

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD APRIL 13, 2006

Agenda

**CONSUMER'S CREDIT UNION - SPECIAL EXCEPTION USE AMENDMENT - 5018
WEST MAIN STREET (PARCEL 3905-13-280-060)**

"VC" VILLAGE COMMERCIAL DISTRICT TEXT AMENDMENT - PUBLIC HEARING

**VERHAGE PUBLIC HEARING TEXT AMENDMENT TO SECTION 76 (FROM MARCH
9, 2006 TABLE) ADDRESSING AGRICULTURAL DIRECTIONAL SIGNS**

VARIOUS TEXT AMENDMENTS - WORK ITEM

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, April 13, 2006, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley
Lee Larson
Fred Gould
Deborah L. Everett
Mike Smith
Kathleen Garland-Rike

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner, and James W. Porter, Township Attorney; and approximately 15 other interested persons.

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by the Vice Chairman, Terry Schley.

AGENDA

The Vice Chairman asked if there were any amendments to the Agenda. After a brief discussion, it was agreed that the Planning Commission would add the following items to their Agenda.

- A. Election of new Chairman due to the resignation of Jim Turcott.
- B. Consideration of a letter from a property owner on KL Avenue.
- C. Setting a public hearing regarding PUD Open Space Provisions.
- D. Discussion of seminar regarding statutory amendments regarding zoning.
- E. Discussion of a proposed use in the Village Commercial District.

Mr. Larson made a motion to approve the Agenda as amended, seconded by Mike Smith. The Vice Chairman called for a vote on the motion and the motion passed unanimously.

MINUTES

Item #3, approval of the Minutes of March 9 and March 23, 2006. Mr. Schley asked that his comments on page 4 of the March 9, 2006, Minutes be augmented by inserting the following immediately ahead of the last paragraph on page 4 :

Mr. Schley asked when the landscaping provisions were enacted and when the applicant acquired the subject property. As a result of the discussion, it was noted that the applicant acquired the property after the landscape provisions had been enacted.

The March 23, 2006, Minutes were then considered. The Vice Chairman asked for a motion on the minutes. Mike Smith made a motion to approve the minutes of March 9, 2006, as amended and March 23, 2006, as submitted. The motion was seconded by Mr. Gould. The Vice Chairman called for a vote on the motion and the motion passed unanimously.

CONSUMER'S CREDIT UNION - SPECIAL EXCEPTION USE AMENDMENT - 5018 WEST MAIN STREET (PARCEL 3905-13-280-060)

The Vice Chairman indicated the next item for consideration was the Special Exception Use Amendment requested by Consumers Credit Union. He said they were requesting an amendment to the previously approved layout for modification of the drive-through service lanes at 5018 West Main Street, Parcel No. 3905-13-280-060.

The Vice Chairman called for a report from the Planning Department. Ms. Stefforia submitted a report to the Planning Commission dated April 13, 2006, and the same is incorporated herein by reference.

Ms. Stefforia informed the Planning Commission that the Credit Union had occupied the subject property since 1999, the site having been approved originally for a bank in 1973. She reminded the Planning Commission that in May 2005 the Planning Commission had approved modifications to the drive-through service lanes. However, subsequent to that time, the Michigan Department of Transportation approached the Credit Union to acquire additional right of way along Drake Road to accommodate improvements to M-43 and Drake Road. She said given those requested changes, the bank was being asked to swap land with the Department of Transportation but in order to do so the Credit Union would have to relocate the existing and approved, but yet to be established, ATM on their site.

Ms. Stefforia then took the Planning Commission through the provisions of Section 60 regarding special exception use for the Planning Commission's consideration. The Vice Chairman asked if there were any questions of Ms. Stefforia. The Vice Chairman asked if they had approved 4 or 5 stations previously. Ms. Stefforia said they had approved 5 stations in May 2005. The Vice Chairman asked where the previous location for the ATMs was to be. Ms. Stefforia said it was in line with the drive-up window sites.

There being no further questions, the Vice Chairman asked to hear from the applicant. Mr. Michael Mair on behalf of the Kalleward Group introduced himself on behalf of Consumers Credit Union. Mr. Mair said that he understood MDOT's desire to expand the intersection. He said they were being proactive and came to the Credit Union as soon as they knew about the proposed change to the intersection. He said they were making the improvement in order to reduce stacking at the intersection in order to comply with new legislation to reduce air emissions. He said by reducing the time that cars spend at the intersection it would help reduce auto emissions in the area.

