

7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

REGULAR MEETING – VIRTUAL

(Refer to the www.oshtemo.org Home Page for Virtual Meeting Information, or page 3 of the packet)

**Thursday, May 28, 2020
6:00 p.m.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes: May 14th, 2020
5. New Business
 - a. Discussion – Electronic Message Centers
 - b. Discussion – DRAFT Planning Department Annual Report 2019
 - c. Discussion – Proposed 2020 Van Buren County Master Plan
6. Public Comment
7. Other Updates and Business
8. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u> Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u> Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u> Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u> Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 872 5088 9261**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **872 5088 9261#**

Participant controls in the lower-left corner of the Zoom screen:



Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

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**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A VIRTUAL MEETING HELD May 14, 2020

Agenda

Old Business

a. Discussion: Assembly and Convention Halls Definition

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, May 14, 2020, commencing at approximately 6:00 p.m.

ALL MEMBERS

WERE PRESENT:

Bruce VanderWeele, Chair
Ron Commissaris
Dusty Farmer
Micki Maxwell, Vice Chair
Mary Smith
Anna Versalle
Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Josh Owens and Martha Coash, Meeting Transcriptionist. Guest Gayle Stevens-Miller was also in attendance.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m.

Approval of Agenda

Hearing no suggestions for change, Chairperson VanderWeele let the agenda stand as presented.

Approval of the Minutes of the Meeting of April 30, 2020

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of April 30, 2020. Hearing none, he asked for a motion.

Mr. Commissaris made a motion to approve the Minutes of the Meeting of April 30, 2020 as presented. Ms. Versalle seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item.

OLD BUSINESS

a. Discussion: Assembly and Convention Halls Potential Definition

Ms. Lubbert provided background. She noted that Township Planning Department staff was recently approached by a prospective property owner interested in establishing a wedding/event venue within the commercial portion of the 9th Street and West Main Zoning Overlay. Examining the Township's Zoning Ordinance, staff found no such use is identified as allowable in any zoning district in Oshtemo, despite a handful of such businesses having been located here in the past. In some cases, such as with the Delta Marriott Hotel on S 11th Street, the convention center located there is considered an accessory element to the primary use of the property. In the case that prompted this proposal, the event space would be the property's primary use.

She indicated a general tenet of local zoning is that no reasonable use of land should be outright prohibited in any community and should be allowed somewhere. In the interest of adhering to accepted legal convention and good planning practice, staff proposes a text amendment to the Zoning Ordinance to allow Assembly and Convention Halls as a Special Use in the C, Local Business District and the 9th Street and West Main Overlay Zone. Both zoning districts are appropriate locations for this use based on their character and intent. At this time, in order to mitigate any unforeseen consequences or impacts of this use to nearby properties, staff recommended making Assembly and Convention Halls a Special Use so the Township can impose any necessary restrictions on a case by case basis. As the Township gains experience with Assembly and Convention Halls as a primary use, additional criteria can be developed, other zoning districts considered, and the use potentially even transitioned from a Special Use to a Permitted Use with Conditions, which would allow for administrative review and approval.

The Planning Commission initially reviewed the proposed amendment at their regular February 27th meeting. After discussion, the Commission agreed to move forward with the proposed changes to Sections 18.40 and 35.40 and set a Public Hearing for their meeting on March 26th. Due to COVID-19's impact on the Township's ability to hold open meetings, the public hearing needed to be rescheduled to April 30th. At the public hearing the Planning Commission became concerned when they found the ordinance does not define Assembly and Convention Halls. There was concern that if no additional guidance was provided larger Convention Centers (like the Kalamazoo County Expo Center) could accidentally be lumped into the same category. The Planning Commission moved to table the item and asked staff to explore possible definitions that would alleviate their concerns and avoid potential future misunderstandings.

Based on the feedback provided by the Commission at the February 27 meeting, Ms. Lubbert presented a potential definition to consider and discuss:

Assembly and Convention Hall – a room or building for the purpose of hosting a party, banquet, wedding or other social event. Assembly and Convention Halls can also be considered a kind of meeting room, function hall, reception hall, or banquet hall.

In addition to a general definition, Ms. Lubbert suggested the Commission consider implementing a maximum capacity or occupancy to be tied to the proposed special use – potentially a different value depending on the zoning district in which the use is allowed. To help with the discussion staff has collected examples of different Assembly and Convention Halls in surrounding areas and organized them by their maximum capacity. Examples of larger venues, convention centers, were also provided for comparison. To start the discussion, she suggested the Commission consider a maximum capacity of 400 persons for Assembly and Convention Halls within the C, Local Business District and a maximum capacity of 200 persons for Assembly and Convention Halls within the 9th Street and West Main Overlay Zone.

To ensure that new and existing hotels and other larger establishments permitted within the C district can continue to have portions of their facilities utilized as Assembly and Convention Halls, she also recommend adding language that allows the Planning Commission to grant deviations in the maximum capacity permitted if the applicant can prove the establishment can accommodate the request without negatively impacting surrounding properties. Staff also requested Assembly and Convention Halls be added as a Special Use to the C-R, Local Commercial district, for consistency.

Ms. Lubbert requested direction regarding how to move forward after discussion by Commissioners.

Ms. Maxwell supported including a cap on the size of groups to be accommodated and felt 200 – 400 would be livable.

Mr. Commissaris thought language tied to parking and other requirements would be appropriate.

Ms. Lubbert noted it would be a good way to control usage by including conditions by district in the code. She noted the building code would regulate structural requirements and that there would be some overlap with fire code for access.

Ms. Farmer said those types of items are referenced in the ordinance for outdoor events, so they may not need to be laid out.

At Chairperson VanderWeele's suggestion, Ms. Lubbert said she could look into merging requirements as appropriate.

Mr. Vyas suggested leaving definitions broad but as simple as possible.

Attorney Porter said that for zoning purposes what will be permitted has to be

defined by dictating the type of facility by square footage or occupancy.

Mr. Commissaris wondered how much area based on occupancy would be needed outside for events on the grounds.

Attorney Porter noted any uses permitted by the Commission would go through the site plan process. A lot of variables, like parking and access are already in place.

Ms. Lubbert felt there is enough flexibility in the code that a barn or other options could be employed. We want to encourage creativity and flexibility.

Ms. Smith wondered if we would be tying the hands of people who want to hold business meetings because they are not social events.

Ms. Lubbert felt that business meetings would be captured in the proposed definition but would be happy to add language to the definition for clarity.

The Chair asked what the next step would be in the process if the language is moved forward with some modifications.

Ms. Lubbert said she would recommend one more discussion to officially consider amended draft language. She asked what the feeling was about capacities and suggested 200 maximum for the overlay district and 400 for the C, local business district, as the overlay district is more residential in character and more control would be available with a limit of 200 in order to maintain the residential feel.

There was discussion regarding whether it would be better to establish limits based on building square footage and/or the maximum number of attendees allowed.

