

OSHTEMO CHARTER TOWNSHIP

PLANNING COMMISSION

MINUTES OF A MEETING HELD APRIL 11, 2013

Agenda

PUBLIC HEARING – CONSIDERATION OF AMENDMENT OF SECTION 78.200 FENCES OF THE OSHTEMO TOWNSHIP ZONING ORDINANCE TO ADDRESS THE HEIGHT REQUIREMENT FOR FENCES IN MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS

DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS REGARDING TEMPORARY SIGNS

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, April 11, 2013, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Chairperson
Fred Antosz
Wiley Boulding Sr.
Dusty Farmer
Millard Loy
Terry Schley
Richard Skalski

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director, Attorney James Porter, and Meeting Transcriptionist, Martha Coash.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order by Chairperson Gelling at approximately 7:00 p.m., and the “Pledge of Allegiance” was recited.

AGENDA

Chairperson Gelling asked if there were any additions, deletions or corrections to the Agenda. Hearing no changes, she called for a motion to accept the Agenda, as

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairperson Gelling called for public comment on non-agenda items. There being none, she proceeded to the next agenda item.

APPROVAL OF THE MINUTES OF MARCH 28, 2013

Chairperson Gelling asked if there were any additions, deletions or corrections to the minutes of March 28, 2013. No changes were noted. Mr. Skalski made a motion to approve the minutes as presented. Mr. Schley seconded the motion. The motion was approved unanimously.

PUBLIC HEARING – CONSIDERATION OF AMENDMENT OF SECTION 78.200 FENCES OF THE OSHTEMO TOWNSHIP ZONING ORDINANCE TO ADDRESS THE HEIGHT REQUIREMENT FOR FENCES IN MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS

Chairperson Gelling indicated the next item on the agenda was a public hearing for consideration of amendment of section 78.200 Fences of the Oshtemo Township Zoning Ordinance to address the height requirement for fences in multi-family residential zoning districts. The Chairperson turned to Mr. Greg Milliken, Planning Director, to review the proposed amendment.

Mr. Milliken reviewed draft language for the proposed amendment to the Township Zoning Ordinance to allow taller fences in the R4 and R5 zoning districts.

He indicated the revised amendment language included changes from the draft considered at the March 14 meeting based on the feedback received from Commissioners. He said those changes were 1) removal of color restrictions for decorative fences to be located in the front yard area in paragraph B; 2) the addition of the phrase “regardless of which yard it is located in” to clarify that the eight (8) foot requirement applies to front, side and rear yard areas, also in paragraph B; and 3) insertion of the word “appropriate” in front of “reviewing body” in paragraphs C and D.

Chairperson Gelling thanked Mr. Milliken for his review and asked whether Commissioners had further comments or questions.

In response to questions, Mr. Porter indicated that adding “appropriate” to governing body in paragraphs C and D provides sufficient clarification and Mr. Milliken

explained that the maximum of 50% opacity requirement will maintain open visibility in front yard fences as opposed to allowing privacy-type fences in this area.

There were no further questions or comments from Commissioners. Chairperson Gelling noted there were no members of the public present for comment and closed the public hearing.

The Chairperson asked for a motion to send the ordinance amendment as presented to the Township Board for consideration.

Mr. Loy made a motion to recommend the ordinance amendment to the Township Board for consideration as presented. Mr. Skalski seconded the motion. The motion was approved unanimously.

Chairperson Gelling asked Planning Director Milliken to take the amendment language to the Township Board.

Mr. Milliken indicated he would do so, and reported that the Zoning Board of Appeals had approved the variance request regarding fence height from Copper Beech Apartments at their March meeting.

The Chairperson thanked Mr. Milliken for the update and proceeded to the next agenda item.

DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS REGARDING TEMPORARY SIGNS

Chairperson Gelling asked Mr. Milliken to please present his report on the potential zoning ordinance amendments regarding temporary signs.

Mr. Milliken said discussion began at the last Planning Commission meeting regarding temporary signs in the Township. The initial subject was the potential of providing greater flexibility for businesses in multi-tenant commercial centers. Staff broadened the scope to provide greater clarity in the definitions for temporary signs and to clean up some areas that were subject to interpretation. In reviewing this information at the meeting, Commissioners questioned whether the entire topic of temporary signage needed a broader review.

Staff did not make any changes to the proposed amendments based on feedback or discussion in order to give further opportunity for Commissioners to review the material. Samples from other communities were provided to the Commissioners for review and feedback: City of Portage, Texas Township, Antwerp Township in Van Buren County, and Plainfield and Gaines Charter Townships in Kent County, were provided to Commissioners in order to see how they address similar signs. In addition,

select pages from the *Michigan Sign Guidebook* that address temporary and other special signs were provided for review.

Chairperson Gelling thanked Mr. Milliken for his report and expressed her appreciation of his work on this issue. She said she has been thinking from the perspective of a business owner in the Township and noted that since there is no definition of a “temporary sign” in the Oshtemo Township ordinance, regulations could be confusing to business owners. She did some research and found some definitions for temporary signs from other municipalities. She read two examples of definitions and stated she would like to see a temporary sign definition included in 76.000. She asked for comments from others.

Mr. Boulding Sr. said he felt it was important to include a time frame for displaying temporary signs.

Mr. Milliken indicated it would be appropriate to include any changes to the time frame in the set of standards.

The Chairperson explained she would also like to see a simpler version of temporary sign regulations described in plain language, a sort of thumbnail review that could be given to business owners. If she were a business owner coming into the township it would be confusing and cumbersome to try to ascertain not only what the rules are, but which officials she would need to talk to about them. In addition, there are a number of new types of temporary signs emerging that need to be considered.

