

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD September 22, 2016**

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**Agenda**

**Old Business:**

- a. Landscape Ordinance Amendments**

**Other Business:**

- a. Zoning Ordinance Re-organization**
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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, September 22, 2016 commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Millard Loy, Chair  
Fred Antosz  
Wiley Boulding, Sr.  
Dusty Farmer  
Mary Smith

MEMBER ABSENT: Pam Jackson

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. No other persons were in attendance.

**Call to Order and Pledge of Allegiance**

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

**Agenda**

The Chairperson asked if there were any additions, deletions or corrections to the Agenda. Hearing none, he called for a motion to accept the Agenda as presented.

Mr. Boulding, Sr. made a motion to accept the agenda as presented. Mr. Antosz seconded the motion. The motion passed unanimously.

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

Chairperson Loy noted there were no audience members present and proceeded to the next agenda item.

## **Approval of the Minutes of September 8, 2016**

Chairperson Loy asked if there were any additions, deletions or corrections to the minutes of September 8, 2016. Hearing none, he asked for motion to approve the minutes.

Mr. Antosz made a motion to approve the minutes of September 8, 2016 as presented. Ms. Smith seconded the motion. The motion was approved unanimously.

## **OLD BUSINESS**

### **Landscape Ordinance Amendments**

Chairperson Loy asked Ms. Johnston to review the proposed Landscape Ordinance Amendments.

Ms. Johnston reminded Commissioners that at the July 28<sup>th</sup> Planning Commission meeting, Staff presented three landscaping ordinances for review. These ordinances were:

- The existing ordinance – Section 75: Landscaping
- Minor amendments to Section 75: Landscaping
- An Alternate Approach that was a departure from the existing Ordinance in many ways, including the removal of the buffer zones that are required around the property lines.

She added that at the meeting, staff presented some of the pros and cons of each ordinance based on landscape plans developed by Karen High for the Wings, Etc. site on 9<sup>th</sup> Street and Seeco Drive. The Planning Commission requested staff review the proposed ordinances and come back with a preferred method. Staff spent time over the last two months refining the three presented ordinances into one recommended approach.

Ms. High created landscape plans based on our current ordinance requirements and the preferred approach for the Wings, Etc. site as well as the Omni Credit Union site on West Main Street, which Commissioners visited during our landscaping tour last fall. Some of the differences between the two ordinances are as follows:

- The preferred approach requires an overall percentage of the site be landscaped, which is generally slightly less in square footage than the current ordinance landscaping requirements.

- The current ordinance is very specific where landscaping must occur – at the property lines and in parking lots. The preferred method requires landscaping in the parking lot and at public and private rights-of-way, but allows the design professional to determine where the rest of the required landscaping will be planned on the site.
- The total number of required trees is slightly less than the current ordinance, which will hopefully allow tree species a better opportunity to survive on the site.
- There are very specific requirements for opaque screening between incompatible land uses in the recommended ordinance, which can include a variety of berms, fences, walls, landscape materials, etc. But, the screening must be six feet in height and opaque. The current ordinance requires larger buffer zones between incompatible uses, but the plant materials are generally trees, which do not provide much screening when the lower branches reach a height beyond five feet.
- For certain landscape plans, the seal of an architect is required in the recommended ordinance. This is to ensure that if someone is requesting tree credits or wishes to submit an alternate approach to the landscaping requirements, a landscape design professional is creating the plans to ensure trees selected will be viable.

Ms. Johnston concluded by saying the changes will also result in a more user-friendly document.

Chairperson Loy asked if there were questions for Ms. Johnston.

In response to questions from Commissioners, Ms. Johnston explained the "Intent" section was similar to a statement of purpose, not binding, but a description what needs to be addressed. The ordinance needs to be changed to address buffer zones and screening problems.

Attorney Porter added there are so many trees on commercial sites that often passers-by cannot see the business and too often the trees are so crowded that they die. Either way they do not perform the desired function.

Ms. Johnston went through the document, pointing out new/altered items, particularly concentrating on the new "Screening Between Land Uses," item E, intended to address the problem described by Attorney Porter. Commissioner questions focused on the elimination of buffer zones and the use of berms.

Ms. Johnston said the elimination of buffer zones will make it easier to achieve cross-access and shared parking. There may still be buffering, but it will not be proscribed on each property line. This will allow developers to design larger, more

creative landscape plans without the current requirements. Requirements are important when there are incompatible uses next to each other.

In answer to a question from Ms. Farmer, Ms. Johnston said she would talk with Attorney Porter and look into what others are doing to determine whether prohibition of clear-cutting of land could be enforceable and what sort of incentive could be offered for preserving trees. Mr. Antosz suggested offering credits might be effective. Attorney Porter cautioned that whatever was offered could not create the appearance of disparate treatment.