Chairperson VanderWeele wondered if some more residential areas of the overlay could be further limited so as not to be as disruptive.

Attorney Porter said the overlay district couldn't be further limited other than the size of the structure or maximum attendees to control traffic from that use in the area, but the number of people allowed within the overlay zone could be established as fewer than in the local business district.

Mr. Vyas noted Henderson Castle is one block west of a residential area. A limit of 200 people there is reasonable and there seem to be no problems. He felt 200 people could be accommodated in the overlay zone.

Ms. Farmer agreed with Mr. Vyas, and felt the capacity in the overlay district should be 200.

Chairperson VanderWeele said often buildings are constructed with several halls and wondered if a building has multiple options whether the 200/400 capacities would

be the limit for each hall or for the entire facility.

Ms. Lubbert said she would recommend the maximum would be per building, not per room.

The Chair wondered since the special use exception will be used, whether putting numbers in the overlay language could be avoided and language that would require a building to be compatible with the overlay could be employed instead, or whether that would be too broad.

Attorney Porter said it would be hard to effectively apply the ordinance without more concrete language.

Ms. Smith wanted to be sure that we allow halls rather than convention centers. She said she could go with a definition with or without a maximum attendee number in the overlay zone.

Attorney Porter suggested Ms. Lubbert come back with a 2-tiered definition that would include definition by people or space. Building officials will be consulted to see how many people can be accommodated per square foot. A concrete definition needs to be established.

Ms. Maxwell said she would like to establish limits by defining the number of people allowed. 200 people for buildings with more than one room do not seem like too many.

Ms. Farmer agreed.

Mr. Commissaris said he thought a limit of 200/400 was acceptable and noted the Kalamazoo 10 theatre would make a great multi-room convention hall.

Ms. Farmer noted the Delta Marriot holds 750 and that 400 in the Kalamazoo 10 building is nothing in comparison. She still thinks 200 maximum is appropriate in the overlay zone but that perhaps the maximum occupancy in the C district should be increased.

Mr. Commissaris thought the local business district could handle more than 400, for example, two events with 350 in each room.

Ms. Farmer said one large room often is broken up with movable partitions; that is how Delta Marriot handles two large groups.

Chairperson VanderWeele took a poll of the group to see what their preference was regarding maximum numbers.

All seven Commissioners agreed the maximum in the overlay zone should be

200 and the maximum in the commercial district should be increased to a possible maximum of 750.

Chairperson VanderWeele asked Ms. Lubbert to return to the group with a new definition and maximum numbers allowed to reflect discussion.

PUBLIC COMMENT

The Chair asked Ms. Stevens-Miller if she wished to comment.

She indicated she was attending to listen and had no comment.

OTHER UPDATES AND BUSINESS

Ms. Lubbert reported the Township is working on a Covid-19 “Go back to Work” plan and this plan will eventually also address public meetings. She asked Commissioners to share their thoughts and preferences for what they foresee for future meetings.

Ms. Maxwell noted it is hard to hear some people in the virtual Zoom meetings.

Mr. Owens noted it was a stormy day and that storms can affect connections.

Ms. Farmer said the Township Hall would stream meetings through use of a land/hard line when new protocols are established, which would make it easier for residents to view the regular meetings. The regular equipment would be employed using a camera, so the whole meeting would be viewed rather than individual screens. That would allow viewing and public comment. It would also allow Commissioners to attend and participate virtually as long as there was an in person quorum and new rules to allow such participation will need to be established.

Mr. Owens commented someone would be needed to moderate the meetings.

The Chair wondered how Ms. Lubbert is coming regarding text amendments to allow smaller projects to be done internally by staff rather than having to come to the Commission for action.

Ms. Lubbert said she does not expect to be able to proceed with that amendment until July.

Chairperson VanderWeele asked if there are agenda items for the next regularly scheduled meeting on May 28th.

Ms. Lubbert indicated there are three, possibly four items to be included.

.ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 7:09 p.m.

Minutes prepared:
May 15, 2020

Minutes approved:
_____, 2020

DRAFT

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May 19, 2020



Mtg Date: May 28, 2020

To: Planning Commission

From: Iris Lubbert, AICP
Planning Director

Subject: Discussion – Electronic Message Centers

Background: In mid-March of this year Jack Vos, with Universal Signs Inc., approached the Township to explore getting a variance for a sign deviation on behalf of his client, Consumer Credit Union. The request was specifically to allow for the installation of a larger electronic message center than permitted by the Zoning Ordinance. However, after the application was further reviewed, it was found that the argument being presented for a variance was not with how this site in particular is at a disadvantage but rather that the current signage ordinance is outdated. Specifically, the applicant argued that the code's restriction of an electronic message board's square footage (35% of the total sign area) is too small. It was determined that any discussion about potential deficiencies of the current ordinance was not appropriate for the Zoning Board of Appeals but rather was a topic for the Planning Commission to consider. After discussion, the applicant agreed to meet with the Planning Commission to discuss a request to update the signage ordinance.

Requested Discussion: Jack Vos is scheduled to be present at the May 28th Planning Commission meeting and to answer any questions that the Commission may have regarding the proposal to amend the code to allow for larger Electronic Message Centers. To help with discussion, the applicant has provided a number of images to help illustrate the request, see attached, and has provided the below summary outlining their reasoning:

