

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD NOVEMBER 10, 2011

Agenda

EXTREME CLEAN CAR WASH – SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL – *WITHDRAWN BY APPLICANT*

MASTER PLAN – 9TH STREET SUB-AREA – DRAFT TWO

ZONING ORDINANCE AMENDMENT – SECTION 76.410 E

ADOPTION OF 2012 MEETING DATES

DISCUSSION OF A TREE PRESERVATION ORDINANCE

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, November 10, 2011, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Acting Chairperson
Bob Anderson
Carl Benson
Dave Bushouse
Richard Skalski
Millard Loy

MEMBER ABSENT: Fred Gould

Also present were Jodi Stefforia, Planning Director; Attorney James Porter and six other interested persons.

Call to Order and Pledge of Allegiance

After the meeting was called to order at about 7:00 p.m., the “Pledge of Allegiance” was cited **recited**.

Agenda

The Acting Chairperson asked if there were any additions or deletions to the Agenda. Ms. Stefforia indicated that Item #6 had been withdrawn by the applicant. The Acting Chairperson said she would like to add to the Agenda, as Item #9b, consideration of a Tree Preservation Ordinance. Mr. Loy made a motion to accept the Agenda as amended. Mr. Skalski seconded the motion. The Acting Chairperson called for a vote on the motion, and the motion passed unanimously.

Public Comment on Non-Agenda Items

The Acting Chairperson asked for public comment on non-agenda items. Hearing none, she asked that the Commission move on to the next item on the Agenda.

Minutes

The Acting Chairperson said that the next item was consideration of the proposed minutes of October 27, 2011. She said she would like to see "Consultant Greg Milliken" added to those in attendance and reference to "two" other interested persons changed to "three" interested persons. Also, under the "Zoning Ordinance Amendment" on page 5, she would like the following language added as the third full paragraph:

"The Acting Chairperson asked how many complaints have been received about sign illumination. Ms. Stefforia responded about a half-dozen."

She asked if there were any other changes to the minutes. Hearing none, she said she would entertain a motion to approve the minutes, as amended. Mr. Anderson indicated that it would be so moved. The motion was seconded by Mr. Skalski. The Acting Chairperson called for a vote on the motion, and the motion passed unanimously.

EXTREME CLEAN CAR WASH – SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL – WITHDRAWN BY APPLICANT

MASTER PLAN – 9TH STREET SUB-AREA PLAN – DRAFT TWO

The Acting Chairperson said the next item on the Agenda was consideration of Draft Two of the Master Plan 9th Street Sub-Area Plan. The Acting Chairperson asked to hear from Staff.

Ms. Stefforia submitted the 9th Street Sub-Area Plan - Draft Two dated November 2, 2011, to the Commission for consideration. She noted that the primary changes to the Plan were contained in the Future Land Use provisions, particularly with regard to changes in the "Transitional Residential," formerly called "Conservation Residential," as more fully set forth in her report.

The Acting Chairperson asked if there were any questions of Staff. Hearing none, she asked what the Planning Commissioners' thoughts were.

Mr. Skalski said he thought the amendments addressed the concerns which were raised at the previous meeting. He liked the change from the previous residential classification to "Transitional Residential." He thought the change would address any concerns raised by the public, and that he would support the amendment.

Mr. Anderson said he thought that this proposal would smooth out transitional uses in this area.

Mr. Loy said he was fine with the changes as proposed.

Mr. Benson said he thought the issues which were raised previously had been addressed.

Mr. Bushouse said he was concerned about high-density residential, and while this was low to medium density residential, he just wanted to alert the Planning Commission about the concerns he had over high-density residential and the burden they put on demand for services primarily in the form of police enforcement.

The Acting Chairperson said it sounded like there was a consensus from the Commission to accept Draft Two but she wanted to hear from the public.

Mr. Kadir Mohmand thanked the Commission for the changes. He said, while it may have seemed like more semantics to some, he did appreciate the changes. He said he wanted to make sure that there was the same depth for development on his property as there was across the street. He noted his concern about the Township's ability to attract businesses which provide for manufacturing and production and asked that the Planning Commission address this issue.

Ms. Sheri Mohmand introduced herself to the Planning Commission. She said she also appreciated the name change from "Conservation Residential" to "Transitional Residential." She said that the previous name sounded similar to the way the Israelis treated the Palestinians in the Green Zones and appreciated the Commission's sensitivity to this issue. She said she hoped that the proposed changes were more than a change in name only and that it was a real change in how these properties would be developed in the future.

The Acting Chairperson called for other comments.

Mr. Skalski asked about the Green Corridors and whether they were intended to be landscape buffers. Ms. Stefforia indicated that they were and may end up being no-build areas along the road.

Ms. Stefforia also noted that there was a change in the depth of the commercial along 9th Street deeper than had been previously shown in Draft One. She said she thought the actual depth was as deep as that provided to the properties on the east side of the road, but that the final depth will be determined during implementation when rezonings are contemplated.

