

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD JULY 27, 2023

Agenda

PUBLIC HEARING: REZONING, 1560 S. 8TH STREET

The applicant, Scott Williams, was requesting to rezone 1560 S. 8th Street from its current zoning designation of R-3, Residence District to I-1, Industrial District.

WORK SESSION: Introduction, 5G Ordinance

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, July 27, 2023, commencing at approximately 6:02 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS

WERE PRESENT: Anna Versalle, Chair
Phil Doorlag
Deb Everett
Zak Ford, Township Board Liaison
Scot Jefferies
Micki Maxwell, Vice Chair
Alistair Smith

Also present: Jim Porter, Township Attorney and Colten Hutson, Zoning Administrator.

Call to Order and Pledge of Allegiance

Chairperson Versalle called the meeting to order and invited those present to join in the Pledge of Allegiance.

Approval of Agenda

The Chair suggested two changes to the agenda: moving items 6-9 down and inserting a new no. 6: Election of Officer for Chair, as she will be resigning from the Planning Commission later in the meeting, and no.7: her official resignation from the Planning Commission. Hearing no objections, the agenda was revised as suggested.

Public Comment on Non-Agenda Items

There were no public comments on non-agenda items.

Approval of the Minutes of the Meeting of June 22, 2023

Chairperson Versalle asked if there were additions, deletions, or corrections to the Minutes of the Meeting of June 22, 2023.

Hearing none, she asked for a motion.

Mr. Ford **made a motion** to approve the Minutes of the Meeting of June 22, 2023 as presented. Mr. Doorlag **seconded the motion**. The **motion was approved** unanimously.

ELECTION OF CHAIRPERSON FOR THE REMAINDER OF THE CURRENT TERM

Chairperson Versalle asked for nominations for the position of Planning Commission Chair for the remainder of the current term.

Mr. Ford nominated Mr. Doorlag for the position of Chair for the remainder of the current term. Mr. Doorlag accepted the nomination.

Mr. Ford **made a motion** to elect Mr. Doorlag to the position of Chair of the Planning Commission for the remainder of the current term. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously.

RESIGNATION FROM THE PLANNING COMMISSION

Chairperson Doorlag **made a motion** to accept Ms. Versalle's resignation from the Planning Commission effective at the end of this meeting. Mr. Ford **seconded the motion**. The motion to accept Ms. Versalle's resignation was approved unanimously.

Commissioners thanked Ms. Versalle for her service and wished her well.

Ms. Versalle said she would be moving to Germany, which is a big thing, and it will not be easy to leave Oshtemo Township where she has lived most of her adult life. She expressed her gratitude for the opportunity to serve on the Planning Commission and to serve the people of Oshtemo Township.

Mr. Doorlag assumed the position of Chairperson, moved to the next agenda item and asked for Mr. Hutson's presentation.

PUBLIC HEARING: REZONING, 1560 S. 8TH STREET

The applicant, Scott Williams, was requesting to rezone 1560 S. 8th Street from its current zoning designation of R-3, Residence District to I-1, Industrial District.

Mr. Hutson said 1560 S. 8th Street is currently zoned R-3, Residence District. The Parcel is 8.26 acres and located along the western portion of S. 8th Street, south of W.

KL Avenue. The site is improved with a single-story building, measuring an estimated 7,760 square feet. Currently, the subject site functions as a religious institution.

He said although this is not a conditional rezoning request, the applicant indicated in the letter of intent that if the rezoning request is approved, the intention is to convert the existing building onsite into Complete Team Outfitters' home office. Complete Team Outfitters is primarily an apparel embroidery company.

Mr. Hutson explained the Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

Master Plan Designation

The Township's adopted 2017 Future Land Use Map designates 1560 S. 8th Street and the properties directly north of it as General Industrial. This designation is noted to include both light and general industrial uses. The Township's I-1, Industrial District meets the intent of the Master Plan's General Industrial designation. The proposal is consistent with the Oshtemo Township Master Plan.