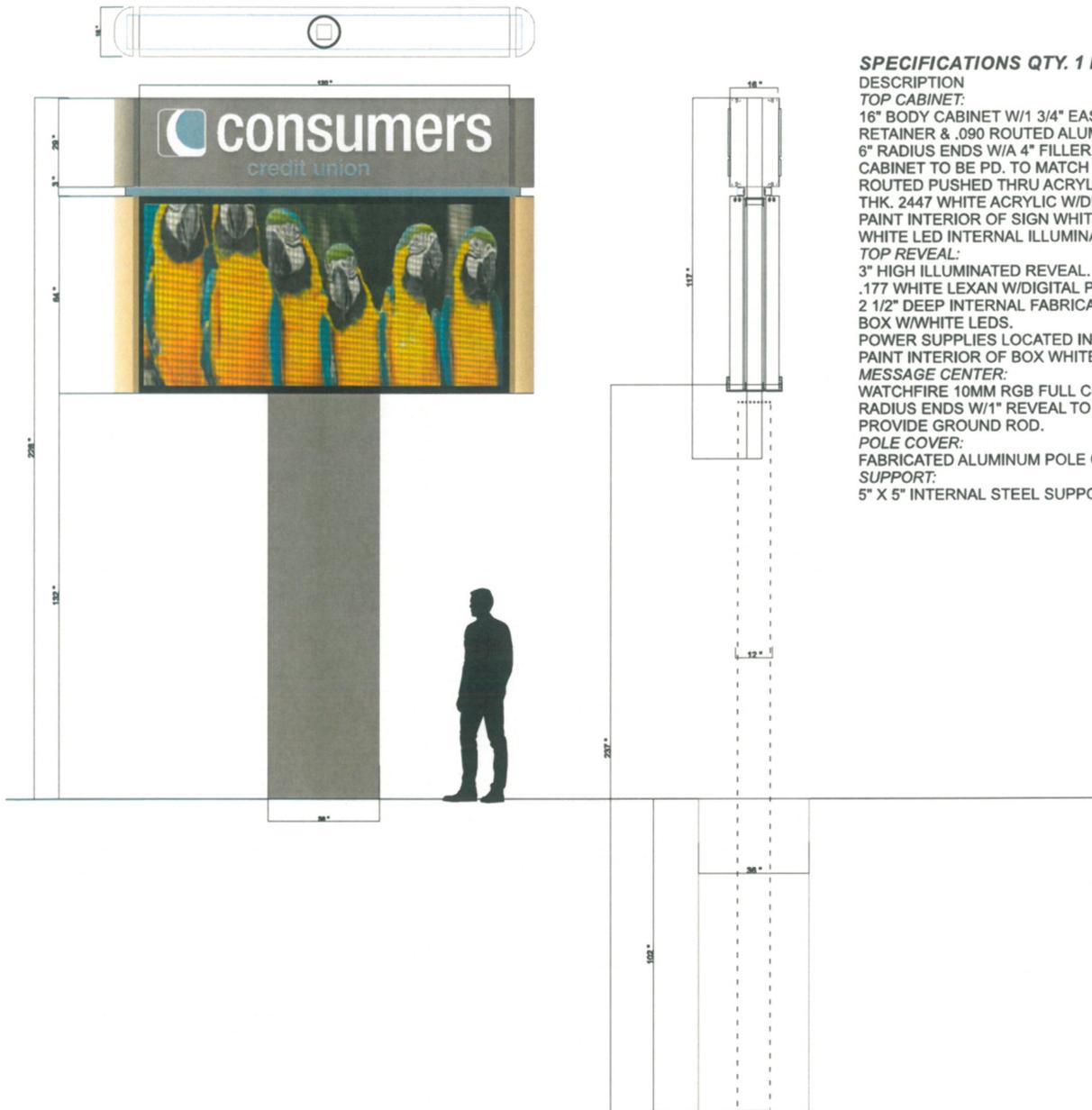
- Message centers greater than 35% fill in the allowable sign area and help eliminate dead space around the display.
- The ordinance limits the overall sign size and the 35% percentage limits the message center size. When combined, these size limitations together reduce the size of a proper aspect ratio message center to be much too small to be effective.
- Due to these limitations the message and graphic on the message center will be smaller with less space around the copy which makes the message harder to see and the words harder to read.
- A message center in the proper aspect ratio greater than 35% of the sign area will allow the images to be larger and the words on the message center to have more spacing and blank space which will make the sign easier to read.
- A message center that has larger images and is easier to read is less distracting and assures safe egress to the branch which is safer for all motorists.
- An aspect ratio of 2:1 and size greater than 35% would allow us to utilize the full width of the sign and allow us to have enough height to be closer to the preferred content range. An aspect ratio outside of that range may cause portions of content to be lost or distorted when displayed. A sign aspect ratio of 2:1 is consistent with advertising standards, allows business to make use of existing

content sources that they already have created for billboards or social media, and is the best choice for large, legible copy and use of pictures.

After discussion, the Commission is asked to provide township staff direction on how to move forward with the Electronic Message Centers code amendment request.

Thank you.

Attachments: Images provided by applicant



SPECIFICATIONS QTY. 1 D/F:

DESCRIPTION

TOP CABINET:

16" BODY CABINET W/1 3/4" EASY
RETAINER & .090 ROUTED ALUMINUM FACE.
6" RADIUS ENDS W/A 4" FILLER.
CABINET TO BE PD. TO MATCH PMS WARM GREY 9C.
ROUTED PUSHED THRU ACRYLIC TO BE 3/4"
THK. 2447 WHITE ACRYLIC W/DIGITAL PRINT VINYL.
PAINT INTERIOR OF SIGN WHITE.
WHITE LED INTERNAL ILLUMINATION.

TOP REVEAL:

3" HIGH ILLUMINATED REVEAL.
.177 WHITE LEXAN W/DIGITAL PRINT VINYL.
2 1/2" DEEP INTERNAL FABRICATED ALUMINUM
BOX W/WHITE LEDS.
POWER SUPPLIES LOCATED IN TOP CABINET.
PAINT INTERIOR OF BOX WHITE.

MESSAGE CENTER:

WATCHFIRE 10MM RGB FULL COLOR EMC.
RADIUS ENDS W/1" REVEAL TO BE PTD. SB 9025.
PROVIDE GROUND ROD.

POLE COVER:

FABRICATED ALUMINUM POLE COVER TO BE PTD. SB 9025.

SUPPORT:

5" X 5" INTERNAL STEEL SUPPORT SET IN 10" DIA. POLE IN CONCRETE.

Project:

Location:

Date: 10.21.19 R

Revision:

A 10.23.19 R

B 3.18.20 R

C _____

D _____

E _____

F _____

G _____

H _____

Approval:

Name: _____

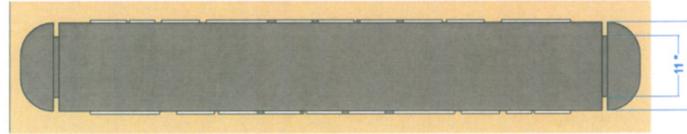
Sales: **JV**

BUSS Logo Yes No

Notes:

