

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD SEPTEMBER 22, 2022**

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**Agenda**

**PUBLIC HEARING: CONCEPT PLAN, SUNSET POINTE CONDOMINIUM**

Scott Carlson, on behalf of Sunset Point Condominiums LLC, was requesting feedback on a proposed condominium development comprised of 24 duplex buildings (48 units), a club house, a community pool and associated parking lot within, R-3 Residence District, located at the intersection of Meridian Avenue and Sunset Road. (Parcel 05-26-460-021.) No formal action by the Planning Commission.

**PUBLIC HEARING: SPECIAL USE, HERITAGE CHRISTIAN REFORMED CHURCH**

Heritage Christian Reformed Church was requesting special use approval to establish a preschool within the existing principal building located at 2857 S. 11<sup>th</sup> Street, R-3: Residence District. (Parcel No. 05-25-455-012)

**PUBLIC HEARING: SPECIAL USE, THE VILLAGE CHILDCARE CENTER**

Crystal Curtis, representing The Village Childcare Center, was requesting special exception use approval to establish a child care center within three existing suites of a multi-tenant commercial center located at 5320 Holiday Terrace, C: Local Business District. (Parcel No. 05-25-405-037)

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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, September 22, 2022, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

**ALL MEMBERS**

**WERE PRESENT:**

Bruce VanderWeele, Chair  
Kizzy Bradford  
Deb Everett  
Micki Maxwell, Vice Chair  
Alistair Smith  
Anna Versalle  
Chetan Vyas

Also present were Colten Hutson, Zoning Administrator, James Porter, Township Attorney, Martha Coash, Recording Secretary, Kyle Mucha of McKenna, Dan Lewis, Attorney and Civil Engineer, Curt Aardema of AVB, Crystal Curtis, Village Childcare Center, and approximately 20 guests.

## **Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and those in attendance joined in reciting the Pledge of Allegiance.

## **Approval of Agenda**

The Chair asked if there were any changes to the agenda. Hearing none, he let the agenda stand as published.

## **Public Comment on Non-Agenda Items**

Mr. Curt Aardema, representing AVB and Hinman, said he was present to check in on the progress on the Maple Hill Sub-Area plan since it has been 10 weeks since the last work session on this topic, which he felt was productive. He noted the commitment by planners that a draft document would be available in September, but it looks like it will be October. He expressed a desire for transparency and looks forward to the process, including involving the public in meetings.

He asked, if possible, that a draft copy of the document be available for public preview prior to the meeting when it will be considered, so that everyone can see the comments before the discussion. He looks forward to a productive meeting and hopes the process will be completed by the end of this year.

Mr. Travis Hill, 2642 Wildemere Street, asked about sewer project progress.

Attorney Porter said since the Planning Commission does not have jurisdiction regarding the sewer project his questions should be directed to the Township Board, but indicated the Court of Appeals is likely to rule on the related case in the next two months; it expected the project will move forward then.

## **Approval of the Minutes of the Meeting of September 8, 2022**

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of September 8, 2022. Hearing none, he asked for a motion.

Mr. Vyas **made a motion** to approve the Minutes of the Meeting of September 8, 2022, as presented. Ms. Versalle **seconded the motion**. The **motion was approved unanimously**.

Chairperson VanderWeele moved to the next agenda item.

**PUBLIC HEARING: CONCEPT PLAN, SUNSET POINTE CONDOMINIUM  
Scott Carlson, on behalf of Sunset Point Condominiums LLC, was requesting  
feedback on a proposed condominium development comprised of 24 duplex**

**buildings (48 units), a club house, a community pool and associated parking lot within the R-2 Residence District, located at the intersection of Meridian Avenue and Sunset Road. (Parcel 05-26-460-021.) No formal action by the Planning Commission.**

Mr. Kyle Mucha, of McKenna, indicated that on behalf of the Township's Planning Department McKenna performed a conceptual review of this site condominium application and offered a number of comments on their findings for the Planning Commission's consideration. He particularly addressed the amount of open space proposed, (20%) and set back requirements – all but one site comply. The one site that does not meet the requirements will be altered to comply. Also, they have suggested side alleys to limit contact between sidewalk pedestrian traffic and vehicle traffic.

