

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD JANUARY 26, 2017**

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**Agenda**

**OLD BUSINESS**

- a. ADDRESSING REQUIREMENTS FOR STRUCTURES**

**ANY OTHER BUSINESS**

- a. DISCUSSION: ZONING ORDINANCE REORGANIZATION**  
**b. REVIEW OF VILLAGE THEME DEVELOPMENT PLAN PROPOSAL**
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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, January 26, 2017, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Wiley Boulding Sr., Chairperson  
Fred Antosz, Vice Chairperson  
Cheri Bell  
Ollie Chambers  
Dusty Farmer, Secretary  
Mary Smith  
Bruce VanderWeele

MEMBERS ABSENT: None

Also present were Julie Johnston, Planning Director, James Porter, Attorney, Martha Coash, Meeting Transcriptionist, and two interested persons.

**Call to Order and Pledge of Allegiance**

The meeting was called to order by Chairperson Boulding, Sr. at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

**Agenda**

Chairperson Boulding, Sr. asked if there were any additions, deletions or corrections to the Agenda. Hearing none, he asked for a motion to approve the agenda.

Mr. Chambers made a motion to approve the agenda as presented. Mr. VanderWeele supported the motion. The motion passed unanimously.

## **Public Comment on Non-Agenda Items**

The Chairperson called for public comment on non-agenda items. Hearing none, he proceeded to the next agenda item.

## **Approval of the Minutes of January 12, 2017**

Chairperson Boulding, Sr. asked if there were any additions, deletions or corrections to the minutes of January 12, 2017. Hearing none, he asked for motion to approve the minutes.

Mr. Antosz made a motion to approve the minutes of January 12, 2017 as presented. Mr. Chambers supported the motion. The motion was approved unanimously.

## **Old Business**

### **a. ADDRESSING REQUIREMENTS FOR STRUCTURES**

Chairperson Boulding, Sr. moved to the next item on the agenda and asked Ms. Johnston to present the topic.

Ms. Johnston explained Staff was requesting that the Planning Commission consider establishment of an Ordinance standard for address placement on non-residential buildings. The importance of requiring addresses on non-residential buildings for public safety was brought to the Planning Department's attention by Chief Mark Barnes and Fire Marshal Jim Wiley. Currently, the Township does not have an ordinance or policy that manages the placement of addresses on buildings in a systematic way. This has led to a variety of addressing types, sizes, fonts, etc. on commercial and industrial buildings, causing confusion and possibly reduced emergency response times.

She said the crafting of the draft Ordinance was developed through a coalition of the Fire Department, Planning Department, Public Works Department and Legal Department. Ben Clark, Zoning Administrator, reviewed ordinances from other communities and spoke with a representative from a sign company to learn if there were existing conventions related to distance, address size and legibility. Based on his research, internal discussions among the departments noted above, and final Staff review, a draft Ordinance was developed for the Planning Commission's review.

Staff has decided to bring this Ordinance to the Planning Commission now as opposed to waiting until the Zoning Ordinance re-organization is complete. They would like to move the draft Ordinance through the approval process so enforcement can begin as soon as possible. Waiting until the Zoning Ordinance re-organization is

complete may mean months before adoption. Due to the public safety issues attached to this Ordinance, they felt it was appropriate to move more quickly.

Ms. Johnston walked through the general requirements included in the draft, specifically highlighting sign standard formatting, size, character size and placement, distance from public right-of-way and location and the requirements for a free-standing sign for structures not visible from the street.

Conversations with sign company representatives and Ordinances from other communities were helpful in developing the language presented. Staff feels they are close to what is needed. Some testing of the requirements was done by the Fire Marshal and may result in minor tweaking of the language.

Ms. Johnston said the purpose at this meeting is to get feedback from the Board and then to hopefully move forward, holding a Public Hearing in a month or two in response to the Fire Department's public safety concerns.

Chairperson Boulding, Sr. asked if there were questions for Ms. Johnston from the Board.

Ms. Farmer asked for clarification as to why this would be included in the Zoning Ordinance rather than in the General Ordinance.

Ms. Johnston said it was a matter of enforcement, and also so that plans for future site plan reviews would include signage to be sure they meet the Ordinance. If included in the General Ordinance, it would require tremendous time and effort. There is already a process in place in the Zoning Ordinance. This would just add a new element and it would be easy to move forward.

