

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD JULY 12, 2012

Agenda

LANDSCAPE ORDINANCE – DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS RELATING TO THE LANDSCAPING STANDARDS IN THE TOWNSHIP ZONING ORDINANCE

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, July 12, 2012, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Chairperson
Carl Benson
Dave Bushouse
Richard Skalski
Wiley Boulding, Sr.

MEMBERS ABSENT: Bob Anderson
Millard Loy

Also present were Greg Milliken, Planning Director; Karen High, Zoning Administrator; Attorney James Porter, and one other interested person.

Call to Order and Pledge of Allegiance

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

Agenda

The Chairperson asked if there were any additions, deletions or corrections to the Agenda. She noted the addition of “any Other Business” submitted by Greg Milliken, which would be listed as Agenda Item #8. She called for a motion to approve the Agenda. Mr. Skalski made a motion to approve the Agenda, as amended, and Mr. Boulding, Sr. seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

Public Comment on Non-Agenda Items

The Chairperson asked if there was any public comment on Non-Agenda items. Hearing none, she asked that the Planning Commission proceed to the next Agenda item.

Approve Minutes

The Chairperson said the next item up for consideration was approval of the minutes of June 28, 2012. She asked if there were any corrections. Hearing none, she called for a motion. Mr. Boulding, Sr. made a motion to approve the minutes, as submitted. The motion was seconded by Mr. Skalski. The Chairperson called for a vote on the motion, and the motion passed unanimously.

LANDSCAPE ORDINANCE – DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS RELATING TO THE LANDSCAPING STANDARDS IN THE TOWNSHIP ZONING ORDINANCE

The Chairperson said the next item up for discussion was the proposed zoning amendments relating to landscape standards in the Township Zoning Ordinance. She asked to hear from Planning Director, Greg Milliken. Mr. Milliken explained that the Planning Department had focused their analysis in two main directions, one dealing with subdivisions and site condominiums and street trees, and the other dealing with undeveloped land and clear cutting. He said that Karen High had done the lion's share of the work on this matter after they met with various stakeholders including the Home Builders Association, various developers, realtors, arborists, and landscapers. He then suggested that Ms. High take the Commission through a review of the proposed text, as amended.

The Chairperson asked Ms. High if she would please go through section by section. Ms. High submitted her report to the Planning Commission dated July 5, 2012, and the same is incorporated herein by reference. She told the Chairperson that she would take the Commissioners through each individual section of her report, noting all of the changes which were highlighted in red. The Chairperson asked Ms. High if she would like the Commissioners to ask questions and/or make comments as she was walking them through or wait until she was finished. Ms. High said to feel free to interrupt as necessary.

Ms. High began with a review of Section 78.500 dealing with stormwater management and clear cutting. After reviewing that Section of the Ordinance, the Chairperson noted that she would like to see the following language added to the first paragraph: "Allow for Township review of clear cutting that may result in a loss of soil-stabilizing vegetation, erosion of stream banks, and alterations of drainage patterns that

may impact the immediate property, neighboring properties, areas of near proximity and the overall environment.”

Mr. Benson suggested tightening up the language which referred to pre-settlement trees. He said he doubted that there were any pre-settlement trees still in existence. Ms. High noted that the Master Plan referred to pre-settlement vegetation and tree species. After a brief discussion, it was agreed to use the words, “existing trees” instead of “pre-settlement trees” in the last paragraph of Section 78.500.

Ms. High then took the Commission through a review of Sections 78.530, Soil Erosion Control, and 78.610, which requires a clear cutting permit. Mr. Benson raised a question about allowing clear cutting within an agricultural district and wondered if the Zoning Ordinance should put some restriction on maintaining the agricultural use for a certain period of time. Attorney Porter noted that the cutting of trees fit the definition of farming under the Right to Farm Act, and it was unlikely the Township could control that activity. Therefore, it was likely a non-issue.

Ms. High noted that she wanted to change single-family to residential family parcels of two acres or less. She also said the Planning Commission should add building sites within existing subdivisions or site condominiums as a listed exemption, as well.

Attorney Porter noted that clear cutting of less than one acre of land should have some further restriction. He suggested that limitation include a time limitation of one year. The Planning Commission concurred.

