

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A WORK SESSION MEETING HELD JUNE 8, 2006

A Work Session of the Oshtemo Charter Township Planning Commission was held on June 8, 2006, commencing at 6:00 p.m., at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley  
James Grace  
Deborah L. Everett  
Mike Smith  
Fred Gould (at approximately 6:20 p.m.)  
Lee Larson (at approximately 6:30 p.m.)

MEMBER ABSENT: Kathleen Garland-Rike

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

The Chairman called the Work Session to order at approximately 6:00 p.m. The Chairman indicated that the Planning Commission had worked through, approximately, the first 7 pages of the various text amendments as set forth in the Planning Department's report. Therefore, the Chairman asked the Staff to commence on page 8 of their report. Ms. Stefforia and Ms. Bugge began on page 8 of their report, taking the Commissioners through proposed amendments to Sections 68.400, 68.500, 75.130, 75.155, 75.160, 75.210, 76.130, 76.140, 76.150, 76.160, and 76.165.

At approximately 6:20 p.m., Mr. Gould arrived to join the Planning Commission.

The Staff then continued through their report dated May 2, 2006, commencing with the review of proposed changes to Sections 76.170, 76.175, 76.180, 76.310 and 76.420. At this time, Mr. Larson arrived; it was approximately 6:50 p.m. The Planning Commission then proceeded to review the proposed text changes as set forth in the Planning Staff's report to Sections 78.520, 78.710 and 78.720.

The Chairman noted that, given the time and the hour, he thought the Commission had completed as much of the proposed text review as possible in view of the approaching regular meeting time of 7:00 p.m. The Chairman said it might assist the Planning Commission if the Planning Department would review those commercial uses allowed within a residential zone and whether those uses would impact the lighting issue under Section 78.720. The Chairman asked that the Planning Commission commence on page 20 of the May 2, 2006, memorandum at their next work session.

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD JUNE 8, 2006

**AGENDA**

**PUBLIC HEARING - (RESUMED HEARING FROM MAY 11, 2006) - TEXT AMENDMENTS - (SECTION 60.400 -PLANNED UNIT DEVELOPMENTS AND SECTION 76.130 - SIGN AREA AND VARIOUS OTHER SECTIONS CORRECTING TYPOGRAPHICAL ERRORS)**

**TOWNSHIP BOARD'S REFERRAL OF SIGN HEIGHT ISSUE**

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, June 8, 2006, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman  
Lee Larson  
James Grace  
Deborah L. Everett  
Mike Smith  
Fred Gould

MEMBER ABSENT: Kathleen Garland-Rike

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

**CALL TO ORDER**

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

## **AGENDA**

The Chairman asked if there were any amendments to the Agenda. Ms. Stefforia said she had a request to schedule a public hearing which she wanted the Commission to consider under "Other Business." The Chairman asked if there were any other changes to the Agenda, and hearing none, called for a motion. Mr. Smith made a motion to approve the Agenda, as amended. The motion was seconded by Mr. Larson. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **MINUTES**

The Chairman noted the next item on the Agenda was the approval of the minutes of May 25, 2006. Mr. Grace made a motion to approve the minutes as submitted. The motion was seconded by Mr. Smith. The Chairman called for discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

## **PUBLIC HEARING - (RESUMED HEARING FROM MAY 11, 2006) - TEXT AMENDMENTS - (SECTION 60.400 - PLANNED UNIT DEVELOPMENTS AND SECTION 76.130 - SIGN AREA AND VARIOUS OTHER SECTIONS CORRECTING TYPOGRAPHICAL ERRORS)**

The Chairman said the next item was the public hearing on proposed text amendments to Section 60.400 regarding Planned Unit Developments and Section 76.130 regarding sign area, as well as various other sections correcting certain typographical errors. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted a report dated June 1, 2006, to the Planning Commission, and the same is incorporated herein by reference.

Ms. Stefforia explained to the Planning Commission that, at the Township Board's direction, the Planning Commission was asked to schedule a public hearing to consider increasing open space in PUD's from 5% to 10%. She said they also had included with the notice of public hearing a change in sign area since the sign height issue had been referred back to the Planning Commission by the Township Board. In addition, she said there were various text amendments which were being proposed to correct typographical errors.