Mr. Mair asked if there were any questions. The Vice Chairman asked if there would be any advertising on the ATM machines. Mr. Mair said they had already been purchased and, therefore, there would be nothing on them which had not already been planned for at the previously approved location. The Vice Chairman asked what type of lettering would be on the ATMs. Mr. Mair said it would consist of small standard lettering similar to what they had at Stadium and 8th Street, which consisted of the name and small logo. Ms. Stefforia said the Zoning Board of Appeals had addressed the issue of lettering for ATMs and any proposed lettering would be subject to the past interpretation.

Mr. Smith asked if the change would meet with what was previously approved.

Mr. Mair indicated that it would. Mr. Larson asked if the change would alter the lighting pattern. Mr. Mair said that it would not in that there is no direct lighting for the ATM units. He said the ATM units have their own internal lighting system.

The Vice Chairman asked if there was going to be a canopy over the ATMs. Mr. Mair said they would not have a canopy, nor any direct lighting overhead. Ms. Bugge asked for clarification as to where the lighting for the ATMs would be. Mr. Mair said it would be internal, on the panel of each of the ATMs.

The Vice Chairman thanked Mr. Mair for his input and asked if there was any public comment. Hearing no public comment, he called for Planning Commission deliberations. After a brief discussion, Ms. Garland-Rike made a motion to approve the special exception use with the modifications set forth on the revised drawings with the condition that sidewalks be provided along West Main Street and Drake Road and further subject to a requirement that all previous approvals and conditions remain in place. The motion was seconded by Mike Smith. The Vice Chairman called for a vote on the motion and the motion passed unanimously.

“VC” VILLAGE COMMERCIAL DISTRICT TEXT AMENDMENT - PUBLIC HEARING

The Vice Chairman indicated Item #5 was a public hearing on a proposed amendment to Section 33.400 of the Zoning Ordinance to include a reference to the Village Theme Development Plan within the Village Commercial District Provisions. The Vice Chairman asked for a report from the Planning Department. Ms. Bugge submitted her report dated April 13, 2006, and the same is incorporated herein by reference.

Ms. Bugge explained that on March 14, 2006, the Township Board adopted a Village Theme Development Plan for the Downtown Development Authority District. She said Section VII of the Plan included design recommendations and they were recommending that a reference to those design standards be added to Section 33.400.

The Vice Chairman asked if there were any questions of the Planning Department and hearing none called for public comment. Hearing none, the Vice Chairman called for further Commission deliberations.

Ms. Stefforia raised a question as to what would happen if there was a conflict between the Village Theme Development Plan and the Zoning Ordinance as enacted. The Vice Chairman said he thought the design recommendations should be viewed as a guide which could be considered until such time as the additional text changes could be made to the Zoning Ordinance. Ms. Bugge said she thought the way the proposed text was drafted the Planning Commission would be directed toward the vision in the design recommendations but would defer to the specific provision of the Zoning Ordinance as

set forth in the proposed text.

A question was raised as to where there might be potential conflicts. Ms. Stefforia said there could be conflicts in the areas of setback, parking, etc. Mr. Larson said he read the proposed section the way the Vice Chairman read it, that the design recommendations were just that, recommendations, but that the Ordinance provisions would take precedent. Attorney Porter concurred with the analysis given to the text by the Vice Chairman and Mr. Larson. It was the consensus of the Board to view the text in that context. Ms. Stefforia said she appreciated that clarification. She reminded the Planning Commission that further text amendments would be necessary.

The Chairman asked if there was any further discussion on the matter and hearing none, he said he would entertain a motion. Mike Smith made a motion to recommend the text change as submitted to the Township Board. The motion was seconded by Mr. Larson. The Chairman called for a vote on the motion and the motion passed unanimously.

VERHAGE PUBLIC HEARING TEXT AMENDMENT TO SECTION 76 (FROM MARCH 9, 2006 TABLE) ADDRESSING AGRICULTURAL DIRECTIONAL SIGNS

The Vice Chairman indicated that the next item was Item #6 and explained that it was a public hearing to request an amendment to the various provisions of Section 76 to address agricultural directional signs. The Vice Chairman asked to hear from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission and the same is incorporated herein by reference.

