

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD SEPTEMBER 14, 2006

AGENDA

**PRESENTATION BY THE KALAMAZOO AREA TRANSPORTATION STUDY ON THE 2030
LONG RANGE TRANSPORTATION PLAN**

PUBLIC HEARING - VARIOUS TEXT AMENDMENTS

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, September 14, 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 (arrived 7:50 p.m.)
Kathleen Garland-Rike

MEMBERS ABSENT: None

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

CALL TO ORDER

The Chairman 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. Ms. Stefforia asked that Item #6 be broadened to include scheduling additional meetings in November and December. The Chairman called for approval as amended. Mr. Larson made a motion to approve the Agenda as amended. The motion was seconded by Mr. Smith. The Chairman called for a vote on the motion, and the motion passed unanimously.

MINUTES

The Chairman said the next item for consideration was the approval of the minutes of August 24, 2006. Ms. Garland-Rike asked for clarification on Item #4 at page 8 of the minutes. She said that the third sentence in that paragraph should read as follows: "In addition, sidewalks shall be installed on all other streets within the development and located on the opposite side of the street from the parking bays when possible." Mr. Smith made a motion to approve the minutes as corrected. The motion was seconded by Mr. Larson. The Chairman called for a vote on the motion, and the motion passed unanimously.

PRESENTATION BY THE KALAMAZOO AREA TRANSPORTATION STUDY ON THE 2030 LONG RANGE TRANSPORTATION PLAN

Mr. Jonathan Start introduced himself to the Planning Commission. He said he was the Executive Director for KATS. He explained the relationship between KATS and the local municipalities in Kalamazoo County. Mr. Start then proceeded to explain to the Planning Commission how the 2030 Long Range Transportation Plan was put together and the factual basis upon which it was structured.

Mr. Start outlined a series of projects and what the Planning Commission should expect to take place over the next 35 years. Mr. Start then spent a period of time answering questions from the Planning Commission regarding the development of the Plan and how the project proposed by KATS would be implemented. At the conclusion, the Planning Commission thanked Mr. Start for his time in outlining the purpose and process of developing the 2030 Long Range Transportation Plan.

PUBLIC HEARING - VARIOUS TEXT AMENDMENTS

The Chairman said the next item for consideration was a public hearing to consider various text amendments to the Zoning Ordinance. The Chairman called for a report from Staff. Ms. Stefforia submitted her report to the Planning Commission dated September 6, 2006, and the same is incorporated herein by reference.

Ms. Stefforia briefly reviewed the minor changes made to Draft #2, and noted two additional items for the Planning Commission's consideration, including adding the provision regarding building mounted lighting under Section 78.720 (d), as well as the proposed requirement to add a deed restriction for all accessory buildings which would prohibit their use for business purposes under Section 78.820. At the conclusion of her report, the Chairman asked if there were any questions of the Staff. Hearing none, he asked to hear from the public.

Mr. William Saunders raised a question regarding the rezoning of his property and the effect it would have upon his greenhouse. He asked if his property was grandfathered. Ms. Stefforia indicated that it was. He asked if he was allowed any expansion. Attorney Porter

noted that he would not necessarily be entitled to expand under the Zoning Ordinance, but he thought that his operation would be protected under the Right to Farm Act. The Chairman asked if there was any public comment. Hearing none, he closed the public portion of the meeting and called for Commission deliberation.

Ms. Everett first asked if the Commission could consider deed restrictions to control the construction of accessory buildings within the Township. Attorney Porter said if restrictions could be placed on accessory building construction, he certainly thought it was reasonable to require, as part of the permitting process, the acknowledgment by the property owner that the property would be restricted to the permitted uses within the underlying zoning district. He said a deed restriction would not be any guarantee, but it would be additional evidence, especially to subsequent buyers, as to the appropriate uses to which the buildings should be put. After a brief discussion, it was the consensus of the Commission to proceed with consideration of this proposed amendment.