Ms. Stefforia then took the Commission through the proposed changes to the Planned Unit Development within Sections 60.410 and 60.430, as more fully set forth in her report.

At the conclusion of Ms. Stefforia's report, Mr. Grace asked why the Planning

Department predicted a reduction in the lot sizes for single two-family developments if there was an increase in the amount of open space. Ms. Stefforia explained that the density was based upon the overall size of the development and, therefore, the number of homes was determined by the size of the property, not the minimum lot requirements. Mr. Grace asked why the minimum lot requirements were not maintained. Ms. Stefforia explained that PUD's waive the minimum lot size requirements in order to allow for flexibility as part of a planned unit development.

Mr. Grace expressed a concern about the effect on density and suggested that perhaps the size of the lots should not be adjusted, even though the open space was increased. The Chairman said he thought the Commission should take note of the comments but they needed to take public comment on the issue before getting into their deliberations.

Ms. Stefforia noted that a review of the definition of sign area was requested by Maple Hill Mall attorney, Michael Chojnowski. She said the purpose was to delete the reference to color from the definition of sign area. Ms. Stefforia then reviewed a series of photographs with the Planning Commission as part of her overall presentation. Ms. Stefforia said the Planning Commission had several options. One option was to leave the Ordinance as is and count the color of the background. A second option would be to differentiate panel signs from channel letter signs and, perhaps, further distinguish between daytime and nighttime illumination. She noted that the Planning Commission should also consider panel signs and the fact that they have a dramatic impact at night. She said perhaps the Planning Commission should consider requiring internally illuminated signs to have an opaque background where only the letters, numerals and logo would be illuminated at night. She said this requirement would level the playing field between panel signs and channel letter signs, where panel signs have much larger and more noticeable illuminated areas at night than individually illuminated channel letters. Ms. Stefforia then completed her report by going through the various typographical errors which needed to be corrected within the Ordinance.

The Chairman called for public comment. Mr. Chojnowski introduced himself to the Planning Commission. Mr. Chojnowski said the last time he appeared before the Commission the suggestion was that other ordinances should be looked at with regard to sign height and sign area. He said he had brought several for the Planning Commission's consideration. He submitted a brief outline entitled "Wall Sign Height and Area Considerations" which contained the following:

1. The sign height limitation can create an unfair advantage where heights of the position of signage relative to road grade could result in signs being placed in awkward or even obscure locations making identification of businesses more difficult for prospective customers.

2. Insofar as many store designs today are designed to create an integrated, well proportioned storefront appealing to customers and communities, restricting the sign height results [in] the reduction of this element to accommodate an arbitrary limitation and therefore imposes a diminishment of the storefront, which may be construed as a taking.
3. The restriction of the background color for the sign element as it occurs in the case of the DSW imposes a restriction on how the design and signage can be developed as an integrated design without having to create an overall dark background. If the entire storefront were designed in black or for that matter a contrasting color with a white sign on it, then the background would not be calculated with the sign area. The background would just be the architecture of the building.
4. The background area developed in this case, is only a limitation of the overall contrasting color and the development of a light and vibrant storefront.

Mr. Chojnowski then proceeded to share a series of photographs which he had taken in various communities throughout the State with the Planning Commission. After sharing the photographs from other areas within the State, he read several different definitions of sign area from other communities, including Ann Arbor and Texas Township. Mr. Chojnowski then referenced the Planning Commission to the Township's definition of sign and emphasized the fact that the blank area of a sign did not contain any advertising message and, therefore, should not be used in the overall computation of sign area.

The Chairman asked that Mr. Chojnowski proceed to wrap up his presentation, to which Mr. Chojnowski took offense. The Chairman noted there was a four minute limitation for public comment. Mr. Chojnowski suggested that he might better come back when the Planning Commission had more time to listen. The Chairman said he understood Mr. Chojnowski's concern, but they had a full agenda, thought they understood the issue as he had presented it and wanted to move on. The Chairman asked the Township Attorney if he was out of line. The Township Attorney said he was not out of line, in that, he had simply asked Mr. Chojnowski to conclude and that it was consistent with Planning Commission policy.

