commission to consider an update to provide some flexibility to in-ground pools on corner lots. Using the discussion at the Zoning Board of Appeals meeting as a starting point, a proposed amendment was intro-

duced to the Planning Commission for discussion at their regular December 2020 meeting. After discussion the Commission approved forwarding the proposed text to a Public Hearing on January 14, 2021 where a motion to recommend approval to the Township Board was unanimously accepted. The Township Board will consider the adoption of these amendments in 2021.

**UPCOMING ORDINANCE AMENDMENTS**

One of the purposes of the Annual Report is to look ahead to 2021 and anticipate those items that the Planning Commission desires to address or work on over the next 12 months and beyond in the area of planning and zoning. The Planning Commission reviewed a list of their pending ordinance amendments to set priorities. The Planning Commission identified the following three amendments as their top priorities for 2021:

1. 5G
2. Maple Hill South Mixed-Use Overlay District
3. Sidewalk, lighting, dry sewer in developments

Other ordinance amendment topics that were considered and are also on the Planning Commissions project list include: Permitted Uses, Permitted Uses with Conditions, and Special Uses; Village Form Based Code Overlay Zone; Signage; Marijuana; Nonhazardous materials; and Go Green Oshtemo.

**REZONINGS**

The Planning Commission received four rezoning requests in 2020; four more requests than in 2019. A summary of the rezoning requests are provided below.

Rezoning Reviews in 2020:		4
Request / Address	PC Decision	Public Hearing
R-2 to R-3 / 2963 S 11th St, Unaddressed S 11th St, and 3065 S 11th St	Approved	3/26
AG to RR / Portions of 9037 West G Ave	Approved	7/28
R-2 to R-3 / 2345 N 10th St	Denied	11/12
C to I-1 / 1515 S 11 <sup>th</sup> Street and Unaddressed S 11 <sup>th</sup> St,	Approved	11/12



## SUBDIVISION/SITE CONDOMINIUMS

No new subdivisions were submitted to the Township in 2020. However, two subdivisions in the process of development approval were reviewed. Mystic Heights received Step 3 approval. The development had previously received Step 1 approval, which includes a recommendation from the Planning Commission. Steps 2 and 3 of the approval process are managed by the Township Board. Staff included this project within this report to more clearly outline the Planning Departments workload in 2020 and to provide continuity of the approval process throughout the life of the developments. Step 3 approval means that all planned infrastructure has been installed within the development, accepted by the Township, and allows the developer to start building homes. It should be noted that in order to meet the legal conditions of approval tied to Mystic Heights, staff created and implemented a new process ensuring that the agreed upon tree preservation efforts are followed. In addition, the third phase of the approved West Point residential condominium project on N 10<sup>th</sup> St was finalized so building permits for new residential dwelling units can be issued.

## SPECIAL EXCEPTION USES

A total of eight Special Exception Use applications were submitted to the Planning Department in 2020, which is four less than were evaluated in 2019. All but one were approved, each with a specific set of conditions, which the applicant was required to meet as part of the development of the project.

The *Total Special Exception Use Reviews in 2020* table can be found on the following page.

Three of the Special Exception Uses were for new construction. Arbor Credit Union on West Main Street wished to expand their site to accommodate their growing facilities and needs. This project included construction of a new service facility onsite. Pathway Solutions, though the request was denied by the Planning Commission, wished to construct a new communication tower on the north western side of the Township. Jiffy Lube requested to build a new car service facility.

One of the approved Special Exception Uses was for a temporary outdoor event within the Township, which is three less than in 2019. The request was from Orange Theory Fitness who wished to hold outdoor work out classes.

The Planning Commission often permits staff to administratively review temporary outdoor events once they have been approved through the public hearing process. While one event was approved by the Planning Commission in 2020, a total of six events were held throughout the year. The *Total Administratively Reviewed Temporary Outdoor Events in 2020* table can be found on page eight of this report.

## SITE PLAN REVIEW

In general, the Planning Commission does not review site plans unless they are attached to a Special Exception Use. In 2020, one site plan was submitted to the Planning Commission that did not require special use review, two less than in 2019. The one site plan was reviewed by the Planning Commission because of the significant number of proposed site improvements tied to a previously approved Special Use. The one site plan review by the Planning Commission is as follows:

Total Site Plan Reviews in 2020:		1
Project Name / Address	PC Decision	Approval Date
Maple Hill West Expansion/ 6883 W Main St	Approved	2/27

## MEETINGS / ATTENDANCE

The Planning Commission had a total of 27 meetings scheduled in 2020; 24 regular meetings, one special meeting, and two joint meetings. Of the 24 planned regular meetings, 19 meetings were held and five canceled due to lack of agenda items or because of Covid-19 restrictions. Due to necessity, the Township needed to transition to hosting virtual meetings through Zoom. The Planning Commission's regular meetings were held on the second and fourth Thursdays of each month. November and December had only one meeting each due to the holidays. As shown in the table below, the Planning Commission is highly engaged and has a strong participation record. It should be noted that two new members were appointed at the end of 2020: one to replace Commissioner Dusty Farmer, whose term ended, and another to replace Commissioner Ron Commissaris, who passed away on July 21, 2020.

