

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD JULY 13, 2006

**AGENDA**

**PUBLIC HEARING - TEXT AMENDMENT - SIGN AREA - AMENDMENT TO SECTION 76.130 - (RESUMED FROM JUNE 8, 2006 MEETING)**

**PUBLIC HEARING - ZONING ENABLING ACT - TEXT AMENDMENTS**

**WORK ITEM - VARIOUS TEXT AMENDMENTS - DRAFT #1 OF PROPOSED AMENDMENTS TO VARIOUS SECTIONS OF THE ZONING ORDINANCE**

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, July 13, 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  
Kathleen Garland-Rike

MEMBERS ABSENT: None

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

**CALL TO ORDER**

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

**AGENDA**

The Chairman said the first item for consideration was the approval of the Agenda. Mr. Smith made a motion to approve the Agenda submitted. The motion was seconded by Mr. Grace. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **MINUTES**

The Chairman said the next item was consideration of the Minutes of June 22, 2006. He asked if there were any need for correction or amendments. Mr. Smith requested an amendment in the first paragraph on page 9 changing the reference to "persons" to "dwellings." The Chairman asked if there was a motion. Mr. Larson made a motion to approve the Minutes as corrected. The motion was seconded by Mr. Smith. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **PUBLIC HEARING - TEXT AMENDMENT - SIGN AREA - AMENDMENT TO SECTION 76.130 - (RESUMED FROM JUNE 8, 2006 MEETING)**

The Chairman noted the fourth item was a public hearing on a proposed amendment to Section 76.130 regarding sign area. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated June 30, 2006, and the same is incorporated herein by reference.

Ms. Stefforia reminded the Planning Commission that the definition of sign area had been tabled from its June 8, 2006, public hearing so that it could be revised. She said, that based on the comments from the Planning Commission, she made a proposed revision which would remove wall color from the overall sign area if the blank area exceeded the whole sign area by more than 10 percent. She said that the definition also allowed for the use of multiple geometric figures to compute sign area, where currently only one continuous perimeter of a geometric figure was used. She said she thought this would allow for more flexibility to allow designers to meet the identification and logo needs of their businesses.

The Chairman asked for comments or questions from the Commission. The Chairman began by asking Staff if they could briefly review the definition as proposed. Ms. Stefforia said she thought they could. Ms. Bugge said she was not clear as to what the 10 percent provision was referring. Ms. Bugge again noted that she thought color needed to be considered part of the sign and provided a photographic example of her concerns. Ms. Stefforia suggested using channel letters and excluding the background area from the definition of sign area.

Attorney Porter suggested that perhaps the reference to color should be deleted altogether. Mr. Larson said that might be an alternative. Ms. Bugge, however, said that often color is a significant part of the sign and she did not feel it should be unilaterally deleted. The Chairman said perhaps they could make reference to three dimensional letters as a way of distinguishing the background from the overall letters. Mr. Grace said he thought they should

simply measure the sign area and not bother with the background color at all. Mr. Gould said he did not care what color the background area was; he did not consider it part of the sign. Ms. Garland-Rike said, however, that color often attracts a person to the sign area and is, in fact, an intrinsic part of the display area.

The Chairman said he thought the Planning Commission was becoming a bit unfocused and asked that people direct any questions to Staff. Mr. Gould said he thought it was time to simply say they do not care about color.

The Chairman, noting that it was a public hearing, asked if there were any public comments. Hearing none, he returned the Commission to its deliberations.

The Chairman said perhaps this item needed to be revised and brought back again for the Planning Commission's consideration. Ms. Everett said she thought in looking at the DSW proposal that the Commission had determined that the black background was more an architectural feature than part of the sign. The Chairman said often that is the case for large facilities such as Lowe's. He said when the area behind the channel letters becomes so large it becomes part of the building, and is no longer part of the sign. The Chairman said it was a question of what the Planning Commission wanted to do and reminded them that they could not control every single aspect of all development.

Ms. Bugge said that if they did not consider color part of the sign that murals on buildings, showing the products to be sold inside the buildings, could proliferate. Mr. Smith said that would be an intrinsic part of the display; it would, in fact, be a sign. Attorney Porter concurred. The Chairman said again perhaps using three dimensional letters would be the appropriate answer. Attorney Porter noted his concern about prosecuting a party who had a painted sign versus someone who was able to afford channel letters and the apparent disparity in treatment between the two signs would make it difficult to enforce.

