

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD MAY 10, 2012

Agenda

BED & BREAKFAST INNS – REVIEW REVISED ZONING ORDINANCE AMENDMENTS TO INCLUDE BED & BREAKFAST INNS IN ZONING ORDINANCE

TREE PRESERVATION – DISCUSS POTENTIAL REGULATIONS AND INCENTIVES TO ENCOURAGE PRESERVATION OF TREES AND VEGETATION

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 10, 2012, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: None

Also present were Zoning Administrator Karen High; Administrative Assistant Linda Ignasiak; and approximately two other interested persons. Greg Milliken, Planning Director and James Porter, Attorney, were absent.

Call to Order and Pledge of Allegiance

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

Agenda

The Chairperson asked if there were any changes, amendments or deletions to the Agenda. Hearing none, she called for a motion. Mr. Benson made a motion to approve the Agenda, as submitted. Mr. Skalski 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 were any comments on non-agenda items. Hearing none, she asked that the Planning Commission move to the next item on the agenda.

Minutes

The Chairperson said the next item for consideration was approval of the minutes of April 26, 2012. She asked the members if they had a chance to review the minutes, and if there were any corrections needed. Hearing none, she said she would entertain a motion. Mr. Loy 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.

BED & BREAKFAST INNS – REVIEW REVISED ZONING ORDINANCE AMENDMENTS TO INCLUDE BED & BREAKFAST INNS IN ZONING ORDINANCE

The Chairperson indicated the next item up for review was the fourth draft of the proposed amendment language regarding Bed & Breakfast Inns. She called for a report from Zoning Administrator, Karen High.

Ms. High noted the few changes made since the Planning Commission discussed the subject on March 14, 2012, and the same is incorporated herein by reference. Mr. Benson noted a spelling error to be corrected on page three, the word “basins” should be changed to “basis.” The Chairperson mentioned she had previously made note of this and provided same to Zoning Administrator, Karen High. Mr. Anderson moved that the Planning Commission accept the text amendment language changes as proposed. The motion was seconded by Mr. Skalski. The Chairperson called for a vote on the motion, and the motion passed unanimously. The Chairperson requested a Public Hearing on June 14, 2012, commencing at 7:00 p.m.

TREE PRESERVATION – DISCUSS POTENTIAL REGULATIONS AND INCENTIVES TO ENCOURAGE PRESERVATION OF TREES AND VEGETATION

The Chairperson indicated the next item up for review was a draft of some preliminary text amendments regarding tree preservation regulations. She called for a report from Zoning Administrator, Karen High.

Ms. High submitted her report to the Planning Commissioners, which is incorporated herein by reference. Ms. High reviewed with the Commissioners a draft Zoning Ordinance Amendment noting that it was a preliminary draft to use as a starting point for discussion purposes. She added that the goal was to avoid clear cutting of large areas before development, for preserving and enhancing the tree canopy of the Township, and to promote tree planting.

Ms. High read aloud the Draft Zoning Ordinance Amendments for Section 78 – Miscellaneous Protection Requirements, beginning with Section 78.500, “Stormwater management and erosion control.” Mr. Boulding, Sr. thought the words “limit” and “discourage” should be better defined to specify what we are trying to achieve. The Chairperson asked if what he was trying to achieve was a finer honing of content, and he agreed. Mr. Skalski suggested a limit could be defined as a certain amount per an areas’ size. Mr. Benson thought changing the wording of “preservation of existing landscaping” to “existing vegetation” might be more suitable and compatible with the text. Ms. High welcomed and noted all comments for implementation.

Ms. High read aloud Section 78.510 where “land clearing permit” was added. She emphasized that the proposed permit would only be required when no building permit or site plan review was required. The goal was to prevent situations such as the clearing on M-43. Mr. Benson questioned whether the current requirement of obtaining a Soil Erosion Permit from the County was enough or did we think both were necessary. The commissioners agreed it was a separate issue but should be clarified in the ordinance. It was suggested that staff discuss this with James Porter, Township’s legal counsel.

Ms. High read aloud the next section containing amendments. Section 78.530, “Soil erosion control”. Mr. Skalski wanted to clarify the limitations set forth regarding clearing were not meant to eliminate parking or drainageways.

Ms. High read aloud and the Commissioners discussed Section 78.560, “Land Clearing Permit.” She added that staff had suggested calling this section “Clear Cutting”. Mr. Skalski thought “Clear Cutting” was too broad and suggested “Land and Vegetation Disturbance” instead. Mr. Benson thought “Land Disturbance” was a better fit for contractors.

The Chairperson said this was a good place to include/describe legal action and penalties. She suggested that the language from Section 7 of the Cochise, AZ ordinance be used as a model. Mr. Loy suggested giving a time limit for re-vegetation, such as 30 days to seed if property is not developed. Mr. Benson suggested tightening the requirements of clearing for Agricultural purposes. Mr. Skalski brought up permit fees and

thought they should be fair and reasonable, and comparable with costs of other township permits.

