

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD SEPTEMBER 12, 2019

Agenda

**PUBLIC HEARING: AMENDED KEEPING OF LIVESTOCK AND HONEY BEES
ORDINANCE**

**CONSIDERATION OF THE DRAFT “KEEPING OF LIVESTOCK AND HONEY BEES”
ORDINANCE FOR RECOMMENDATION TO THE TOWNSHIP BOARD**

OLD BUSINESS

- a. **Flags and Flagpole Ordinance Draft**
 - b. **Village Theme Development Plan – Draft Review**
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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, September 12, 2019, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS WERE PRESENT:

Bruce VanderWeele, Chair
Ollie Chambers
Ron Commissaris
Keshia Dickason
Dusty Farmer, Secretary
Micki Maxwell
Mary Smith, Vice Chair

Also present were, Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Two 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.”

Agenda

The Chair determined no changes were needed and let the agenda stand as presented.

Public Comment on Non-Agenda Items

Ms. Melissa Skowronski on behalf of her brother, Brian Pierce, asked if there were plans for the Township to opt into allowing medical or recreational marijuana businesses.

Attorney Porter said the Planning Department was looking into developing an ordinance. An initial draft would include licensing issues and locations for consideration.

Ms. Johnston added it would take some time to draw up an initial draft which would be up to the Planning Commission and the Township Board to consider and decide whether or not to adopt it.

Chairperson VanderWeele said they would provide notification when this issue was considered.

Approval of the Minutes of August 22, 2019

Chairperson VanderWeele asked if there were any additions, deletions or corrections to the Minutes of August 22, 2019. One typo was noted.

Mr. Commissaris made a motion to approve the Minutes of August 22, 2019 as presented with the correction as noted. Ms. Dickason supported the motion. The motion was approved unanimously.

PUBLIC HEARING: KEEPING OF LIVESTOCK AND HONEY BEES ORDINANCE CONSIDERATION OF THE DRAFT KEEPING OF LIVESTOCK AND HONEY BEES ORDINANCE FOR RECOMMENDATION TO THE TOWNSHIP BOARD

Chairperson VanderWeele asked Ms. Johnston for her review of the ordinance.

Ms. Johnston reviewed the process, saying in February a resident came to a Planning Commission meeting requesting the Township consider allowing the keeping of bees as a permitted use. In reviewing the Zoning Ordinance, bees were not addressed and therefore were not permitted.

Staff worked with the Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer to update the Keeping of Animals Ordinance to the proposed "Keeping of Livestock and Honey Bees" Ordinance. Review of generally accepted agricultural management practices for both animals and honey bees, other community ordinances, particularly within Southwest Michigan, were considered. The resulting drafts were considered at several meetings.

The Planning Commission reviewed the requested amendments to the draft Ordinance at their July 25th and August 8th meetings. Ms. Johnston listed the several

changes made to the Ordinance based on these meetings and said that with these final changes, staff felt the draft Ordinance was ready for the required public hearing. She suggested that at the close of the public hearing, the draft Ordinance be forwarded to the Township Board with a recommendation of approval.

Chairperson VanderWeele determined there were no questions from Commissioners nor any comments or questions from the public and moved to Board Deliberations.

Attorney Porter confirmed for Ms. Smith that it was not expected there would be problems with bees being kept on a quarter acre lot, that a fly away barrier mitigates that problem. He commented this ordinance applies to recreational, not commercial beekeeping.

Ms. Johnston noted if, in the future, a problem is determined with smaller lots the ordinance can be revisited.

Hearing no further comments, Chairperson VanderWeele asked for a motion.

Ms. Maxwell made a motion to recommend approval of the proposed Ordinance as amended to the Township Board. Ms. Dickason supported the motion. The motion was approved unanimously.

OLD BUSINESS

Chairperson VanderWeele asked Ms. Johnston for her presentation on the Flags and Flagpole Ordinance.

a. Flags and Flagpole Ordinance

Ms. Johnston said to better regulate flags and flagpoles, staff suggested adding a section to Article 57: Miscellaneous Protections Ordinance. In developing Section 57.140: Flags and Flagpoles, staff reviewed other community ordinances, as well as websites of flag manufacturers for typical sizes for residential and commercial uses. The proposed draft ordinance was reviewed by the Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer.

At the August 22nd Planning Commission meeting, a few changes were requested of the draft Ordinance. These changes were:

- Flag poles will be allowed in any yard as long as the flag, when flying open, is fully on the subject property.
- Flags sized 15 feet by 25 feet, which is in the current Ordinance, will be allowed for nonresidential uses.

Staff also made some minor organizational changes to the draft Ordinance which were pointed out and sections to be removed/amended were noted.

There was discussion of side and back yard placement rationale and the desire to not infringe on neighboring property.

Attorney Porter said there could be a limitation on side/rear yard and the side line of the front yard. For example a 12 foot flag would be placed 12 feet from the property line to avoid its flying over a neighbor's property when outstretched.

In answer to a question about lighting, Ms. Johnston said that is addressed in the lighting ordinance.

Ms. Smith suggested "front yard" should be defined as the yard adjacent to the lake for lakefront property.

There was also discussion of what height pole should be allowed. The consensus was a flagpole should be less than 30 feet tall in a residential district. Taller should be allowed only on non-residential property. In addition, it was agreed the pole fall height should be no taller than what would remain on the owner's residential property if the pole were to fall.

Ms. Johnston said she would make changes to reflect board discussion and return the revised document to the October 10 meeting for any further changes and a public hearing.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Johnston for her presentation.

b. Village Theme Development Plan

Ms. Johnston said within the Township, the historic Oshtemo Village area developed at the intersection of Stadium Drive and 9th Street. This community was often referred to as a village, although it never incorporated as such.