Mr. Skalski asked about the stormwater standards referenced in Subsection c.7. Ms. High noted that they did refer to County Standards. After a brief discussion, it was noted that they referred to State Transportation Standards, which were the applicable MDEQ Standards.

The Chairperson said she thought that the requirement to respond in 15 days, which had been deleted, in part, should be reinserted into Section 78.610 e.

Ms. High then took the Commission through a review of the general provisions which would apply to all clear cutting throughout the Township. Ms. High noted that, rather than using the different setback requirements within the various zoning classifications, that it might be easier to administer if the Ordinance used a standard 20-foot buffer area which would be required to be maintained. The Planning Commission concurred. Mr. Milliken explained that the 20-foot standard was based upon their most common setback buffer or greenspace provisions of the Ordinance.

Mr. Boulding, Sr. expressed a concern about the lack of specificity with regard to enforcement and penalty. Attorney Porter noted that the proposed text referenced Section 90 of the Ordinance, which provided a detailed explanation of how penalties would be applied for any type of violation.

Ms. High directed the Commissioners' attention to page 4 of her report and took them through a review of Section 75.135 dealing with Subdivisions/Site Condominiums, which primarily addressed street trees along internal and external roadways. The Chairperson made a suggestion that the Ordinance be amended to encourage the planting of additional trees, if desired, so as not to be limiting.

Mr. Benson asked what the rationale was for deleting the requirement for trees within the cul-de-sac islands. Ms. High said, after meeting with developers, that perhaps this requirement was a bit too burdensome and suggested removing the requirement from the Ordinance.

A discussion ensued regarding the requirement to replace and maintain trees and plantings, and Mr. Milliken suggested that the developer be required to maintain them for at least an 18-month period. There was a general consensus among the Commission to limit the maintenance requirement to that period of time. Attorney Porter concurred. Ms. High explained that the requirement for planting street trees was going to be linked to the issuance of a Certificate of Occupancy for each residence or condominium unit built. She said, in that way, the trees would be able to be maintained in a timely manner as people moved into the community.

Ms. High proceeded with her review of Section 75, "Landscaping" and directed the Commission's attention to Section 75.180, "Material Requirements and Maintenance." A brief discussion ensued regarding the native plants, and it was agreed that instead of the references of "Southwest Michigan" or "Michigan," the reference should be "Lower Michigan." Mr. Skalski suggested that certain trees, while they might flourish in Michigan, would not flourish in Lower Michigan and thought limiting the trees to those which were most viable in Lower Michigan would be appropriate. He also suggested rather than eliminating certain trees, such as silver maple, poplars or willows, that they be prohibited from being planted within the streetscape area. He said there were certain locations where these trees might be suitable for use by Township residents.

Ms. High then directed the Commission's attention to Section 75.202, "Incentives for Restoring Pre-settlement Vegetation." The Chairperson suggested adding an appropriate website for information regarding the types of vegetation which would be suitable for planting. Mr. Milliken recommended eliminating the percentage provision contained in Section 75.202 B and broaden the language to make it more flexible. Several of the Planning Commission members concurred with Mr. Milliken and said they would look forward to revised language regarding the same.

Next, Ms. High took the Commission through Section 11, "Definitions," as set forth on page 6 of her report. Mr. Skalski suggested adding a definition of "pre-settlement trees."

The Chairperson suggested that “wooded area” be better defined so there would be no confusion in the future, as she thought the term was too subjective and open to individual interpretation.

Ms. High then took the Commission through site plan review provisions. Mr. Benson suggested that the last sentence of Section 82.800 (c) read as follows: “Judicious effort shall be demonstrated to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.) and natural drainage patterns to the greatest extent reasonable.” The Chairperson suggested perhaps instead of the last word being “reasonable,” that it be changed to “possible.” Mr. Benson was concerned that the proposed change would require a developer to do everything he could, even though it might be extremely expensive. Attorney Porter jokingly suggested that perhaps it should read, “reasonably possible.” Ms. High said she would work on the language and bring revised language back for further Commission deliberation.

The Chairperson asked if there were any other Planning Commissioner comments. Hearing none, she opened the meeting up for public comment.

