

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD JANUARY 23, 2014

Agenda

**Preliminary Discussion of Proposed Zoning Ordinance Amendments regarding
Garage Sales, Portable Storage Containers, Zoning Map Amendments, and
Parking Space Dimensions**

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, January 23, 2014, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Fred Antosz
Wiley Boulding Sr.
Pam Jackson
Millard Loy
Terry Schley
Richard Skalski

MEMBERS ABSENT: Dusty Farmer

Also present were Greg Milliken, Planning Director; and James Porter, Attorney.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Schley at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited. Chairperson Schley then welcomed Ms. Jackson to the Planning Commission, as this is her first meeting.

Agenda

Chairperson Schley asked if there were any additions, deletions or corrections to the Agenda. Mr. Milliken indicated that he would like to give an update on the schedule and process for the West Main Street zoning project. Chairperson Schley suggested adding this discussion before #7 on the agenda. Hearing no other changes, he called for a motion to accept the Agenda as presented.

Mr. Loy made a motion to accept the agenda as amended. Mr. Skalski seconded the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

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

Approval of the Minutes of January 9, 2014

Chairperson Schley asked if there were any additions, deletions, or corrections to the minutes of January 9, 2014. Hearing none, he asked for motion to approve the minutes.

Mr. Skalski made a motion to approve the minutes as presented. Mr. Loy seconded the motion. The motion was approved unanimously.

Preliminary Discussion of Proposed Zoning Ordinance Amendments regarding Garage Sales, Portable Storage Containers, Zoning Map Amendments, and Parking Space Dimensions

Chairperson Schley asked Mr. Milliken to introduce the proposed text amendments. Mr. Milliken indicated that over time through the use of the Ordinance, Staff finds sections that could be improved. Some issues are higher priority than others, which is what has brought the series of amendments forward at this time.

Mr. Milliken introduced the first proposed change regarding garage sales. He indicated the Ordinance currently has no language regarding garage or yard sales. There have been an increasing number of complaints received by the Planning Department regarding these sales, which has led Staff to draft the proposed language.

He indicated that the proposed language sets limits on the length of a sale event and the number of such events per year, which is fairly common for this type of regulation. It does not require a permit. There are communities that do require permits for these types of events, but compliance is low and the administrative costs are high.

Chairperson Schley said there is merit in having standards and avoiding having sales every weekend. He did not see significant issues with the proposed draft. He wondered if it should be clarified that the goods for sale must come from the residence and were not purchased at wholesale for retail purposes.

Mr. Milliken suggested that could be clarified in a definition, which is something he considered adding anyway.

Mr. Boulding Sr. said he was in favor of charging for this type of event as some communities do. There will be enforcement, and this can help make up for the cost of that enforcement. Enforcement will be necessary to make the standards effective, and permit fees can be a way to pay for the enforcement.

Mr. Skalski said he liked the standards but brought up the language regarding signs. If a sale is internal to a subdivision, it may be necessary to have a directional sign at the main road. Some flexibility may be beneficial.

Mr. Porter indicated that he did not think the Township had ever enforced against garage sale signs.

Mr. Skalski added that if there was a permit required, it could identify where the signs will be located.

Mr. Antosz stated that he had a neighbor that held sales every weekend. He thought the Enforcement Officer handled the situation very well. He is glad to see the details in the language.

Ms. Jackson said she liked the limits on additional signage.

Mr. Loy said he did not think permitting was an effective use of time. He did not know how the Township would enforce the permitting.

Mr. Milliken indicated that the two parts of the language that generated discussion were permitting and signage.

Chairperson Schley suggested that discussion could carry over to the public hearing. He added that people are going to put the directional sign out there anyway so it probably makes sense to allow it anyway.

Mr. Skalski suggested perhaps more than one additional sign should be included.

Mr. Milliken introduced the proposed text changes regarding zoning maps. He indicated that there have been a few rezonings in recent months. In completing these, it was recognized that the Ordinance requires the maintenance of a notebook with legal descriptions of the zoning districts in each section. With each amendment to the zoning map, a new legal description of the section is drafted by Prein & Newhof and placed into the notebook.

When people want to know their zoning, Mr. Milliken indicated that he does not check the notebook, he looks at a map. With technology today, it makes sense that the official zoning be maintained on a map and through the GIS system. He indicated that Section 70 covers the current process and is proposed to be deleted. Section 12 is proposed to be expanded to include the new language about the zoning map.

Chairperson Schley asked about Section 12.100 and wondered if there was an interest in clarifying that occupancy change triggers compliance with zoning requirements.

Mr. Porter suggested that if so, then the Building Department should definitely be informed as some of these changes happen without necessarily the Zoning Department being aware.

Mr. Antosz asked how the zoning changes would be made, would they be done in a timely manner, and how the new information would be available to the public.

Mr. Porter explained that they are having a meeting to discuss the formal process that will be done administratively but with the information used by his office, he has no doubts the process will be timely.