Attorney Porter added that including this in the General Ordinance would cause consternation on the part of those who own residential properties, that it would be difficult and time consuming to enforce such requirements for residential properties and that including these requirements in the General Ordinance would cause more problems than solutions. Site plans are not required for residential properties. This is a simple way to demarcate between residential and commercial properties. The Zoning Ordinance provides the distinct authority to the Board to treat commercial properties differently from residential properties, making the proposed addition easier and more supportable.

In response to a question from Ms. Bell, Ms. Johnston said there is anecdotal information regarding response times being affected by a lack of uniformity in signage. It has a lot to do with multi-tenant buildings with either a lack of signage or multiple signs on more than one side of a building making the location of the main entrance unclear.

Attorney Porter added there is even more chance for confusion when multiple fire departments respond as back-up.

In response to a question from Mr. VanderWeele as to whether the signs would be required to be reflective in order to be easily seen, Ms. Johnston said Staff would discuss whether lighting of signs should be required.

Chairperson Boulding, Sr. asked for a motion to authorize Ms. Johnston to move forward on this issue.

Ms. Smith made a motion to authorize Ms. Johnston to move ahead with developing requirements for structure addresses within the Zoning Ordinance. Mr. Chambers supported the motion. The motion was approved unanimously.

## **Any Other Business**

### **a. DISCUSSION: ZONING ORDINANCE REORGANIZATION**

Chairperson Boulding, Sr. moved to the next item on the agenda, a discussion regarding Zoning Ordinance Reorganization, and asked Ms. Johnston to address the Board.

She provided background for the Board. When the 2012 Master Plan was adopted, a Transitional Mixed Use District was included in the Future Land Use Plan. There are approximately 9 areas within the Township that were future planned for Transitional Mixed Use. The Plan indicates the following:

*There are several areas in the Township that contain a mix of uses and are located along busy corridors. Most are also located between areas of very high intensity development and areas of lower intensity development. Because of the standards established and the mix of uses, these areas are envisioned as providing smooth transitions between the areas of development on either side. Some of the areas may accomplish this by acting as a type of buffer between the areas. In other instances, this may mean serving as a respite of lower intensity development along a corridor of high intensity uses.*

*Uses envisioned for the Transitional Mixed Use areas include primarily office, local commercial (see Local Commercial designation for a description of applicable uses), and institutional uses. It may also include medium density residential uses, such as duplexes and senior-oriented complexes.*

The Future Land Use Plan continues by describing each area and offering recommendations for possible uses and the design of these uses. Unfortunately, Euclidian zoning does not generally work in this way. The development of a Transitional Mixed Use District would include permitted and special land uses, which would be allowed wherever this district was zoned. The use of an overlay zone for each individual area would be required to accommodate the different desired development

patterns between the 9 areas future planned for Transitional Mixed Use District. This seems cumbersome and difficult to administer.

Ms. Johnston said the recent request for a conditional rezoning on 11<sup>th</sup> Street just south of Crystal Lane, which the Planning Commission heard in December, brought this dilemma into sharper focus. During the Township Board discussion of the request on January 10<sup>th</sup>, several comments were made that local commercial uses, which are indicated as permitted in the Future Land Use Plan, would not be a good use for this area. Questions were raised that when a Transitional Mixed Use District is developed, a careful review of uses and whether they are suitable for a specific location, will need to be addressed. Utilizing traditional Euclidian zoning will not work to provide this kind of specific allowance of uses at different locations in the Township; this lead staff to begin an investigation of the Transitional Mixed Use District and the R-3 District.

The current R-3 District allows for residential, office (both conversion of residential uses and new construction), and some other lower intensity uses like banks, vet offices and family day care homes. The purpose statement for the R-3 District is as follows:

*This district classification is designed as a transitional zoning classification to permit residential development together with other facilities that do not generate large volumes of traffic, traffic congestion and parking problems, and are designed so as to be compatible with surrounding residential uses.*

Ms. Johnston said when reviewing the location of the Transitional Mixed Use District on the Future Land Use Map, it is generally planned in areas between higher intensity commercial development and lower intensity residential development. It occurred to Staff that we might be able to tweak the R-3 District slightly to meet this need. This is the perfect time to consider this change as we work on the re-organization of the Zoning Ordinance and to update the Future Land Use Plan. In addition to this modification, Staff would also recommend changing the names of the residential districts so they are more descriptive.

