

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD JULY 26, 2012

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**Agenda**

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

**ENFORCEMENT ISSUES – INTRODUCTION OF NEW TOWNSHIP ENFORCEMENT OFFICER AND DISCUSSION OF VARIOUS SIGN ENFORCEMENT ISSUES**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, July 26, 2012, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; Karen High, Zoning Administrator; Rick Suwarsky, Ordinance Enforcement Officer; Attorney James Porter, and no other interested persons.

**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. Hearing none, she asked for a motion. Mr. Anderson 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 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 stated the next item on the Agenda was approval of the minutes of July 12, 2012. She asked if there were any corrections, additions or deletions. Hearing none, she called for a motion. Mr. Skalski made a motion to approve the minutes, as submitted. Mr. Loy seconded the motion. 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 consideration of the revisions to the landscape standards in the Township Zoning Ordinance. The Chairperson asked to hear from the Planning Department. Mr. Milliken indicated that Karen High had been the primary author of the draft text and asked that she review same with the Planning Commission.

Ms. High suggested that she only go through the highlighted changes since the last draft was considered. In deference to those Planning Commissioners who had previously been absent when prior discussions had been expounded upon, the Chairperson asked that the text be again reviewed. The Chairperson asked that members of the Planning Commission please make comments or raise questions as each individual section was reviewed.

Ms. High then proceeded to read through the proposed text changes on page 1 with little or no comment.

Ms. High went through the proposed changes on page 2 of the draft. She noted that the reference to “single family” should have been changed to “residential” and said she would make that change for future drafts. The Chairperson noted that such change was discussed last time and appreciated Ms. High bringing that item to the Commission’s attention.

Mr. Boulding, Sr. asked what would constitute a vacant lot. Mr. Milliken said it would be any building site within a site condominium or subdivision which had not yet been built upon.

Ms. High proceeded through the remaining changes as set forth on pages 2 and 3 of the draft without further comment.

Ms. High then proceeded to take the Commission through the changes as set forth on page 4 of her report. The Chairperson noted that she had indicated in the prior review that she would like to see an addition to Section 75.135 A which would encourage the planting of additional canopy trees, as it had not been included. She asked Ms. High to revise that section to address the concern raised.

The Chairperson raised a concern about a possible redundancy in Section 75.180 A because there were multiple references to pesticides. Mr. Benson suggested removing the first reference to pesticides and leaving the remainder of the paragraph as is. Ms. High complimented Mr. Benson on his succinct revision which would avoid the redundancy.

Ms. High took the Commission through the remaining revisions on pages 5 and 6 of her report. At the conclusion of her presentation, the Chairperson called for input from the Planning Commission members.

Mr. Loy said he did not have any problems with the draft as it was presented. Mr. Boulding, Sr. said he thought all the changes which had been discussed were made, and that the document was easily understood. Mr. Skalski and Mr. Benson said they thought the draft was very good. The Chairperson said she thought the draft was well done and complimented Ms. High on her use of layman’s terms versus overly technical language. Mr. Anderson said he thought the draft was good. Mr. Bushouse agreed with the Planning Commission members but thought the Township should go one step further and encourage the Planning Department to work with the Township to make sure that the Township was meeting the required landscape standards for all of its buildings including any pressure reduction stations in the Township. Many Planning Commission members concurred. Ms. High thought that was a terrific approach. The Chairperson said she thought that the Township would then be leading by example.

Mr. Milliken thanked Ms. High for her work on the project. He did note that he and Ms. High had worked very diligently to use non-technical terminology, particularly

with regard to the definitions, in order to make the text user-friendly and more understandable.

Mr. Milliken noted that the Planning Department was now, not only putting the notice of the meetings on the website, but the entire meeting packet as well so that anyone who wanted to have an opportunity to view any proposed language being considered by the Planning Commission could do so in advance of the meeting. He said the American Village Builders' representative could not be at the meeting, but had reviewed the draft, had asked several questions, and again thanked the Township for the opportunity to have input on the draft language. Mr. Milliken said no one else had commented on the web postings.

The Chairperson said she would propose that Ms. High make the additional changes as discussed and return with a revised draft at their next meeting. The Planning Commissioners concurred.

The Chairperson opened this Agenda item for public comment on this item, and hearing none, she closed public consideration of this Agenda item.

### **ENFORCEMENT ISSUES – INTRODUCTION OF NEW TOWNSHIP ENFORCEMENT OFFICER AND DISCUSSION OF VARIOUS SIGN ENFORCEMENT ISSUES**

The Chairperson indicated the next item on the Agenda was the introduction of the new Township Ordinance Enforcement Officer and discussion of various sign enforcement issues. Prior to the Enforcement Officer's introduction, she issued a warm welcome and stated his presence had been eagerly anticipated.

The Chairperson asked to hear from the Planning Department. Mr. Milliken introduced Mr. Rick Suwarsky to the Planning Commission members. He explained that Mr. Suwarsky had worked with the City of Kalamazoo for a number of years in the area of ordinance enforcement and would be coming on board to work with the Township for approximately 20 hours per week once he was able to disengage from his work with the City of Kalamazoo.