Mr. Dan Lewis, Civil Engineer, and the applicant's Attorney were also present to answer questions from Commissioners. Mr. Lewis said market research shows duplexes are in demand and successful near this site and in Kalamazoo County as a whole and are permitted in R-2.

He noted approval would consist of two steps as required: approval of the site plan as well as approval after construction.

He said the applicant is hesitant to go through steps one and two before receiving Planning Commission and public input before going through the full design process.

Mr. Lewis also noted the 35 foot proposed buffer around all borders of the property, up from the required 20 feet. All other setbacks with the one exception noted exceed requirements.

Phase III is not being proposed at this time as it would require a secondary access road which does not currently exist. Phase III will not be addressed until a future time if a secondary road touches the property. There is no frontage on Stadium Drive, but something may come to the southeast corner and could intersect anywhere in that area. They will keep going north for any other future residential projects.

He explained the distance from the face of the buildings to the sidewalk will be 30-31 feet. They do not want people parking over the sidewalk and feel this would provide plenty of room. Two car garages will be provided for each duplex half, with comfortable parking for three. Street parking will not be encouraged unless someone has a gathering; it should not be routine.

In response to a question from Mr. Vyas, he indicated the clubhouse will be located in the center of the parcel.

Chairperson VanderWeele opened a public hearing and invited those attending to address the Planning Commission.

Mr. Phil Hassing, 2952 Sunset, said he believed the property is deed restricted for single family dwellings. If it is R-2, he did not know when that rezoning occurred as it was restricted when he moved in years ago. He was concerned about traffic density with only one access. Meridian/Sunset cannot handle that amount of traffic. People speed as they cut through the plat now. Adding another estimated 200-300 car trips per day is not acceptable unless there is another access on Stadium Drive. Also, residents will not stand for subsidizing a sewer project for this development.

Mr. Josh Jackson, 2931 Sunset, hoped the developer would retain the existing foliage in the existing densely wooded area and agreed with Mr. Hassing that residents would not subsidize sewers for this development. If the developer wants to assist with that it would be looked at more positively.

Mr. Brian Himmelein , 2935 Sunset, was also concerned about additional traffic and said in over 20 years not one dime has been spent to maintain the road and that it is the worst in the Township. The proposed clubhouse would be at the back of his property and he would like to keep the wooded area and its wildlife rather than having to look at condos. He agreed an additional road is needed off Stadium Drive even for the 48 units proposed, and with the unwillingness to subsidize sewers.

Dr. Lisa Augustyniak, 2615 S. 9<sup>th</sup> Street, said her horse pasture borders the proposed development and she is not sure the proposed setback is enough. She was also concerned about increased traffic congestion but was unclear about the advantage of a second access point. Everyone enjoys this property. She is looking to ensure beautification and feels development is occurring too fast in this area.

Mr. Travis Hall, 2642 Wildemere, said it would be helpful to reach out to the community to provide public dialog. The 35 foot buffer zone needs clarification. He is concerned about the crest in the road at Speedway as it is difficult to see traffic over the hill. He was against subsidizing spending with taxpayer dollars, but agreed with previous speakers that the current road is in terrible shape.

Ms. Louise Schaner, 2746 Windemere, echoed traffic concerns. There are accidents at 9<sup>th</sup> and Stadium every day and she noted the difficulty seeing over the crest in front of Speedway. She does not want to see beautiful trees clear cut or to lose the wildlife in the area and did not feel a 35 foot buffer is enough. She was also concerned three parking places per each unit were not enough. She has lived there for about 30 years and was not aware the area had been designated R-2.

Ms. Brenda Schuur, 6450 Meridian, said her property is next to the proposed development and her concerns are worsening traffic congestion, opposition to paying for sewers, and loss of wildlife. When purchasing her property she was told there would never be development next to her. Too many units will be added to their small community.

Ms. Trish Jackson, 2981 Sunset, echoed her neighbors' comments. She bought

her property three years ago; a large reason was the property that includes trees and wildlife. Although they are on Stadium Drive it does not feel like it. There is a lot of traffic on two very short streets and it is already hard to get out. She will not pay for a sewer for a development that none of the residents want.

