

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD MARCH 24, 2016

Agenda

**PUBLIC HEARING: SITE PLAN REVIEW ORDINANCE
PLANNING COMMISSION TO REVIEW PROPOSED AMENDMENTS TO
CHAPTER 82 OF THE TOWNSHIP ZONING ORDINANCE REGARDING SITE
PLAN REVIEW**

**PUBLIC HEARING: AREA REQUIREMENTS
PLANNING COMMISSION TO REVIEW PROPOSED AMENDMENTS TO
CHAPTER 66 OF THE TOWNSHIP ZONING ORDINANCE REGARDING AREA
REQUIREMENTS, DWELLING STANDARDS AND RESIDENTIAL
OCCUPANCY, SPECIFICALLY SECTION 66.200: DIMENSIONAL
REQUIREMENTS FOR PARCELS, LOTS AND BUILDING SITES IN THE RR:
RURAL RESIDENTIAL DISTRICT.**

**PUBLIC HEARING: HISTORIC OVERLAY ZONE
PLANNING COMMISSION TO REVIEW PROPOSED AMENDMENTS TO
CHAPTER 54 OF THE TOWNSHIP ZONING ORDINANCE REGARDING THE
HISTORIC OVERLAY ZONE, SPECIFICALLY SECTION 54.200: PERMITTED
USES.**

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, March 24, 2016, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Millard Loy, Chair
Fred Antosz
Kimberly Avery
Dusty Farmer
Mary Smith

MEMBERS ABSENT: Wiley Boulding Sr.
Pam Jackson

Also present were Julie Johnston, Planning Director, James Porter, Attorney, and Martha Coash, Meeting Transcriptionist. No other persons were in attendance.

Call to Order and Pledge of Allegiance

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

Agenda

Chairperson Loy asked if there were any additions, deletions or corrections to the Agenda.

Ms. Johnston indicated she would ask that item #7 be tabled due to an error in the notice to the public that referenced 1.5 dwelling units per acre rather than one dwelling unit per acre. She recommended correction and re-publishing of the public notice.

Chairperson Loy acknowledged the needed change and called for a motion to approve the Agenda as presented.

Mr. Antosz made a motion to approve the revised agenda as requested. Ms. Avery supported the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Loy noted no members of the public were present and moved to the next item on the agenda.

Approval of the Minutes of March 10, 2016

The Chairperson asked if there were any additions, deletions or corrections to the minutes of March 10, 2016.

Hearing none, Chairperson Loy asked for a motion to approve the minutes as presented.

Mr. Antosz made a motion to approve the minutes of March 10, 2016. Ms. Smith supported the motion. The motion was approved unanimously.

PUBLIC HEARING: SITE PLAN REVIEW ORDINANCE PLANNING COMMISSION TO REVIEW PROPOSED AMENDMENTS TO CHAPTER 82 OF THE TOWNSHIP ZONING ORDINANCE REGARDING SITE PLAN REVIEW

Chairperson Loy asked Ms. Johnston to walk through the proposed amendments for the Board.

Ms. Johnston noted nothing changed from the last iteration the Board reviewed. She explained the amendments result in reorganization of the Ordinance in a more logical manner. It details when site plan review and approval is required, what happens

with single-family and two-family buildings, what happens after a site plan is approved, better defines how to use it, details the process to follow for approval and clearly spells out the kinds of information needed on the plan. In addition, site plans will now be required to be complete before they come before either the Planning Commission or the Zoning Board. It states that plans are valid for one year, but provides the opportunity for extensions, and allows some ability for the Planning Director to make minor changes to already approved site plans.

Chairperson Loy asked if there were questions for Ms. Johnston from Board Members.

In answer to a question from Ms. Farmer, Ms. Johnston explained one-family or two-family (duplex) homes that are part of a site condominium or sub-division require site plan approval by the PC or ZBA. The Kalamazoo Area Building Authority (KABA) is responsible for approval through a building permit for single and two-family homes.

Chairperson Loy noted there were no public comments since no members of the public were in attendance, and moved to Board Deliberations.

Mr. Antosz commented the amendments were well done, easy to follow and provided the verbiage to allow Staff to work with applicants, a move in the right direction.

Chairperson Loy asked if there was a motion on the proposed amendments...

