

OSHTEMO CHARTER TOWNSHIP

PLANNING COMMISSION

MINUTES OF A MEETING HELD APRIL 25, 2013

Agenda

DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS REGARDING TEMPORARY SIGNS

DISCUSSION OF REGULATIONS REGARDING DONATION BINS

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, April 25, 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 was Greg Milliken, Planning Director.

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. She indicated that the Planning Director would be discussing an additional item with the Commission and suggested adding it to the agenda between items six and seven. Hearing no other changes, she called for a motion to accept the Agenda, as amended. Mr. Skalski made a motion to accept the agenda as amended. Mr. Boulding, Sr. 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 APRIL 11, 2013

Chairperson Gelling asked if there were any additions, deletions, or corrections to the minutes of April 11, 2013. No changes were noted. Mr. Schley made a motion to approve the minutes as presented. Mr. Skalski seconded the motion. The motion was approved unanimously.

DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS REGARDING TEMPORARY SIGNS

Chairperson Gelling indicated the next item on the agenda was a discussion of potential Zoning Ordinance amendments regarding temporary signs. The Chairperson turned to Mr. Greg Milliken, Planning Director, to further this discussion.

Mr. Milliken reviewed the progress on this discussion. He indicated that this started in February when Staff presented a few items for consideration for amendment of the Zoning Ordinance. The original focus was limited to simply expanding the ability to have temporary signs to include additional tenants located in multiple-tenant commercial centers. Staff expanded this focus to address some of the interpretation issues that have been raised as the Ordinance has been enforced. During the course of discussion at previous meetings, additional items were raised by the Commission for consideration.

Mr. Milliken stated he was not able to prepare sufficient language for the Commission to consider within a week for inclusion in their packets. However, he indicated it was reasonable to further the conversation and provide Staff feedback on temporary signage in general so they may be included in the amendments as they are drafted.

Chairperson Gelling indicated that she felt that the Ordinance needs some work and would like to see it more comprehensive and complete to address the issues that have been identified. Chairperson Gelling further inquired as to whether Commissioners had provided additional signage types for inclusion in the Ordinance, but none had with the exception of the few she had previously forwarded to the Planning Director.

Ms. Farmer said that these conversations have made her much more aware of signage and have her thinking more about signs. She is concerned about the fairness

issue related to multi-tenant centers but otherwise is not sure she takes issues with other sections.

Mr. Antosz stated that, as the Chair had noted, there is no definition for temporary signs in the Ordinance. He indicated that there is confusing language in the Ordinance and a lack of distinction between signs for community special events and commercial special events. He thinks a synopsis guide for businesses would be very helpful.

Mr. Antosz said he was disappointed that the Commission is discussing business signs and no businesses are represented in the discussion. He is not sure they should expand changes beyond the definitions as the Ordinance generally seems to work pretty well.

Chairperson Gelling indicated she has a concern with all of the small signs put along the road side throughout the Township for car washes, motorcycle swaps, garage sales, etc.

Mr. Skalski agreed with the concern regarding the proliferation of roadside signs. He wondered if those are permitted or should be. The Commission entered into a discussion of snipe signs, the policies in place in the Township, and enforcement. The Commission has no desire to have these and encourages strong enforcement against them.

Mr. Boulding, Sr. wondered if the Commission was infringing on first amendment rights and the freedom of expression of individuals and businesses. He stated it is difficult to change these standards without input from those affected.

Mr. Loy said that he would like to see snipe signs disappear. He felt more education on garage sales and yard sales was needed, perhaps through the newsletter.

Mr. Schley stated that the Ordinance was last changed to allow for seasonal and directional signs related to agricultural uses. He said that he stands by his previous comments. He thinks the existing Ordinance is good. He agreed it could probably be cleaned up a bit for the interpretations and to be more practical for enforcement. He also feels there is clearly a difference between commercial events and community events, and that should be stated clearly.

Chairperson Gelling stated there definitely needs to be a definition for temporary signs. There also needs to be delineation between community and commercial event signs. She thinks the Ordinance should be cleaned up and made easier to interpret and understood. Staff is doing a very good job by passing out a letter to businesses explaining the requirements.