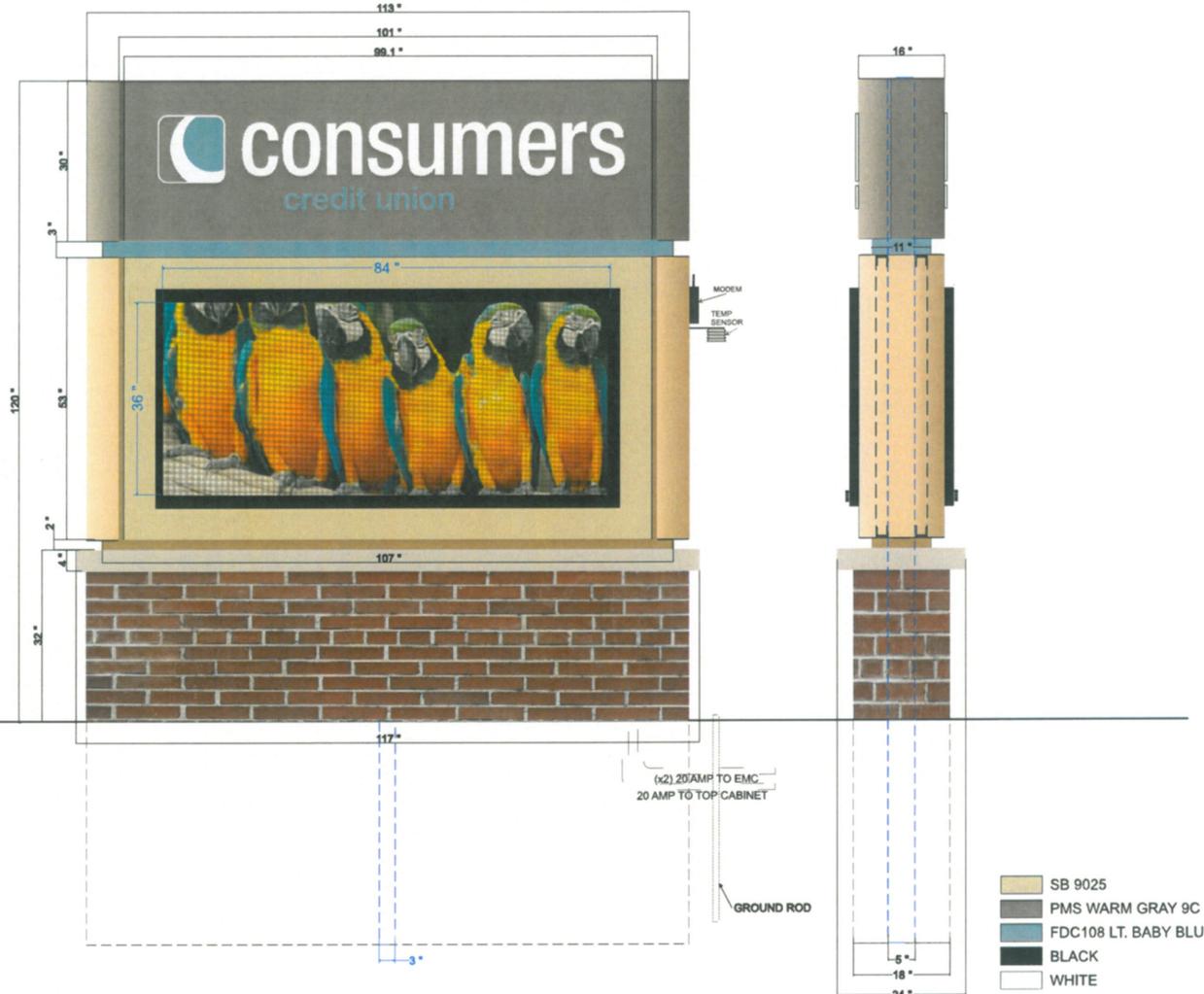
UNIVERSAL
SIGN SYSTEMS

5001 Falcon View SE, Grand Rapids MI 49512
www.universalsignsystems.com
Ph 616.554.9999 Fx 616.554.9922



SPECIFICATIONS QTY. 1 D/F:

- TOP CABINET:**
 16" EXTRUDED ALUMINUM CABINET W/ 1 3/4" EASY RETAINER & .090 ROUTED PUSHED-THRU ALUMINUM FACES.
 6" RADIUS END CORNERS W/ 4" FILLER. CABINET TO BE PTD. TO MATCH PMS WARM GRAY 9C.
 ROUTED PUSHED-THRU COPY TO BE 3/4" THK. 2447 WHITE ACRYLIC W/ DIGITALLY PRINTED VINYL.
 PAINT INTERIOR OF CABINET WHITE. WHITE LED INTERNAL ILLUMINATION.
 TO HAVE HOLES IN BOTTOM OF CABINET TO FLOOD LIGHT INTO TOP REVEAL.
- TOP REVEAL:**
 3" HIGH ILLUMINATED REVEAL TO BE 1/2" ACRYLIC W/ MITERED CORNERS GLUED. TO BE COVERED W/ FDC108 LT. BABY BLUE TRANSLUCENT VINYL.
 LED PANELS IN BOTTOM OF CABINET TO FLOOD LIGHT INTO REVEAL.
 .063 ALUMINUM PANEL PTD. WHITE TO BE FITTED TO REVEAL & TO BE MTD. TO TOP OF MESSAGE CENTERS.
- MESSAGE CENTER:**
 5"D x 41"H x 87"W WATCHFIRE 10MM RGB FULL COLOR EMC.
 RADIUS ENDS W/ 1" REVEAL TO BE PTD. SB 9025.
 PROVIDE GROUND ROD.
- LOWER REVEAL:**
 2" HIGH FABRICATED ALUMINUM REVEAL TO BE PTD. SB 9025.
- SUPPORT:**
 3" X 5" INTERNAL STEEL SUPPORT PTD. WHITE. SET IN CONCRETE.
- BASE:**
 CONCRETE FOUNDATION BY U.S.S. MASONRY BASE W/ LIMESTONE CAP BY OTHERS.



Project:

Location:

Date: 9.25.19 R

Revision: A 10.24.19 R

B 10.31.19 R

C 2.11.20 J

D 3.18.20 R

E 3.27.20 B

F

G

H

Approval:

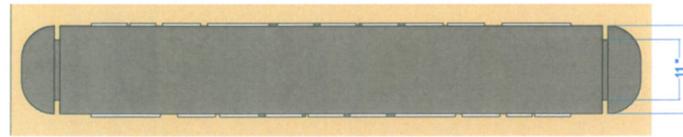
Name:

Sales: NZ

USS Logo Yes No

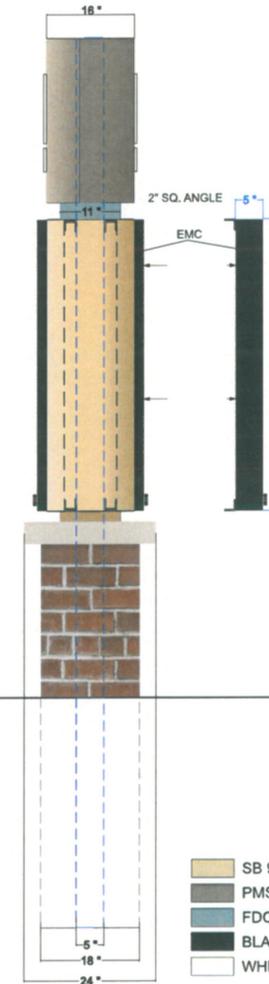
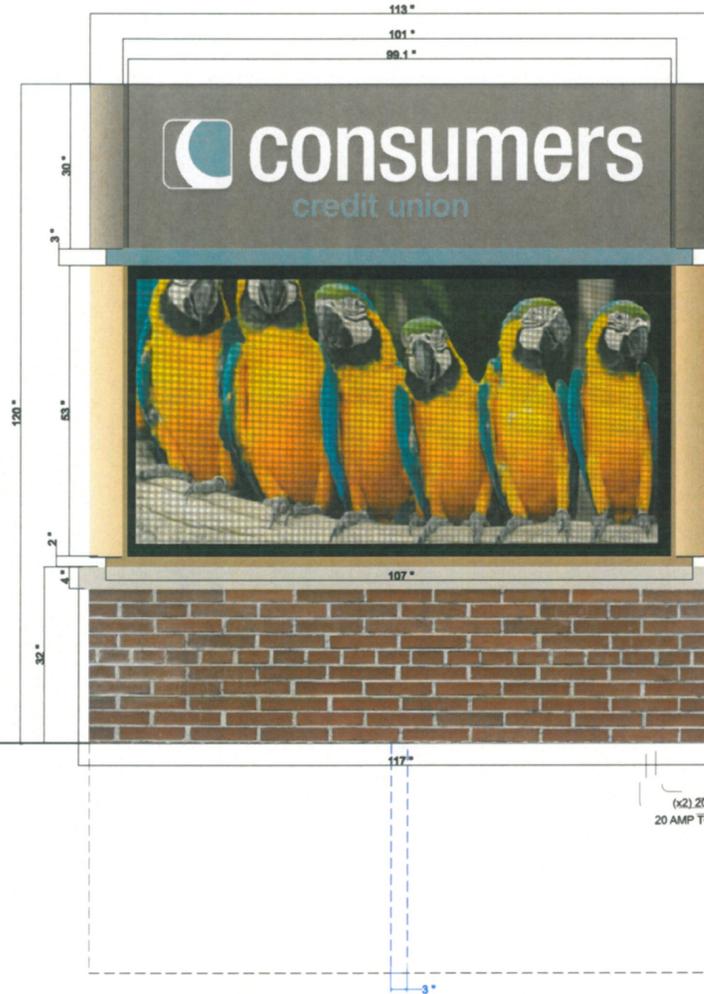
Notes:

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MESSAGE CENTER:
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 PROVIDE GROUND ROD.
LOWER REVEAL:
 2" HIGH FABRICATED ALUMINUM REVEAL TO BE PTD. SB 9025.
SUPPORT:
 3" X 5" INTERNAL STEEL SUPPORT PTD. WHITE. SET IN CONCRETE.
BASE:
 CONCRETE FOUNDATION BY U.S.S. MASONRY BASE W/ LIMESTONE CAP BY OTHERS.



Project:

Location:

Date: 9.25.19 R

Revision: A 10.24.19 R

B 10.31.19 R

C 2.11.20 J

D 3.18.20 R

E

F

G

H

Approval:

Name:

Sales: NZ

USS Logo Yes No

Notes:

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 www.universalsignsystems.com
 Ph 616.554.9999 Fx 616.554.9922

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May 19, 2020



Mtg Date: May 28, 2020

To: Planning Commission

From: Iris Lubbert, AICP
Planning Director

Subject: Discussion – DRAFT Planning Department Annual Report, 2019

Background:

Every year the Oshtemo Planning Department produces a report that satisfies the requirements of Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which states that a Planning Commission must prepare an annual report documenting the administration of their municipality's Zoning Ordinance and outline possible future amendments to the Ordinance. The attached report fulfills the obligation for 2019 and provides updates on the activities and projects planned for 2020.

It should be noted that the Planning Department has expanded the scope of the report to further document the activities of the Zoning Board of Appeals and the administrative activities of the Planning Department staff. By doing so, the document provides a more complete picture of Planning and Zoning activities within the Township. This report is intended to not only document past and ongoing activities but also help the Township Board develop its own work plans and budgets for the coming year.

Requested Discussion:

The Planning Commission is asked to review the report and provide feedback to staff. Once the Planning Commission is content with the report it can be finalized and forwarded to the Township Board.

Thank you.

Attachments: DRAFT Planning Department Annual Report

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OSHTEMO
DRAFT
PLANNING DEPARTMENT
ANNUAL REPORT
2019
TOWNSHIP



Legislative Requirements

Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) requires the Planning Commission to prepare an annual report for the Township Board documenting the administration of the Zoning Ordinance. It is also a requirement to outline possible future amendments to the Ordinance. This report fulfills this obligation for 2019 and provides updates on the activities and projects planned for 2020.

The Planning Department has expanded the scope of the report to further document the activities of the Zoning Board of Appeals and the administrative activities of the Planning Department staff. By doing so, the document provides a more complete picture of the Planning and Zoning activities in the Township. This report is submitted to the Township Board for review and consideration as it develops its own work plans and budgets for the coming years.

PLANNING COMMISSION

2019 ORDINANCE AMENDMENTS

Agribusiness/Agritourism - During the public meetings of the 2017 Master Plan Update, residents in the rural areas indicated a desire to preserve property, but needed a revenue source to assist with this preservation. In addition, those that produced an agricultural product wanted other economic opportunities that would help to support their farming operations. In response to these requests, the Rural Character Preservation Strategy chapter of the Master Plan includes a strategy to update the Zoning Ordinance to allow for these types of businesses. In April of 2018 the Planning Commission started to work on a Agribusiness/Agritourism Ordinance to implement this strategy. After multiple reviews, the Planning Commission held a public hearing for the drafted amendment on March 28, 2019 where a motion to recommend approval to the Township Board was unanimously accepted. After discussion and additional modifications, the Township Board adopted the Agribusiness/Agritourism Ordinance amendment in May 2019.



Examples of Agritourism

The Agribusiness/Agritourism Ordinance is designed to provide those who either produce an agricultural product or live in the rural area and meet certain criteria the opportunity to generate some additional revenue on their property. The objective is to offer additional options for these property owners without impeding the enjoyment of the rural character of the area. It is not the intent of the ordinance to allow commercial operations within the rural area of the Township and therefore, some uses, like special events, have been limited.

Lighting— In response to complaints about string lighting within the Township, the Township Board directed the Planning Commission to review Section 54, Lighting Ordinance to address these concerns. The Planning Commission used this opportunity to review the entirety of the lighting ordinance and bring it up to today's technology standards. Over a six-month period, utilizing the Dark Sky Society and Illuminating Engineer Society model ordinances, as well as other township and city lighting ordinances as examples, the Planning Commission drafted an amendment to the Lighting Ordinance. The Amended Lighting Ordinance repealed and replaced Section 54. The Code now directly outlines applicability, includes definitions, gives general and specific provisions related to outdoor lighting, and provides clear direction between what is permitted and prohibited. The amendment was adopted by the Township Board in September 2019.

Flags and Flagpoles Ordinance— The Township Zoning Ordinance managed flags and flagpoles within the Signs and Billboards Ordinance, which is not how most flags are utilized in Oshtemo. Often, property owners wish to fly the American or State of Michigan flag, not an advertisement flag. Therefore, the Sign Ordinance is an awkward location to manage flags. In addition, the ordinance language provided very little regulatory control over the placement of flagpoles. To address these concerns Section 57.140: Flags and Flagpoles, under the Miscellaneous Protections Ordinance, was drafted in September 2019 to address the placement of flagpoles, the size of flags, and which flag sizes should only be allowed in nonresidential areas. The amendment was adopted by the Township Board in November of 2019.

