

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A REGULAR MEETING HELD JANUARY 30, 2020

Agenda

Old Business

- a. Discussion – Amendments to the Outdoor Lighting Standards Ordinance
- b. Discussion – Accessory Buildings

New Business

- a. Discussion – Setting Zoning Code Amendment Priorities
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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, January 30, 2020, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Bruce VanderWeele, Chair
Ron Commissaris
Dusty Farmer, Secretary
Micki Maxwell
Anna Versalle
Chetan Vyas

MEMBER ABSENT: Mary Smith, Vice Chair

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney and Martha Coash, Meeting Transcriptionist. No other persons were in attendance.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and invited those present to join in reciting the “Pledge of Allegiance.”

Approval of Agenda

Since no changes were necessary, the Chair let the agenda stand as presented.

Public Comment on Non-Agenda Items

As there were no members of the public present, the Chair moved to the next agenda item.

Approval of the Minutes of the Meeting of January 9, 2020

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of January 9, 2020.

Ms. Lubbert noted she had heard from Ms. Smith who requested clarification of a comment she made located in the last line at the bottom of page four. The last sentence should begin "*As she believed Mr. Taplin indicated he would be processing only nonhazardous materials, the Commission does not have to consider those things...*".

Ms. Versalle made a motion to approve the Minutes of the Meeting of December 12, 2019 as presented with the requested correction. Mr. Commissaris seconded the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

Old Business

a. Discussion – Amendments to the Outdoor Lighting Standards Ordinance

Ms. Lubbert indicated recent concern about how the newly implemented Outside Lighting Standards Ordinance (Section 54.60) might be interpreted. Specifically the Ordinance's intent and the general usage of outdoor upward lighting. During review, staff was made aware that the upward lighting standards were unclear and open to subjective interpretation. Prior to the adoption of the current Lighting Ordinance on September 10th, 2019 upward lighting of this nature was strictly prohibited.

She noted at the regular Planning Commission meeting of December 12th the Commission revisited Section 54.60 Outdoor Lighting Standards to discuss the intent of the regulations pertaining to upward lighting and to determine if and what amendments may be needed to clarify the intent. It was determined that clarification was necessary. The Commission directed the Planning Director to revisit this section and explore the possibility of allowing up lighting in more detail.

She provided background, saying in September of 2018 the Township Board held a work session on lighting after hearing requests from local business owners on permitting LED string lighting within the Township. After receiving a directive from the Township Board, the Planning Commission drafted the Lighting Ordinance over a six-month period, utilizing the Dark Sky Society and Illuminating Engineer Society model ordinances and other township and city lighting ordinances as examples. The draft Ordinance was reviewed by a lighting provider, Circuit Electric, who assisted with amendments to the ordinance language. After discussion and multiple public meetings, the Outside Lighting Standards Ordinance (Section 54.60) was adopted by the Township Board on September 10, 2019.

With the Planning Commission's direction, Staff conducted additional research

on up lighting and ways to control it. As the Dark Sky Initiative was a consideration in the development of the original ordinance, options were explored that continue to be in line with this initiative. After conducting research and analyzing how other communities regulate up lighting, two options for code amendment were developed. She presented them for discussion by Commissioners:

Option 1: *This option would completely remove up lighting as a possibility for illuminating building facades.*

She said the Dark Sky Initiative strongly recommends all lighting fixtures be fully shielded and emit no light upward. To strictly follow the Dark Sky Initiative best practices would mean prohibiting all upward lighting. Reviewing past staff reports and the language of the current code, it seems this was generally the original intent of the adopted lighting ordinance. For example, item 3 in Section 54.10 (A) Statement of purpose states that the lighting regulations are intended to “minimize the detrimental effect of urban sky glow” and item 2 under 54.10 (B) Objectives states that outdoor lighting shall “be shielded, and downward directed so that the light intensity or brightness will not interfere with the enjoyment, health, safety, and welfare of surrounding properties”. It should also be noted that prior to the adoption of our current Outdoor Lighting Standards Ordinance on September 10th, 2019 upward lighting of this nature was strictly prohibited.

Option 2: *This option allows for the up lighting of building facades with restrictions.*

Ms. Lubbert said the language proposed for Option 2 is based on research staff conducted on accepted practices that allow up lighting but also minimize light pollution. She recommended that if up lighting is allowed it be done in a way that is still respectful of the Dark Sky Initiative. There are various ways to control up lighting, some ways more costly or cumbersome to implement than others, including the BUG rating system recommended by both the Illuminating Engineer Society and International Dark Sky Association. However, based on the Township’s current lighting code, staff determined the most consistent and efficient way to enforce up lighting standards would be through controlling the lumens of a fixture. Lumens, by definition, is the power of the light radiated by a light source. Through research staff found that up lighting fixtures emitting 1,800 lumens, comparable to a 100 Watt incandescent lamp or less, are considered “dark sky friendly”. Many municipalities and even State legislatures that have sought to reduce light pollution have implemented a 1,800 lumen cap for up lighting. Option 2 would permit the up lighting of a building’s façade in a way that has been recognized to generally be in line with the Dark Sky Initiative.

She recommended the Planning Commission pursue Option 1 which would be consistent with the Dark Sky Initiative and the original intent of the code. Allowing up lighting of this nature, where the Township previously did not, could be deemed as taking a step backwards in our efforts to minimize urban sky glow.

She noted both options include a number of smaller additional text amendments

recommended for consideration to help with the clarity and intent of the code.