There was extended discussion of the effectiveness and maintenance of berms, with consensus that they can serve a useful purpose and should be kept in the ordinance. Ms. Johnston pointed out if the reviewing body feels additional screening is warranted due to particular intensity of the site, it can be requested.

Commissioners agreed that provisions for required additional landscaping as described under O. "Provisions for Existing Sites," when adding parking spots, could be prohibitively expensive for business owners and that they should be provided assistance, possibly bonding, to make it more affordable. Also discussed was what percentage of addition should be subject to landscaping requirements as well as a time-frame for completion. Ms. Johnston will look into this further.

Ms. Johnston said she was leaning toward eliminating the current additional planting requirements (#1) under "Exceptions" as it is not used. Attorney Porter agreed.

Chairperson Loy said he likes the new plan. After some tweaking as described in Commissioner comments, he would like to see it reviewed by the Commission one more time.

Ms. Smith said she is concerned the change in buffering language will result in a line of stores with a buffer from the street, but that will feel like a solid block of stores with only parking lots and concrete between them.

Mr. Antosz felt the revisions offer businesses a lot more opportunities for landscaping and likes the idea of allowing a landscape architect to come up with a more creative plan, providing the Township more confidence in outcomes.

Ms. Johnston said the plan can always be changed later if it doesn't work. She also likes allowing the applicants the opportunity to be creative. She will tweak the plan to reflect discussion and bring it back to the Board for review.

## **OTHER BUSINESS**

### **Zoning Ordinance Re-organization**

Chairperson Loy asked Ms. Johnston to review the Zoning Ordinance Re-organization.

Ms. Johnston said Staff would like to group the document by overall ordinance type, generally as follows:

- Introduction and Use of Language – essentially how to use the Ordinance and the definitions.
- Zoning Districts
- Overlay Zones
- Special Development Options – this section is for the PUD and Open Space development options. We currently have two Open Space ordinances. The consultant will be reviewing these two ordinances to see if they can be combined or one removed. Since both of these are listed as Special Exception Uses, some ordinance language changes will be needed.
- Use Requirements – this section is the biggest change with the Ordinance. Currently, our ordinance has uses listed in the Zoning Districts which are permitted but have conditions attached to the development of the use. Instead of having these conditions listed within each zoning district, they will be placed under a Permitted Uses with Conditions article. The uses will be alphabetically listed and the required conditions provided. In addition, I would like to recommend we change the Special Exception Uses to Special Land Uses. These uses will also be listed under this article with any development requirements shown.
- Schedule of Regulations – this section will list all of the bulk requirements of the Ordinance: setbacks, height, lot size, etc.
- General Requirements – all of the other requirements of the Ordinance: landscaping, lighting, parking, etc.
- Non-Conforming Uses, Structures and Land
- Review and Approval Procedures – this section will include all of the review requirements for site plans, special land uses, building permits and the ordinances that established the Planning Commission and Zoning Board of Appeals; it will be more specific than what we currently have.

- Amendments and Enforcement – will include the steps to rezoning or conditional rezoning land and the procedures the Township uses to enforce the Zoning Ordinance.

Ms. Johnston noted the format will be laid out as tables rather than paragraphs. She said if the Planning Commission was comfortable with the overall re-organization matrix, Staff will have Wade Trim, the consultant assisting with the project, begin the re-organization. The re-organization will be a learning curve. During the process, Staff will be bringing any necessary amendments for the Planning Commission to review.

It was the consensus of Commissioners that Ms. Johnston should proceed with the re-organization of the Zoning Ordinance as presented.

### **PLANNING COMMISSIONER COMMENTS**

Ms. Smith commented as the Township becomes more urban with 8th, 9th and 10th Streets developing, pretty soon blocks will inevitably be surrounded by businesses, she wishes something could be done to keep that from happening.

Ms. Farmer said she appreciated the good discussion of the ordinances and appreciated the effort put forth on these important issues that have been talked about for so long.

Ms. Johnston reported a new Planning Commissioner has been appointed and will attend the first meeting in October.

Attorney Porter informed the Commission he will be appearing before the Michigan State Supreme Court on October 5, regarding the ITC case.

Chairperson Loy said there would be a Sunday afternoon open house at the Drake House on October 23. The capital campaign fund is currently at \$35,000. When it reaches \$70,000 it will go public.

### **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 8:26 p.m.

Minutes prepared:  
September 24, 2016

Minutes approved:  
October 13, 2016