Consistency of the Zoning Classification in the General Area

1560 S. 8th Street is the only R-3, Residence zoned property on the west side of S. 8th Street between W. KI Avenue and W. ML Avenue. RR, Rural Residential zoning is directly to the south. R-5, R-3, and R-2 Residence zoning is established to the east. I-1, Industrial zoned properties are located to the immediate north and west of the subject site. Rezoning 1560 S. 8th Street to I-1, Industrial would be consistent with the zoning classifications in the area.

Consistency and Compatibility with General Land Use Patterns in the Area

1560 S. 8th Street is improved with a single-story building, measuring an estimated 7,760 square feet. Currently, the site functions as a religious institution. There are existing industrial-use properties located to the immediate north of the subject site; he noted that there is an established development trend of general industrial uses along KL Avenue and 8th Street. With the requested rezoning being consistent with the 2017 Future Land Use Plan and compatible with the industrial properties to the north, the proposed rezoning to I-1, Industrial would match the established character of the area.

Utilities and Infrastructure

Municipal water and sewer are not available to this site nor to the two established industrial properties directly to the north. Municipal water and sewer currently are only available on the north side of the railroad that crosses S. 8th Street. The existing church on-site is currently serviced by a private drinking well and private septic system. It should be noted that if any future development on the subject

site requires such public infrastructure needs, that development will be mandated to extend and connect to the municipal system prior to the issuance of a certificate of occupancy. Review of utility needs would be conducted during a site plan review phase. Based on the information provided by the applicant, the proposed use of an industrial office, it is not anticipated that a connection will be needed anytime in the near future.

Reasonable Use under Current Zoning Classification

1560 S. 8th Street is currently zoned R-3, Residence District which does not allow for the variety of uses and activities permitted within the I-1, Industrial district. The rezoning achieves the Township's Master Plan goals for this area and also fits the applicant's vision for the site.

Effects on Surrounding Property

The existing use of the subject parcel is that of a religious institution, which is indicative of higher traffic volumes and usage than that of a rural residential property. The properties to the north and west have been zoned for and used as Industrial enterprises since the 1990's. The proposed rezoning of the subject site to an Industrial designation would be compatible with adjacent properties. Impacts beyond the activities currently occurring in the area are not anticipated.

RECOMMENDATION:

Mr. Hutson said Planning Department staff recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of 1560 S. 8th Street from the R-3, Residence District to the I-1, Industrial District based on the following findings of fact:

1. The Oshtemo Township 2017 Master Plan's Future Land Use Plan designates the subject property as Industrial.
2. The subject property is adjacent to industrially zoned properties to the north and west.
3. No adverse impact on existing utilities nor infrastructure are anticipated by the rezoning request.
4. The rezoning of the subject site to I-1 would provide a reasonable use of the property.
5. The rezoning is anticipated to have minimal impact on adjacent properties.

Chairperson Doorlag asked whether Commissioners had questions for Mr. Hutson.

Mr. Ford asked for examples of what a higher intensity use might be and what types of infrastructure would be triggered for higher intensity usage. He also wondered what the distance would be required from a parcel to public infrastructure.

Mr. Hutson said examples of higher intensity use would be manufacturing and assembly.

Attorney Porter said infrastructure required for higher use intensity would depend upon the usage of large amounts of water or significant discharge and fire suppression.

Mr. Ford asked what the distance would be from the parcel to public infrastructure.

Attorney Porter indicated that could be mandated if someone pays for it, but because of the limited uses the intensity will continue at a low level. Getting utilities there would be cost prohibitive.

Mr. Ford noted if more building space were required it would require a site plan request.

Attorney Porter said a site plan and everything that goes with that would mean we will likely never see intensive usage there.

Mr. Jefferies asked why the property had been changed I-1 to R-3 originally and what would happen with the septic system if there were a new owner in the future.

Attorney Porter said the property designation was changed to accommodate a church that was occupying an industrial building. This request will return the property to the original designation to make the property usable; it is incompatible as it is currently zoned. A new owner would have to check the utilities and comply with requirements at that time.

