

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A VIRTUAL MEETING HELD MAY 27, 2021**

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**Agenda**

**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, May 27, 2021, commencing at approximately 6:00 p.m.

MEMBERS PRESENT:		LOCATION
	Bruce VanderWeele, Chair	Oshtemo
	Micki Maxwell, Vice Chair	Oshtemo
	Deb Everett	Oshtemo
	Alistair Smith	Oshtemo
	Chetan Vyas	Oshtemo

ABSENT: Kizzy Bradford

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

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:00 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 April 29, 2021**

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of April 29, 2021.

It was noted the motion to grant Special Use approval for the child care center at Center Point Church listed Mr. Smith as both making and seconding the motion. Staff was asked to look at the meeting video to correct the error. The minutes will be corrected and brought back to the June meeting for approval.

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

**Note:** Ms. Versalle (in Oshtemo) arrived at this point in the meeting.

### **Discussion – Section 57.90 Zoning Ordinance Regarding Nonmotorized**

Ms. Lubbert said Oshtemo Township continues to grow and simultaneously, the Township is hearing community requests for quality of life connected by sidewalks and paths. 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 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 Zoning Ordinance language that continues to implement this action strategy is Section 57.90.

She explained 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, needs 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 a sidewalk with a number of different approaches, most recently by requiring the applicant to sign a sidewalk 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 so to avoid "sidewalks to nowhere".

She noted when the Township Board discussed this section of the code and the Township's current sidewalk policies at their March 9<sup>th</sup> regular meeting, they agreed 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 in those urbanized areas, and this section of the code needs to be revisited and refined.

Staff presented the Township Board's request to the Planning Commission at their March 25<sup>th</sup> meeting. Based on feedback collected, a code amendment was drafted and presented to the Planning Commission at their regular April 8, 2021 meeting.

She provided a second draft of the proposed amendment to Section 57.90 of the ordinance, based on the direction of the Commission, which integrated existing code sections and feedback from legal. She walked through the amendment to review and solicit feedback from the group.

Mr. Vyas expressed concern that the development review and approval process is too long for project developers to have their requests considered, and a desire for requirements to be more business friendly.

Ms. Lubbert explained that the ordinance change being discussed will not affect a project's timeline of review. Any deviation request would be considered at the time that a site plan would normally be considered. She also noted that due to current staffing levels it was not realistic to shorten the development review process. She added that the Township's timeline was very similar to other municipalities.

Attorney Porter added that there are publication requirements for hearings that are also a factor and that this is not unique.

Chairperson VanderWeele noted the developer/planner often work on interior plans of a building and other paperwork during the Township's review process, so they are not waiting for months making no progress on a project due to Township review requirements.

Ms. Maxwell noted that she expected to see a lot fewer escrow agreements than SADs.

Ms. Lubbert agreed she felt there would be very few escrow agreements.

Ms. Everett felt, and the group agreed that the phrase "included but not limited to" under no. 1, addressing unique circumstances, was appropriate to give an applicant the chance to make a case for an escrow agreement.

Mr. Vyas wondered if any kind of expansion would go to the Township Board for approval and to whom sidewalk deviation requests would go.

Ms. Lubbert said that depending upon circumstances expansions would go the Planning Commission, Zoning Board of Appeals, or will be handled administratively.

Ms. Maxwell suggested changing wording in the second line of the second paragraph addressing unique circumstances from "may not be appropriate" to "may not be appropriate at the time of development" or something similar so it is not open ended. The group agreed with this change. There were no other changes proposed to the draft.

Chairperson VanderWeele asked for a motion.

Ms. Maxwell **made a motion** to set a public hearing on the proposed changes to the Sidewalk Ordinance as presented with the one wording change as agreed upon. Ms. VerSalle **seconded the motion**. The **motion was approved** unanimously by roll call vote.

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

As there were no public comments, Chairperson VanderWeele moved to the next agenda item.

## **OTHER UPDATES AND BUSINESS**

Ms. Lubbert noted public meeting requirements are constantly changing. As of now the Township can continue with virtual meetings until the end of the year. The Township Board is discussing the possibilities of future virtual, in-person and hybrid meetings. She will keep the group updated on any developments.

Attorney Porter explained that hybrid meetings would likely only allow the public, not the governing body, to appear virtually.

## **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:37 p.m.

Minutes prepared:  
May 28, 2021

Minutes approved:  
June 24, 2021