

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD APRIL 9, 2009

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**Agenda**

**WIND ENERGY CONVERSION SYSTEMS ORDINANCE – PUBLIC HEARING**

***CROYDEN COMMONS – SPECIAL EXCEPTION USE AND SITE PLAN REVIEW –  
5155 CROYDEN AVENUE – (PARCEL NO. 3905-13-230-022)***

**WORK ITEM: VARIOUS TEXT AMENDMENTS**

**MASTER LAND USE PLAN DISCUSSION**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, April 9, 2009, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman  
Deborah Everett  
Fred Gould  
Bob Anderson  
Kitty Gelling  
Carl Benson  
Richard Skalski

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; James Porter, Township Attorney, and one interested person.

**Call to Order and Pledge of Allegiance**

The meeting was called to order at approximately 7:00 p.m. The “Pledge of Allegiance” was recited by the Commissioners.

## **Agenda**

The Chairman inquired if there were any revisions to the Agenda. *Ms. Bugge advised that the application for Croyden Commons had been withdrawn.* ~~Hearing none,~~ Ms. Gelling made a motion to accept the Agenda as submitted *amended*. Mr. Skalski seconded the motion. Upon vote, the motion carried unanimously.

## **Public Comment on Non-Agenda Items**

None.

## **Minutes**

The Chairman asked if there were any additions or corrections to the minutes of March 12, 2009. There being no changes, Ms. Gelling made a motion to approve the minutes, as submitted. Mr. Skalski seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **WIND ENERGY CONVERSION SYSTEMS ORDINANCE – PUBLIC HEARING**

The Chairman said the next item on the Agenda was the public hearing on a new section of the Township Zoning Ordinance to provide for wind energy conversion systems. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report dated March 30, 2009, and the same is incorporated herein by reference.

Ms. Stefforia reviewed the second draft of the proposed Ordinance with the Planning Commission. The Chairman asked if there were any questions of Ms. Stefforia. Mr. Benson said the changes seemed to be consistent with their previous discussions. He noted that perhaps some flexibility in the accessibility issue for residential units would be appropriate. He suggested allowing a residential homeowner to have a ladder that went to the ground, but then had a way of covering the ladder and locking it for security purposes. Ms. Stefforia thanked Mr. Benson for his suggestion.

Ms. Gelling said she did not have any recommended changes but said she wanted to reiterate her concern for the impact that a WECS could possibly have on wildlife.

Mr. Anderson asked if other municipalities had enacted similar Ordinances and whether there was any boiler plate language which they could review. Ms. Stefforia indicated that she had started with a Model Ordinance prepared by the Michigan Department of Labor, and she shortened the Ordinance considerably and personalized it to the Township.

Mr. Skalski asked if there had been any requests to install a wind energy conversion system. Ms. Stefforia said that the Planning Department has had a half dozen inquiries but no formal requests.

Ms. Everett asked if a residential user wanted to put one in or wanted to roof mount a system like this, would he/she have to get a building permit. Ms. Stefforia said he/she would have to make sure it was up to Code. Attorney Porter noted to the extent that the Building Code required a permit or specific construction methods, he/she would have to meet Code. Otherwise, they would have to meet the manufacturer's guidelines.

Mr. Skalski said he would like to see further information on this matter at the time which the Ordinance is submitted to the Township Board.

The Chairman asked if there was any public comment, and hearing none, asked the Planning Commission members how they wished to proceed. Ms. Gelling made a motion to recommend the proposed text for adoption and have it forwarded to the Township Board. Mr. Skalski seconded the motion. The Chairman called for further discussion and hearing none, called for a vote on the motion. The motion passed unanimously.

It was reported that Item No. 7 on the Agenda was withdrawn pursuant to the applicant's request.

### **WORK ITEM: VARIOUS TEXT AMENDMENTS**

The Chairman said the next item on the Agenda was consideration of various text amendments to the Zoning Ordinance as submitted by the Planning Department staff. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated April 1, 2009, and the same is incorporated herein by reference.

Ms. Stefforia explained to the Commission that there were eight proposed modifications as set forth in her memo. The first was an amendment to Section 20.402 to allow for use of existing buildings formerly utilized in the daily operation of a farm for either a landscaping contractor business or large item storage. The Chairman said he was concerned about people buying an existing barn for the sole purpose of converting it to a commercial use. Ms. Stefforia said that the proposed Ordinance would not prevent that. Attorney Porter said that the focus of the Ordinance was to provide an alternative use for the large agricultural barns and buildings rather than an animal feed operation.

Ms. Everett said that a lot of these farm buildings are probably already being used for storage. Attorney Porter indicated that was likely true.

Mr. Gould asked if money could change hands under the proposed Ordinance. Ms. Stefforia indicated yes. She said she shared the Commission's concerns but was trying to provide some alternative which would allow utilization of existing farm buildings which would otherwise not have a viable use.

The Chairman asked if they could tie the proposed text to the owner living on site similar to a home occupation. The Chairman said in this way he thought it would be more limiting and would keep the house and the barns together on the property with someone overseeing the operation. Ms. Stefforia said that would be possible for four out of the five proposed facilities. Ms. Everett said she liked the Chairman's idea. Ms. Bugge expressed concern about referring to home occupations as the proposed uses of the barns would not typically be considered a home occupation. Ms. Bugge stated that the proposed text was allowing another issue **use** in the district, although in very limited circumstances, and should neither be considered a spot zone or home occupation.