The Commission then took up the issue of building mounted lighting being increased from 15 to 25 feet. Mr. Larson asked how the change in height was arrived at. The Chairman explained that this issue came up as a result of the construction of the Township Hall and the proposed lighting on the exterior of the building. The Chairman also noted that there were a number of buildings which had been approved with soffit mounted lighting that technically exceeded the height limitations currently in the Ordinance, but that due to the muted nature of the lighting, it was not noticeable nor objectionable.

Ms. Bugge said she did not think the provisions applied to government buildings. Attorney Porter said that was true in certain circumstances but only if the governmental entity was exempt from local zoning. However, he was not aware of any state legislation that would exempt the Township from its own Zoning Ordinance.

Ms. Everett said that perhaps the Planning Commission should not raise the building mounted lighting from 15 to 25 feet. She said maybe the Township did not want to see the increased height everywhere. Mr. Larson said he was not in favor of it. The Chairman said he thought in certain circumstances it would be very limiting not to allow some type of building mounted lighting. He gave the example of a church and the desire to light a portion of the building such as cupola, steeple or a cross. He said he thought there should be some latitude in the Ordinance to accomplish that purpose.

Ms. Everett asked if they could distinguish between the types of buildings which should be lighted. The Chairman said it should only be a very low wattage light; i.e., 175 watts. Ms. Everett asked about neon or LED lights. Ms. Bugge noted that such lights were very low wattage. The Chairman said, however, that such lights were not full cutoff and therefore would not be allowed under the proposed text amendment. Ms. Everett asked if there should be a separate standard for neon and LED lights. Ms. Bugge indicated that perhaps the Commission should consider a separate restriction.

Mr. Larson said he thought the real issue was whether the change in lighting created a problem for surrounding properties. He said he thought that a shielded lighting, which allowed the illumination of the architectural features or the facade of the building but did not

light the surrounding area beyond the building, should be permitted. He said he thought it was reasonable and appropriate. Attorney Ported noted that he liked Mr. Larson's definition since it could be applied to the building specifically. The Chairman asked what the Planning Commission's thought was regarding having shielded lighting.

Ms. Bugge said she thought it needed to be sharp cut off, not just shielded lighting. The Chairman said he thought in certain circumstances that sharp cutoff lighting would not accommodate the complete lighting of the facade of a structure, and if the lights only illuminated the building and not beyond it, he did not see why that would be a problem. After continued discussion, it was the consensus of the Commission to have the Planning Department rework the proposed text amendment and bring it back for further consideration.

Mr. Larson raised an issue regarding the Right to Farm Act and asked for clarification. Attorney Porter said he would do a memo for the Commission, as well as Mr. Saunders, so there would be no misunderstanding on the issue.

The Chairman asked what course of action the Planning Commission wished to take in regard to the proposed text amendment. After discussion with members of the Planning Department, the Chairman made a motion to table the consideration of the proposed text amendment to the Planning Commission's meeting of November 16, 2006. The motion was seconded by Mr. Grace. The Chairman called for a vote on the motion, and the motion passed unanimously.

OTHER BUSINESS

The Chairman said the next item on the Agenda was consideration of rescheduling the October 12, 2006, meeting and the addition of two additional meetings per the request of the Planning Department. After a brief discussion, Mr. Grace made a motion to change the October 12, 2006, meeting to October 4, 2006, and to add two additional meetings of the Planning Commission on November 16 and December 7, 2006, commencing at 7:00 p.m. The motion was seconded by Ms. Everett. The Chairman called for discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

PLANNING COMMISSION COMMENTS

The Chairman said he would take comments from the Planning Commission. After a brief update from several of the Planning Commission members as to their activities, Ms. Stefforia noted to the Commission's satisfaction that local MDOT personnel were able to secure a grant for a non-motorized bike path for both sides of M-43 from 9th Street to 10th Street. Ms. Stefforia said she wanted to specifically thank the local MDOT representatives for securing additional funding to allow development of the bike paths on both sides of M-43.

ADJOURNMENT

There being no other business, Mr. Larson made a motion to adjourn the meeting at approximately 8:50 p.m. Mr. Smith seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By:

Minutes prepared:
August 31, 2006

Minutes approved:
_____, 2006