

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A VIRTUAL MEETING HELD AUGUST 13, 2020

Agenda

**PUBLIC HEARING: SPECIAL USE, ORANGETHEORY FITNESS TEMPORARY
OUTDOOR EVENT (LASTING MORE THAN ONE DAY)**

Orangetheory Fitness is seeking Special Use approval to host daily outdoor workouts in their parking lot from 5:30 a.m. to 11:00 a.m. and two to three evenings per week from 5:00 p.m. to 8:00 p.m. at 1750 South Drake Road Suite C. Outdoor workouts are proposed because the State of Michigan shut down indoor fitness facilities because of COVID-19. Use is proposed to continue until fitness facilities can reopen or until weather does not allow.

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 13, 2020, commencing at approximately 6:07 p.m.

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

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

Guests present were Anne Antor and Heather Reece, Applicant and Owners of Orangetheory Fitness.

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

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

Approval of the Minutes of the Meeting of July 30, 2020

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

Ms. Smith made a motion to approve the Minutes of the Meeting of July 30, 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: SPECIAL USE, ORANGETHEORY FITNESS TEMPORARY OUTDOOR EVENT (LASTING MORE THAN ONE DAY)
ORANGETHEORY FITNESS WAS SEEKING SPECIAL USE APPROVAL TO HOST DAILY OUTDOOR WORKOUTS IN THEIR PARKING LOT FROM 5:30 A.M. TO 11:00 A.M. AND TWO TO THREE EVENINGS PER WEEK FROM 5:00 P.M. TO 8:00 P.M. AT 1750 SOUTH DRAKE ROAD SUITE C. OUTDOOR WORKOUTS WERE PROPOSED BECAUSE THE STATE OF MICHIGAN SHUT DOWN INDOOR FITNESS FACILITIES BECAUSE OF COVID-19. USE WAS PROPOSED TO CONTINUE UNTIL FITNESS FACILITIES CAN REOPEN OR UNTIL WEATHER DOES NOT ALLOW.

Ms. Lubbert indicated Ann Antor and Heather Reece, with Orangetheory Fitness, were requesting Special Use approval to hold a temporary Outdoor Event (lasting more than one day) in the parking lot behind their business located at 1750 S. Drake Road, within the Corner at Drake PUD.

Due to Covid-19, she said a number of business types are currently required to be shut down for safety purposes, including indoor fitness and gym facilities. As there is no clear end in sight for the shutdown, Orangetheory was requesting to be able to hold outdoor workout sessions in their parking lot so that the business can continue to retain their staff of 15 and reactivate members that provide revenue.

Ms. Lubbert said Temporary Outdoor Events lasting more than one day are considered Special Uses which require review and approval by the Planning Commission. When considering a Special Use request, two sections of the Zoning Ordinance need to be addressed. The first outlines the requirements for Special Uses in general and the second outlines the requirements specific to considering Temporary Outdoor events (lasting more than one day).

Before addressing the specifics of the review criteria, she provided additional details on what was being proposed. The proposed plan was to block off 15 parking spaces with traffic cones and/or 4' tall sections of temporary metal fencing to create a designated work out area. Classes would run from 5:30am-11am daily along with two to three evening sessions per week from 5:00 p.m. – 8 pm. Each class would be limited to 12 people per session. The use is proposed to continue until the State allows indoor fitness facilities to reopen or until the weather becomes inclement. Orangetheory's bathroom facilities located in suite C will be open to support this use.

She said Section 65.30 of the Ordinance outlines the requirements that all Special Uses need to meet for approval. Fitness centers are a commercial use, which is

appropriate for the commercial center into which this request falls. Staff had no concerns about zoning. A full site plan set is not required for outdoor events, but a layout plan is required and was provided. The applicant was proposing to block off 15 of their parking spaces. The two ADA spaces by that area would remain open. However, 2018 aerial photos reveal that there are actually four ADA spaces at this location – two of which and their access aisle are proposed to be blocked off. She recommended the workout area be reconfigured so all four ADA spaces remain open.