Ms. Stefforia told the Planning Commission that the applicant was requesting an amendment to various provisions of Section 76 to allow off-site seasonal agricultural directional signs. She said subsequent to the initial request, the applicant's attorney Robert Hencken had submitted a letter dated February 24, 2006, narrowing the scope of the original request.

Ms. Stefforia then proceeded to take the Board through the proposed amendment to Section 76 to add a definition of seasonal agricultural directional signs with a recommended change as set forth in her report. Second, the applicant requested an amendment to Section 76.100, Schedule A, to allow up to 10 seasonal agricultural directional signs with a proposed 10 square foot area and a height of 4 feet. Lastly, Ms. Stefforia presented the applicant's language for an amendment to Section 76.420(C)(1) regarding setbacks in all zoning districts as set forth in her report.

At the conclusion of the report, the Vice Chairman asked if there were any questions. Hearing none, the Vice Chairman asked to hear from the applicant. Mr.

Robert Hencken introduced himself to the Planning Commission. Mr. Hencken said the motivating factor for his client was the survival of VerHage Farms. He said that the farm was in the center of the Township and not located on any main street and, therefore, it was necessary to have directional signs in order for those unfamiliar with the farm to locate it, especially during the cider season. Mr. Hencken explained that he did not think there were more than ten viable farms left in Oshtemo Township and, therefore, he thought the allowance for agricultural directional signs would not have as big of an impact as some might think on the Township. He said they might even be able to consider a sign smaller than 10 square feet since most of their signs were already 6 to 8 square feet. He said they would be happy to consider a change. He said that he had 18 pages of signatures in support of allowing such signs for his client. He said most of them were from people outside of the community who had indicated they had benefitted from the signs in order to locate VerHage Farms.

Mr. Hencken said he was concerned about the Planning Department's recommended change to the proposed text. He said that simply naming the particular farm would not serve his client's interest nor the motoring public. He said he thought it was very important that people know what product it was that they were attempting to locate and purchase. He said simply referring to a farm would not tell anyone what type of product was being sold during the various agricultural seasons. He implored the Planning Commission to reconsider the recommendation made to them on this issue.

Mr. Hencken told the Commission he had driven around the community and had looked at a wide variety of signs which were in existence. He said many of them did not comply with the Ordinance. Many were more offensive than the signs put up by his client and generally most people did not object to the type of signs put up by his clients. He said he thought it would be better to have some form of uniform control than to simply allow people to circumvent the Ordinance.

Mr. Hencken concluded by indicating that the MDOT signs available were of no particular use to his client. He said again they would tell the motoring public that a farm was located south of M-43 but would not tell the public what was in season, what was for sale, or provide the specific location of the farm.

Mr. Hencken implored the Planning Commission to consider the need to assist the remaining farms in their survival from the urban encroachment.

Ms. Kelly VerHage introduced herself to the Planning Commission. She said that their family farm had been in existence for generations and they wanted to see it continue. She said that they conducted many tours for school age children and that the directional signs were extremely important in helping the bus drivers find their facilities. She again pointed out where she was at in relationship to the main roads in the Township and said without the signs she did not believe that people could locate their

farm. She said she wanted to get along with the Township and was asking for a reasonable accommodation to preserve the family farm.

The Vice Chairman asked if there were any questions from the applicants or regarding the text. Ms. Everett asked how long Ms. VerHage was asking for the signs to be up. Ms. VerHage said approximately 60 days.

The Vice Chairman asked if the VerHages had products other than the apple cider and would need signs at other times. Mr. Hencken said they have very few other signs and that their main focus was on their orchard and cider production at that site. Ms. Garland-Rike asked if they would need the signs up 60 days during the cider season. Mr. Hencken said he thought they would need 65 days in order to do what they had done in the past.

The Vice Chairman asked to hear any comments from the public. Mr. Mike Carson introduced himself to the Planning Commission. He said he lived in Lawton. He said that he had known the VerHages for years and thought what they were doing was entirely appropriate. He said he thought the signs provided a sense of nostalgia for the area. He noted that in addition to providing a valuable commodity for purchase, he thought the VerHage Farm enhanced the revenue for the entire community and asked that the Planning Commission consider allowing such seasonal directional signs.

Megan Mallory introduced herself to the Planning Commission. She said that Mrs. VerHage was her mother. She explained that she was the next generation that would take over the farm. She said they had a very limited advertising budget and that putting up the signs have been a basic tradition to increase visibility and announce the seasonal activities at the farm and asked the Township to consider making an allowance for such seasonal agricultural signs.

