

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION  
DRAFT MINUTES OF A MEETING HELD FEBRUARY 22, 2024**

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**Agenda**

**6139 & 6169 W Main Street – Conceptual Site Plan and Dimensional Deviation Request**

Conceptual plan approval and dimensional deviation request pursuant to Section 35.60 of the Zoning Ordinance to allow for one 50,560 SF single story building on-site whereas a maximum of 25,000 SF is allowed per single story building by Ordinance.

**WORK SESSION:**

- a. Introduction: Section 55: Signs and Billboards
  - b. Introduction: Section 50.60: Setback Provisions
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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, February 22, 2024, commencing at approximately 6:02 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Philip Doorlag, Chair  
Deb Everett, Vice Chair  
Zak Ford, Township Board Liaison  
Scot Jefferies  
Scott Makohn

MEMBERS ABSENT: Alistair Smith

Also present were Leeanna Harris, Zoning Administrator and Temporary Recording Secretary, Colten Hutson, Zoning Administrator, James Porter, Township Attorney, and nine other interested persons.

**Call to Order and Pledge of Allegiance**

Chairperson Doorlag called the meeting to order at approximately 6:02 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

**Approval of Agenda**

The Chair asked if there were any changes to the agenda. Hearing none, he let the agenda stand as published.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

The Chair asked if anyone present wished to speak on non-agenda items. As no one responded, he moved to the next agenda item.

### **Approval of the Minutes of the Meeting of February 8, 2024**

Chairperson Doorlag asked for additions, deletions, or corrections to the Minutes of the Meeting of February 8, 2024.

Mr. Jefferies noted a correction in the “other updates and business” section that his neighborhood was not receiving a new speed limit, but rather the Kalamazoo County Road Commission had recognized the speeding issue and that the 25 MPH speed limit needed to be recognized and enforced.

Chair Doorlag confirmed that the Road Commission recognized that there was a speeding issue in the area and their solution was to provide education materials, including signage, and that those would be distributed in the area.

Ms. Harris confirmed that she would correct the minutes to state such.

Hearing no other additions, deletions, or corrections, Chairperson Doorlag asked for a motion.

Mr. Ford **made a motion** to approve the Minutes of the Meeting of February 8, 2024, as amended. Mr. Jefferies **seconded the motion**. The **motion was approved unanimously**.

Chairperson Doorlag moved to the next agenda item and asked Mr. Hutson for his presentation.

### **6139 & 6169 W Main Street – Conceptual Site Plan and Dimensional Deviation Request**

Mr. Hutson thanked the Chair and explained that the applicant, Tim Talsma, is requesting conceptual plan approval and a dimensional deviation request to redevelop 6139 and 6169 West Main Street in order to construct one 50,560 SF furniture store single story building where only one 25,000 SF single story building is permitted by Ordinance.

Mr. Hutson noted that the 9<sup>th</sup> Street and West Main Overlay Zone is optional, meaning that property owners have the option to either continue to use the property in the manner in which is permitted in the underlying zoning district, or otherwise adhere to the standards outlined in the overlay district in order to take advantage of the opportunities allowed by the overlay.

Mr. Hutson explained that the applicants are choosing to utilize the 9<sup>th</sup> Street and

West Main Overlay Zone in order to propose this Commercial development since any business primarily for retail sales are considered a permitted use by right within the West Main Commercial Sub-District within the Overlay.

Mr. Hutson noted that the 4-acre is located on two parcels on the south side of West Main Street between 9<sup>th</sup> and 10<sup>th</sup> Street. When reviewing the request, it was noted that there are three sets of criteria that need to be considered which include Section 64, Section 65.30, and Section 35 of the Zoning Ordinance. Mr. Hutson noted that a breakdown of the evaluation based on these criteria was included in the staff report to the Planning Commission.

Mr. Hutson began by noting Section 64: Site Plan Review. He noted that, as previously mentioned, the subject site is zoned R-2: Residence District and 9<sup>th</sup> Street and West Main Overlay Zone. He explained that the property abuts a car dealership to the west, a brewery to the east, vacant land to the south, and financial institutions to the north. Each parcel surrounding the property under consideration is also located within the overlay zone.

