

**OSHEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A VIRTUAL MEETING HELD APRIL 8, 2021**

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**Agenda**

**OLD BUSINESS:**

- a. Discussion – Section 57.90 Zoning Ordinance Regarding Nonmotorized**
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A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, April 8, 2021, commencing at approximately 6:02 p.m.

**MEMBERS PRESENT:**

Location of Members During Meeting

Bruce VanderWeele, Chair	Oshtemo
Micki Maxwell, Vice Chair	Oshtemo
Deb Everett	Lexington KY
Alistair Smith	Oshtemo
Anna Versalle	Oshtemo
Chetan Vyas	Oshtemo

**MEMBER ABSENT:**

Kizzy Bradford

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, and Martha Coash, Recording Secretary.

There were no guests in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:02 p.m. and invited those in attendance to join in reciting the Pledge of Allegiance.

**Approval of Agenda**

Hearing no changes, the Chair let the agenda stand as published.

**Approval of the Minutes of the Meeting of March 25, 2021**

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of March 25, 2021. Hearing none, he requested a motion.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of March 25, 2021 as presented. Mr. Vyas **seconded the motion**. The **motion was approved** unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Lubbert for her presentation.

## **OLD BUSINESS**

### **a. Discussion Continued – Section 57.90 Zoning Ordinance Regarding Nonmotorized**

Ms. Lubbert said as Oshtemo Township continues to grow so do community requests for sidewalk and path connections. Over the years the Township has adopted several policies and ordinances to establish a physical and cultural environment that supports and encourages safe, comfortable, and convenient ways for a diverse population of pedestrians and bicyclists to travel throughout the Township and into the surrounding communities. The most recent of which was through the *Go!Green Oshtemo – 5 Year Parks and Recreation Master Plan*. Part of the plan included an action strategy to continue to require provisions for nonmotorized transportation facilities with site plan reviews. The Ordinance language that continues to implement this action strategy is Section 57.90, language provided below.

*“For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required within public street rights-of-way and/or private street easements unless the reviewing body grants a deviation from this provision. Deviation may be considered if the street is a cul-de-sac, or if there are constraints as the result of severe topography or natural features.” (57.90 Sidewalks)*

She said in essence, Section 57.90 does three things: 1) when a site plan is submitted to the Township, any and only the nonmotorized facilities shown on the adopted Nonmotorized Facilities Map, attached, need to be installed as part of the site plan review and approval process, 2) An internal sidewalk network is required within the site itself (including a connection from the proposed development to the adjacent nonmotorized path – if there is one), and 3) the reviewing body can grant a deviation if warranted.

What exactly that deviation can be was not specified in the code. As such, the Township’s reviewing bodies have over the years waived the requirement to install sidewalk with different approaches, most recently by requiring the applicant to sign a Special Assessment District (SAD) agreement. It has also become common practice that if the property in question cannot directly connect to an existing nonmotorized facility a deviation is granted to avoid “sidewalks to nowhere”.

She noted Supervisor Heiny-Cogswell brought this issue to the Township Board who discussed this section of the code and the Township's current sidewalk policies at their March 9<sup>th</sup> regular meeting. At that meeting the Board agreed that sidewalks should be installed more aggressively in urbanized areas of the Township, the "sidewalks to nowhere" argument is no longer a valid reason for a deviation through SAD agreements in those urbanized areas, and this section of the code needs to be revisited and refined.

The Township's request was presented to the Planning Commission at their regular March 25 meeting. Based on feedback collected Ms. Lubbert drafted a code amendment which she presented (below) for further discussion and feedback to staff on how to proceed. She provided supplemental documents to help inform discussion.

Draft of proposed amendment to Section 57.90 Sidewalks:

*For those uses requiring Site Plan review under this ordinance, ~~an internal~~ contribution to the sidewalk network (including connection to and establishment of a sidewalk in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required within public street rights-of-way and/or private street easements ~~unless the reviewing body grants a deviation from this provision~~. The reviewing body may grant a full or partial deviation from this provision if the location of the use requiring Site Plan review is located outside of the Adjusted Census Urban Boundary (ACUB), as identified by the regional Metropolitan Planning Organization, the Kalamazoo Area Transportation Study (KATS). Deviations for Site Plan reviews located within the ACUB shall only be considered if ~~Deviation may be considered if the street is a cul-de-sac~~. There are constraints as the result of severe topography or natural features.*

In addition, Ms. Lubbert indicated the Township Engineer found the section below while going through the Plainfield Charter Township Ordinance for her sidewalk spec research. This could be an interesting alternative to Oshtemo's sidewalk SAD form approach. This or similar language could be incorporated into the next draft of the code regarding when a deviation may be granted and how it could be handled with an aggressive approach. She asked for the group's reaction to the language, which follows:

**Section 32-37. – Payments in lieu of required sidewalks or non-motorized trails**

*(a) Sidewalks and non-motorized trails will e constructed on properties consistent with sections 32-34 through 32-36. However, unique circumstances may exist such that the installation of sidewalks or non-motorized trails in compliance with this article may not be appropriate. Accordingly, a developer or an abutting or adjacent owner may, in lieu of constructing a required sidewalk or non-motorized trail, request that it be permitted to contribute to the township's non-motorized transportation fund upon application as set forth herein. Based on a review of an application, the community development director is authorized to approve a payment in lieu of required sidewalk or non-motorized trail installation, in whole or in part, in the following instances:*

- (1) Where it appears, based on a review of township capital improvement plans, master plans, and similar documentation, highly unlikely that the required sidewalk or non-motorized trail will be directly linked with a future extension of the sidewalk or non-motorized trail within ten years.*
- (2) Where a strict application would result in practical difficulties, including but not limited to, severe variations in topography, unsuitable soils, or difficulty in providing safe separation between pedestrian and vehicular traffic due to site location, layout, or existing building arrangements.*
- (3) Where the owner of a residential lot has greater than 150 feet of frontage on a public or private street (such as a corner lot).*

Ms. Lubbert also explained she created a visual of the ACUB overlaid with the non-motorized map and that almost all of the planned paths/sidewalks are within the ACUB already, so referring to the urbanized area in documentation may not be necessary.

There was extended discussion resulting in group consensus that they liked the approach in (a) and (2) from the Plainfield Township Ordinance, that is payment in lieu of installing sidewalks to be used for sidewalks in the future rather than the SAD forms but would replace the phrase “practical difficulty” in (2) with “extraordinary difficulty,” as deviation requests should be discouraged. It is preferred sidewalks be installed as part of development. It was also felt the township’s Master Plan and CIP should be referred to in any ordinance language developed.

Attorney Porter said they could be included in an introductory section that states the ordinance language is consistent with existing plans. Township’s felt the SAD agreements in place and a new approach requiring payment in lieu of sidewalks could both be utilized.

Ms. Lubbert said language could also be included to allow a meandering pathway to save trees or allow for unusual topography.

Attorney Porter said he would support such language which might require an easement from a developer.

Ms. Lubbert said she would develop language to reflect the Commission’s preferences and bring it back for consideration at the second meeting in May.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

No members of the public were present.

## **OTHER UPDATES AND BUSINESS**

Ms. Lubbert noted she would be out of town for the Planning Commission meeting of June 10. Ms. High or Mr. Hutson will attend in her place.

## **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:48 p.m.

Minutes prepared:  
April 9, 2021

Minutes approved:  
April 29, 2021