The Vice Chairman asked if there was further public comment and hearing none closed the public hearing and called for Commission deliberations. The Vice Chairman said the Planning Commission was well aware of the struggles and challenges in response to growth in the community. He said he thought it was important that the community define how it wanted to develop. He said that he understood the need to have a enforceable ordinance, however, he said the VerHage Farm was an Oshtemo institution and held a very special place in the community. He said he thought it behooved the Planning Commission to support broadening their sign provisions to allow the advertisement for seasonal produce with as many as ten signs. He said he understood the need to have regulation but he was compelled to do something to help the VerHage Farm continue.

Ms. Everett asked how that could be done. The Vice Chairman said he was not exactly sure how they might want to frame it but thought they could do something to assist. Ms. Everett agreed and said that most often the problem with the seasonal

signs was not that they were put up but that often they were never taken down. Ms. Everett added that she did not think the signs were offensive and actually added to the rural character of the Township.

Mike Smith said he thought there should be some accommodation for seasonal agricultural signs. He said he preferred to allow advertisement of the product versus the farm itself since he thought that most people wanted to know what it was someone was selling before they would even consider traveling to the farm. He said perhaps 10 signs was a bit much and that maybe the size proposed was a little large but that he would like to allow the signs. Ms. Garland-Rike said that perhaps 6 signs would be appropriate.

Ms. Everett said she thought providing for these types of signs and permitting the signs would actually be a tool in addressing unpermitted signs.

Mr. Larson said he thought it was important that the Planning Commission maintain the signs as a directional sign and not for advertisement of a product.

The Vice Chairman suggested working on the overall definitions as a means of trying to reach a consensus on the proposed text. Ms. Stefforia lead the discussion with a reading of the proposed text under Section 76.130. The Vice Chairman said he thought the key issue was whether the sign should be a purely directional sign as opposed to one allowing advertisement of an agricultural product. Mr. Larson again said he did not think they should allow the advertisement of a product because to do so would be inconsistent with the normal purpose of a directional sign; that is to locate a particular property or business. The Vice Chairman said he understood that concern but given how special VerHage Farms was and the limited number of farms left in the community that the Commission should consider taking the opportunity to do something just a little bit different.

Ms. Everett said she thought if the product was seasonal and the signs were limited to seasonal use it made sense to allow the signs to make reference to the product.

Ms. Stefforia said she thought it was within the Planning Commission's discretion, if it wanted, to distinguish farms from other businesses to encourage farms within the community, especially given the references to agriculture in the Master Land Use Plan. Attorney Porter concurred with Ms. Stefforia.

Mr. Larson said he agreed it could be done either way but again recommended that it be limited to a directional sign referencing the farm itself and not a specific product. The Vice Chairman said perhaps they could allow part of the sign to reference

the farm and then one graphic to reference the product. Mr. Smith said he thought they could limit the sign or limit reference to two products. Ms. Bugge suggested simply limiting the sign size and leaving it up to each individual farm to determine what it felt was reasonable to put on the sign. Mike Smith concurred.

Ms. Everett asked if signs could also reference activities allowed on the farm. Mr. Larson suggested that the Commission be more specific. He said he thought if the Commission thought it was appropriate to reference the agricultural products or commodities sold that would be fine but not activities such as hayrides. Ms. Everett said she did not have a problem with them allowing hayrides.

The Vice Chairman suggested they talk about the number of days which should be permitted. Ms. Stefforia said she thought 65 days was appropriate but it would not leave any room for asparagus or cherry signs. Ms. VerHage said they no longer sold asparagus.

Mike Smith and Mr. Larson agreed that the 65 day limit would be appropriate. The Vice Chairman asked if that was for each growing season or in total. It was the consensus of the commission that it would be 65 days total per year for any agricultural operation.

The Vice Chairman asked the Commission to discuss area, height and number of signs. Mr. Larson said he heard six signs proposed earlier and thought it would be adequate. Ms. Stefforia said she thought there would need to be at least nine to cover all the appropriate intersections. The Vice Chairman suggested they discuss the area of the signs since there did not seem to be consensus on the number.

Ms. Bugge asked if they could step back for a moment. She then suggested, through counsel, that they limit the number of signs for farms which fronted on major thoroughfares and allow more signs for those off major thoroughfares since the farms fronting on major highways would not need the additional signage. The Vice Chairman said he thought that would be an appropriate consideration but asked for further input from the Planning Department when the text was revised.