Commission Members	Attendance
Bruce VanderWeele	17/19
Anna Versalle	14/19
Ron Commissaris	12/14
Chetan Vyas	16/19
Dusty Farmer	13/17
Micki Maxwell	17/19
Mary Smith	13/19
Kizzy Bradford	2/2
Deb Everett	0/1

***SPECIAL EXCEPTION USES Continued***

<b>Total Special Exception Use Reviews in 2020:</b>				<b>8</b>
<b>Project Title / Address</b>	<b>Applicant</b>	<b>Use/Project Summary</b>	<b>PC Decision</b>	<b>Date</b>
Fruit Belt Trail/ unaddressed	Oshtemo Township	Special Use approval to preserve and dedicate 35 acres of land to outdoor public recreation, specifically to install a nonmotorized trail extending from Flesher Field to the Township's south border	Approved	2/27
Panera Drive-Thru/ 5119 W Main Street	Manna Development	Special Use and Site Plan approval to alter the existing building at 5119 W Main St to allow for a drive-thru window, lane, and storage	Approved	3/15
Arbor Credit Union/ 1551 W Main St	Glas Associates	Special Use and Site Plan approval to expand the existing credit union and construct a new member service facility	Approved	4/30
Center Point Church/ 2345 N 10th Street	Center Point Church	Special Use approval to establish a private pre-school for up to 110 children	Approved	4/30
Pathway Solutions/ 8619 S Kl Ave	Pathway Solutions	Special Use and Site Plan approval for a Wireless Communication Tower	Denied	7/16
Jiffy Lube/ 660 W Main Street	Traditional Brand Development Partners, LLC	Special Use and Site Plan approval to construct a new vehicle service facility	Approved	7/30
Orange Theory/ 1750 S Drake Rd	AHRLELMG, LLC	Special Use approval to utilize the existing parking lot to host temporary outdoor workout sessions	Approved	8/13
Bethany Christian Services/ 6350 W Kl Ave	Bethany Christian Services of Michigan	Special Use and Site Plan approval to establish a Child Caring Institution to serve up to 12 minor children in the existing building located	Approved	12/10

# ZONING BOARD OF APPEALS

In total, nine applications were reviewed by the Zoning Board of Appeals (ZBA) in 2020. This is up from 2019 by two applications.

## SITE PLAN REVIEWS

Five site plans were reviewed by the ZBA in 2020, which is two more than were considered in 2019. Of these reviews, two were for new construction, and three were for additions to existing buildings. See summary table at the top right.

## DIMENSIONAL VARIANCES

The ZBA reviewed four dimensional variance requests in 2020, the same amount as in 2019, see the *Total Dimensional Variance Requests in 2020* table at the bottom of the page for a summary. A variance is a “license to use property in a way not permitted under the ordinance.” If the Township received a large number of variance applications each year on a specific ordinance requirement, it could mean there is something wrong with that ordinance, necessitating a review that may warrant an ordinance revision.

Variations are considered carefully and under normal circumstances rarely granted. The approval rates tend to be high for dimensional variances within the Township because of Planning staff efforts to filter requests that do not meet the legislative and legal requirements for granting approval, including: ensuring the spirit of the ordinance is observed, public safety is secured, substantial justice done, a practical difficulty exists, there is a unique circumstance found on the property, and that the problem is not self-created.

## MEETINGS / ATTENDANCE

ZBA meetings are scheduled on the fourth Tuesday of each month. In 2020, of the twelve regularly scheduled meetings, eight were held and four canceled due to lack of agenda items or restrictions due to Covid-19. In addition, the ZBA was invited to the two joint meetings that were held in 2020. As shown on the table on the right, the ZBA is highly engaged and has a strong participation record. It should be noted that Dusty Farmer was appointed at the end of 2020 to replace Board member Cheri Bell, whose term ended.

Total Site Plan Reviews for 2020:			5
Project Name/ Location	Use	Decision	Date
Ashley Home-store Addition/ 5157 W Main St	Commercial	Approved	1/28
Stadium and 11th Office Building/ 2240 S 11th Street	Office	Approved	4/28
One Way Products Addition/ 5933 W Kl Ave	Industrial	Approved	7/28
Advance Poured Walls/ Unaddressed	Industrial	Approved	12/15
One Way Products Addition/ 5933 W Kl Ave	Industrial	Approved	12/15

Board Members	Attendance
Ollie Chambers	2/8
Cheri Bell	4/7
Micki Maxwell	7/8
Neil Sikora	7/8
Anita Smith	6/8
Fred Antosz	7/8
Fred Gould	7/8
Dusty Famer	1/1