Mr. Grace asked if they had looked at other ordinances for other cities, such as Novi. The Chairman said that the last time a member of the public had appeared and presented the Commission with numerous photographic examples of different signs as well as text from various communities. Ms. Stefforia noted that the proposed change to their definition of sign area came from the City of Ann Arbor. Ms. Garland-Rike noted that the last time they talked about the display of color and whether it was an intrinsic part of the display, the Planning Commission had not resolved the issue. Ms. Stefforia said that was why she had added the last sentence to the proposed text. Ms. Garland-Rike said it was not clear to her to what the 10 percent was referring. After a brief discussion, it was the consensus of the Planning Commission that the subject language; to wit: the last sentence of the proposed text amendment would disregard any background color (i.e., blank area) if that area exceeded 10 percent of the sign area which would be computed as set forth in the first sentence of the definition.

Mr. Larson noted that a mural would not be a blank area and would contain a message and, therefore, would be counted; whereas, just background color, if it exceeded 10 percent of the sign area, would not be included. Ms. Stefforia suggested clarifying the last sentence to read

as follows: "Where a sign consists solely of individual letters painted or mounted on a wall, any blank area which is more than 10 percent of the area of the sign as otherwise computed shall be disregarded."

The Chairman asked if that proposed change would satisfy the Planning Commission. Mr. Smith then made a motion to recommend the change to the sign area as amended. The motion was seconded by Ms. Garland-Rike. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **PUBLIC HEARING - ZONING ENABLING ACT - TEXT AMENDMENTS**

The Chairman indicated the next item on the Agenda was a public hearing on proposed text amendments to address requirements of the new Zoning Enabling Act, Public Act 110 of 2006. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report dated June 28, 2006, and the same is incorporated herein by reference.

Ms. Stefforia began by taking the Commission through her report and first suggesting that a blanket reference to the Township Rural Zoning Act now refer to the Michigan Zoning Enabling Act. She said Attorney Porter would address the issue of conditional rezoning.

Attorney Porter noted that the proposed section dealing with conditional rezoning was prepared by his office. He indicated that when the Township Zoning Act was amended to allow conditional rezoning, many individuals thought it would allow rezoning in contravention of customary land-use practices, such as, following the Master Land Use Plan and rezoning land in a fashion consistent with surrounding properties. He said he took a strong stand against that interpretation and, therefore, had prepared the proposed text in order to avoid requests of that nature. He said that the conditional rezoning text would provide for an organized method of reviewing any conditional zoning requests, but would require that they be consistent with the Land Use Plan and be handled similar to any other rezoning request.

The Chairman asked, if a conditional rezoning would be handled the same way any other rezoning would be handled, why was the text amendment required? Attorney Porter noted that the State law required townships to consider conditional rezoning if offered by a developer. He said he thought that the real reason behind the proposed language was to alleviate the fears of surrounding residents when a rezoning request was made. He said in the past, zoning boards and planning commissions had been told to ignore what the developer was proposing to build and simply look at the permitted uses allowed within the respective zoning district. He said in this case the applicant was not only showing what they would develop but would be bound to develop the proposal in accordance with a written contract with the Township. He said he thought this was the underlying basis for the statutory amendment. Attorney Porter concluded by saying the proposed text would provide a framework within which the Planning Commission could consider a conditional rezoning request.

Ms. Stefforia then proceeded to take the Commission through the rest of the proposed text amendments, including modifying the criteria for special exception use. She said that the

term "unnecessary hardship" had been deleted from the statutory language and, therefore, it should be deleted from the Township Ordinance. Attorney Porter noted that the unnecessary hardship standard was normally applied to use variances, not dimensional variances, and that since the Township did not allow use variances, the reference to unnecessary hardship should be removed from the text. Ms. Stefforia then took the Commission through the rest of the proposed amendments, including revisions to the Zoning Board of Appeals provisions to allow for alternates and the relocation of the variance language to the appropriate section of the Ordinance. Lastly, she noted that the escrow agreement requirements should be limited to the equivalent of the cost of the improvements as now provided for under State law.