Chairperson Doorlag noted the applicant did not wish to speak and opened the meeting to public hearing. No one present wished to speak, but Mr. Hutson read a letter from Mr. Harry Cotterill, 1767 S. 8th Street, who was opposed to the request for rezoning. A copy of the letter is attached to these minutes.

Attorney Porter said the argument the property owner was making was contrary to what the zoning plan calls for and recommended the Commission not follow it.

Ms. Everett noted if a more intense use were proposed a site plan review would be required and discussed.

Hearing no further comments, Chairperson Doorlag asked for a motion.

Mr. Ford **made a motion** to forward a recommendation of approval to the Township Board to rezone 1560 S. 8th Street from R-3, Residence District to I-1, Industrial District, based on the five findings of fact as listed by Mr. Hutson:

1. The Oshtemo Township 2017 Master Plan's Future Land Use Plan designates the subject property as Industrial.
2. The subject property is adjacent to industrially zoned properties to the north and west.
3. No adverse impact on existing utilities nor infrastructure are anticipated by the rezoning request.
4. The rezoning of the subject site to I-1 would provide a reasonable use of the property.

5. The rezoning is anticipated to have minimal impact on adjacent properties. Ms. Maxwell **seconded the motion.** The **motion was approved** unanimously.

Chairperson Doorlag moved the meeting to a work session to consider the next agenda item.

WORK SESSION: Introduction, 5G Ordinance

Attorney Porter indicated his intent was to give an overview of what is coming. Act 365 enacted 2-3 years ago, mandated 5G within communities. A separate ordinance is needed to regulate 5G within the township and needs to be in place as soon as possible as the Township will be required to accept a lot of equipment within the public road rights-of-way (ROW); there are many overlapping issues regarding where things go. The goal is to accommodate 5G, but to minimize negative impact. Some things will be in the Township's control, others are controlled by state law. There are strict timelines the Township must meet going forward. We had a consultant develop a framework for an ordinance; it has been worked and reworked. Act 365 regulates the rights-of-way, but an ordinance will regulate what it can outside the ROW and will encourage underground structure and use of existing poles and buildings as much as possible. The Township wants 5G but in a way that will provide organized development within the community.

There was extensive discussion and questions from Commissioners, much centered on taking advantage of the opportunity to regulate and encourage co-location of equipment as much as possible according to the statute.

Attorney Porter asked that a public hearing be set to consider a draft 5G Ordinance.

Mr. Ford **made a motion** to set a public hearing for the proposed 5G Ordinance at its meeting of August 24, 2023. Mr. Jefferies **seconded the motion.** The **motion was approved** unanimously.

Chairperson Doorlag moved to the next item on the agenda.

OTHER UPDATES AND BUSINESS

Attorney Porter reported he was working on a draft of a solar energy ordinance, based on models from MSU and U of M, and would need Commissioners' input soon. He indicated it would include setbacks, buffers, and screening requirements and feels solar can be accomplished without being intrusive or negative.

He also is working on a wind energy ordinance which likely will come to the Commission in the next 2-3 months. The biggest problems to be addressed are aesthetics and noise. Although it is not likely to be needed, something should be in place to accommodate development if it occurs.

Mr. Ford announced Mr. Neil Sikora has been appointed to the vacancy on the Township Board created when Ms. Bell was appointed as Township Supervisor. He indicated the Board is currently working on the 2024 budget, that things are going well and the new Supervisor is doing a great job.

Mr. Jefferies noted concern for the traffic load at West Main and Drake Rd and the need to look for ways to alleviate it.

Mr. Ford said there are concepts being considered for extending SEECO Drive to 10th Street.

Attorney Porter explained the State of Michigan wants an access drive on the south side of M-43 from U.S. 131 to Drake Road, with the goal of pulling traffic from M-43. It is hoped the Township can be more of a partner with developers to relieve the traffic on Drake Road and M-43. He said everyone is trying to build on what has been done in the past.

ADJOURNMENT

With there being no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 7:08 p.m.

Minutes prepared:
July 29, 2023

Minutes approved:
August 10, 2023