Total Dimensional Variance Requests in 2020:				4
Address	Applicant	Variance	Date	Decision
3274 S 6 <sup>th</sup> St	Logan Wingard	A 40-foot front yard setback from the public right-of-way where a 70-foot setback would be required for a new carport.	4/48	Approved
6699 W Main St	Universal Sign, Inc.	A sign deviation of 20 square feet.	5/26	Approved
798 Laurel Wood St	Melvina Gillespie	A 4-foot rear yard setback where a 10-foot setback would be required for a new deck.	8/25	Approved
5359 Sweet Briar Dr	Frank H. and M. Jamie Jeremy	A 10-foot front yard setback where a 30-foot setback would be required for a new inground pool.	11/17	Approved

# PLANNING DEPARTMENT REVIEWS



Township Hall

The Planning Department processes all of the development applications that are submitted to the Township, including rezoning requests, variances, site plans, building, sign, and sidewalk permits. In 2020, a total of 393 applications were reviewed by Planning Department staff, which is 55 less applications than reviewed in 2019 and 42 more than in 2018.

The Zoning Ordinance grants the authority to the Planning Department to administratively review and approve site plans in certain instances. These include minor amendments to a previously approved site plan, accessory buildings that meet certain criteria, one-day temporary outdoor events, and communication tower co-locations or upgrades. A total of 13 administrative development reviews were conducted in 2020, which is five less than completed in 2019. A brief summary of the 2020 staff level reviews are found below and on the following page.

In addition to the applications noted above, the Planning Department also completed reviews for land divisions, sign permits, and building permits. These reviews account for a significant portion of the Zoning Administrator’s daily activities.

## COMMUNICATION TOWER CO-LOCATIONS OR UPGRADES

Total Communication Tower Reviews in 2020:		1
Address	Applicant	Approval Date
6831 Stadium Dr	AT&T	9/18

## BUILDING PERMITS

Planning Department staff reviews building permit applications that are subject to zoning compliance as determined by the Southwest Michigan Building Authority to ensure that all requirements of the zoning ordinance are met. Staff also checks for any conditions of approval that may have been placed on the property by the Planning Commission or Zoning Board of Appeals during the plan review and approval process. In 2020, the Township issued 487 building permits, which is a 21 percent decrease from the 591 reviewed in 2019. Of the total number of permits issued, 292 or 60 percent required zoning review by the Township Zoning Administrator. This is a slight decrease from the 310 building permits that required zoning review in 2019.

## SIGN PERMITS

Sign permits were down by 8 percent in 2020. A total of 41 sign permits were issued, which is nine less than 2019. New signs were just over half of the permits issued in 2020, at 24 permits. The remaining 17 permits were for temporary signs or panel replacement signs. The majority of the total sign permits were issued to addresses on West Main Street, with the remaining sign permits primarily on Stadium Drive and the Drake Road and 9th Street corridors.

## LAND DIVISIONS

In 2020, the Zoning Administrator worked with the Assessing Department to review 13 land division, re-description, or combination applications, which is up by two applications from 2019. The task of the Zoning Administrator is to ensure that the requested change to property boundaries meets all of the area requirements established in the Township’s Zoning Ordinance.

## SIDEWALK PERMITS

In 2015, the Township initiated a sidewalk permitting process to help ensure new sidewalk development meets regulatory standards. These requirements incorporate the Americans with Disabilities Act standards for accessible design. The permit requires both a pre- and post-concrete pour inspection, which is managed by the Ordinance Enforcement Officer. In 2020, a total of 27 sidewalk permits were issued. This is a 45 percent decrease from 2019 when 49 permits were issued. The number of sidewalk permits issued is indicative of the residential construction occurring in the Township.

## MINOR AMENDMENTS TO AN APPROVED SITE PLAN

Total Minor Amendments Administratively Reviewed in 2020:			7
Address	Applicant	Use	Approval Date
7561 Stadium Drive	TKBII Investments	Installation of a 500 gallon above ground fuel tank	6/23
2345 N 10th St	Center Point Church	Playground for Preschool	7/17
7100 Stadium Dr	Diekema Hamann Architecture & Engineering	Office renovation	8/26
5622 W Main St	Maple Hill Auto Group	New charging stations	10/19
6585 W Kl Ave	Dunshee Body and Frame	1,900 sqft addition and parking lot expansion	10/22
West Port Village Condominiums	Visser Construction	Sidewalk relocation	11/6
5650 W Main St	Two Squared Development	Amendment to the proposed Westgate Access Driveway	11/6

## TEMPORARY OUTDOOR EVENTS

Total Administratively Reviewed Temporary Outdoor Events in 2020:			5
Address	Applicant	Event	Approval Date
8456 Stadium Dr	Lawton Ridge Winery	Food truck on site Wednesday evenings April 15th through October 28th	3/10
6660 W Main	TNT Fireworks	Temporary outdoor sales of fireworks from the parking lot from June 24 – July 5, 2020	6/1
5034 S KL Ave	The Good Stuff Fireworks	Temporary outdoor sales of fireworks from the parking lot from June 18 – July 9, 2020	6/9
5215 Century Ave	Sportsman's Warehouse	Sportsman's Warehouse Grand Opening June 25th—27th	6/25
5030 W Main Street	Wahmhoff Farms	Outdoor Christmas tree sales event November 25th through December 23rd	10/23