Ms. Stefforia pointed out that, if an application had been made, there was no policy about limiting an applicant's time, but there is a policy limiting time for public comment. Mr. Chojnowski suggested that perhaps he would file an application and

return at that time. The Chairman invited Mr. Chojnowski to do what he felt was appropriate.

The Chairman called for further public comment. Ms. Lara Meeuwse introduced herself to the Planning Commission. She said she was there on behalf of Mr. Walters. She inquired about the proposed changes to Section 60.410. Ms. Stefforia said she had planned to make some changes to that section based upon Mr. Walters' concerns. However, she said she was not comfortable in making as extensive a change in the Ordinance, given the new Michigan Zoning Enabling Act. She asked for Township counsel's confirmation that the State statute addressing PUD's requires broader opportunities for commercial activities within PUD's. Attorney Porter said he thought that was true. Ms. Meeuwse indicated that she had hoped, as well as Mr. Walters, that the Commission would designate the type of commercial development which could take place, depending on the type of street upon which the PUD was developed.

The Chairman called for further public comment and hearing none, called for Planning Commission deliberations. The Chairman began first with discussion of Section 60.410. Ms. Everett expressed a desire to put more limitations on the commercial facilities, but the comments from Township Counsel indicated that such restrictions might not be appropriate. Ms. Stefforia said she thought of placing more restrictions, but after looking at the new legislation, thought that such restrictions might not be enforceable.

Mr. Larson asked about placing restrictions on the size of the buildings. Ms. Stefforia again said that, since the legislation referenced commercial facilities to serve the people of the State, she was not sure such restrictions were appropriate. Ms. Bugge pointed out that the size of any commercial operation was limited by the size of the PUD itself, since only 20% of the PUD could be developed for commercial activity. After this discussion, it was the consensus of the Planning Department to accept the recommended text change for Section 60.410.

The Chairman asked that the Commission direct its attention to the recommended changes to Section 60.430. After a brief discussion, it was the consensus of the Planning Commission to accept the recommendation of the Planning Department regarding this section.

The Chairman next directed the Planning Commission members toward the proposed revisions for subsection (g) of Section 60.430, regarding open space. Mr. Smith said he liked the idea of increasing the open space within the PUD's, but he said he was concerned about the minimum lot size. Mr. Larson said he was in favor of increasing the open space to take advantage of this type of development, but it should be made compatible with the surrounding areas and aesthetically pleasing. He also suggested finding ways of encouraging a reduction in density versus requiring it so as to enlist the cooperation of developers. Mr. Grace expressed concern that not all the

developers would want to participate with reductions in density and said the Commission still had to deal with density issue.

Mr. Grace raised the issue as to what should be included in open space. After a fairly lengthy discussion, Ms. Everett told the Planning Commission that the Township Board would be working on that issue next week and looking at it in relationship to lot size and density. Ms. Everett asked whether this matter could move forward at the same time the Board was considering changes in lot size and density. Ms. Bugge said the issue could move forward because if the lot size and density were changed, it would automatically affect the PUD's.

The Chairman pointed out, citing Parkview Hills as an example, that certain high-density projects could still be done in a quality fashion. Mr. Grace expressed a concern that as the development spreads to the west, coupled with utilities, density would increase further to the west. Ms. Stefforia pointed out, however, that PUD's were not allowed in Rural Residential areas. Mr. Grace agreed, but noted that would not keep people from rezoning the land and developing it under more intense residential zoning.

The Chairman suggested that perhaps the Planning Commission needs to be more diligent in its review of PUD's and assert itself more during the review and evaluation of these projects. Attorney Porter pointed out that special exception uses have to be approved if they meet the criteria, but that PUD's allow a greater degree of review by the Planning Commission than even special exception uses. After the discussion, the Planning Commission agreed to move ahead with the request to increase open space in the planned unit developments to 10%.