Mr. Schley said he liked the idea of providing definitions for temporary signs as well as differentiating between business events involving temporary signs and community special event signs. Regarding the big picture, he feels that in general, the existing ordinance has been well tested. There is a lot of history involved with the goal of retaining the Township’s character and to keep it from looking too congested. He cautioned that relaxing rules, for signage in particular, is not easy to go back on once the “horse is out of the barn.”

Mr. Schley added that he did some research on the web, looking at various community minutes to determine the consideration that went into sign ordinances regarding temporary signs. He found advocacy for both the desire to help businesses as well as to control/restrict temporary signs. The common thread was to try to balance both objectives. He found communities trying to pull back after allowing more generous rules and finding businesses taking advantage of them by utilizing more temporary signs than the ordinances allowed. He pointed out the need to consider the Township’s ability to enforce potential issues resulting from ordinance amendments and to be careful in making changes.

Mr. Skalski raised the issue of garage sale signs that are impossible to control, and often obstruct views causing safety issues, saying it might be a good idea to require

permits for them but that he understood that adds another layer of monitoring. He added that garage sale signs are often not removed after the sale is over.

Mr. Boulding Sr. agreed that it may be good to expand the ordinance to include different types of temporary signs that may occur in the future to eliminate confusion and assist with enforcement.

Chairperson Gelling reiterated that the clearer the signage ordinance can be made, the better it will be for everybody.

Mr. Antosz endorsed the idea of defining temporary business signage and special events signage separately and asked how much trouble the Township has in enforcing the current ordinance.

Attorney Porter responded that historically, dealing with inappropriate signage is always a constant. Someone is always pushing the envelope and there are always issues. He added that within the Township, office staff is trying to get clarity, and he felt that the clearer the ordinance can be, the better that would be for everyone.

Mr. Antosz said he wants to be fair to businesses in strip malls. He prefers language that will provide opportunity to all, but with limitations.

Chairperson Gelling said she would like to incorporate a 30 day rest period between temporary signs for a particular use to provide opportunity to all businesses in a strip mall.

Ms. Farmer noted that without a rest period, there would be a possibility that one tenant could have a temporary sign for as much as 55 days. Since the conversation has shifted from temporary signage to all signage, expanded definitions would be helpful.

There was some discussion of looking at definitions used by other communities within and outside the region as examples. Mr. Milliken thanked members for their specific suggestions.

Mr. Loy agreed with the plan to streamline temporary sign definitions for both staff and applicants so they will be able to understand the parameters, which will make enforcement easier.

Ms. Farmer thought there should be a difference between special events for business and special community events that they might not fall under the same guidelines.

The Chairperson reiterated her desire to simplify the process for businesses and would like the Planning Department to develop a brief review of temporary signage expectations.

Mr. Schley suggested a review of comments from the public generated by the Master Plan process to see if anything helpful could be captured there on this topic.

Chairperson Gelling noted that A-frame signs are beginning to appear and asked for thoughts regarding that format.

There was discussion about the definition of incidental signs and whether A-frame signs should be allowed in the outer areas of the Township as well as in the village core as long as they meet the definition criteria.

Members generally agreed it would be beneficial to allow A-frame signs for Township businesses outside the core with reasonable restrictions.

Mr. Schley pointed out the village core was shaped with the intention that it be a pedestrian shopping district while other areas, particularly M-43, are more suited to vehicular traffic shopping and that these intentions were well founded in standards. His concern is preserving the character of the community.

Chairperson Gelling concluded the majority opinion of the members is to allow the signs more broadly in the Township in support of businesses. She asked Mr. Milliken to return to the board with language for temporary sign definitions consistent with their discussion.

Mr. Milliken said he would like to return to the board with something of substance for their consideration and noted he would prepare something for a future meeting to reflect Commissioners' wish for conciseness and clarity, but would be unable to do so in time for the next meeting on April 25.

The Chairperson suggested members send Mr. Milliken any particular suggestions for types of signs they would like to see defined for his consideration.

Attorney Porter reiterated there could be separate definitions for commercial special events signs and community special events signs.

Ms. Farmer and Chairperson Gelling each expressed their disappointment that no members of the public were present to provide input on this issue and stressed the importance of community involvement.

Hearing no further comments, the Chairperson proceeded to the next item on the agenda.

OLD BUSINESS

There being no old business the Chairperson proceeded to the next item on the agenda.

ANY OTHER BUSINESS

Chairperson Gelling asked if there were any other business. Hearing none, she proceeded to the next item on the agenda.

PLANNING COMMISSIONER COMMENTS

Mr. Boulding Sr. noted discussion of differing opinions is healthy for the group and is food for thought for everyone. He respects the differing views and thinks expression of them is to the benefit of the community as a whole and reflects our democratic process working at its best.

Mr. Skalski agreed with Mr. Boulding Sr. and then provided Commissioners with a report on his recent visit to Weston, Florida, a planned community incorporated in 1996 that is the same size and population as Kalamazoo. He noted that an established community such as Oshtemo Township could not duplicate what they have done, but thought there were good ideas implemented in Weston that could be considered here.

Chairperson Gelling thanked Mr. Skalski for the interesting report and his efforts to prepare and share the information. She added she was glad all members were back safely.

Mr. Antosz shared information about a Michigan municipal code website that includes all ordinances in Michigan and was useful to him in preparing for the signage discussion.

Ms. Farmer indicated she was also glad to see everyone back.

Mr. Milliken reminded the group of the scheduled April 30 training session and that those who previously received training materials should bring them to the session.

ADJOURNMENT

Having exhausted the agenda, and with there being no other business to discuss, the Planning Commission meeting was adjourned at approximately 8:27 p.m.

Minutes prepared:
April 13, 2013

Minutes approved:
April 25, 2013