The Chairman asked if there were any public comments. Hearing none, he called for further Planning Commission comments or a motion. Mr. Larson made a motion to recommend the proposed text amendments as submitted. Mr. Smith seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman noted that he thought the conditional rezoning provided for under the statute might be able to be used in various ways, but appreciated the precaution taken by the Township Attorney in presenting that amendment to the Township. He said he thought the proposed text was very consistent with the Planning Commission's desire to maintain consistency with the Master Land Use Plan. While he saw potential for some variation in application, he thought the proposed text would avoid opening the floodgate for development inconsistent with the overall development plans of the Township.

### **WORK ITEM - VARIOUS TEXT AMENDMENTS - DRAFT #1 OF PROPOSED AMENDMENTS TO VARIOUS SECTIONS OF THE ZONING ORDINANCE**

The Chairman said that the next item was the continuation of review of Draft #1 of proposed amendments to various sections of the Zoning Ordinance. The Chairman said his notes indicated the Commission should resume discussion on page 20 of the memo dated May 2, 2006. Mr. Stefforia concurred. Ms. Stefforia then proceeded to take the Commission through discussion of the provisions regarding outdoor lighting in Section 78.720; discussion of accessory buildings subject to site plan review pursuant to Section 78.820; and accessory building area provided for under Section 78.920. After discussion, Staff indicated that they would return with additional revised text for final Planning Commission consideration.

### **Other Business**

The Chairman asked if there was any other business. Mrs. Swander introduced herself to the Planning Commission. She raised a concern regarding her neighbor and the effect of noise on her use and enjoyment of her property. The Attorney and Planning Commission Chairman informed her that the Planning Commission had nothing to do with the drafting or enforcement of police ordinances and that she should direct her comments to the Township Board.

Mr. and Mrs. Wright introduced themselves to the Planning Commission and provided the Planning Commission and counsel with a packet outlining the ongoing water problems they believe are being caused by development within the Township. The Planning Commission thanked them for their input.

### **Planning Commissioner Comments**

Mr. Grace told the Commission that he had great respect for Staff and the Township Board and hoped that his comments would not be taken with offense. However, he said he is very concerned about the Township Board's response to the recommended increase of open space sent to it by the Planning Commission. He said that he thought it was just the first step in a number of proposed text changes he thought were necessary to address the issue of density within the Township. He said he was very frustrated on how the matter never seemed to be addressed and kept bouncing back and forth between the Planning Commission and the Township Board without any appreciable changes in the Township's zoning or planning documents. He questioned how the Planning Commission thought this matter should proceed.

Ms. Everett said she had expressed similar concern at the last Township Board meeting. She said she thought there needed to be a calendar, with set deadlines, in order for this issue to be addressed. She said she understood that the Planning Department was extremely busy, but that somehow a time frame needed to be established to address this issue.

The Chairman said he thought that if the Township set an agenda with an established time frame, the Planning Commission would do its best to meet those deadlines. He said he thought perhaps additional staff or consultants might be required to address the issue. It was the consensus of the Planning Commission that the Chairman write a letter to the Township Board to seek their direction on these issues of concern.

Ms. Stefforia said she thought a letter was appropriate but reminded the Planning Commission that they were about to take on the challenge of writing the text changes for the Village Commercial Area which was a priority of the Township and that would likely take up the next eight work sessions for the Planning Commission. The Commission said they understood and thought perhaps the Township Board should also address the issue of how to address all the various issues in a timely fashion.

Ms. Everett told the Commission that the next joint meeting with the Township Board was set for August 15. Numerous members indicated they would be absent, so it was the consensus of the Planning Commission to ask that the joint meeting be reset for September 19.

Ms. Garland-Rike introduced a handout addressing alternative ways of dealing with greenspace and its consideration under zoning regulations.

Mr. Larson expressed a concern about trees that were cut on 8<sup>th</sup> Street for the installation of the water main.

**Adjournment**

There being no further comment, the meeting was adjourned at approximately 9:00 p.m.

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

By:

Minutes prepared:  
July 17, 2006

Minutes approved:  
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