Mr. Boulding, Sr. referred to Section 4.2, in the Cochise County, AZ ordinance. He said he liked the statement from their ordinance that makes it clear that it applies when an applicant does not propose to erect, construct, reconstruct, alter or use any structure or building. The Chairperson thought it was good for clarification. She added that she found the “Benefits to Community Character” section on page 48 to be very helpful and recommended its inclusion.

Ms. High introduced the next section of proposed text amendments, noting that the goal of this section was to require street tree planting in new subdivisions. She added that staff debated whether to put the amendments in the landscape ordinance or the subdivision/site condominium ordinance. Mr. Loy thought notice should be paid to the type of plantings verses where they are planted and noted a prior incident where a developer was required to plant too many trees in an area where they could not/did not survive. The commissioners agreed the street tree requirement could be placed in the Landscape Ordinance, but should be referred to when necessary in our other ordinances.

Ms. High read aloud Section 75 – Landscaping, noting in 75.130, Table 75-A, column H, where the current requirement for street trees are one (1) canopy and two (2) understory, and with the new requirement it would be three (3) canopy trees and (0) understory trees. Understory trees would be allowed when overhead wires were present. Mr. Bushouse noted that Township ordinances require underground utilities in new developments, so overhead wires should not be an issue. The Chairperson said we shouldn’t discourage the planting of understory trees, thus allowing for the planting of understory trees if so desired. Mr. Benson voiced concern about planting trees among underground wires. Mr. Bushouse said underground utilities were in the county right-of-way and would not interfere. Mr. Skalski agreed the trees would not be in the right-of way. Mr. Skalski thought including a table of planting widths and suggested space between would be a helpful guide. He also noted that small lots would be too small for four (4) large canopy trees and we may need to consider lot width. Mr. Loy suggested that staff look into the shrub planting requirements in the landscape ordinance and gave an example of a development for Architectural Glass and Metal.

The Chairperson suggested attaching a list of acceptable tree species and a map of pre-settlement vegetation in the ordinance. The Chairperson additionally noted that Silver Maple, Poplar, Elm and Willow had been eliminated from the list of species not permitted, but wondered about the desirability of Elm with their propensity toward disease. A lively discussion ensued, and it was noted that there were heartier and more decease resistant Elm available, and above all else, the aforementioned trees were acceptable for wildlife habitat and would be useful in various areas. Mr. Skalski noted that Willow trees, for example, do well in a wetland area.

Ms. High discussed the monoculture section, noting that language from the City of Kalamazoo was used as a model. She added this would not apply to plants used for screening. Mr. Loy questioned the minimum distance from a property line for plants used for screening. Ms. High said it was not currently specified in the ordinance.

Ms. High read aloud Section 75.200, "Preservation of existing trees." Mr. Benson suggested that the word diameter be added to the definition of caliper for clarification.

Ms. High explained that in Section 82 – "Site Plan Review", a proposed site plan would be required to include a line showing the limits of land clearing.

Mr. Boulding, Sr. mentioned that in the land clearing ordinances of other areas, such as Arizona, underground utilities were discouraged. Mr. Skalski explained the soil, such as hard clay, came into play in that decision. Mr. Bushouse agreed and added the same reasoning came into play regarding whether a basement would be permitted. Mr. Boulding, Sr. then added that the Ottawa County, MI ordinance discouraged underground utilities.

The Chairperson asked for commissioners' comments regarding this agenda item. Mr. Anderson commended the proposed ordinance as a way to avoid clearing of trees in a manner, such as what had recently taken place on West Main. He added that such broad tree clearing was bound to cause erosion problems.

Mr. Bushouse said even though he remains against placing too many requirements on residents, these amendments are necessary in order to promote a greener community. He also suggested we consider requiring a performance bond, with a two (2) to five (5) year inspection, to make sure trees survive and grow. Mr. Benson added that he liked Mr. Bushouse's suggestion for a two (2) year review.

The Chairperson thought the commission had accomplished much with today's discussion and encouraged the Planning Department to proceed with the tree preservation amendments as quickly as possible. She asked that a revised draft be ready for discussion at the June 28th meeting.

The Chairperson proceeded to open this item up for public comment.

Amanda Kuchnicki, representing the Home Builders Association at 5700 West Michigan Avenue, expressed their concern for the impact that the tree preservation amendments might have on the home building industry.

Old Business

The Chairperson asked if there was any old business. Hearing none, she asked that the commissioners move on to any other business.

Any Other Business

The Chairperson asked if there was any other business. Hearing none, she moved to the next item on the agenda.

Planning Commissioner Comments

Mr. Bushouse reassured Ms. Kuchnicki that the Home Builders Association would be kept informed regarding the Tree Preservation ordinance. Mr. Skalski complimented Ms. High on her presentation. The Chairperson also wanted to commend the work accomplished on Tree Preservation thus far, and to remind the Planning Commission members of the Joint Board Meeting Tuesday, May 15th and the starting time was changed to 5:15 p.m.

Adjournment

There being no further matters to come before the Planning Commission, and having exhausted the agenda, the meeting was adjourned by the Chairperson at approximately 8:14 p.m.

Minutes Prepared:
May 15, 2012

Minutes Approved:
May 24, 2012