Mr. Antosz made a motion to recommend the proposed amendments to Chapter 82 of the Township Zoning Ordinance Regarding Site Plan Review to the Township Board for approval. Ms. Smith supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: AREA REQUIREMENTS
PLANNING COMMISSION TO REVIEW PROPOSED AMENDMENTS TO CHAPTER
66 OF THE TOWNSHIP ZONING ORDINANCE REGARDING AREA
REQUIREMENTS, DWELLING STANDARDS AND RESIDENTIAL OCCUPANCY,
SPECIFICALLY SECTION 66.200: DIMENSIONAL REQUIREMENTS FOR PARCELS,
LOTS AND BUILDING SITES IN THE RR: RURAL RESIDENTIAL DISTRICT.**

Chairperson Loy moved to the next item on the agenda and asked for a motion to table the proposed amendments to Chapter 66 of the Township Zoning Ordinance regarding Area Requirements, Dwelling Standards and Residential Occupancy, specifically Section 66.200: Dimensional Requirements for parcels, lots and building sites in the RR: Rural Residential District. This will allow time to re-publish notice to correct the error referencing 1.5 dwelling units rather than one dwelling unit per acre.

Ms. Smith made a motion to table review of the proposed amendments to Chapter 82 of the Township Zoning Ordinance Regarding Site Plan Review until the

Planning Commission Meeting of April 28, 2016. Ms. Avery supported the motion. The motion was approved unanimously.

PUBLIC HEARING: HISTORIC OVERLAY ZONE
PLANNING COMMISSION TO REVIEW PROPOSED AMENDMENTS TO CHAPTER
54 OF THE TOWNSHIP ZONING ORDINANCE REGARDING THE HISTORIC
OVERLAY ZONE, SPECIFICALLY SECTION 54.200: PERMITTED USES.

Chairperson Loy moved to the next item on the agenda, a review of proposed amendments to Chapter 54 of the Township Zoning Ordinance regarding the Historic Overlay Zone, specifically Section 54.200: Permitted Uses.

Ms. Johnston said the requested change to Section 54.200, within Chapter 54, regarding permitted uses within the Historic Overlay Zone, was previously discussed by the PC at the February 25, 2016 meeting.

She said the requested amendment to the Permitted Uses for the Overlay Zone was to add “Any use significant to the historical purpose or characteristics of the property.” This change would allow commercial farming at the Drake Farmstead which is not currently allowed under the C: Commercial and R-3 Residential zoning or the Overlay Zone, which says underlying uses are what is permitted. Although a simple change, it will be significant regarding use of the Drake Farmstead and will allow commercial farming to be done.

Ms. Johnston added the Overlay Zone doesn’t cover all of the Farmstead, so the Township will be bringing to the Planning Commission a request to re-zone the Farmstead with a full Overlay, so that any changes that are made to the Overlay Zone will cover all of the property owned as part of the Drake Farmstead.

In answer to questions from Commissioners, Ms. Johnston said there is no difference between commercial farming and historic commercial farming, OHS and the Parks Department will work with the farmer to be sure no fertilizer will be used that might get into the sewer system, that three properties in the Township have the Overlay Zoning, not significant to the overall uses of the Township, and that there are no future historic areas discussed in the Master Plan.

Attorney Porter commented that if a similar house with similar commercial zoning was going to be considered for historical purposes, it might be appropriate to take away the commercial purposes and re-zone the property.

Ms. Johnston noted the use of Historic Overlay is to place protections on properties with historical significance – it says we appreciate historical use and want to allow it.

Chairperson Loy noted no one was in attendance to provide public comment and to Board Deliberations.

Hearing no Board comments, he asked for a motion on the proposed amendment.

Mr. Antosz made a motion to recommend approval to the Township Board of the proposed amendment to Chapter 54 of the Township Zoning Ordinance regarding the Historic Overlay Zone, specifically Section 54.200: Permitted Uses. Ms. Avery supported the motion. The motion carried unanimously.

Chairperson Loy moved to the next item on the agenda.

Old Business

Since there was no old business to consider, Chairperson Loy moved to the next agenda item.