The Chairman suggested moving past Section 76.130 and discussing the rest of the Ordinance recommendations. Ms. Everett said that perhaps they could go ahead with the discussion of Section 76.130. The Chairman began the discussion regarding Section 76.130 by indicating that he thought the public had raised some valid points regarding the definition of sign area and how it was utilized. The Chairman said he was still concerned about the definition that included the phrase "clearly incidental to the advertising message itself." He said he thought that was too arbitrary. The Chairman said he thought the examples brought forward from Ann Arbor and Texas Township would be more easily administered.

Ms. Everett asked if the Chairman was not opposed to including the background as part of the sign. The Chairman said he was not opposed to inclusion of the background provided it was part of the overall presentation of the sign itself. Mr. Larson said, in the DSW, case it was clearly put there to be part of the sign. The Chairman said, however, that was just an issue of degrees. The Chairman said, if the black background for DSW was expanded, it would become part of the architectural aspect of the building versus part of the sign. He said he was still troubled by such a restrictive definition.

Mr. Gould suggested measuring the sign simply from the left side of the letters to the right side of the letters. Mr. Smith said he did not think the DSW sign was objectionable at all. Ms. Everett said she would like to see the Planning Commission address those illuminated panel signs so as to require an opaque background so that only the letters showed at night.

Mr. Grace said that he felt that most commercial developments would design their signs to be aesthetically pleasing and to accommodate traffic. He said in certain cases the signs had to be of an adequate dimension in order to allow people to find them, especially businesses along West Main. Mr. Gould said that he would simply measure the letters left to right and include that area only, not the colored background. Ms. Bugge expressed a concern that measuring just the letters would differentiate between those signs made of channel letters and those which were part of fixed panel sign. The Chairman said that he understood that viewing channel letters differently from panel signs might favor those companies which could afford the channel letters, but he thought they were more aesthetically pleasing, and if that was the case, perhaps a larger overall area should be allowed. Ms. Bugge said that would penalize the small business man because of cost. Ms. Everett pointed out that there is always a cost argument involved with development and she did not think that should be the deciding factor.

Mr. Larson again said he liked the third suggestion proposed in the notes in the Planning Department's report. The other Planning Commission members concurred.

After a lengthy discussion, Ms. Everett indicated that she, as did Mr. Larson, liked the recommendation in note #3 on page 4 of the Planning Department's report. In addition, she said she agreed with the Chairman and Mr. Gould that perhaps just measuring the letters end-to-end would be the appropriate way to measure sign area, and panel signs measured edge-to-edge. Mr. Larson said in that way they would get away from looking at the front of the building as part of the sign entirely.

Ms. Bugge inquired as to whether the space seen between the letters would be included. It was the consensus of the Planning Commission that sign area would include spacing between individual letters, as well as individual lines as part of the overall sign area. Ms. Stefforia suggested that it include the entire area within one geometric figure, whether or not it was a square or a rectangle.

The Chairman asked where the Planning Commission was heading with the proposed language under Section 76.130. Ms. Stefforia suggested letting the Planning Department redraft the proposed language and bring it back to the Planning Commission for further consideration. The Planning Commission concurred. Ms. Stefforia indicated the second Thursday in July for further review.

The Chairman said he did appreciate the public comments which were received in spite of the disagreement over the time allowed for public comment. Ms. Everett expressed her concern that Mr. Chojnowski did not stay to hear the Commission deliberate because the Commission did take his concerns into account and addressed them in their discussions. The Chairman said he thought the Planning Commission understood what Mr. Chojnowski was saying and simply wanted to move forward into Commission discussion to confirm his understanding.