Mr. Suwarsky thanked Mr. Milliken for the introduction. He told the Planning Commission that he is excited to work with the Township staff. He explained his background in code enforcement, particularly in dangerous buildings and abandoned buildings, as well as rental housing enforcement. Mr. Suwarsky explained that his approach in Ordinance enforcement was based upon good communication and education of the residents to bring about a mutually satisfactory result in compliance with Township Ordinances.

The Chairperson asked Mr. Suwarsky to please provide his telephone number and e-mail address for the Planning Commission members' benefit.

Mr. Milliken then began with his PowerPoint presentation dealing with various sign enforcement issues. He presented photographs of Dougherty's Corner Market and explained what the business owner was allowed in the way of signage and what steps they were taking to encourage him to come into compliance. He said, in addition to pointing out the violations, they had encouraged the owner of Dougherty's Corner Market to put up a changeable copy sign in order to advertise items which they might have on special in order to avoid excessive exterior signs and/or excessive window signage.

Mr. Boulding, Sr. asked, when someone was asked to comply, what time-frame they were given. Mr. Milliken explained each case was different, and they were typically handled on a case-by-case basis. Attorney Porter noted that the goal was compliance, not the issuance of a citation. Therefore, as long as someone was working with the Township, they would likely be given sufficient time to come into compliance.

Mr. Milliken then presented the Commission with slides showing what agricultural signs were permitted under the Township Ordinance. He proceeded to review the directional signs used by Ver Hage Fruit Farms and the on-site signs used by Husted's Farms Market. He noted that Ver Hage did not currently have a permit but was in compliance with the Zoning Ordinance. He said Ms. High was working with Ver Hage Fruit Farms to obtain the necessary sign permits.

Mr. Milliken explained that Husted's Farms Market was currently out of compliance, but they would be working with them to address compliance issues.

Attorney Porter noted at a past meeting a statement had been made that there might have been some discrimination between the two agricultural operations in the Township. He said, because he had been involved in this process longer than most of the other staff, he wanted to correct that misconception. He explained that the directional sign provisions of the Zoning Ordinance were put in place specifically to help serve Ver Hage, as well as other agricultural operations in the Township. He then stated that the Sign Ordinance was also specifically expanded in recent years to try to assist Husted's business by adding the additional 30 square feet of seasonal agricultural signs. Therefore, he did not think there was any discrimination, and he felt that the Zoning Ordinance was being fairly enforced. Attorney Porter specifically noted that Husted's Farms Market had been advised that a changeable copy sign could be used to avoid conflicts with a multiplicity of signs in front of their facility, but they had not chosen to avail themselves of that opportunity. However, he did not think there was any discrimination taking place with regard to enforcement procedures in the Township.

Mr. Skalski asked about the issuance of signs and raised a concern regarding signs in the right-of-way. Mr. Milliken said sign permits were issued by the Township. He said only seasonal directional signs could be put in the right-of-way, and that was done after a consultation with the Road Commission. He said because of the small

nature of those directional signs, as long as they did not present a traffic hazard, the Road Commission said it did not have a problem with the signs.

Mr. Skalski asked if the Township charged a fee. Mr. Milliken said that it did, and the charge was \$10.

Mr. Milliken then proceeded with a review of billboards on U.S. 131. He explained that most, if not all, of the billboards in existence were legal, non-conforming. He also said, given the limitations on the number of billboards, the Township could not accommodate any additional billboards.

He then proceeded to review Finley's billboard which had a banner extending above the surface area of the sign. He also reviewed a sign which had been posted for S2 Games, which was three dimensional. He said in providing these examples to the Commission, he wanted to explain what their approach was to the situation, and to also ask for further input on some additional issues. He said that Adams Outdoor, which owned most of the billboards in the Township, had been informed that Finley's sign was not in compliance and would have to be changed. He said Adams indicated that the Finley's sign would come into compliance by the end of August.

Ms. Skalski said he really did not have a problem with three-dimensional signs as long as they were not too extreme, and then he asked Mr. Milliken what they were going to do with regard to electronic signs. Mr. Milliken said that was the next big issue which the Planning Commission had to address.

Mr. Boulding, Sr. asked if many of these signs were based upon industry standards and inquired as to whether the Township was asking the companies to deviate from those standards to comply with its Ordinance. Mr. Milliken said that the Ordinance would require that the companies deviate from industry standards. Mr. Boulding, Sr. asked about the future of the billboards in the Township if they had to comply with the size requirements provided for in the Township Ordinance. Mr. Milliken said that they would likely not have to comply because the existing billboards were legal, non-conforming uses and could continue to be used as long as they were structurally sound. He said they would not be allowed to expand, and if any billboards were replaced, they would have to comply with the size requirements of the Township Ordinance.

Mr. Loy said he did not have a problem with the three-dimensional sign as presented by Mr. Milliken.