Mr. Hutson noted that all setbacks, frontage, and area requirements were met. As far as access and circulation, the proposed conceptual plan is proposing to install one standard commercial driveway at the center of the property's frontage. He explained that this stretch of West Main falls between MDOT's jurisdiction and the driveway will be required to go through MDOT's permitting process. He continues by saying that the applicant is proposing a frontage road between the proposed building location and West Main Street in efforts to promote connectivity amongst adjacent parcels. He notes that an interior drive aisle is also proposed to wrap around the building, all circulation aisle widths are proposed are satisfactory, and that a loading and unloading zone for shipments is proposed in the far rear of the site, limiting the view from motorists on West Main Street.

Mr. Hutson walked through parking requirements, explaining that a total of 120 parking spaces are required by Ordinance for a furniture store use with a net floor area of 44,500 square feet and that 120 parking spaces have been provided. He says that all spaces are proposed to be 10 feet wide by 20 feet deep, which satisfies code requirements. He noted that the applicant is requesting a parking deferment of 50 parking spaces and that they had provided rationale as to why the subject deferment should be granted.

Mr. Hutson notes that, although the Ordinance is requiring that there be a minimum of 120 parking spaces on-site, staff is in the opinion that a total of 120 parking spaces is excessive for a use of this nature. The intensity level of a commercial use such as a furniture store is rather low and that staff recommends that the Planning Commission grant the request to allow for the deferment of 50 parking spaces for the subject furniture store use.

Mr. Hutson continues on to non-motorized facilities, explaining that the

Township's Non-motorized Plan does identify a 10-foot-wide path adjacent to the subject site on the south side of West Main Street and that, if the concept plan is approved, a sidewalk connecting the non-motorized facility to the principal building will be required to be shown on the site plan that is submitted for formal review and approval.

With respects to building design, Mr. Hutson noted, the proposed 50,560 square foot, one-story building will be located in the center of the property and would be approximately 30 feet in height. He says that the exterior of the building is proposed to have an appearance of a multi-tenant style building. The exterior materials are proposed to include brick masonry and wood fascia.

Mr. Hutson noted that landscaping and lighting plans satisfying Zoning Ordinance requirements will be required to be provided at time of formal site plan submission and that the Oshtemo Fire Department has reviewed the proposed plan and is happy with the design of the site.

Mr. Hutson explained that Prein & Newhof and the Oshtemo Public Works Department had reviewed the proposal and have noted that there are some engineering concerns that have not yet been addressed; however, that they felt that as long as they will be met during the formal site plan approval process, the applicant could move forward with the dimensional deviation and concept plan request.

Moving forward, Mr. Hutson noted that Article 65.30 outlines the general Special Use review criteria of the Zoning Ordinance and that the proposed use, a business specializing in retail sales, is a permitted use by right within the Overlay and that from a zoning perspective, the proposed use would be consistent with the surrounding commercial activity at nearby sites and is in accordance with the Township's Zoning Ordinance.

Mr. Hutson continues by explaining that the property in question falls within the West Main Commercial designation. The Master Plan notes uses in this designation may consist of office buildings and low intensity commercial and that the proposed site plan meets the minimum setback and parking requirements. He says that landscaping and open space requirements will be required to be met at time of formal site plan submission and that the proposed use is an allowable use within the zoning district it is planned for. He continues by saying that, with many low intensity commercial uses already established within this corridor and with the use being consistent with the Ordinance, staff does not foresee that the retail sales use will negatively affect neighboring properties or uses as it is harmonious and appropriate with existing uses and planned character of adjacent properties.

Mr. Hutson then begins explaining that the last criterion for Specific Use Requirements is not applicable as the Ordinance does not outline additional requirements for this use.

Mr. Hutson explains that Article 35 of the Zoning Ordinance outlines the specific development requirements within the 9<sup>th</sup> Street and West Main Overlay, including the size of buildings and that the applicant is proposing to construct one 50,560 square foot single story building on the subject property to serve as a furniture and home goods store for Talsma Furniture and that the square footage of the proposed building exceeds the allowable square footage for a single story building by Ordinance when developing under the Overlay. While the 9<sup>th</sup> Street and West Main Overlay Zone currently caps a single story building at 25,000 square feet in size, the applicant is seeking a dimensional deviation pursuant to Section 35.60 of the Zoning Ordinance. Any dimensional deviation shall be approved through a finding by the Planning Commission that the deviation meets the purpose of the West Main Street Sub-Area Plan and the 9<sup>th</sup> Street and West Main Overlay Zone.