She said the Future Land Use Plan also indicates a General Commercial and Local Commercial District. At some point in the recent past, the Township consolidated all of the commercially zoned properties into one C: Local Business District. This district must accommodate everything from big-box retail to local convenience stores, which is probably the reason an overlay zone was established for West Main and 9<sup>th</sup> Street, so the size and scope of development could be limited. Again, with Euclidian zoning if a permitted use is retail there is no way to stop a certain size store unless you have some type of development restrictions through an overlay zone.

Ms. Johnston said if we wish to have zoning that reflects the Future Land Use Plan, we need to consider the development of a General and Local Commercial District. By doing this, we could limit the type of commercial uses that can be developed in areas of the Township where lower intensity development is more compatible with adjacent uses. This concept would also help support the use of the R-3 District as the new

Transitional Mixed Use District. The change would support a “transition” of intensity of uses from general commercial to local commercial to a mix of lower intensity uses in the mixed-use district to residential.

She outlined the following districts if it is decided to investigate this change to the Zoning Ordinance:

<b>Current District Classification</b>	<b>Proposed District Classification</b>
AG: Agricultural District	AG: Agricultural District
RR: Rural Residential District	RR: Rural Residential District
R-1: Residence District	R-1: Low Density Residential District
R-2: Residence District	R-2: Medium Density Residential District
R-4: Residence District	R-3: High Density Residential District
R-5: Residence District	R-4: Manufactured Housing District
R-C: Residential Conservation District	Requested to be removed – not used in Township
R-3: Residence District	TMU: Transitional Mixed Use District
C-R: Local Business District, Restricted	Requested to remove – only two parcels zoned this in the Township and they are both already developed.
C: Local Business District	C-1: Local Commercial District C-2: General Commercial District

She said making these changes would also require the Planning Commission to review the Future Land Use Map for possible changes to the Transitional Mixed Use and Local Commercial Districts.

Ms. Johnston anticipates more conditional rezoning requests if the Zoning districts are not adjusted to mirror what is outlined in the Master Plan. The two documents should support each other to avoid confusion. She sees offices and other similar commercial uses stopping at Crystal Lane, but there is not a lot to stand on to say no past that demarcation line.

Ms. Farmer asked Ms. Johnston to explain the RC residential conservation district.

Ms. Johnston said RC has to do with wetlands or some significant natural feature and requires 70% of the lot be preserved. Only two properties have been developed that are actively zoned RC in the Township. They would have to be rezoned in this plan.

She said the proposed changes are an attempt to streamline, improve, and make zoning more user friendly and felt the need should be brought to the Board’s attention.

In answer to a question from Mr. Antosz regarding if there were definitions for low, medium and high density definitions, Ms. Johnston said they were defined in the Master Plan and that marrying them to the Ordinance makes sense. The Planning

Commission's hands are often tied regarding the Commercial District, which is a good reason for an Ordinance that falls in line with the Master Plan. She noted this will be an opportunity to review the Future Land Use Plan for areas that need tweaking.

Attorney Porter said he thinks the plan proposed borders on genius. Tailoring the Ordinance to fit individual needs provides a good opportunity to move ahead.

Ms. Farmer noted the overlay zones are tedious to deal with as a group and asked if separating the two commercial districts would eliminate that work.

Ms. Johnston confirmed it would provide true transition of uses. In Oshtemo Township, because it is a more traditional type of suburban community, higher intensity is not wanted near homes and buffers need to be provided. She wants the Master Plan to support higher to lower intensity uses.

Mr. Boulding, Sr. asked for an explanation of Euclidean vs. non-Euclidean zoning.

Ms. Johnston said Euclidean zoning establishes individual zoning districts that allow separating of specific uses going from low to high intensity. Non-Euclidean zoning is based strictly on Form-Based Codes and deals only with types of structures.

Ms. Farmer noted at the Township Board's retreat several days ago, when core values for the next four years were discussed, goals and objectives were identified and one found important by many was to make sure the Master Plan and the Township vision match. She is glad to see this work is beginning.

Attorney Porter agreed with Ms. Farmer's comments.

In answer to a question from Mr. Chambers, Ms. Johnston explained the Master Plan is a guiding document; the Zoning Ordinance is a regulatory document.

It was the Board's consensus that Ms. Johnston should continue to pursue Zoning Ordinance reorganization.

