

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF WORK SESSION HELD JULY 12, 2007

AGENDA

WORK ITEM: FORM BASED CODE

WORK ITEM: FENCES

A work session was held by the Oshtemo Charter Township Planning Commission on Thursday, July 12, 2007, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Lee Larson
Deborah L. Everett
Fred Gould
Bob Anderson
Carl Benson
Kitty Gelling

MEMBERS ABSENT: None

Also present were Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Township Associate Planner; and one interested person.

FORM BASED CODE

Revised Section 34.670 dealing with signs was reviewed and the following modifications proposed:

1. Expand wall signs to permit up to two wall signs if occupant/tenant has more than one outside wall.
2. Use the term "tenant space width" as defined in Section 76.120 to assist with determining permitted sign area.
3. Planning Commission review of buildings should include consideration of sign placement. However, review of individual signs will be done administratively.

The Planning Commission discussed various other modifications, including text on awnings should be limited to the edge area, not the slope.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD JULY 12, 2007

AGENDA

SPRINT/NEXTEL - SPECIAL EXCEPTION USE AND SITE PLAN AMENDMENT - 624 NORTH FOURTH STREET - (PARCEL NO. 3905-16-305-050)
(From Table of June 28, 2007)

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, July 12, 2007, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Lee Larson
Deborah L. Everett
Fred Gould
Bob Anderson
Carl Benson
Kitty Gelling

MEMBERS ABSENT: None

Also present were Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Township Associate Planner; James Porter, Township Attorney, and two other interested persons.

CALL TO ORDER

The Chairman called the meeting to order at approximately 7:00 p.m.

AGENDA

The Chairman asked if there were any changes to the Agenda. Mr. Benson made a motion to approve the Agenda as submitted. Mr. Larson seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

MINUTES

The Chairman asked if there were any changes to the minutes of June 28, 2007. Hearing none, he called for a motion. Mr. Larson made a motion to approve the Minutes as submitted. The motion was seconded by Ms. Gelling. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman then requested that Item #4 consideration be held until later as they were waiting for the applicant to arrive at the meeting.

PUBLIC COMMENT ON NON-AGENDA ITEMS

The Chairman said the next item for consideration was public comment on non-agenda items. Hearing none, the Chairman closed the public comment part of the meeting and asked that the Commission consider any other business.

OTHER BUSINESS

There being no other business, the Chairman asked that the Planning Commission return to Item #5, work items.

REVIEW OF WORK ITEM - FENCES

The Chairman said the first item for consideration during the regular session was the issue of a Fence Ordinance. He stated that the Township Board was requesting that the Planning Commission review this matter pursuant to recent developments in the Bela Sera Plat.

Ms. Bugge provided a handout to the Commission in addition to the document which she previously provided, to-wit: a draft ordinance which had been considered by the Township Board in 2002. Ms. Everett indicated that the Board, in the past, had rejected a fence ordinance 5 to 2. However, she said there were new Township Board members, and with the recent development in Bela Sera Plat, she believed the Township Board was reconsidering the need for a fence ordinance.

The Chairman proceeded to take the Commissioners through a review of proposed text planned for Section 78 of the Zoning Ordinance.

The Commission commenced with the definition of a fence. Ms. Bugge pointed out that the definition was broad. Mr. Larson said he felt the definition was broad enough to include a wall, as well as any fence. Ms. Bugge said that was why "wall" is not specifically referenced.

The Commission proceeded to review the Construction, Material and Maintenance provisions of the ordinance. Under Subsection B, Mr. Larson expressed a concern as to whether the applicant should be required to put the finished side of the fence on the outside. The Chairman noted that it is generally a requirement in most fence ordinances to do so. Attorney Porter noted that it would not preclude a property owner from also finishing the inside of their fence. Ms. Gelling asked if this requirement could be enforced. Attorney Porter said he thought that it was enforceable and that similar requirements were enforced in many townships. The Chairman noted, as Attorney Porter had stated, that applicants could always finish the inside of the fence if they so chose.