Mr. Hutson points out that the Sub Area Plan for the frontage of this stretch of West Main Street envisions commercial and non-residential vision in which would complement the rural nature of the Township as a whole and that uses in the West Main Commercial designation should consist of office buildings and low intensity commercial development, similar to what has already developed along the West Main Street frontage between 9<sup>th</sup> and 10<sup>th</sup> Streets. Ultimately, Mr. Hutson points out that the Sub Area Plan specifies that big box type retail is not envisioned in this land use designation; however summarizes that the surrounding area has a number of commercial uses such as Ethan Allen, Latitude 42, Hampton's Plaza, Chemical Bank, Lake Michigan Credit Union, Advia Credit Union, and Sharp & Associates Law Firm.

Mr. Hutson explains that, it is not uncommon for a business owner to have the desire of wanting all merchandise and business operations to take place in a centralized location all in one building, but that it could be argued that the applicant could meet the desired 50,000 square foot mark without having to request a dimensional deviation as the Overlay does allow for more than one building on the property and that he applicant could construct two separate 25,000 square foot single story buildings on-site as reasonable use of the property would be maintained if the dimensional deviation is denied. Mr. Hutson points out that architectural features of the building are aesthetically pleasing and does give a sense of rural character, but that as the parcels are currently configured, the applicant could develop each separate parcel with an individual 25,000 square foot building on each of them, side by side to each other.

Mr. Hutson says it is important to note that going forward the developer will need to adhere to the strict design criteria outlined in Article 35 of the Zoning Ordinance in order to receive formal site plan approval by the Planning Commission and that the developer and his engineer will be required to demonstrate how the specific development requirements of the Overlay will be integrated into the overall design of the site at time of submitting for formal site plan approval, including perpetual open space, extensive landscaping, preservation of existing natural features, and an acceptable stormwater management design.

Mr. Hutson notes that, if the dimensional deviation is approved, staff recommends that a condition of conceptual plan approval be that if the developer is not able to design the site in a way that explicitly satisfies the design elements of Article 35 or other applicable sections of the Township's Ordinance with the proposed building size of 50,560 square feet, the size of the building will need to be reduced in order to accommodate all site elements required by Ordinance.

Mr. Hutson moves to the recommendation portion of the presentation and says that the Planning Commission will need to grant or deny the applicant's dimensional deviation request from Section 35.60 of the Zoning Ordinance to allow for one 50,560 square foot single story building on-site whereas a maximum of 25,000 square feet is allowed per single story building by Ordinance and, if approved, one single story building up to 50,560 square feet in size will be allowed on the subject property. However, he noted, if said deviation is denied by the Planning Commission, the site plan will need to be amended and resubmitted for review and approval as it will drastically impact the site layout. If the above deviation is approved by the Planning Commission, Planning Department staff recommend that the Planning Commission approve the proposed conceptual plan for a furniture store for Talsma Furniture with the conditions provided in the staff report.

Mr. Hutson then thanked the Commission and said he would be happy to answer any questions and noted that the applicant was in attendance as well.

Chair Doorlag thanked Mr. Hutson and asked if there were any questions for Mr. Hutson from the Commission.

Mr. Jefferies asked if the Public Works Department has weighed in on the connection between Seeco Drive and Lodge Lane and how it could potentially impact the south side of the property.

Mr. Hutson explained that the former Public Works Department worked hard, while Latitude 42 was constructed, to get access off of Lodge Lane to provide a connection point to the properties to the west. He explained that, now with a potential connection to Seeco Drive eastward, that during the formal site plan approval process for this site that Staff would expect a connection to Seeco Drive in the future to be planned.

Mr. Jefferies noted that he did not know how the connection would affect the property, but that it would most likely involve Public Works.

Mr. Hutson displayed a slide that contained the 9<sup>th</sup> Street and West Main Overlay Zone.