In 2017, the Downtown Development Authority (DDA) began to become concerned with the lack of new development happening with the Village, which is within the Authorities' boundaries. Development seemed to be happening in earnest in other areas of the Township, but not the Village. Discussions related to the Village Form-Based Code Overlay and its possible impact on new development was outlined as a primary concern. The Village Form-Based Code Overlay is intended to re-create the Village area based on traditional urban design standards of a walkable, mixed-use community.

The Village Form-Based Code was a result of the Village Theme Development Plan, which was originally adopted in 2006. The DDA felt that a review of the 2006 Plan was needed because of the public process utilized to create the Plan and ultimately the Village Form-Based Codes. The DDA wanted the public, property owners, business owners, etc. from within the Village, as well as throughout Oshtemo Township, the opportunity to weigh in on any possible changes to the Plan.

The 2018 draft of the Village Theme Development Plan is intended as an update to the 2006 Plan and represents a critical review of the original Village Theme Development Plan and sought to consider and accomplish the following:

1. Gather citizen and stakeholder opinions to confirm the preferred vision for the village and evaluate the effectiveness of the Plan.
2. Investigate the perception that development within the village has been limited, in comparison to development elsewhere in the Township and region, since the original adoption of the Plan.
3. Review changing conditions that may impact development within the village, such as economic trends, demographic/lifestyle preferences, traffic/recent road improvements, and pedestrian connectivity efforts.
4. Recognizing that the local road network is under the jurisdiction of the County, consider the impact that County street design policies have on the existing and planned character of development within the village.
5. Evaluate and outline necessary changes to currently adopted zoning regulations to ensure that such regulations facilitate development which contributes to the desired mixed-use character of the village.

Public input was garnered throughout the review and development of the 2018 Plan. A subcommittee of four members from the DDA and four members of the Planning Commission was formed to help guide the public input process, review the draft plans, and make recommendations on changes.

Stakeholder interviews were held in May of 2017. Some of these were one-on-one interview sessions and some were in small groups. The stakeholders represented varying interests, including citizens, township leaders, property owner, business owners, and real estate / development community representatives. Two workshops were also held. The first occurred in June of 2017, which was focused on visioning exercises for the Village area. The second workshop was in October of 2017 and provided a series of development/redevelopment scenarios for the Village area, asking participants to evaluate the merits of each scenario.

At the conclusion of the public process in October of 2017, the draft of the 2018 Village Theme Development Plan was completed. In order to ensure the Planning

Commission and Township Board were up to date on the direction of the Plan, it was presented at a joint Board meeting in February of 2018. At that meeting, there was some concern related to lessening the requirements to construct buildings immediately adjacent to the street right-of-way and allowing parking within the front yard. The current Form-Based Codes (based on the 2006 Village Theme Development Plan) require buildings to construct to a build-to line, which is generally the edge of the street right-of-way and parking lots are prohibited in the front yard.

At the conclusion of the joint meeting, it was decided the Village Theme Development Plan should be included in the Planning Commission's work plan. It was determined the subcommittee had taken the Plan as far as it could, and it was time for the Commission to complete their review. Due to work loads, the Plan has not been included on the Commissions agenda. However, in July of this year, the DDA specifically requested the Planning Commission review the Plan, make any possible changes/additions needed, and forward to the Township Board for approval.

There was extended board discussion regarding the development of the Plan and the recommendations for zoning changes and more background was provided.

Ms. Johnston said DDA income needed for improvements to the village area is dependent upon new development. Strict adherence to the Form Based Code has resulted in very little new development in the Village because some of the restrictions have been seen as too costly and not workable by developers.

Examples of restrictions that could be changed in the zoning ordinance to loosen some building type requirements to improve the climate for developers include setbacks and parking.

Mr. Rich MacDonald, of Hinman Corporation, Vice Chair of the DDA and a member of the special committee, spoke to the Board.

He told them Hinman Company, owner of property at the corner of 9th and Stadium, prides itself on great development projects and exceptional architecture. They acquired the property for development, but the current ordinances and street infrastructure, make it impossible to develop. The County Road Commission controls the speed limits on Stadium Drive. The large volume of traffic moving swiftly is in opposition to the vision of the current Village Theme Development Plan.

Mr. MacDonald said he appreciated the issue being brought up again, that development is handcuffed, and that Planning Commission and Township Board guidance is needed to move forward.

Ms. Johnston said ultimately the Plan would allow changes to zoning. She listed three options to consider:

1. Keep the Form Based Code with a few changes

2. Convert the Form Based Code to an Overlay District and re-work much of the District
3. Eliminate the Form Based Code altogether

It was decided Ms. Johnston would return to the September 26 meeting with an updated zoning chart outlining the recommended changes for discussion.

Chairperson VanderWeele asked that she bring a list of modifications made for the Memory Care facility that allowed building to occur. He asked Mr. MacDonald for a letter from the Hinman Company detailing what changes were needed to make development in the Village viable for them.

ANY OTHER BUSINESS

Ms. Johnston informed Commissioners the Township Board adopted the Lighting Ordinance at their last meeting.

PLANNING COMMISSIONER COMMENTS

Ms. Farmer said the Township is now offering the opportunity for all citizens to join a permanent absentee voter list to allow them to vote from home and encouraged their participation.

Ms. Johnston said she may have news on the Planning Director position and her exit date at the next meeting.

ADJOURNMENT

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 7:35 p.m.

Minutes prepared:
September 14, 2019

Minutes approved:
September 26, 2019