Conditional Rezoning Ordinance Amendment— Section 53.510 states that when an approved development and/or use of a conditionally rezoned property is not established within 12 months of approval or an extension is not granted, the land reverts to its former zoning classification. Upon review the Planning Commission found that the process for a reversion required four public meetings and was redundant. To address

this issue the Planning Commission proposed an amendment to this code section to allow for a smoother process but still ensure due process. The amendment was approved by the Township Board in February 2019.

Subdivision, Site Condominium, and Land Division Ordinance— Common practice during the development of subdivisions or site condominiums is to build sidewalks after the construction of individual residential units. This is the best way to ensure that sidewalks are not damaged by heavy equipment during ongoing construction of the home. While this practice is working effectively for lots and/or building sites, it does not manage those common areas where a home is not intended to be built. To avoid confusion on who is responsible for these areas and ensure that a complete sidewalk network is installed within a development, this amendment added a provision to Step 3 of the Subdivision, Site Condominium, and Land Division approval process to require the developer to construct sidewalks in common areas along with planned infrastructure. This Ordinance amendment was approved by the Township Board in November 2019.

Landscaping—In 2016, the Planning Commission worked for several months developing a new Landscape Ordinance. Time was spent in the field reviewing constructed sites to see how landscaping was being developed and other community ordinances were examined for comparisons. However due to a zoning ordinance reorganization the Ordinance amendment was put on hold. When the reorganization project was completed, this project was reopened by the Commission. Several meetings were held and additional changes made. After receiving public input, the Planning Commission motioned for foreword the draft landscaping ordinance to the Township Board at their December 12th meeting. The Township Board will consider the adoption of these amendments in 2020.

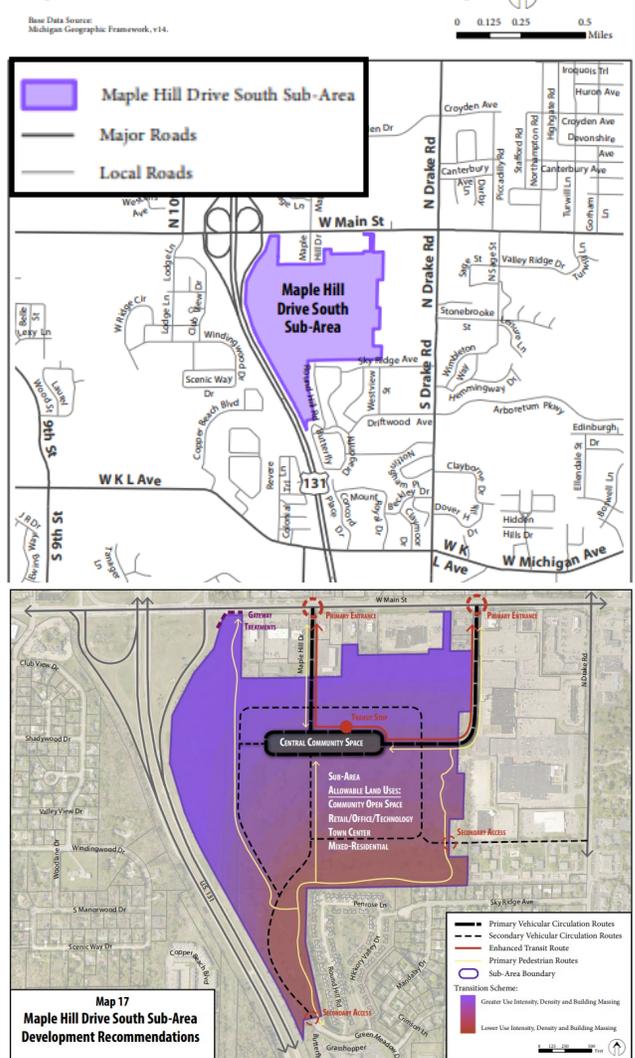
Setbacks & Accessory Buildings— Concerns were expressed about how the Township was regulating accessory buildings on residential properties, specifically where they were permitted to be located on a parcel, lot, or building site. After review of the Setback and Accessory Buildings Ordinances, the Planning Commission determined that amendments were needed to clarify where accessory buildings would be permitted and ensure that the two regulations worked in concert. Other areas of interest when considering changes to the Accessory Building Ordinance, in addition to placement, included: height, the treatment of accessory buildings on lots/building sites vs. parcels, and the overall permitted square footage of detached buildings based on lot size. The amendments to these two ordinance sections started in mid 2019 but have gone through various iterations. The Township Board will consider the adoption of these amendments in 2020.

Keeping of Animals— In February 2019, a resident came to a Planning Commission meeting requesting the Township consider allowing the keeping of honey bees as a permitted use. In reviewing the Zoning Ordinance, bees were not addressed

and therefore were not permitted. In December 2019, the Planning Commission forwarded a proposed amendment to 57.80 Keeping of Poultry, Swine, Horses, or Livestock to the Township Board with a motion recommending approval. The proposed amendment would allow for the keeping of honey bees for non commercial purposes (following the Generally Accepted Agricultural and Management Practices). The Board requested additional changes be considered for clarification and returned the amendment to the Planning Commission to further develop. The Commission is currently working on these changes. The Township Board will consider the adoption of these amendments in 2020.

Maple Hill Overlay Zone— In response to the Maple Hill South Sub-Area Plan, developed as part of the 2017 Master Plan Update, see images below, the Planning Commission started work in March 2019 with Wade Trim to create a draft Maple Hill Overlay Zone. This overlay would allow for the redevelopment of an existing golf course at the south east corner of W Main Street and US Highway 131 into a compact, pedestrian-oriented, mixed-use district. However, with a change of staffing, this project was put on hold in November 2019 to be picked up again by the Commission in 2020.

Maple Hill Drive South Sub-Area Location Map



UPCOMING ORDINANCE AMENDMENTS

One of the purposes of the Annual Report is to look ahead to 2020 and anticipate those items that the Planning Commission desires to address or work on over the next 12 months and beyond in the area of planning and zoning. By request of the Planning Director the Planning Commission reviewed a list of their pending ordinance amendments to set priorities. The Planning Commission identified the following three amendments as their top priorities for 2020:

1. 5G
2. Marijuana
3. Maple Hill South Mixed-Use Overlay District

Other ordinance amendments that were considered are listed here, in no particular order: Nonhazardous materials; Go Green Oshtemo; Permitted Uses, Permitted Uses with Conditions, and Special Uses; and Signage.

REZONINGS

The Planning Commission did not receive any rezoning requests in 2019. However, a property at 3000 South 11th Street that was conditionally rezoned in 2016 from R-2: Residence District to R-3: Residence District was reverted back to R-2 Zoning this year. This occurred as the conditional rezoning for 3000 South 11th Street was never established and an extension was not requested within the allowable time period (via Section 53.510 of the Zoning Code).