Mr. Jefferies asked if the main connection through to Lodge Lane from Seeco Drive would be through parking lots.

Mr. Ford says that the back of the parking lot, for example, through Latitude 42 would connect to Lodge Lane.

Ms. Everett noted that it would be similar to that in front of Burger King on West Main Street.

Mr. Jefferies asked if there was a frontage road planned between the proposed building and West Main Street.

Mr. Hutson noted that the adjacent car sales lot would most likely not develop or redevelop any time soon; however, it could potentially connect to Latitude 42 as is, potentially eliminating parking spaces in Latitude 42, connecting to Ethan Allen out to Lodge Lane.

Mr. Jefferies asked how many connections from Lodge Lane to the service drive would occur over time.

Mr. Hutson explained that, in speaking with the Public Works Director, that the proposed curb cut could be temporary until the frontage road develops in an attempt to reduce congestion and ensure motorists are completing safe turns at signalized intersections.

Mr. Ford asked if the sub-area plan reflected not allowing “big-box stores” and how the Planning Commission could factor this into their decision.

Attorney Porter explained that big box stores are large stores, such as Menards, and that perhaps asking the applicant for clarification could assist in their decision and that they will have to consider the shape and design of the store, how the traffic impact will be, etc. and consider that in their decision.

Mr. Ford continued by asking if there was an emphasis on parking in the rear in this overlay zone or if this is a different overlay zone.

Mr. Hutson says that this may be a different overlay zone, and that other developments within this overlay zone have had parking in the front, side, and rear, but that it is allowed in the front.

Attorney Porter said that there is a strong emphasis on unifying elements, screening, setbacks, etc. but nothing on parking in the front.

Mr. Ford asked for clarification on whether the proposed frontage road would be more like circulation through a parking lot, rather than an actual road.

Mr. Hutson confirmed this is the case, that it would not be an actual road.

Chair Doorlag confirmed that this would be similar to the circulation for the Long John Silvers and Burger King on West Main Street, and that parking was on both sides of the aisle.

Attorney Porter provided some background that the Township had asked those companies not to park on the north side because it was creating a hazard.

Mr. Hutson provided some clarification that, at this time, this proposal is just a concept plan, and that could potentially be a condition added by the Commission at the time of site plan approval to not allow parking on the north side of the property.

Mr. Jefferies noted that this is a good time to discuss the concept, especially with the extension of Seeco Drive and how it will affect the design in the area.

Mr. Ford asked about the unaddressed engineering concerns with the proposed site plan.

Mr. Hutson explained that stormwater management was one aspect, as staff did not know whether the stormwater would be managed in a pond or in underground storage, as well as the final design connecting to Seeco Drive would come to fruition as the neighboring properties redevelop.

Chair Doorlag asked Attorney Porter what the reasoning for the 25,000 SF building size limit was implemented for, and if it related to parking, intensity, etc., especially given the size of the Advia building across the street.

Attorney Porter explained that he could not recall why the building size limit was implemented, but for Advia, the Planning Commission at the time felt the size was appropriate given the employees would be coming to the building during the day and going home in the evening.

Mr. Jefferies said that he had considered that, but that Advia was dramatically set back from the road, as opposed to this concept plan.

Chair Doorlag asked if there were any more comments or questions for Mr. Hutson or for the applicant.

Mr. Jefferies asked if this would be a site where perhaps it may be appropriate to consider permeable pavement.

Mr. Hutson said that he thought this would be a good idea; however, the Ordinance does not currently require it and it would ultimately be up to the applicant to propose such.

At this point, Mr. Hutson thanked the Commission and Chair Doorlag asked if the applicant had any comments to make.



Mr. Tim Talsma, the applicant, introduced himself as the third generation owner of Talsa Furniture. He explained that he had brought family, managers of their stores, etc. to show that they are local and are a family operation. He explained that his grandfather had started the operation 76 years ago and provided additional background about their company. He then thanked the Commission.

Chair Doorlag asked if multi-floor uses are a feasible option for this business and whether it's been looked at.

Mr. Talsma said that they had looked at property in Kalamazoo years ago, but that the requirements of having to be multi-level was part of the reason they decided not to move forward with the project since, for their customers, they prefer a one-level layout.