## **b. REVIEW OF VILLAGE THEME DEVELOPMENT PLAN PROPOSAL**

Chairperson Boulding, Sr. moved to the next agenda item and asked Ms. Johnston to review the Village Theme Development Plan Proposal.

Ms. Johnston provided background: in the spring of 2016, the Planning Department requested the Planning Commission consider a change to the sign ordinance section of the Village Form-Based Codes Overlay Zone. That discussion spurred further consideration of changes to the Form-Based Codes, specifically removing the properties east of the Village along Stadium Drive from the requirements

of the Architectural Standards of the Zone. At the meeting, the Planning Commission requested staff discuss the changes with the Downtown Development Authority (DDA).

Staff has had several discussions with the DDA. Concerns were raised that the Form-Based Codes were hindering new development within the Village area (corner of 9<sup>th</sup> Street and Stadium Drive) and that a comprehensive review of the ordinance may be needed. It was noted the Form-Based Codes were developed as a result of the Village Theme Development Plan, which included a public process. The DDA felt it might be beneficial to complete a critical review of the Village Theme Development Plan, which would include input from the public, before tackling the Form-Based Codes.

Ms. Johnston indicated discussions took place between the DDA and the Township regarding this project and it was decided that costs for the review would be split between the DDA and the Planning Department budget. Funds are now available to complete the project and Wade Trim, the consulting firm for the Master Plan update, has submitted a proposal. Staff felt Wade Trim would be the best fit since they are in the process of helping the Township with the Master Plan update.

She told the Board the DDA assigned three members to sit on a Steering Committee for this project and would like the Planning Commission to nominate members to join them on a joint Steering Committee. After the Steering Committee, has been formed, Wade Trim will be asked to provide a schedule and the project can begin.

Ms. Johnston said there has been no new development within the Village. Businesses do not want to build to the Form-Based Code, citing the expense to conform. Not allowed in the FBC are drive-thrus, front yard parking, or strip commercial developments, due to the desire to recreate a downtown-like area with the sense of a village. DDA revenue relies on development and they are concerned about the future.

She said the Village District and Form-Based Code are based on the Village plan. The Village Theme Development Plan needs to be looked at before the Form-Based Code and Village District.

Ms. Farmer was frustrated with the lack of development in the Village, wants the Village to be a success, and feels the Form-Based Code is not working as expected. Although she suggested the needed research could be done by DDA members on the Village Theme Development Plan without a consultant, she acknowledged employing a consultant may be of value. She noted it has been a year since the Planning Commission asked the DDA to look at the Form-Based Code and hopes this may be a way to move this along using fresh eyes.

In response to a question from Ms. Smith as to why this particular area was designated the Village Center rather than the area around the Township building, Ms. Johnston explained that the designated area was historically the Oshtemo Village many years ago, however the building infrastructure in place then is gone except for the



school, church and community building. The DDA was hoping to resuscitate the village concept, but it is difficult to do that with a 5-lane road with a 40-50 mph speed limit.

Attorney Porter noted under a new law the DDA can no longer capture library millage and Ms. Johnston said the ability for the DDA to capture taxes is subject to a sunset law which still has at least 10-15 years before it takes effect.

Ms. Bell felt if the designation under the Form-Based Code is not working commercially, it is time to review it. She said the area does not look like a village and wondered how much nostalgia was an impact when developing the Village concept. Development in the Village does not match growth others in the Township are seeing. Hiring a consultant will bring expertise to the table and professional evaluation provides a level of credibility, especially if major changes are made in the area.

Chairperson Boulding, Sr. asked for volunteers to serve on the steering committee with DDA members. Mr. Antosz, Ms. Smith and Ms. Bell agreed to serve in that capacity.

### **PLANNING COMMISSIONER COMMENTS**

The Chairperson asked if Commissioners had comments to share.

Ms. Farmer said she had been on a tour of the new downtown Kalamazoo KVCC Culinary Arts program and facilities and that it was a wonderful project.

### **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Boulding, Sr. asked for a motion to adjourn.

Ms. Farmer made a motion to adjourn the meeting. Mr. Antosz supported the motion. The motion passed unanimously.

The Planning Commission meeting was adjourned at approximately 8:20 p.m.

Minutes prepared:  
January 25, 2017

Minutes approved:  
February 9, 2017