Hearing no further comments, Chairperson VanderWeele thanked the speakers for their input and closed the public hearing.

Attorney Porter reported that regarding deed restrictions cited by speakers, no evidence was found of a restriction, but a title search is underway to see if there is one.

Ms. Maxwell and Ms. Versalle both shared speakers' concerns about traffic and said that should be looked at appropriately.

Attorney Porter said the primary authority on roads is the Road Commission, not the Township but that the concerns expressed are shared by the Township. Adding a cross street and light are being explored. The developer wants to work with the Township in this area. It is hoped the addition will take the pressure off and calm traffic.

Ms. Bradford said it sounds like the main concern of residents is traffic/safety. A happy medium needs to be found because we need more housing. Residents, the Township, and the community will need to meet somewhere in the middle.

Mr. Lewis offered two clarifications: 1) The existing sanitary sewer on Stadium Drive will be utilized. Residents will not pay for sewer. 2) The 35 foot buffer will allow trees and existing vegetation to be preserved.

Hearing no further comments, the Chair moved to the next item on the agenda and asked Mr. Hutson for his presentation.

**PUBLIC HEARING: SPECIAL USE, HERITAGE CHRISTIAN REFORMED CHURCH**  
**Heritage Christian Reformed Church was requesting special use approval to**  
**establish a preschool within the existing principal building located at 2857 S. 11<sup>th</sup>**  
**Street, R-3: Residence District. (Parcel No. 05-25-455-012)**

Mr. Hutson explained Heritage Christian Reformed Church was requesting special use approval to establish a preschool within the existing principal building located at 2857 S 11<sup>th</sup> Street. Two existing rooms within the subject building will serve as preschool classrooms for students enrolled in the pre-K school program with the Kalamazoo Christian School Association.

2857 S 11<sup>th</sup> Street is a stand-alone parcel located along the east side of S 11<sup>th</sup> Street, north of Parkview Avenue, and west of US-131. The preschool is proposed to be located within two classrooms located in the south wing of the existing building on-site.

Each classroom will be approximately 750 square feet. Up to 34 children between the ages of four and six are being proposed as well as two teachers. The

applicant noted that as a part of their license with the State of Michigan an outdoor play area will need to be established in the grassy area east of the building on-site. 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 preschool's hours are proposed to be Monday through Friday from 7:30 am - 3:30 pm.

Section 65.30: Special Use Review Criteria

Mr. Hutson reviewed the special use criteria for Commissioners and indicated the proposal meets all requirements.

RECOMMENDATION:

Mr. Hutson said Planning Department staff recommended the approval of the proposed special exception use for the preschool with the following five conditions:

- 1) The preschool will serve up to 34 children between the ages of four and six.
- 2) Hours of operation will be 7:30 am - 3:30 pm Monday through Friday.
- 3) All existing circulation aisles, fire lanes, and emergency vehicle turning areas on-site shall be maintained at all times.
- 4) Fencing, at a minimum height of 4', shall be installed between the outdoor play area and the highway.
- 5) 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.

Chairperson VanderWeele asked if there were any questions from Commissioners.

Ms. Everett noted the fourth recommendation requires a line of fencing between the outdoor play area and the highway and said that children can go around a fence.

Mr. Hutson said the play area can be enclosed if needed and noted parking spaces will be blocked off Monday – Friday with orange cones which meets state requirements. The recommendation for the line of fencing is not required by the state, but was recommended by staff.

Mr. Smith **made a motion** to approve the proposed special exception request to allow Heritage Christian Reformed Church to establish a preschool within the existing principal building located at 2857 S. 11<sup>th</sup> Street with the five conditions recommended by staff with number four amended to require that the play area be enclosed entirely by fencing.

- 1) The preschool will serve up to 34 children between the ages of four and six.
- 2) Hours of operation will be 7:30 am - 3:30 pm Monday through Friday.
- 3) All existing circulation aisles, fire lanes, and emergency vehicle turning areas on-site shall be maintained at all times.

- 4) Fencing shall be installed to entirely enclose the outdoor play area.
- 5) 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.

Ms. Versalle **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next agenda item and asked Mr. Hutson for his report.