Mr. Milliken indicated that there is a map next to the front desk that will be replaced each time as well as the map on the website.

Mr. Milliken stated that the next topic covered under the proposed amendments are PODS units. He said that people use these for moving as well as for storage during renovation. Staff has received complaints about these units being stored in yards or at facilities for extended periods of times. In fact, members of the Planning Commission have raised the concern as well.

Mr. Skalski wondered if this covered the big dumpsters used by roofing or construction companies during projects. They are sometimes in front of homes for extended periods.

Chairperson Schley said that it is important to think about plats and restrictions that may be in place. Often, over time, residents lose track of these restrictions, and the Township Ordinance becomes the baseline. These types of units are prohibited in many such restrictions, so the Commission has to be mindful of this when adding the amendment.

Chairperson Schley continued saying that in residential districts he recommended reducing the time constraints proposed from 30 days to 2 weeks and 90 days to 60 days. He suggested this due to the fact that in some plats, they are restricted anyway, so 2 weeks is more reasonable than 30 days. Also, since enforcement may take time to catch up to the issue, this will limit the actual time the units are out there.

Chairperson Schley added that he felt in residential areas PODS should only be parked on driveways.

Mr. Loy asked about larger trailers. The Commissioners discussed this and indicated that the proposed amendment prohibits these semi trailers.

Mr. Boulding Sr. discussed the case of a family living in a POD unit, so perhaps a rule on occupancy should be considered.

Mr. Antosz asked how staff would enforce the prohibition on toxic or hazardous material storage if it can't be seen in a POD.

Mr. Porter indicated that like most zoning enforcement, it occurs through neighbor complaints and observation.

Ms. Jackson said her concern would be taking the time down too short to make them unusable. She thought 30 days may be the minimum time to be functional and useful.

Chairperson Schley thought the input was good and could proceed to the public hearing.

Mr. Milliken proceeded to discuss the proposed amendments regarding parking space size. He indicated this came following the Costco site plan review, when they and others have indicated that Oshtemo Township's standards for parking space are larger than most. He studied the size requirements of neighboring communities as well as similar communities throughout the state and provided that analysis. He indicated of the communities he studied, Oshtemo's standards were the largest and one of two communities requiring 200 square feet.

Mr. Milliken also indicated that several communities have language that allows for flexibility in applying the size requirements and reviewed that language.

Mr. Milliken said that the Master Plan talks a lot about preservation of natural features and groundwater, and reducing impervious surface requirements would achieve that goal

Chairperson Schley stated that he understands the Master Plan and its goals, but he is not in favor of reducing the depth of the spaces or the width. There are a number of vehicles that will not fit within an 18 foot space. He also suggested input from the Disability Resource Center to have a fuller appreciation of the aging population and the problems they have. Reducing required size will only increase struggles for the growing demographic of seniors in the country as well as potential for car damage.

Mr. Loy said he is opposed to making spaces smaller. Trucks are not going to fit. He also said disabled people will struggle with the spaces. He would rather see the number of spaces reduced than the size of the spaces.

Mr. Porter asked if the space were not reduced in size, would the Commission be inclined to allow for the overhang reduction provision.

Ms. Jackson asked for clarification if the goal was to reduce the size of the space or the amount of parking lot.

Chairperson Schley said there is already language in the Ordinance saying the maximum number of parking spaces is 110% of the minimum required. There has been discussion of waffle blocks and other similar devices. He is seeing use of permeable pavement in Michigan.

Mr. Skalski said he likes the Oshtemo standards, and he does not want to go below 10 feet in width. He sees no problem going to 18 feet adjacent to curb area. He said permeable pavement can be challenging in winter.

Chairperson Schley said in those cases, the permeable pavement must be vacuumed two times per year.

Mr. Milliken indicated that he heard a consensus to leave the parking space size alone.

Mr. Antosz suggested looking at minimum parking requirements.

Mr. Milliken asked about the flexibility requirements.

Chairperson Schley said we can review it.

Mr. Skalski made a motion, seconded by Mr. Loy, to hold a public hearing on March 13 on the four zoning ordinance amendments described above. The motion was approved unanimously.

West Main Street Implementation

Mr. Milliken gave an update on the status of this project indicating that there will be a presentation at the next meeting. There is also a desire to have a public hearing on March 27 with notice being distributed to property owners within the affected area. This is early in the process to give property owners an opportunity to provide feedback before the project is nearly complete. If necessary, a second public hearing can be held to satisfy legal requirements. The Commission agreed with the proposed schedule.

Old Business

There was no old business to discuss.

Any Other Business

Mr. Boulding Sr. said that he witnessed a traffic accident at 9th Street and M43. He came to the Fire Station to report it, and he was very impressed by the speed at which responders arrived at the scene and addressed the event.

Planning Commissioner Comments

There were no Planning Commissioner comments.

Adjournment

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Schley adjourned the Planning Commission meeting at approximately 8:10 p.m.

Minutes prepared:
January 28, 2014

Minutes approved:
February 13, 2014