SUBDIVISION/SITE CONDOMINIUMS

No new subdivisions were submitted to the Township in 2019. However, one site condominium in the process of development approval was reviewed. Autumn Grove received Step 3 approval in 2019. The development had previously received Step 1 approval, which includes a recommendation from the Planning Commission. Steps 2 and 3 of the approval process are managed by the Township Board. Staff included this project within this report to more clearly outline the Planning Departments workload in 2019 and to provide continuity of the approval process throughout the life of the developments. Step 3 approval means that all planned infrastructure has been installed within the development, accepted by the Township, and allows the developer to start building homes.

SPECIAL EXCEPTION USES

A total of 11 Special Exception Use applications were submitted to the Planning Department in 2019, which is two less than were evaluated in 2018. All were approved, each with a specific set of conditions, which the applicant was required to meet as part of the development of the project.

The *Total Special Exception Use Reviews in 2019* table can be found on the following page.

Three of the Special Exception Uses were for new construction: two of which were redevelopments. Consumers Credit Union on West Main Street wished to redevelop their site to accommodate their growing facilities and needs. Metro Toyota purchased a restaurant neighboring their store on Stadium to convert it to a new/used car sales lot. Bryce and Associates requested a change to a PUD district to allow for the construction of a new senior assisted living facility.

Four of the approved Special Exception Uses were for temporary outdoor events within the Township, which is two less than in 2018. These included Jake’s Firework’s Tent Sales, a summer Barn Camp for children, and two businesses allowing food trucks on their property. The Thirsty Hound on 8th Street and Lawton Ridge Winery on Stadium Drive both hosted weekly food trucks throughout the summer months.

The Planning Commission often permits staff to administratively review temporary outdoor events once they have been approved through the public hearing process. While four events were approved by the Planning Commission in 2019, a total of 12 events were held throughout the year, including the third annual community festival fundraiser for Oshtemo Rotary Club that included midway rides, concessions, and games. The *Total Administratively Reviewed Temporary Outdoor Events in 2019* table can be found on page eight of this report.

SITE PLAN REVIEW

In general, the Planning Commission does not review site plans unless they are attached to a Special Exception Use. In 2019, three site plans were submitted to the Planning Commission. Two were due to their location within the West Main Overlay Zone, which requires Planning Commission approval by ordinance. These included a new auto parts store and a medical office. The final site plan was for a bank that was tied to a conditional rezoning previously approved by the Planning Commission. The three site plans reviewed by the Planning Commission are as follows:

Total Site Plan Reviews in 2019:		3
Project Name / Address	PC Decision	Approval Date
Advia Credit Union / 6400 West Main	Approval with Conditions	2/28
Bronson Medical Office/ 6210 West Main	Approval with Conditions	6/13
O’Reilly Auto Parts Store / 6297 West Main	Approval with Conditions	7/11

SPECIAL EXCEPTION USES Continued

Total Special Exception Use Reviews in 2019:				11
Project Title / Address	Applicant	Use/Project Summary	PC Decision	Date
Consumers Credit Union / 5018 West Main	Bosch Architecture	Bank / demolish existing building to redevelop the site	Approval with Conditions	3/14
Metro Toyota/ 5924 Stadium	Hurley & Stewart, LLC	New or used car sales lot /demolish existing building to redevelop the site	Approval with Conditions	3/14
Jake’s Fireworks/6430 Stadium	Jake’s Fireworks	Temporary outdoor event / Firework tent sale	Approval with Conditions	4/11
Lawton Ridge Winery Food Truck/ 8456 Stadium	Lawton Ridge Winery	Temporary outdoor event / Food truck	Approval with Conditions	4/11
Thirsty Hound Food Truck/ 1020 South 8 th	The Thirsty Hound, LLC	Temporary outdoor event / Food truck	Approval with Conditions	4/11
Maple Hill West / 6883 West Main	Maple Hill Leaseholds, LLC	New or used car dealership / renewing special use approval	Approval with Conditions	4/11
Consumers Credit Union Temporary Facility /5030 West Main	Bosch Architecture	Temporary Bank / to allow for the construction of a temporary facility	Approval with Conditions	5/23
Costco Gas Station /5100 Century	Barghausen Consulting Engineers, Inc	Gas station / Expansion	Approval	5/23
Oshtemo Assisted Living facility	Byce & Associates	Assisted Living Facility / Amendment to a PUD to construct a senior assisted living facility (65 units with 74 beds are planned)	Approval with Conditions	5/23
Camp Whimsy Special Use /2582 South 6 th	Doreen Beltz	Temporary Outdoor Event / Summer camp	Approval with Conditions	6/13
Spectrum Sign Deviation/ 5095 Century, Suite A	RWL Sign	Planned Unit Development (PUD) / re-requesting additional signage	Approval	12/12

MEETINGS / ATTENDANCE

The Planning Commission had a total of 24 meetings scheduled in 2019; 22 regular meetings and two joint meetings. Of the 24 planned meetings, one regularly scheduled meeting was canceled due to lack of quorum. The regular meetings were held on the second and fourth Thursdays of each month. November and December had only one meeting each due to the holidays.

As shown in the table to the right, the Planning Commission is highly engaged and has a strong participation record.

Commission Members	Attendance
Bruce VanderWeele	23/23
Ollie Chambers	18/23
Ron Commissaris	18/23
Keisha Dickason	17/23
Dusty Farmer	23/23
Micki Maxwell	21/23
Mary Smith	20/23

ZONING BOARD OF APPEALS

In total, seven applications were reviewed by the Zoning Board of Appeals (ZBA) in 2019. This is down from 2018 by five applications.

SITE PLAN REVIEWS

Three site plans were reviewed by the ZBA in 2019, which is four less than were considered in 2018. Of these reviews, one was for new construction on a vacant site, and two were for additions to existing buildings. See summary table at the top right.

DIMENSIONAL VARIANCES

The ZBA reviewed four dimensional variance requests in 2019, which is down by one from 2018, see the *Total Dimensional Variance Requests in 2019* table at the bottom of the page for a summary. A variance is a “license to use property in a way not permitted under the ordinance.” If the Township received a large number of variance applications each year on a specific ordinance requirement, it could mean there is something wrong with that ordinance, necessitating a review that may warrant an ordinance revision.

Variations should be considered carefully and under normal circumstances rarely granted. The approval rates tend to be high for dimensional variances within the Township because of Planning staff efforts to filter requests that do not meet the legislative and legal requirements for granting approval, which include: ensuring that the spirit of the ordinance is observed, public safety secured, and substantial justice done; that a practical difficulty exists and there is a unique circumstance found on the property; and, that the problem is not self-created.

MEETINGS / ATTENDANCE

ZBA meetings are scheduled on the fourth Tuesday of each month. In 2019, of the twelve regularly scheduled meetings, eight were held and four canceled due to lack of agenda items. In addition, the ZBA was invited to the two joint meetings that were held in 2019. As shown on the table on the right, the ZBA is highly engaged and has a strong participation record.