Chair Doorlag then asked if the appearance of their other establishments were similar to the one proposed.

Mr. Talsma explained that this one was unique and that it was based on the preferred development from this overlay zone and presented a non-linear style that would allow it to not appear as a "big box store."

Mr. Ford asked if this development would be used primarily as a showroom or as a warehouse use.

Mr. Talsma confirmed that their Hudsonville location would be the main warehouse, so truck traffic would be minimal and confirmed that there would not be semi-truck traffic circulating the site.

Mr. Jefferies noted that there were three bays shown on the concept plan in the rear and asked what they would be for.

Mr. Talsma said that they would be for delivery, customer pickup, etc.

Mr. Ford asked if losing direct access to West Main Street would be detrimental to this conceptual plan.

Mr. Talsma explained that one of their locations in Holland has indirect access and that access does not make it impossible for customers to locate their building.

Chair Doorlag asked if there were any more questions for the applicant. Hearing none, he thanked the applicant and moved to Planning Commission discussion.

Chair Doorlag noted that the deviation request was the first on the table.

Mr. Ford asked the feasibility of sewer being extended to this site and that this should be kept in mind for the site plan when it is submitted.

Mr. Talsma said that he had a lengthy discussion about the extension of sewer from the Hampton's Plaza and that they were prepared to connect to the sewer.

Mr. Ford says that he is supportive of the conceptual plan before the Commission, especially given the dimensions presented, but once he understood that one 25,000 SF building would be allowed on each parcel, it was less concerning. His bigger concerns were stormwater management, public utilities, and access and circulation.

Attorney Porter explains that those issues can be addressed during site plan review and that the Township engineer is aware of the issues that occur with the present access and circulation in front of the Burger King and Long John Silver's on West Main.

Chair Doorlag explained that the Streets and Mobility Ordinance will address frontage roads and access roads and the Township engineer and Public Works Director will be reviewing these and providing recommendations on those aspects of the plan.

Attorney Porter confirmed that with the adoption of the Streets and Mobility Ordinance will help guide the site plan for developers and help incorporate those aspects into their site plan.

Mr. Ford asked about deferring the parking required in the overlay zone, and whether it would set a precedent.

Mr. Jefferies said that it, in concept, the parking spaces are shown to be ready to use but not actually paved, which he preferred as a way to ensure that it is going in the right direction.

Attorney Porter said that the deferred parking is looked at on a case-by-case basis based on the industry and that it would most likely not be setting a precedence.

Chair Doorlag noted that the applicant had provided data on the deferred parking.

Ms. Everett asked if 50 spaces was the minimum number of spaces that could be deferred.

Mr. Hutson noted that there is no maximum or minimum for deferment, but 50 deferred spaces was the number the applicant proposed.

Mr. Ford noted that deferring 50 spaces brought the proposed spaces down to 70 spaces, where the applicant noted that they've only ever needed 68 spaces for their other operations.

Ms. Everett agreed that any paving that isn't necessary shouldn't be paved and had wondered if the deferred spaces had a minimum or maximum, if the applicant would have asked for more to be deferred. She also noted that she liked the look of the building and how it does not look like a "big box store" and that it provided an opportunity for a more natural look.

Chair Doorlag asked Mr. Makohn if he had any comments. Mr. Makohn noted that he liked the proposal.

Mr. Jefferies noted that he doesn't have any issues, especially if the dimensions are kept at 200' in the front since it affects the look and feel of the neighborhood.

Chair Doorlag did note that he misspoke, and that there was a dimensional deviation, parking deferment, and asked Attorney Porter if the Commission should move to conceptual plan approval.

Attorney Porter said that he would suggest putting a motion on the table for the dimensional deviation first, and then move down to the conceptual plan, which would cover the parking deferment and the other conditions suggested by the Planning Department.

With that being said, Chair Doorlag asked for a motion to approve a dimensional deviation to allow a single-story building of 50,560 square feet, above the 25,000 square feet allowed by Ordinance. Mr. Jefferies **made a motion**. Mr. Ford **seconded the motion**. The **motion was approved unanimously**.