The Acting Chairperson asked if this Draft Two would be formalized and put in a format to be placed in the Master Plan along with the other Sub-Area Plans. Ms. Stefforia said it would. The Acting Chairperson then asked for a motion to approve such action. Mr. Skalski made a motion to have the 9th Street Sub-Area Plan finalized and placed with the other Sub-Area Plans to be incorporated in the Master Plan in the future. The motion was seconded by Mr. Anderson. The Acting Chairperson called for a vote on the motion, and the motion passed unanimously.

ZONING ORDINANCE AMENDMENT

The Acting Chairperson stated that the next item on the Agenda was consideration of an amendment to Section 76.410, Paragraph E, and a change in Section 30.412 with regard to special uses for car washes.

Ms. Stefforia presented her report to the Commission dated November 7, 2011, and explained that the Township Board had previously asked the Planning Commission to look closer at the amendment to Section 76.410, Paragraph E. After additional discussion with other Board members, she had rewritten Paragraph E to address the issue of commercial signs and how late they should be on depending upon the proximity to residential housing, as more fully set forth in her report. Therefore, since the change is significantly different from what was originally considered, rather than send the proposed text back to the Township Board, she asked that the Commission set the amendment for a further public hearing to address the changes which were made subsequent to the last Township Board meeting.

Ms. Stefforia also suggested that the Commission consider adding car washes because they were not a specifically listed special use in the commercial zone and needed to be if they were going to consider the car wash, which was withdrawn from the Agenda, in the near future. She noted the Township already had three car washes within the "C" Commercial District and thought it would be appropriate to address car washes in that zone as a special use.

The Acting Chairperson asked if there was any discussion on this matter.

Mr. Skalski said he liked the changes in Paragraph E of Section 76.410 in that it added flexibility to the Zoning Ordinance, which a strict on/off timeframe would not.

Mr. Benson said he was happy with the proposed changes to Paragraph E.

Mr. Bushouse said he was agreeable to setting a public hearing on this matter.

The Acting Chairperson said she would entertain a motion. Mr. Benson then made a motion to set a public hearing for amendment to Section 76.410 E, as proposed, as well as an amendment to Section 30.412, as proposed, for December 8, 2011, commencing at 7 p.m. The motion was seconded by Mr. Skalski. The Acting Chairperson called for a vote on the motion. The motion passed unanimously.

Other Business

The Acting Chairperson said that the next item on the Agenda was consideration of Item #9.a. being the proposed Planning Commission meeting dates for 2012. It was proposed that the time of 7 p.m. be added to the regularly-scheduled meeting dates and that the dates of the joint meetings be changed to February 21, May 15 and September 18, 2012, commencing at 6 p.m. The Acting Chairperson said she would entertain a motion to accept the 2012 dates and times, as amended. Mr. Benson made a motion to accept the dates and times for the 2012 Planning Commission meeting dates as agreed upon. Mr. Skalski seconded the motion. Upon vote, the motion passed unanimously.

The Acting Chairperson said that the next item for consideration was a discussion of Item #9.b. regarding a possible Tree Preservation Ordinance. The Acting Chairman said she had raised this matter due to the clear-cutting which had taken place recently on M-43. Mr. Benson said he had made the same suggestion four years ago, and at that time, he was told such an ordinance was not practical.

The Acting Chairperson said she thought the situation on M-43 looked terrible, and she wanted Staff and legal counsel to take a look at this issue to see what restrictions, if any, could be placed upon future property owners.

Mr. Loy said he understood, but the landowner still had property rights which would have to be respected.

Mr. Skalski said he understood the dislike for clear-cut development, but thought they would need to evaluate the property owner's rights, as well as any possible restrictions regarding certain clear-cutting practices.

Mr. Anderson said he thought Mr. Loy was right, and he was not sure what they could do if all the property owner was doing was logging the property.

Mr. Loy added that there were some health and safety concerns given that clear-cutting, such as that which took place on M-43, could result in washouts and flooding of surrounding areas, and perhaps something like that could be addressed.

Mr. Bushouse said he thought landowners should be allowed to do what they want to do with their trees. He thought any proposal would have to address the individual's rights.

The Acting Chairperson asked whether the Commission wanted to look at this matter. Ms. Stefforia noted that there was not support for a similar proposal in 2000, but she could research and provide the Commission with a current analysis on tree preservation policies and what the Township could do to promote tree preservation rather than simply impose restrictions. It was the consensus of the Commission to wait until they heard back from the Planning Department.

Planning Commissioner Comments

Mr. Skalski commented about some missing pages in his packet of new Zoning Ordinance pages, which was immediately corrected.

Mr. Anderson complimented those in the community who had planned the Rotary Halloween Party.

The Acting Chairperson told Mr. Anderson that she was glad to see him back, and he was looking great.

Adjournment

The Acting Chairperson noted that the Agenda had been exhausted, and the meeting was adjourned at approximately 7:45 p.m.

Minutes Prepared:
November 15, 2011

Minutes Approved:
December 8, 2011