

**OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD MAY 25, 2017

Agenda

**PUBLIC HEARING: SUBDIVISION / SITE CONDOMINIUM ORDINANCE
CONSIDERATION OF A NEW SUBDIVISION/ SITE CONDOMINIUM ORDINANCE,
WHICH WILL REPLACE THE EXISTING SECTION 290 OF THE GENERAL
ORDINANCE.**

**PUBLIC COMMENT: RURAL CHARACTER PRESERVATION STRATEGIC PLAN
(1ST DRAFT)**

**WADE TRIM TO PROVIDE A PRESENTATION ON THE DRAFT RURAL
CHARACTER PRESERVATION STRATEGIC PLAN FOR PLANNING COMMISSION
AND PUBLIC REVIEW AND COMMENT. THIS IS THE FIRST DRAFT OF THE PLAN.
REQUESTED COMMENTS, CORRECTIONS AND CHANGES ARE WELCOME.**

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 25, 2017, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS WERE PRESENT: Wiley Boulding Sr., Chairperson
Fred Antosz, Vice Chairperson
Cheri Bell
Ollie Chambers
Dusty Farmer, Secretary
Mary Smith
Bruce VanderWeele

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and approximately 11 interested persons.

Call to Order and Pledge of Allegiance

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

Agenda

Chairperson Boulding, Sr. asked if there were any additions, deletions or corrections to the Agenda. Hearing none, he asked for a motion to approve the agenda.

Mr. Antosz made a motion to approve the agenda as presented. Ms. Bell supported the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

The Chairperson called for public comment on non-agenda items.

Ms. Justine Hertzell, 2484 Harbor Court, presented the Board with 11 annotated pictures of the Westport Village walking path, noted several other residents were unable to attend the meeting; they all intend to be at the June 8 meeting to discuss their concerns with the walking path.

Approval of the Minutes of May 11, 2017

Chairperson Boulding, Sr. asked if there were any additions, deletions or corrections to the Minutes of May 11, 2017.

Ms. Farmer asked that her remarks on page six regarding the revocation of privileges if marketing materials are inaccurate, be corrected to clarify that she was referring to the Hawkers and Peddlers regulations for door to door sales.

Hearing no further comments, the Chairperson asked for a motion to approve the minutes as corrected.

Mr. Chambers made a motion to approve the minutes of May 11, 2017 with the requested correction. Mr. Antosz supported the motion. The motion was approved unanimously.

PUBLIC HEARING: SUBDIVISION / SITE CONDOMINIUM ORDINANCE CONSIDERATION OF A NEW SUBDIVISION/ SITE CONDOMINIUM ORDINANCE, WHICH WILL REPLACE THE EXISTING SECTION 290 OF THE GENERAL ORDINANCE.

Chairperson Boulding, Sr. moved to the next item on the agenda and asked Ms. Johnston for her presentation.

Ms. Johnston said Staff and Commissioners have been working on the updated Subdivision/Site Condominium Ordinance for about six months. The Ordinance needed to be more protective of the natural features in the community from residential development. In an effort to improve the regulatory requirements, a critical review of *Section 290* was completed. After that review, staff determined that a rewrite was in order to streamline the Ordinance, make it more user-friendly, consolidate the subdivision and site condo regulations into one document, and to provide clear regulatory requirements for natural feature protection.

While researching other communities that have strong environmental protections, it became clear that the Ordinances with the most defensible regulations were ones where the local community mapped the natural environment. The Township decided to hire W.E. Upjohn Center for the Study of GIS and Geographical Change, Western Michigan University, Department of Geography to complete this work. Their final report, *“Final Report: GIS Services for Planning and Natural Features Preservation, Oshtemo Township, MI”* is the deciding factor on whether property needs to be set aside for preservation.

Once this report was completed, staff was able to develop regulations for the different types of natural features that might be found on a particular property. The intent is to balance the rights of the individual property owner and their ability to develop their land with the larger public benefit of preserving natural features. It is important to note that the regulations are designed to preserve a natural feature because of its intrinsic public value and not its aesthetic appeal. For example, the preservation of wooded areas, both internal to the site and along public rights-of-way, is to maintain habitats and bio-diversity, help reduce heat produced by human development, reduce run-off and soil erosion, etc.

She said Staff met several times over the last few months to complete a comprehensive review of the draft Ordinance language. The ordinance has been reorganized for ease of use into the following general categories and she noted 15 pages of the 33-page document describe approval procedures/processes.