Chair Doorlag moved to the conceptual plan approval. Mr. Ford **made a motion** to approve the conceptual plan with the conditions presented. Ms. Everett **seconded the motion**. The **motion was approved unanimously**.

#### **WORK SESSION:**

##### **a. Introduction: Section 55: Signs and Billboards**

Chair Doorlag continued to the work session for Section 55: Signs and Billboards.

Attorney Porter explained that he would be guiding the Commission through the new sign Ordinance. He explained that he had been working on an update since December 2016. The reason for this update was due to a case that reached the United States Supreme Court, and the case focused on off-site signs. Attorney Porter noted that these are the most difficult for a community to regulate.

Attorney Porter continued by saying that the Town of Gilbert in Arizona had a regulation for off-site signs that had to do with political signs, directional signs,

community signs, etc. and that every sign had a different size requirement, how long it could be up, how it went, and where it went. He continued by saying the SCOTUS ruled that regulating what was put on signage, then it would be violating the first amendment, thus requiring proving a compelling governmental interest to regulate these items differently. There was another case, *City of Austin, Texas v. Reagan National Advertising of Texas*, that covered a similar ruling. In any case, Attorney Porter explained that this Ordinance needed to be changed, and that he would guide the Commission through the Ordinance so that it was brought into compliance with the SCOTUS ruling.

Attorney Porter specifically brought the attention of the Commission to the non-commercial signage, including, but not limited to, political signs, government signs, residential development signs, directional signs, subdivision identification signs, and building identification signs.

Attorney Porter then moved on to the definition of political signs, which he notes are the most significantly protected speech.

Attorney Porter then moved on to the definition of temporary signs, temporary on-premises sign, and temporary off-premises signs.

Attorney Porter then moved on to the signage that are not permitted, such as abandoned signs, animated signs, balloon signs, banner signs, etc.

He then moved on to the Required Sign Setbacks for All Zoning Districts, clarifying that no sign shall be placed in the public right-of-way, or placed in a location where the sign causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching intersections and other traffic.

He noted that he worked with the former Planning Director to clarify the overall language requirements, including areas where the Ordinance was unclear, where there weren't capital letters, where there were formatting issues, etc.

He then moved onto the temporary signs, including temporary on- and off-premises signs explaining their requirements, including that they have to be out of the road right-of-way. Ms. Everett and Mr. Ford asked clarifying questions about this section, to which Attorney Porter clarified.

Chair Doorlag asked if the new ordinance would address signs that companies erect on a resident's property while completing work for them, like tree trimming or roof replacement.

Attorney Porter noted that if the sign is a temporary sign, and is not an off-premises directional sign, then it is probably not permitted.

Mr. Jefferies asked about a section of the Zoning Enabling Act and a section that refers to morals, asking if the SCOTUS struck that portion of the enabling act down.

Attorney Porter said the motion did not specifically target that section, but noted that there had been cases where a sign was offensive to a community.

Mr. Jefferies asked if this would be a good time to add a provision in the Ordinance to give Ordinance Enforcement Officers the ability to enforce or fine if there is a continuous abuse of the Ordinance.

Attorney Porter explained that there already is a section of the Ordinance that says if any portion of the Ordinance is violated, then you can be subject to civil infractions, penalties, fines, or even possible court action or an injunction.

Mr. Jefferies asked if this would be a time to consider the size of signs, as with new technology such as Google Maps, such large signs are not necessary.

Attorney Porter says that this is something the Planning Commission could dive into deeper in the future and that this is the third rewrite of this Ordinance section.

b. Introduction: Section 50.60: Setback Provisions

Attorney Porter continued on to discuss Section 50.60: Setback Provisions. Mr. Hutson pulled up an example graphic of a property in between two roads, and that given the setback provisions in the Ordinance, that it could be potentially confiscatory.

Attorney Porter continues on by noting that the Ordinance change reflects that if a property is located between two roads parallel to each other, with one road being an arterial, and one being a collector, then the minimum setback from the secondary road and the landscaping requirements, shall be reduced by 50%.

Mr. Ford asked about how this will affect the public right-of-way and the ability to connect public utilities.

Attorney Porter explains that it will not be affected.