A brief discussion ensued as to what side of the fence the posts should be located. After a brief discussion, it was a consensus of the Commission that posts are usually located on the inside of the fence (the unfinished side) unless they are totally incorporated within the fence itself. However, if the posts were exposed, they should be on the inside of the fence.

The Commission then discussed Subsections C and D of the proposed text, as well as the addition of Subsection C and D from the supplemental document prohibiting barbed wire, spire tips or sharp objects on fences in residentially-zoned areas, with the exception of those used for controlling livestock.

Ms. Everett asked if there should be more clarification on the issue of maintenance and what that should entail. The Chairman said defining "maintenance" can be somewhat difficult. He said he would be more comfortable if the Commission simply required the fence to remain structurally sound. Mr. Larson said he thought good condition meant something other than structurally sound. Ms. Gelling suggested that they rephrase the provision so that it read, "All fences shall be maintained and not endanger life or property." Mr. Larson said he appreciated that proposal because it separated the requirement to keep the fence in a nice-looking condition, as well as a sound condition. Attorney Porter said he thought that the proposed language from Ms. Gelling would achieve that goal. The Planning Commissioners concurred.

The Planning Commission proceeded to discuss location of fences as set forth in the proposed text. After a brief discussion, rather than the phrase, "on the property line," it was the consensus of the Commission to use the phrase, "up to the property line." This determination was based on the fact that one could not place a fence on their adjoining neighbor's property without his or her authorization, but would allow the placement of the fence up to the property line, while not illegally encroaching on the neighbor's property.

A brief discussion then ensued over corner properties and what would be required to satisfy the clear view requirements under the ordinance. Ms. Bugge pointed out that

the height stated was somewhat lower than what the County required, but she thought it was reasonable to place those limitations in the ordinance for purposes of public safety.

The Planning Commission then moved on to the discussion of the maximum height of a fence in residential areas in the proposed text. There was a consensus that fences located within the front setback area should be no higher than four feet. A discussion ensued over the height of fences in general. Mr. Larson stated that there might be cases where a higher fence would be warranted. After a thorough and lively debate where various options were discussed, including determining the size of fence based on lot size, on whether the property was platted or unplatted, etc., the Commission reached a consensus that the height limitation be set at six feet as measured from the grade on both sides of the fence. By so doing, the grade of the adjacent property would be taken into consideration, as well as the grade of the property on which the fence was to be located. Ms. Bugge suggested if the ordinance was too complicated and could not be easily implemented, the ordinance might be rejected by the Township Board.

After concluding discussion of the work session items, the Chairman asked that the Planning Commission return to Item #4 on its agenda.

**SPRINT/NEXTEL - SPECIAL EXCEPTION USE AND SITE PLAN AMENDMENT - 624
NORTH FOURTH STREET - (PARCEL NO. 3905-16-305-050)
(From Table of June 28, 2007)**

The Chairman asked if the applicant was present, and seeing no one in attendance to represent the applicant, he asked about the status of the matter. Ms. Bugge indicated that she had received no calls from the representatives and was not sure why they were not present at the hearing. Attorney Porter indicated that the matter had been set for hearing more than once, and that the Commission had no obligation to continue to table this matter. Attorney Porter suggested that the matter be removed from its Agenda, and make the applicant refile its application if the matter was to be considered in the future. Ms. Everett suggested that the matter be renoticed for hearing, and the applicant be requested to pay for the renoticing. Mr. Gould made a motion that the applicant be requested to pay for renoticing and that the matter be set for public hearing at a later date as requested by the applicant. Ms. Gelling seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

PLANNING COMMISSION COMMENTS

None.

ADJOURNMENT

The meeting was adjourned at approximately 8:30 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By:

Minutes prepared:
July 16, 2007

Minutes approved:
_____, 2007