Extended discussion by Commissioners of the proposed options included the desire to continue to comply with the Dark Sky Initiative, recognition of the difficulty to enforce the compliance of up lighting requirements, the acknowledgement that up lighting can produce glare that can interfere with a driver's vision, and the wish to allow businesses freedom of choice, but at the same time reflecting the choices and priorities of the Township.

A number of suggestions for changes to the Lighting Ordinance were discussed and agreed upon by Commissioners.

Following the discussion, the Chair asked for a motion on Option One which would *completely remove up lighting as a possibility for illuminating building facades*.

Ms. Maxwell made a motion to accept Option One as presented by Staff with the revisions discussed. Mr. Commissaris seconded the motion. The motion was approved 4 – 2, with Mr. Vyas and Mr. VanderWeele dissenting.

Ms. Lubbert will make the agreed upon revisions to the Lighting Ordinance. With agreement from the Commission, she will move this proposed amendment forward and set a public hearing.

Chairperson VanderWeele moved to the next agenda item.

b. Discussion – Accessory Buildings

Ms. Lubbert explained that recently there have been concerns 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. At the regular December 12, 2019 Planning Commission meeting, staff presented amendments to the Accessory Building Ordinance for consideration. At this meeting the Commission directed staff to review the accessory building code and provide them another version with more structure and detail. Areas of interest, in addition to placement, included: height, the treatment of accessory buildings in subdivisions vs. rural areas, and the overall permitted square footage of detached buildings based on lot size.

She said based on direction provided from the Commission, she restructured the Accessory Building Ordinance, further amended sections of the code for clarity, and added language to address the noted areas of interest. The amended ordinance was reviewed and has the support of the Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer. In addition, several of the proposed regulations were vetted for viability with the Fire Department and Southwest Michigan Building Authority.

The Accessory Building Ordinance was made more user friendly, and broken into six sections. She requested the Planning Commission review the proposed changes

and provide feedback to staff on the direction taken.

Ms. Lubbert walked the group through the document. Primary discussion centered on what size and height would be appropriate for parcels of differing acreages.

The Commission requested that Ms. Lubbert make changes in response to the discussion and return to the group with an updated document for further review.

Chairperson VanderWeele moved to the next item on the agenda.

New Business

a. Discussion – Setting Zoning Code Amendment Priorities

Ms. Lubbert provided the following overview of Zoning Ordinance amendments currently under or requested to be under the Planning Commission's review:

- Outdoor lighting (currently under review): The intent is to clarify if the Township wishes to permit the use of outdoor up-lighting.
- Detached Accessory Structures (currently under review): This amendment will clarify the appropriate placement and use of accessory structures on residential properties.
- Signage: The existing signage code does not meet the federal neutrality regulations and requires review and amendment. There is also a need to have the signage lighting regulations updated to mirror the recently approved outdoor lighting standards.
- Marijuana: The current Zoning Code needs to be updated to allow for marijuana to be grown, processed, and sold within Township boundaries.
- Permitted Uses, Permitted Uses with Conditions, and Special Uses: To be more efficient organizationally, there is a strong interest in revisiting the three use types in the Zoning Ordinance with the ultimate goal of making approval of Permitted Uses and Permitted Uses with Conditions administrative.
- Go Green Oshtemo: An award-winning vision plan adopted by the Township. The Zoning Ordinance and Master Land Use Plan need to be reviewed and updated to be consistent with this plan.
- 5G: 5G refers to a new type of communication tower linked to driverless cars. State regulations have required that municipalities allow for these special towers. The Zoning Ordinance needs to be updated if the Township wants to have any control over where and how these towers are placed. An application for a 5G tower can be submitted at any time.
- Maple Hill South Mixed-Use Overlay District (currently under review): The development of 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.
- Nonhazardous materials: The Zoning Ordinance needs to be updated to allow for the processing and treatment of non-hazardous materials within its boundaries.

She explained Staff is seeking guidance from the Planning Commission and then the Township Board on setting Zoning Ordinance amendment priorities. Staff and the Planning Commission can realistically work on two to three ordinances at a time. The intent is that staff would work on the first two to three items on a prioritized list and as items are completed the other amendments on the list would move up accordingly. Staff recommended this list, once set, be revisited as needed. Currently being worked on and to be completed first:

Outdoor lighting
Detached Accessory Structures

To help spur discussion, it was agreed each Commissioners would consider which three of the following amendments they considered highest in priority and submit their list to Ms. Lubbert in the next few days.

1. 5G
2. Permitted Uses, Permitted Uses with Conditions, and Special Uses
3. Marijuana
4. Maple Hill South Mixed-Use Overlay District
5. Signage
6. Go Green Oshtemo
7. Nonhazardous materials

Ms. Lubbert suggested if both the Planning Commission and Township Board feel more items need to be dealt with more quickly, the Township might need to consider hiring outside consultant(s) to help.

Chairperson VanderWeele moved to the next item on the agenda.

Any Other Business

Ms. Lubbert reported she received a letter from Curt Aardema, AVB Builders indicating their continued interest in planning for the future of the Prairies golf course site. He encouraged the Township to give completion of the proposed Maple Hill South Zoning Ordinance language high priority and expressed the desire that the final zoning language align with the intentions of the Sub-Area plan.

It was agreed the Commission would discuss Ordinance amendment priorities as well as the updated draft of the detached accessory building ordinance at the regularly scheduled meeting of February 13th.

In order to accomplish this time frame, Commissioners agreed 48 hours lead time for them to receive meeting materials would be sufficient.

PLANNING COMMISSIONER COMMENTS

There were no comments from Commissioners.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:35 p.m.

Minutes prepared:
February 1, 2020

Minutes approved:
February 13, 2020