Total Site Plan Reviews for 2019:				3
Project Name/ Location	Applicant	Use	Approval	
Marana Group Warehouse Addition / 3777 Sky King Boulevard	Marana Group	Warehouse	8/27	
Meijer Façade Improvements/6660 and 6700 West Main	Bergmann	Retail and Convenience store	10/22	
Ascension Borgess Medical Office Building/ BTR2	Bremner Real Estate	Medical Office	12/19	

Board Members	Attendance
James Sterenberg	9/10
Cheri Bell	10/10
Micki Maxwell	10/10
Neil Sikora	10/10
Anita Smith	8/10
Fred Antosz	10/10
Fred Gould	10/10

Total Dimensional Variance Requests in 2019:				4
Address	Applicant	Variance	Date	Decision
5018 West Main	Bosch Architects	Building setbacks and landscape buffer requirements	2/26	Approval with Conditions
6883 West Main	Maple Hill Leasehold, LLC	Required setbacks for the display of cars in a sales lot	5/28	Approval with Conditions
7001 Stadium	Greg and Stacey Flentje	Construct a residential accessory building in the side yard	8/27	Approval with Conditions
7067 Hawthorne Valley	David and Bree Bennett	Construct a residential accessory building in the front yard	11/12	Approval with Conditions

PLANNING DEPARTMENT REVIEWS



Township Hall

The Planning Department processes all of the development applications that are submitted to the Township, including rezoning requests, variances, site plans, building, sign, and sidewalk permits. In 2019, a total of 448 applications were reviewed by Planning Department staff, which is 97 more applications than reviewed in 2018.

The Zoning Ordinance grants the authority to the Planning Department to administratively review and approve site plans in certain instances. These include minor amendments to a previously approved site plan, accessory buildings that meet certain criteria, one-day temporary outdoor events, and communication tower co-locations or upgrades. A total of 18 administrative development reviews were conducted in 2019, which is 5 less than completed in 2018. A brief summary of the 2019 staff level reviews are found below and on the following page.

In addition to the applications noted above, the Planning Department also completed reviews for land divisions, sign permits, and building permits. These reviews account for a significant portion of the Zoning Administrator’s daily activities.

COMMUNICATION TOWER CO-LOCATIONS OR UP-GRADES

Total Communication Tower Reviews in 2019:		3
Address	Applicant	Approval Date
4048 South 9 th	Black & Veatch	1/17
624 N 4 th	T-mobile	1/17
3988 South 9 th	SMJ International	12/17

BUILDING PERMITS

Planning Department staff reviews building permit applications that are subject to zoning compliance as determined by the Southwest Michigan Building Authority to ensure that all requirements of the zoning ordinance are met. Staff also checks for any conditions of approval that may have been placed on the property by the Planning Commission or Zoning Board of Appeals during the plan review and approval process. In 2019, the Township approved 591 building permits, which is a 32.5 percent increase from the 446 reviewed in 2018. Of the total number of permits issued, 310 or 52 percent required zoning review by the Township Zoning Administrator. This is almost double of the amount of 2018 where 165 building permits required zoning review.

SIGN PERMITS

Sign permits were down by 25 percent in 2019. A total of 50 sign permits were issued, which is 16 less than 2018. New signs were the majority issued in 2019 at 38 permits. The remaining 12 permits were for temporary signs or panel replacement signs. The majority of the total sign permits were issued to addresses on West Main Street, with the remaining sign permits primarily on Stadium Drive and the Drake Road and 9th Street corridors.

LAND DIVISIONS

In 2019, the Zoning Administrator worked with the Assessing Department to review 11 land division, re-description, or combination applications, which is down by eight applications from 2018. The task of the Zoning Administrator is to ensure that the requested change to property boundaries meets all of the area requirements established in the Township’s Zoning Ordinance.

SIDEWALK PERMITS

In 2015, the Township initiated a sidewalk permitting process to help ensure new sidewalk development meets regulatory standards. These requirements incorporate the Americans with Disabilities Act standards for accessible design. The permit requires both a pre- and post-concrete pour inspection, which is managed by the Ordinance Enforcement Officer. In 2019, a total of 49 sidewalk permits were issued. This is a 22 percent increase from 2018 when 40 permits were issued. The increase in sidewalk permits is indicative of the residential construction occurring in the Township.

MINOR AMENDMENTS TO AN APPROVED SITE PLAN

Total Minor Amendments Administratively Reviewed in 2019:			7
Address	Applicant	Use	Approval Date
3393 South 6 th	S&T Lawn Service, Inc.	Expansion	1/16
8661 Stadium	Kerry Mullholland	Storage shed	4/25
5020 W Main	Kathryn Neal	Temporary Storage Containers	8/22
7561 Stadium	Steensma Lawn and Power Equipment	New connector drive	10/3
6101 West Main	Hurley & Stewart, LLC	New rear access drive	Suspended
6641 Stadium	Iris House Salon and Spa	Site improvements, additional parking	9/12
6281 Stadium	HMLF, PLC	Reuse of a building	9/25

TEMPORARY OUTDOOR EVENTS

Total Administratively Reviewed Temporary Outdoor Events in 2019:			8
Address	Applicant	Event	Approval Date
8178 West Main	D&R Sports Center	outdoor promotional event	4/2
5030 West Main	Oshtemo Township Rotary Club	Oshtemo Rotary Family Festival	5/9
4001 South 9 th	Cort Furniture Rental	tent sales	5/14
454 S Drake	West Kalamazoo Christian	Member Only -summer event	6/15
5034 W KL	Good Stuff Fireworks	Tent sales	6/17
6660 West Main	TNT Fireworks	Tent sale	6/24
1650 S Drake	Kellogg Community Credit Union	Dollar Dog Day—KCCU Event	8/12
5030 West Main	Wahmhoff Farms, LLC	Christmas tree sales event	11/22

May 20, 2020



Mtg Date: May 28, 2020

To: Planning Commission

From: Iris Lubbert, AICP
Planning Director

Subject: Discussion – Proposed 2020 Van Buren County Master Plan

Background:

The Michigan State Planning Enabling Act requires that Jurisdictions send proposed Master Plans and Master Plan amendments to neighboring jurisdictions, and if a Township, to the County. Van Buren County is in the process of adopting a 2020 Master Plan and a draft of this plan has been provided to the Township. The plan builds upon the 2017 Van Buren County Master Plan and was developed through an open public process led by community stakeholders committed to making a difference in the County.

Requested Discussion:

The Planning Commission has requested in the past to review updates of this nature in a Planning Commission meeting. Due to the size of the document, please see the following link to access the proposed 2020 Van Buren County Master Plan: <https://www.vbco.org/news.asp?aid=31>. Any comments, questions, and/or concerns that the Commission has about the Plan will be compiled at the May 28th Planning Commission meeting and shared with Ted Thar, Van Buren County Land Management.

Thank you.