- Purpose
- Definitions
- Approval Procedures – Steps 1, 2 and 3
- Design Layout Standards – Public Utilities, Utility Easements, Storm Water Management, Lots, Blocks, Streets, Street Lights, Non-Motorized Facilities, Natural Features, Natural Features Protection District, Landscaping and General Requirements
- Amendments
- Lots/Building Site Divisions
- Land Divisions
- Enforcement

The Ordinance was originally presented at the April 27th Planning Commission meeting. Since that time, staff has met with consultants from OCBA to develop an example subdivision utilizing the new ordinance language. While reviewing the Ordinance with OCBA, a couple of changes were recommended to help handle some development concerns. These changes include the following:

1. *Natural Features (outside of the Natural Features Protection District described in 290.008.J).*

2. *Wooded Areas.*

- c. *If at least 40 percent of the subject property is located within the Natural Features Protection District as described in Section 290.008.J, the regulations of this subsection are not required.*

J. Natural Features Protection District.

- 8. *Infrastructure Relief. If the placement of natural features within the Natural Features Protection District prohibits site access for infrastructure, relief for the necessary easements and/or rights-of-way may be recommended by the Planning Commission and granted by the Township Board. Location of the easements or rights-of-way shall be placed in a location that causes the least disruption of the natural features on the subject property as determined by the Planning Commission.*

Ms. Johnston said if the Planning Commission was comfortable with the final draft of Section 290: Subdivision, Site Condominium, and Land Division Ordinance, Staff would request a motion to recommend the Township Board approve the amended Ordinance.

She explained some examples of how the process would work, provided by OCBA, discussed possible density bonuses that could be provided, and said zoning that delivers underlying density needs to be looked at.

Finally, she said this provides a stopgap to avoid more RR developments that do not meet the desired character elements; additional changes to zoning regulations will be made after the Master Plan is complete.

There were no questions from the Board and there were no comments from the Public. Chairperson Boulding, Sr. moved to Board Comments.

In response to a request from Ms. Bell, Ms. Johnston provided an outline of the process followed over the last several months to develop the proposed Ordinance.

Attorney Porter explained the proposed Ordinance provides a degree of specificity and order many have wanted to see for a number of years and complimented Ms. Johnston for providing the tools to move forward for better oversight for the rural areas of the Township.

Chairperson Boulding, Sr. asked whether roundabouts were considered for inclusion regarding the layout of streets.

Ms. Johnston said a developer would not be stopped from proposing one, but no language or encouragement was included in the Ordinance.

Ms. Farmer said the proposed Ordinance is absolutely brilliant, thanked Ms. Johnston for saving Board time by working in such an efficient way and agreed with Attorney Porter that approval of the Ordinance will provide the teeth/tools needed.

There were no further comments; the Chairperson asked for a motion.

Ms. Farmer made a motion to accept the Subdivision / Site Condominium Ordinance as presented for recommendation to the Township Board. Mr. VanderWeele supported the motion. The motion was approved unanimously.

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Chairperson Boulding, Sr. moved to the next item on the agenda and asked Ms. Johnston for her comments.

Ms. Johnston provided a copy of the draft Rural Character Preservation Strategic Plan for review and noted that it was the first draft. Corrections and changes can and will occur as a result of the public input. It is hoped much public input will be received over the next month, both through the public comments at the Planning Commission meeting and the Township's website, where the document will be posted. Comments provided will be presented to the Planning Commission for consideration before adoption of the final draft of the Strategic Plan. She provided the tentative timeline for adoption of the Master Plan culminating in final presentation of the Update for acceptance and recommendation to the Township Board at the October 12 meeting.

Ms. Johnston introduced Wade Trim representative and Professional Planner Adam Young, who provided a presentation of the draft document, outlining the process followed and characteristics considered in its development. He noted the excellent mapping done by W.M.U. To this date, there have been two opportunities for public engagement in the process through the mapping tool on the website and a rural character alternatives workshop.

Mr. Young then summarized the outline of the Plan including the Vision Statement, Goals, Policies, and Action Strategies with examples of specific priorities. He noted the draft plan is available to residents on the Township website.

Chairperson Boulding, Sr. thanked Mr. Young for his presentation and asked if there were comments from members of the public in attendance.

Mr. Dave Barnes, representing himself and his wife, Teresa, 3700 Wolf Drive, said he felt the draft document was extremely well devised and noted everything he discussed in conversation with Ms. Johnston had been incorporated. He said there seemed to be general agreement at a previous meeting that the Board shouldn't shy away from increasing lot sizes as being very important and noted there is language

included in the draft that describes that. He asked Ms. Johnston to clarify how the intersection of the mapping project and the designation of distinct characteristics integrates with the strategies, how they will be applied referencing map 12?

Ms. Johnston said when developing the strategies, it was known the subdivision Ordinance was already in play and a conservation district had already been created as part of the subdivision Ordinance. The conservation protections district map will be adopted as part of the Subdivision/Site Condominium Ordinance and essentially will become regulatory whenever anyone wants to develop a new subdivision in the RR or AG district areas. There are strategies in the document about observing natural features and ensuring corridors. She sees the natural features protection district map as part of the subdivision Ordinance and as the first step in making sure that happens.

Mr. Art Diani, 4115 Van Kal, felt this was an outstanding plan and reflects a great step forward since the Mystic Heights development was considered. He said he thinks it is great that the Planning Commission will consider lot size increases in RR per house, but suggested language should make clear when talking about density whether it is gross or net and noted his preference is for net density of 3 acres.

Ms. Judy Diani, 4115 Van Kal, said it sounded like the condominium Ordinances will evolve as the strategy plan firms up.