After a brief discussion, many of the commissioners voiced their opinion that 6 square feet would be suitable for seasonal directional signs and asked that the Planning Department take that into account in the revised text.

The Vice Chairman said the third item for consideration was the amendment of Section 76.420(C)(1). Attorney Porter said he thought it was an appropriate amendment provided that the signs were not within the road right of way.

After a brief discussion, it was the consensus of the Planning Commission to table this matter and await further revisions to the text by the Planning Department. Mr. Larson made a motion to table the proposed text amendment to the meeting of May 11, 2006. The motion was seconded by Mr. Gould. The Vice Chairman called for a vote on the motion and the motion passed unanimously.

VARIOUS TEXT AMENDMENTS - WORK ITEM

The next item on the agenda was Item #7. Ms. Stefforia said due to the lateness of the hour she suggested tabling the various text amendments. The Vice Chairman suggested that they go to Item #8 C, regarding PUDs as well as the typographical errors which were on page 23 of the Planning Department's report for various text amendments.

Ms. Everett said that it would be appropriate to add Item #8(c) to the public hearing in order to move the matter ahead. After a brief discussion regarding the proposed changes to the open space it was agreed that the Planning Commission would consider an increase in the open space requirement for PUDs from 5% to 10%.

Mr. Larson then made a motion to include the Planned Unit Development Open Space revisions along with the various typographical errors to be corrected at a public hearing of May 11, 2006. The motion was seconded by Ms. Everett. The Vice Chairman called for a vote on the motion and the motion passed unanimously.

OTHER BUSINESS

The Vice Chairman then directed the Planning Commission to the remaining items of other business. The Vice Chairman noted for the record that Item 8(C) had been addressed.

The Vice Chairman asked that the Commission consider the letter sent from the property owner on KL Avenue. Attorney Porter indicated that he would reply to Mr. Koenig's letter. The Commission concurred.

The Vice Chairman said Item 8(D) was consideration of a workshop through the MSU Extension regarding the Michigan Zoning Enabling Act. All Commissioners indicated that it was duly noted and copies of the information packet were provided to the Planning Commission members.

The Vice Chairman said the next item was Item 8(E) adding an additional use in the Village Commercial District. Ms. Bugge explained that senior citizen housing was not something permitted in the Village Commercial District but thought that it would be an appropriate use in that area. Ms. Everett said that she would have to agree and added that while she would not put college housing in the area she certainly thought that the senior citizen housing would be compatible. The Vice Chairman said he thought it was a great idea depending upon where it would fit into the overall Plan.

Mr. Larson asked whether any kind of high-rise housing would be proposed. Ms. Bugge indicated absolutely not, three stories would be the maximum. Ms. Stefforia said that might also entail a text change since only 2-1/2 story development was allowed in the Village Commercial. It was the consensus of the Commission that it was interested in considering the text amendment and left it up to the Planning Commission to bring it forward.

The Vice Chairman said the last item on the agenda was the election of the new chairman of the Planning Commission. The Vice Chairman said he thought it would be appropriate if a letter of commendation was sent to Mr. Turcott. The Planning Commission whole heartedly concurred. Ms. Everett said he would be happy to draft the letter to Mr. Turcott.

Ms. Everett made a motion to elect Terry Schley as Chairman of the Planning Commission. Mr. Larson seconded the motion. The Chairman called for a vote on the motion and the motion passed unanimously.

Mr. Gould then made a motion to make Lee Larson the Vice Chairman. The motion was seconded by Ms. Garland-Rike. The Chairman called for a vote on the motion and the motion passed unanimously.

The Chairman said the Planning Commission needed to pick a liaison to the Zoning Board of Appeals. Ms. Everett made a motion to place Mike Smith on the Zoning Board of Appeals as the Planning Commission liaison. The motion was seconded by Ms. Garland-Rike. The Chairman called for a vote on the motion and the motion passed unanimously.

The Planning Commission briefly discussed the possibility of additional work sessions to address the numerous issues coming before the Planning Commission. There was no consensus on this issue. The Commissioners agreed to remain open to suggestions regarding the means to advance the work of the Planning Commission.

PLANNING COMMISSIONER COMMENTS

None

ADJOURNMENT

There being no further comment, the meeting was adjourned at approximately 8:50 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By: Kathleen Garland-Rike

Minutes prepared:
April 20, 2006

Minutes approved:
_____, 2006