Any Other Business

Ms. Johnston said there are a number of minor Zoning Ordinance amendments that the Planning Department would like to review with the Planning Commission as the language is developed. The Planning Department has been keeping a list of ordinance concerns that have arisen when completing site plan review, discussing possible development options with property owners, or difficulties the Zoning Administrator encounters when administering the Code. She would like to bring smaller changes to the second meeting of the month as they are developed. Once approval has been given to re-do the whole Ordinance, she would like to bring bigger sections to the Planning Commission for consideration as they are developed in concert with the Master Plan.

She said today there were three items needing attention that have come up as Staff worked with the public and encountered issues.

a. Village Form-Based Code Overlay Zone – Section 34.670: Signs

Ms. Johnston said as presented to the Planning Commission at the February 11, 2016 meeting, the signage requirements included in the Architectural Standards of the Village Form-Based Code Overlay District do not allow for internally lit plastic letter or plastic box signs, but many of these types of signs exist in the District. The Township often receives requests to allow a panel change to these box signs when there is a tenant change in a building. Technically, the Overlay District would require the replacement of a new sign that is in compliance with the Architectural Standards.

She recommended language within *Section 34.670: Signage* that would allow the continuation of otherwise prohibited signs on nonconforming buildings in accordance with *Section 76.000* until such time as the structure comes into compliance with the Architectural Standards of the Overlay District. Essentially, signs on existing structures that currently do not conform to the Architectural Standards would be allowed to continue, including changing out panels for internally lit box signs, until such time that the building is renovated and comes into compliance with all of the architectural requirements of the Overlay District. If at least 51% of the value of a building would be spent to remodel, the owner would be required to bring the entire building into compliance with the Ordinance.

There was extensive discussion regarding the desire for compliance with the sign requirements, but acknowledging the significant differences between the village core and the east corridor, south corridor and village fringe, and that perhaps it would be better to focus on compliance with the new language only within the village core historical area (pink on map) now, then start trying to work out from there rather than to put conformance issues on the fringe areas.

It was agreed Ms. Johnston would return to the meeting on April 28 with language reflective of the Board's discussion, and will share the outcome from that meeting with the DDA Board at their meeting in May for their input.

b. Nonconforming Uses, Structures and Parcels/Lots

Ms. Johnston said currently, *Section 62: Nonconforming Uses* does not address parcels or lots that were lawfully recorded but no longer meet our Zoning Ordinance requirements. Instead, these nonconforming lots are regulated by *Section 66.200: Dimensional requirements for parcels, lots and building sites* found in *Section 66.000: Area Requirements*

She said often these parcels or lots do not meet the width requirements for frontage on a public right-of-way, making them nonconforming and unbuildable. Many communities provide language within their zoning ordinance to address these types of parcels or lots. In some instances, denying the use of a lawfully recorded property could be considered a "taking."

Ms. Johnston said Staff recommends language be added to this Section to distinguish between land and structures and nonconforming structures to reach a balance. In addition, the Section has been reorganized to address more clearly all of the different types of nonconformity: land, uses and structures.

The group was in consensus that they were comfortable with the recommended language and that it could be moved to a public hearing.

c. Off-Street Parking – Section 68.300: Requirements for Parking Spaces and Lots

Ms. Johnston told the Board the current Off-Street Parking Ordinance does not address the number of stacking spaces a drive through window should provide. Because of the number of facilities the Township has recently reviewed requesting drive through facilities, planning staff feels that some regulatory control over drive through lanes should be considered. The suggested amendment requires five stacking spaces for each drive through window, each space measuring 10 feet by 20 feet, designed and located so as not to block or impede pedestrian and/or vehicle circulation on the site or on any adjacent sidewalk or street. Stacking spaces will not be considered parking spaces.

She said the stacking spaces would begin from the drive-through window and extend back five spaces; it is likely six to seven cars could be stacked in that space. Parking lot requirements would be followed.

Board Members suggested that the amendment language include speakers, that the five spaces begin at each serving drive-through window back five spaces, and that drive-through lanes for restaurants are delineated from other types of businesses.

Ms. Johnston will rework the language to include the suggestions and bring it back to the Board for consideration.

PLANNING COMMISSIONER COMMENTS

Chairperson Loy encouraged everyone to attend the Drake House Open House on Sunday April 17 between 2:00 and 4:00 p.m.

He noted the Capital campaign for the Drake House received \$150,000 from the Township Board for 2016-2017; the official campaign kick-off begins April 7.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 8:17 p.m.

Minutes prepared:
March 26, 2016

Minutes approved:
April 14, 2016