The Chairman said he was still concerned about someone buying a barn and converting it to commercial use. Ms. Everett asked if he would be comfortable if the Planning Commission put sufficient restrictions on the use to mitigate the negative impacts. Ms. Stefforia suggested going back to the date that the Rural Residential classification was created in order to ensure that only true agricultural buildings were being converted to this use, not large pole buildings which had not been part of an agricultural operation. Reference to the Right to Farm Act could also be included in describing a functioning farm.

Mr. Skalski said he wanted to make sure that whatever they did that they did not allow these buildings to be opened up as a repair business. The Planning Commission members and the Township Planners concurred.

Ms. Stefforia then directed the Commission to proposed text amendments 2 and 4 of her report, indicating that they were interconnected. She noted that the amendments provided for separation of large multi-family buildings but clarified it by taking provisions out of subsection 64.201 and placing them in Section 24.205(h). It was the consensus of the Planning Commission that those amendments would add clarity to the overall reading of the Zoning Ordinance.

Ms. Stefforia then addressed proposed text amendment 3 which would provide rehabilitation and redevelopment of multi-family legal nonconforming uses where the density requirements currently exceed current limitations. It was the consensus of the Planning Commission to accept the proposed recommendation and that it would help rehabilitate older multi-family residential units within the Township.

Ms. Stefforia indicated that proposed text amendment 5 was put in place to allow parcels with ten acres or more to exceed the current limitations on the depth-to-width

ratio. She pointed out that currently the Zoning Board of Appeals was required to consider variances to permit this and that the ZBA had never denied such a request to her knowledge. Attorney Porter noted that, under the statute, the Township could allow a depth-to-width ratio greater than four to one for parcels over ten acres. He said currently that is prohibited under Township Ordinance, but again, noted what Ms. Stefforia said regarding the variance requests never being denied and, therefore, recommended that the Zoning Ordinance be amended to permit the same. The Planning Commission concurred.

Ms. Stefforia said that the sixth item was consideration of the amendment to the sign provisions of the Zoning Ordinance to allow nonresidential real estate signs not to exceed a sign area of 24 square feet and not exceed a height of five feet regardless of the zoning district. It was the consensus of the Planning Commission to accept the proposed recommendation.

Ms. Stefforia said the seventh item was the modification of Section 76.160 Schedule A to make specific reference to financial institutions. It was the consensus of the Planning Commission to accept the proposed recommendation.

The Chairman asked what the pleasure of the Planning Commission was with regard to the proposed text changes as discussed. It was the consensus of the Planning Commission to set the text amendments for public hearing. Ms. Gelling then made a motion to set a public hearing for the proposed text changes as set forth in the Planning Director's memo as modified by the Planning Commission members and to hold the public hearing on May 14, 2009. The motion was seconded by Mr. Skalski. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

## **MASTER LAND USE PLAN DISCUSSION**

Ms. Stefforia asked the Planning Commission members if they had any ideas for topics for focus group discussions or a short on-line survey for commercial and industrial business owners.

The Chairman said he was not sure how the Downtown Development Authority fit into the issue, but he knew that the members of the DDA were certainly ~~concerned~~ *interested* about the rear access to the commercial property in the Village. He said, in that context, those commercial owners would certainly be interested in having input in the Master Land Use Plan.

Ms. Everett said she was concerned about the timing of approaching owners because the economy did not seem to be moving forward. The Chairman said that was true, but he thought they could take advantage of the economic downturn to actually be ahead of the curve. He said often the Planning Commission was trying to work on the

Master Land Use Plan or the Zoning Ordinance itself while development was ongoing. He suggested that they take advantage of the lull in the economic activity to develop their vision.

Mr. Skalski said perhaps now is the best time to approach the industrial and commercial property owners and business owners to encourage them to be proactive and plan for future development.

The Chairman said he liked focus groups the best because there was a dialog rather than a response to a particular survey.

Ms. Stefforia noted that there were 590 commercial business owners and 29 industrial business owners, and 385 commercial property owners and 310 industrial property owners in the Township.

Mr. Gould said he would like to see representatives from the commercial and industrial communities tell the Planning Commission what they would like to see in the future. All of the Planning Commission members concurred with that proposal.

The Chairman suggested picking up the pace in the Master Land Use Plan. Ms. Stefforia said, in order to speed up the process, it might necessitate obtaining a proposal from McKenna and Associates to hold focus groups with the commercial and industrial property and business owners. It was the consensus of the Planning Commission members to obtain a proposal in order to move the Master Land Use Plan process along. Several members suggested using some of the questions that had been asked in the opinion survey to residents as a starting basis for the discussions.

### **Any Other Business**

The Chairman asked if there was any other business. Ms. Gelling suggested that the Planning Commission members pick up their own meeting packets, if possible, rather than taking up Township Staff time in delivering the same. A brief discussion ensued during which the Planning Commission members discussed when the packets would be available. Ms. Stefforia indicated the packets would be available the Friday before the meeting at noon. The Chairman noted that, if someone could not pick up their packet for whatever reason, they could still call the Township, and the Township would have the packet delivered. This new procedure will be tried, and if found to be problematic, delivery by Township Staff will resume.

### **Planning Commissioner Comments**

None.

## **Adjournment**

There being no further items to come before the Planning Commission, the meeting was adjourned at approximately 8:10 p.m.

Minutes Prepared:  
April 16, 2009

Minutes Approved:  
May 14, 2009