Ms. Lubbert said as far as impacts are concerned, the proposal would remove 15 parking spaces from this specific development for an unknown amount of time. There are five suites within this strip mall. Currently the only tenants are Orangetheory Fitness and Firehouse Subs, taking up three of these units. One small suite is vacant in the building and the remaining large suite is currently under construction for a restaurant. The restaurant, however, will not be opening until at least early 2021. Because of this there is currently ample parking available onsite. The proposed special use will not, in effect take away parking needed to support other businesses. The layout will not impact driving aisles, fire lanes, or emergency vehicles.

From a noise perspective, she said outdoor exercise classes will obviously generate more noise than indoor classes, however, the sound levels are not expected to be excessive for a commercial area. There are also no neighboring residential uses that this could impact. The proposed parking lot barrier devices/workout area are located behind the building so the proposed Special Use would not be visible from Drake Road. No outdoor equipment storage or trailer parking is proposed.

Mr. Lubbert indicated that, overall, requirements for this section have been met.

She said the second grouping of criteria needing consideration was under section 49.240, which outlines the considerations for Temporary Outdoor Events lasting more than one day. Overall these requirements have also been met. She noted the fire marshal had no concerns with the proposed layout and that the property owner, Corner @ Drake, LLC, is aware of and supports this request. She also noted the owner has been in communication with their other tenant, Firehouse Subs, about the proposed Orangetheory outdoor classes plan, and they are supportive. Orangetheory will request that their members park in the back row of the parking lot (closest to Costco), which will mitigate the impact on Firehouse Subs.

Ms. Lubbert said Planning Department staff were satisfied the project meets all Special Use requirements and recommended the Planning Commission grant Special Use approval for outdoor workout sessions, subject to the following conditions:

- 1) Revised layout plan of the exercise area be submitted that does not block any accessible parking spaces.
- 2) The Special Use will be allowed until the State allows indoor fitness facilities to reopen or until the weather becomes inclement.

- 3) If for some reason this use does have a negative effect on parking in this development - for example, if the empty units are filled and there isn't enough parking, the Special Use will need to be modified accordingly or cease.

Chairperson VanderWeele thanked Ms. Lubbert for her report and asked if Commissioners had questions for her.

Ms. Smith said she is familiar with the area and noted the usual line of cars at Firehouse Subs during lunch time. She wanted to confirm that they are agreeable to the 5:00 – 8:00 p.m. sessions.

Ms. Lubbert said Firehouse Subs have no objections.

The Chair determined there were no other questions and that Commissioners were in support of the request. He asked whether the applicant wished to speak.

Ms. Anne Antor thanked the Commission for their consideration. She explained at the time Orangetheory closed on March 16 they had over 800 members. The shut-down has been difficult and that all support funds have been exhausted. They have been able to keep their staff employed, want to keep them employed and provide the opportunity for members to return. Their corporate entity has approved the proposed plan.

Commissioners had no questions for Ms. Antor. There was no public present to participate in a Public Hearing. The Chair moved on to Board Deliberations.

Ms. Farmer said she felt this was a great use of the outdoor event provision. Everyone agreed they were in support of this request.

Chairperson VanderWeele asked for a motion.

Ms. Farmer made a motion to approve the Orangetheory Special Use request as presented for outdoor workout sessions, subject to the following three conditions:

- 1) A revised layout plan of the exercise area shall be submitted that does not block any accessible parking spaces.
- 2) The Special Use will be allowed until the State allows indoor fitness facilities to reopen or until the weather becomes inclement.
- 3) If for some reason this use does have a negative effect on parking in this development - for example, if the empty units are filled and there isn't enough parking, the special use will need to be modified accordingly or cease.

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

OLD BUSINESS

There was no old business to consider.

PUBLIC COMMENT

Chairperson VanderWeele determined there were no members of the public present, and moved to the next agenda item.

OTHER UPDATES AND BUSINESS

Ms. Lubbert reported she and Township Supervisor, Ms. Libby Heiny-Cogswell, presented the idea of live streaming Planning Committee meetings to the Township Board at their last meeting. They were in support of the proposal and felt Zoning Board of Appeals meetings should be live streamed as well. Streaming will begin with the Planning Commission meeting of August 27. For the time being the meetings will be streamed on the Public Media Network (PMN). Eventually they will be live on Facebook. She noted Comstock and other entities have been doing this for some time.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:27 p.m.

Minutes prepared:
August 14, 2020

Minutes approved:
August 27, 2020