The Commission discussed the definitions and the different types of businesses and signs. Mr. Milliken thanked them for the feedback and indicated his desire to provide them with a draft to review in May.

DISCUSSION OF REGULATIONS FOR DONATION BINS

Chairperson Gelling indicated that the next item on the agenda is the item that was added and called upon Planning Director Milliken to introduce the item.

Mr. Milliken indicated that he and Attorney Porter had a meeting with the attorney for Planet Aid. Planet Aid is a company that operates several of the donation bins that appear in commercial lots throughout the region. Staff's position is that these uses are not permitted in the Township because they are not provided for in the Ordinance. The attorney wanted to review a recently adopted Ordinance in Portage that licenses these bins. He discussed how the new Ordinance works and how their business operates. Mr. Milliken indicated that he and Attorney Porter stated they would discuss the potential for regulation with others in the Township. Since the agenda was light, he thought he would discuss this with the Planning Commission to get feedback on the topic.

Mr. Skalski stated that CBS did a segment on this recently. He said their work showed very little of what is donated goes for charity. He would like to require some community benefit because there are some real issues locally that need to be addressed. He wondered if a limit could be put on them.

Chairperson Gelling said that the issue she has is with the contents strewn about outside of the bins and their unsightly appearance. They are not picked up regularly nor maintained, and she just does not like the appearance of them.

Mr. Loy stated that all of them are for profit of some sort and are used for various purposes other than re-use of the clothing. There is a misunderstanding of their purpose. He does not want them in Oshtemo.

Mr. Antosz said that he feels the same way. He believes most of them are for profit, and he would rather see them help the needy.

Ms. Farmer said if the Township does open this up, she would have a number of questions. She wonders how the businesses operate. She indicated that the Township would have to monitor and regulate the service and wondered how often they are served and how quickly issues can be responded to. She asked if they are assessed for taxes. She is not inclined to open this up.

Mr. Schley said that it is tough to differentiate between profit and not-for-profit. He said that he works for several not-for-profits and knows that the Salvation Army does

have bins in the Kalamazoo region although not in Oshtemo. If opened up, it would be hard to separate the good ones from the not-so-good ones. Some likely do pretty good work, but this would open up a can of worms.

Mr. Boulding, Sr. stated it is a question of regulation and enforcement. He said that the Township may be biting off more than it can chew with this one adding another thing to regulate. Therefore, he is leaning away from allowing these things.

Chairperson Gelling summarized stating that the answer appears to be no donation bins. There are legitimate entities (i.e. The Gospel Mission) where items can be taken and distributed to those truly in need.

Mr. Schley stated that they really are like micro-commercial entities.

Mr. Loy asks how much comes back to the community.

Mr. Milliken indicated that little to none, but they claim to provide other benefits such as environmental benefits through recycling of materials rather than having them sent to landfills.

Mr. Loy would rather help local communities and people that could make use of the items that are donated.

Mr. Milliken thanked the Commission for their thoughts.

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 was any other business.

Mr. Milliken indicated that there are two applications pending for the May Planning Commission meetings. On May 9, there will be a public hearing for a home occupation that includes an employee. On May 23, there will be a public hearing for Jake's Fireworks, who would like to put up a tent at the Harding's at 9th Street and Stadium Drive as they did last year. The Commission discussed their previous appearance. Mr. Milliken also discussed two potential ZBA site plan reviews for the ZBA's May meeting.

PLANNING COMMISSIONER COMMENTS

Chairperson Gelling reminded the Commissioners about the MAP training session that will be held at the Township Hall Tuesday April 30.

Mr. Schley asked about the status of the ITC case. Mr. Milliken indicated that a decision was expected, but he was not aware of one yet.

Mr. Boulding, Sr. indicated he was hoping there would be some changes from last year's presentation by Jake's Fireworks.

Ms. Farmer shared a news story about signs she had heard on the radio.

ADJOURNMENT

Having exhausted the agenda, and with there being no other business to discuss, the Planning Commission meeting was adjourned at approximately 8:09 p.m.

Minutes prepared:
April 30, 2013

Minutes approved:
May 9, 2013