The Chairman then called for a motion on tabling Section 76.130. Mr. Larson made a motion to table review of Section 76.130 until the Commission's meeting of July 13, when they would review a redraft by the Planning Department. Mr. Gould seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman then asked for a motion on the balance of the recommendations. Mr. Smith made a motion to approve the recommendations presented by the Planning Department, with exception of Section 76.130, and move them on to the Township Board for its review. The motion was seconded by Mr. Larson. The Chairman asked if there was any further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

## **TOWNSHIP BOARD'S REFERRAL OF SIGN HEIGHT ISSUE**

The Chairman indicated that the next item was the Township Board's referral of sign height issue. The Chairman called for a report from the Planning Department. Ms. Stefforia said that the Township Board, without a great deal of discussion, had reviewed their proposal for an increase in wall sign height to 35 feet and had recommended that it be sent back to the Planning Commission. The Planning Commission asked what the concern was of the Township Board. Mr. Stefforia said there were very few comments, but at least one of the Board members had expressed an concern that the proposed wall sign height was too high. After a discussion of the Planning Commission, Mr. Larson made a motion to revise their proposed wall sign height not to exceed 30 feet. Mr. Grace seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **Discussion Item: Cul-de-sacs**

The Chairman indicated the next item on the Agenda was the discussion of cul-de-sacs. The Chairman called for a report. Ms. Stefforia presented a report to the Planning Commission dated June 1, 2006, and the same is incorporated herein by reference.

The Planning Commission discussed the issue of what requirements, if any, should be placed when allowing cul-de-sacs. There were several members in favor of allowing cul-de-sacs, so long as connectivity was provided from one development to the other. There were other members who thought cul-de-sacs should be restricted because they impeded a cohesive neighborhood and interfered with traffic. After a fairly lengthy discussion, it was the consensus of the Board to agree to criteria to review and consider when cul-de-sacs should be allowed without necessarily restricting cul-de-sacs and reviewing them on a case-by-case basis. The Planning Commission suggested that the Planning Department incorporate the provisions provided for on page 2 of its report into a policy for the Commission to further consider. These recommendations for consideration of criteria were as follows:

1. *Topography* of property lends itself to cul-de-sac streets.
2. *Woodlands* would be preserved.
3. *Wetlands* and/or low-lying wet areas prevent street extension.
4. *Prior development of the area* lends itself to use of cul-de-sacs with new development
5. *Walkability and inner-neighborhood connectivity* - are pedestrian opportunities provided between cul-de-sacs and/or within the development.
6. *Planted center* is provided to reduce amount of pavement.

### **Set Public Hearing**

The Chairman said the next item on the Agenda was setting a public hearing for a rezoning request. The Chairman called for a report from the Planning Department. Ms. Stefforia reported that an applicant had filed a request for rezoning for the vacant land behind the Emberly Acres condominium on 8<sup>th</sup> Street to be rezoned from "C" Local Business District to "R-2" Residence District. A brief discussion ensued as to whether an amendment to the Master Land Use Plan would be required. The Chairman asked for Township Counsel's opinion. Counsel indicated that, since the change in the Land Use Plan was from more intensive to less intensive zoning, he was comfortable with the Planning Department's recommendation to not revisit the Master Land Use Plan. It was the consensus of the Planning Commission not to open the Master Land Use Plan and to consider rezoning from "C" to "R-2" Residence District.

Mr. Larson made a motion to consider the rezoning from “C” Local Business District to “R-2” Residence District on July 27, 2006. The motion was second by Mr. Smith. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

### **Other Business**

The Chairman indicated that the Planning Department was asking the Planning Commission to consider an additional zoning public hearing. Ms. Stefforia said there were a number of text changes which needed to be made to the Zoning Ordinance to comply with the new Michigan Zoning Enabling Act, which was implemented by the State Legislature. Mr. Larson then made a motion to set a public hearing for various text amendments to comply with the new Michigan Zoning Enabling Act on July 13, 2006. The motion was seconded by Ms. Everett. The Chairman called for a vote on the motion, and the motion passed unanimously.

### **Planning Commissioner Comments**

There was a brief discussion regarding a special meeting to consider West Port Village Condominium amendment. The motion was made by Mr. Smith, seconded by Mr. Grace to hold a special meeting on that matter at 5:30 p.m. on June 28, 2006. The Chairman called for a vote on the motion, and the motion passed unanimously.

### **Adjournment**

There being no further comment, the meeting was adjourned at approximately 9:30 p.m.

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

By:

Minutes prepared:  
June 13, 2006

Minutes approved:  
\_\_\_\_\_, 2006