**PUBLIC HEARING: SPECIAL USE, THE VILLAGE CHILDCARE CENTER**  
**Crystal Curtis, representing The Village Childcare Center, was requesting special exception use approval to establish a child care center within three existing suites of multi-tenant commercial center located at 5320 Holiday Terrace in C: Local Business District. (Parcel No. 05-25-405-037)**

Mr. Hutson said Crystal Curtis, representing The Village Childcare Center, was requesting special exception use approval to establish a child care center within three existing suites of a multi-tenant commercial center located at 5320 Holiday Terrace. The proposed child care center will serve as a day care for up to 78 children between the ages of six weeks and 12 years old.

5320 Holiday Terrace is located within the Westwood Office Plaza, a business center immediately south of Stadium Drive between S 11<sup>th</sup> Street and US-131 Highway. The building which will be occupied by the proposed special use is positioned in the southeast corner of the office park. The proposed child care center is seeking to occupy three vacant suites within the subject building. Said suites are located on the lower level and have a combined gross square footage of 4,575 SF. As mentioned above, the Village Childcare Center offers day care services for children between the ages of six weeks and 12 years old. Up to 78 children are currently proposed along with a total of 17 staff members. The applicant has indicated that transportation will be provided by Kalamazoo Public Schools for any school age children attending the day care center. The proposed hours of operation are Monday through Friday from 6am-6pm.

**Section 65.30: Special Use Review Criteria**

Mr. Hutson reviewed the special use criteria for Commissioners and indicated the proposal meets all requirements.

**RECOMMENDATION:**

Mr. Hutson said the Planning Department staff recommended the approval of the proposed special exception use for the child care center with the following conditions:

- 1) The child care center will serve up to 78 children between the ages of six weeks and 12 years old.
- 2) Hours of operation shall be Monday through Friday from 6am-6pm.

- 3) Documentation from the State of Michigan (Department of Licensing and Regulatory Affairs) approving the proposed child care center and sealed building drawings for said use shall be provided to the Township.
- 4) If an outdoor play area is required by the State of Michigan or desired to be implemented in the future, such request will be submitted for administrative review and approval.
- 5) 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.

Chairperson VanderWeele asked if Commissioners had questions for Mr. Hutson.

Mr. Smith asked what was meant by condition number four regarding an outdoor play area.

Attorney Porter responded that an outdoor play area is not proposed. If the applicant wished to add one the proposal would have to come back to the Commission for a site plan review.

Mr. Smith said he would want another enclosure if a play area was added and asked why there is no outdoor play area proposed.

The applicant, Ms. Crystal Curtis, said there is an 1,800 square foot triangular area enclosed by fence in front of the building but the fence does not extend to the door of the building for fire safety reasons. Children could be accompanied straight from the door into the enclosed play area.

Mr. Smith said he would approve the application subject to providing a fenced in outdoor play area as described by Ms. Curtis.

Ms. Versalle asked if Ms. Curtis anticipated extending hours past 6:00 p.m.

Ms. Curtis said she did not anticipate any extension of hours.

Chairperson VanderWeele moved to Public Hearing. After determining no one wished to speak, he closed the hearing and moved to Board Deliberations.

Ms. Versalle **made a motion** to approve the proposed special exception request to allow establishment of Village Childcare center at 5320 Holiday Terrace as proposed and including the five conditions recommended by staff with the amendment to number four as suggested by Mr. Smith:

- 1) The child care center will serve up to 78 children between the ages of six weeks and 12 years old.
- 2) Hours of operation shall be Monday through Friday from 6am-6pm.
- 3) Documentation from the State of Michigan (Department of Licensing and Regulatory Affairs) approving the proposed child care center and sealed building drawings for said use shall be provided to the Township.



- 4) Fencing shall be installed surrounding the outdoor play area.
- 5) 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.

Ms. Bradford **seconded the motion**. The **motion was approved** unanimously.

### **PUBLIC COMMENT**

There were no public comments.

### **OTHER UPDATES AND BUSINESS**

Mr. Hutson indicated there were no updates and no further business to come before the Commission.

### **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 7:15 p.m.

Minutes prepared:  
September 23, 2022

Minutes approved:  
October 13, 2022