Mr. Jefferies says that commercial establishments may be at an advantage having two roads to their property, and that it may not be unwise to expect some landscaping on the secondary.

Attorney Porter and Chair Doorlag note that the landscaping requirements are not completely removed, but instead reduced by 50%.

Mr. Ford asked how this Ordinance change came to fruition.

Attorney Porter noted that it came to fruition during the discussion of the Seeco Drive extension, and that there are existing properties who would be affected by this in the future.

Ms. Everett asked if it would be likely that a property is between two primary roads, because that is not addressed.

Attorney Porter said that he consulted the Public Works Director and that the odds are very low that a property is in between two primary roads.

Chair Doorlag asked for clarification on distance between two roads, that would be considered arterial and collector/minor, and would like to operate two buildings on the same parcel, then the requirements would be severely reduced for the property operating on the lesser road and would still have to implement the full requirements for the property on the primary road.

Attorney Porter noted that he discussed this with the Public Works Director and said that, if this were to happen, the owners would likely split the property and once they split the property, they must meet the full setbacks in both directions.

Mr. Ford asked for clarification on the text, when the text says “arterial” and “collector,” whether the text would need to point to the definition of arterial and collector.

Attorney Porter noted that the Ordinance would be read in conjunction with other sections, and would clarify the definition in other sections.

Ms. Everett suggested a text change, before “arterial” it should state “an” instead of “a.”

Mr. Jefferies thanked Attorney Porter for correcting small Ordinance changes that need to be corrected.

Attorney Porter explains that, sometimes, it is easier for his department to take the small Ordinance changes and present them to the Planning Commission.

Chair Doorlag notes that the reduced landscaping requirements are presented as being reduced for the entire property, but that it should just be reduced for the secondary road. Attorney Porter took note of these changes.

Attorney Porter recommends that the Commission set the Signs and Billboards Ordinance as presented and the Setback Provisions as amended for Public Hearing in March.

Ms. Everett **made a motion** to set Public Hearing for the Signs and Billboards Ordinance as presented and the Setback Provisions as amended for March 14<sup>th</sup>. Mr. Ford **seconded the motion**. The **motion was approved unanimously**.

## **OTHER UPDATES AND BUSINESS**

Ms. Everett noted that the parking ordinance, including the calculations for what is required, needs to be amended.

Attorney Porter agreed and said that when the new Planning Director came on board that it would be a good opportunity.

Mr. Ford noted that the Township Board should also take a look at the number of items that they had requested from the Planning Commission, one being the Marihuana Ordinance.

Chair Doorlag asked if the Marihuana Ordinance was going to be addressed during the Master Plan work.

Mr. Ford noted that it was an item that the Township Board had sent a list of items to the Planning Commission, including the Marihuana Ordinance and the Mixed-Use Ordinance.

Attorney Porter noted that those issues will be up for discussion among this Commission once they are discussed in the Master Planning efforts.

Ms. Everett noted that there is a joint boards meeting on March 16<sup>th</sup> and perhaps that could be discussed at that time.

Mr. Ford noted that the Township Board chose to amend the density and acreage requirements for the Mixed-Use Ordinance, was passed unanimously, and will be up for second reading at the March 12<sup>th</sup> Township Board meeting.

Chair Doorlag asked Mr. Ford for clarification on the process of the Ordinance before the Planning Commission, was successful, went to the Township Board, and how the deliberation and discussion went before the Township Board.

Mr. Ford explained that Attorney Porter had provided a memo to the Township Board that said that the Township Board did not need to send the Ordinance back to the Planning Commission.

Attorney Porter explained that the law had changed when the new uniform Zoning Ordinance for cities, villages, and Townships, the requirement to be sent back to the Planning Commission was no longer required. A citizen or property owner could ask for more information, the Ordinance could be sent back the Planning Commission with a request for further information, or move the Ordinance forward with or without amendments.

Mr. Ford explained that Attorney Porter had explained our conversation that the Commission had and the Board deliberated, a motion was made, and it was passed unanimously.

Mr. Jefferies noted that this change did affect the way that he would have voted, had he known about the law change.

## **ADJOURNMENT**

With no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 7:50 p.m.

Minutes prepared:  
March 22, 2024

Minutes approved:

DRAFT