Ms. Johnston said she feels the proposed Subdivision/Site Condominium Ordinance is ready to be adopted. The RR and AG Zoning Ordinances which include open space preservation, also part of zoning, needs to be looked at. The Site Condominium Ordinance is a general Ordinance for the Township. That Ordinance and zoning work together. Zoning determines the underlying use and density of a parcel, so zoning says this parcel can be used residentially and you can develop 1-1/2 acre lots. The Subdivision/Site Condominium Ordinance, a general Ordinance, tells you how you go about developing that subdivision. RR Zoning determines lot size.

Ms. Diani asked for further clarification.

Ms. Johnston explained lot size is determined by Zoning Ordinance. If one recommended strategy is to consider increasing lot size, it would be the RR Zoning District that would be changed. The Site Condominium Ordinance does not determine lot size. It just outlines the process, for example how the streets should be laid out, how long blocks can be, where you put utilities, what natural features have to be protected, etc.

Ms. Diani asked who decides what density will be built.

Ms. Johnston said it is based on zoning, but there are "development options" in the Zoning Ordinance. A standard subdivision is based on 1-1/2 acre lots in the RR District. The "open space preservation option" says if you are willing to preserve a

certain amount of the property as undeveloped, then you can get higher density. Gross acreage or net acreage has not yet been determined.

Ms. Diani said people move to RR in Oshtemo Township because they want as much space and natural resources as they can have and can afford to buy and they want the natural resources around them preserved as much as possible; she felt the draft document and the whole process is going in the right direction.

Chairperson Boulding, Sr. determined there were no other persons wishing to speak, thanked the audience for their participation, and moved to Board comments.

Ms. Smith asked when the Township changed from one acre to 1-1/2 acres in the RR District about a year ago and were talking about possibly going to 3 acres, Attorney Porter said we had to be careful because developers could say we were being overly onerous.

Attorney Porter said it is always a balancing act with regulations. He said some communities have tried to impose a minimum of 5 acres for residential parcels and they have been struck down in Michigan courts. He said he hasn't seen any cases recently challenging parcel size, but recalled cases where there have been challenges.

Ms. Johnston said it will be important as we move forward with strategies to investigate the parts of the Township already parceled out. Two RR zones may be a better approach, taking those areas of the Township that still have a lot of large parcels available and upping that density, and keeping at 1-1/2 acre lots where it's parceled out already.

Ms. Smith wondered if two different classes of RR might cause trouble with landowners.

Attorney Porter explained we would have to do study and analysis to provide a rational basis for whatever is done. The proposed Ordinance sets forth reason and basis for action. Previous Ordinance provide no detail, standards or specificity. He applauded Ms. Johnston for using W.M.U. assistance to set standards.

Ms. Bell was concerned that all the people who need to be are at the table, and that large property owners may interpret changes as a "double whammy;" large lot requirements and open space preservation requirements. Coming from an historic Oshtemo farm family she said she knows land ownership is the bread and butter for small farmers and sees this through that lens.

Ms. Farmer said middle ground needs to be found and appreciated looking at both sides. It will be hard to tell someone the Township needs to put a community trail through their land.

Chairperson Boulding, Sr. felt anything less than 1-1/2 acres is not compatible and he thought 1-1/2 acres was a good fit.

Ms. Johnston emphasized the document is a first draft; it will be revised to include comments. Attention will now move to other areas of the Master Plan update. Later in the summer there will be a public hearing on the full Master Plan. She will continue to welcome feedback on prioritization and will seek further interaction through the Township's website and newsletter.

Mr. Barnes asked to address the Planning Commission again. Chairperson Boulding, Sr. allowed his comments. Mr. Barnes felt some of the comments of the Board may not be in context with the objective of this initiative for protection of rural residential character, particularly the Chairperson's lot size preference.

Chairperson Boulding, Sr. thanked Mr. Barnes for his comment and moved forward with the agenda.

OLD BUSINESS

There was no old business to consider.

ANY OTHER BUSINESS

There was no other business to consider.

PLANNING COMMISSIONER COMMENTS

Ms. Bell reminded Commissioners of the Rotary sponsored carnival at the corner of Drake Rd. and West Main over the Memorial Day weekend.

Chairperson Boulding, Sr. informed Commissioners the Zoning Board granted a parking variance to DeKornes and Latitude 42 properties at their last meeting, to allow for cross-access between these properties to address concerns about traffic moving west on West Main Street. If a curb cut is approved by the Road Commission of Kalamazoo County, traffic from Latitude 42 will be able to move through the Ethan Allen property to access Lodge Lane and make a left on to West Main Street.

Ms. Smith suggested a "no way out" sign be put up by the curb cut on Lodge Lane to inform drivers they must to left to exit.

Hearing no further comments, the Chairperson asked for a motion to adjourn.

ADJOURNMENT

Ms. Smith made a motion to adjourn the meeting. Mr. VanderWeele supported the motion. The motion passed unanimously.

The Planning Commission meeting was adjourned at approximately 8:35 p.m.

Minutes prepared:
May 27, 2017

Minutes approved:
June 8, 2017