Mr. Milliken said that the Planning Commission's strategy in dealing with the billboard issue in the Township would be establishing an inventory of all of the billboards in the Township and providing an annual review of each of these billboards. In addition, he said he was proposing that the Township enforce a requirement that all billboards obtain a permit for each face change so that the Township could make sure that future

billboards complied with the Township Ordinances, particularly with regard to staying within the existing surface area of the sign. He said the Township would be charging \$50 for each face change in the future.

Mr. Milliken asked the Planning Commissioners what their thoughts were with regard to the three-dimensional billboards, and what they thought with regard to electronic billboards. Mr. Milliken said he would recommend that they allow electronic billboards with conditions addressing their brightness and the duration that each image had to be on the screen so as to avoid flashing signs which were distracting.

Mr. Skalski said he thought electronic signs would be fine as long as they were not too bright. He said he thought electronic signs provided more options than a standard sign, including notification of child abductions or possible weather alerts.

The Chairperson said she thought electronic signs were the wave of the future and that they should be permitted, as long as there were enforceable limitations placed on how they were used. She provided the Gun Lake Casino sign on U.S. 131 as an example of what she did not want to see, as it was too large, too bright and distracting.

Mr. Benson said when the signs do not function properly and they go to all white, such as the one up at Gun Lake, they create an extreme amount of glare at night.

Mr. Loy said even some of the wall signs, if they are not toned down, can be extremely problematic and cause glare.

Mr. Benson asked if the Township would be required to allow electronic billboards in addition to the existing billboards or face some kind of challenge from the industry. Attorney Porter said he did not think the Township would have to accommodate any additional billboards. He said he thought the law was clear that it was within the Township's right to limit the number of billboards along U.S. 131.

Mr. Milliken said that some communities were allowing electronic billboards as a special use and allowing these types of billboards to be installed if standard billboards were removed from the community. He said that by using such an approach, they might actually reduce the number of billboards within the Township.

The Chairperson asked if it was possible to reduce the number of billboards in our Township, and Mr. Milliken said it was always an option.

Mr. Milliken said he did not hear any overwhelming negative response to his proposal, and therefore, he would put together proposed draft language to deal with electronic billboards, particularly addressing their brightness, which he said could be addressed by measuring the lumens from the billboards against the ambient light.

The Chairperson asked if there was any public comment on this issue. Hearing none, she asked that the Commission proceed with the next Agenda item.

### **Old Business**

The Chairperson stated that the next Agenda item was “Old Business,” and she asked if there was any. Hearing none, she asked the Commission to proceed with the next Agenda item of “Any Other Business.”

### **Any Other Business**

Attorney Porter noted that he would likely be presenting a number of technical text amendment changes at the next meeting of the Planning Commission to address the establishment of the Kalamazoo Area Building Authority (“KABA”). He said there were multiple references in the Zoning Ordinance to the “Township Building Inspector” or the “Township Building Official,” and those terms would have to be changed in order to recognize the establishment of KABA, effective October 1, 2012, and the fact the officials for KABA would be the ones performing all building inspections and building official functions within the Township.

### **Planning Commissioner Comments**

The Chairperson asked for Planning Commissioner comments.

Mr. Bushouse said that he was pleased that the Planning Commission is working on the billboard issue. He also noted that he would like to see the Township get an electronic changeable sign for noticing purposes. The Chairperson was in agreement, as she thought notification of meetings might increase Township attendance and public interest.

Mr. Anderson was asked by the Chairperson to expand on the good news he had just received, and he announced to the Commission that he had been given a clean bill of health. He thanked the Planning Commission members for their prayers.

The Chairperson said she, as a visitor, had had the pleasure of attending God’s Special Peoples Camp operated by Mr. Bushouse near Reed City earlier in July. She applauded Mr. Bushouse and everything his family did for the campers. She said she was going to be contacting the Kalamazoo County Sheriff’s Department in an effort to secure confiscated, lost, stolen or abandoned bicycles seized by the Sheriff’s Department for the campers to have at the Camp next year.



The Chairperson noted the recent "Pioneer Days" celebration at the Drake House Saturday, July 21<sup>st</sup>. She said it was very nice seeing the Oshtemo Historical Society recognizing the pioneer families in the area, and stated the Drake House was a wonderful testament to a historical home with museum potential. She recognized Millard Loy's hard work and contribution to the restoration efforts, in addition to all members of the Oshtemo Historical Society. She said they were to be applauded for their dedication.

The Chairperson also noted on August 4<sup>th</sup> at 1:30 p.m. there would be a ribbon-cutting ceremony celebrating the restoration of the entrance to the Drake House.

The Chairperson asked for further Commissioner comments.

Mr. Benson said he had none.

Mr. Skalski noted that his son had recently been married.

Mr. Boulding, Sr. welcomed Mr. Suwarsky to the Township.

Mr. Loy invited the Planning Commission members and the community to the August 4<sup>th</sup> dedication of the new entrance of the Drake House. He said the restoration of the entrance to the Drake House had been accommodated through a generous, anonymous donation and invited everyone to come and see the work.

### **Adjournment**

The Chairperson noted that the Planning Commission had exhausted their Agenda, and adjourned the meeting at approximately 8:45 p.m.

Minutes Prepared:  
July 31, 2012

Minutes Approved:  
August 9, 2012