Curt Aardema introduced himself to the Planning Commission on behalf of AVB Builders. He said he had a great working relationship with Greg and Karen and thanked them for the ability to have input on the proposed Ordinance amendments. He said he thought the Ordinance amendment overall was reasonable and provided for the preservation of trees without being too burdensome. Mr. Milliken thanked Curt and Joe Gesmundo for their input. He said he appreciated their willingness to be open and to communicate with the Planning Department in a positive, constructive way.

Old Business

The Chairperson said the next item on the Agenda was “Old Business.” There was a discussion of whether the Planning Commission members should be getting the “Planning Commission Journal” and/or attend the MTA “Hot Topics” planning seminar on August 7, 2012, in Battle Creek. After a thorough discussion where the members appeared to be “lukewarm” in their reception of both items, and with the Chairperson noting that the Planning Department staff was well compensated in an effort to keep all of the Commissioners informed, it was the consensus of the Planning Commission that, if there was any planning or zoning news which the Planning Commission needed to be aware of, they would obtain that information through the Planning Department. Wanting to be fiscally responsible, the Chairperson recommended not partaking in either item proffered, thereby saving the Township the \$95 annual fee by not obtaining the subscription or attending the MTA Planning Seminar for the specified amount.

Any Other Business

Mr. Boulding, Sr. asked if there would be any roundabouts put in the Township. Mr. Milliken said he was not aware of any which were proposed, but certainly they are much more in vogue than they had been in years past, and he said he expected that it would not be long before they saw some type of development like that in the Township.

Mr. Milliken then told the Commission that they currently did not have any applications pending, and therefore, the Planning Department would likely return at the Commission's next meeting with a revised Landscape Ordinance amendment.

Mr. Skalski asked about the pedestrian walkway on M-43 and whether they would ever link that to the Kal-Haven Trail along 10th Street. Mr. Milliken said there had been some discussion and they were looking at that issue as part of the update for the Non-Motorized Plan in the Township. However, he said he did not believe he could give the Commission a detailed analysis of all the various options for connecting the M-43 Non-Motorized Path and the Kal-Haven Trail at this time.

Planning Department Report.

The Chairperson asked Mr. Milliken for an update from the Planning Department. Mr. Milliken reviewed the proposed upgrades at the intersection of U.S. 131 and Stadium Drive, as well as M-43 and U.S. 131, which will add a cantilever sidewalk over U.S. 131 at M-43.

Planning Commissioner Comments

The Chairperson called for Planning Commissioner comments.

Mr. Bushouse said he remained concerned about closing the east drive at the Meijer store because he thought it would push traffic to the west drive on M-43, which would not solve the traffic problems, but might likely exacerbate them. Mr. Skalski suggested perhaps a traffic signal was needed. The Chairperson noted that the area had been identified as an intersection of concern, and therefore, MDOT would be overseeing this problematic situation.

Mr. Bushouse noted that he would be gone the next week to God's Special Peoples Camp, and the Chairperson applauded him for his efforts.

The Chairperson said she wanted to thank Mr. Marc DeForest and S2Games for the beautiful fireworks.

Mr. Benson raised a question regarding Mr. Bushouse's inquiry regarding the enforceability of the Township's Sign Ordinance. Mr. Bushouse said he was concerned about billboards, as well as the differences in signs between VerHague's and Saunders' operations and said the Township needed uniform enforcement.

Mr. Skalski said, like the Chairperson had mentioned, he also wanted to thank Mr. Marc DeForest for the fireworks program. He said the fireworks were the best that he has ever seen, and he felt they were better than the fireworks in South Haven.

The Chairperson noted Todd Kowalski's generous D.J. contribution prior to the fireworks display through his playing of patriotic music.

Mr. Boulding, Sr. noted that the tent was still up at Stadium Drive and 9th Street and expressed his concern about Jakes Fireworks not complying with their representations made at the time they received the special exception use permit for display. The Chairperson concurred.

Adjournment

The Chairperson noted that they had exhausted their Agenda, and adjourned the meeting at approximately 8:50 p.m.

Minutes Prepared:
July 16, 2012

Minutes Approved:
July 26, 2012