

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD AUGUST 9, 2012

Agenda

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

SIGN ORDINANCE – DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS RELATING TO BILLBOARDS AND ELECTRONIC BILLBOARDS

VARIOUS ZONING ORDINANCE AMENDMENTS – DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS THAT REFER TO THE BUILDING DEPARTMENT, BUILDING OFFICIAL, OR SIMILAR REFERENCES IN ORDER TO TRANSITION TO KALAMAZOO AREA BUILDING AUTHORITY (KABA)

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, August 9, 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 Karen High, Zoning Administrator; 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. Benson 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. There being no public comment, the Chairperson dispensed with the public comment portion of Agenda and proceeded to the next Agenda item.

Approve Minutes

The Chairperson stated the next item on the Agenda was approval of the minutes of July 26, 2012. She asked if there were any corrections, additions or deletions. Hearing none, she called for a motion. Mr. Boulding, Sr. made a motion to approve the minutes, as submitted. Mr. Skalski 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 was a discussion of potential Zoning Ordinance amendments relating to the landscaping standards in the Township Zoning Ordinance. The Chairperson asked to hear from Township Zoning Administrator, Karen High. Ms. High submitted the most recent draft of August 2, 2012 to the Commission, and the same is incorporated herein by reference. Ms. High pointed out that only the highlighted red sections of the Ordinance had been changed since the Commission last met, but invited the Commission to comment on each page of the document.

Ms. High asked if there were any comments on page 1. Hearing none, she moved on to page 2. Ms. High pointed out on page two of her report that she had changed “single family” to “residential” in Section 78.610 B. 2. and asked if there were any comments. Hearing none, she moved on to page 3 without comments.

On page 4, Ms. High noted the changes regarding the encouragement of adding additional canopy trees in Section 75.135 A., as well as removing one reference to pesticides in Section 75.180 A. so as not to be redundant.

Mr. Anderson asked what a viewshed was. Ms. High indicated it was the view from the roadway. Mr. Skalski suggested possibly using the term "view." The Chairperson suggested adding a definition of viewshed in order to remain consistent with the Master Plan. The Planning Commission members concurred.

Ms. High asked if there were any questions on page 5, and hearing none, moved on to page 6.

The Chairperson asked for clarification on the term "street rights-of-way" versus "street right-of-way." Attorney Porter suggested that parenthesis be put around the "s" so that it could refer to a parcel fronting on one or more streets. The Planning Commission members concurred.

Ms. High then asked the Planning Commission members if they wanted a revised version or wanted to proceed with a public hearing. It was the consensus of the Planning Commission to set the matter for a public hearing on September 13, 2012.

SIGN ORDINANCE – DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS RELATING TO BILLBOARDS AND ELECTRONIC BILLBOARDS

The Chairperson indicated the next item on the Agenda was a discussion of potential Zoning Ordinance amendments relating to billboards and electronic billboards. Ms. High referred the Commission to a memo and compilation of materials prepared by Greg Milliken, Township Planning Director, dated August 9, 2012; the same is incorporated herein by reference.

Ms. High pointed out that the memo contained various articles, as well as sample ordinances for the Commission's consideration. She suggested that they go through the documents in the handout and get Commission feedback for Mr. Milliken as he works toward preparing a proposed Zoning Ordinance amendment.

Ms. High asked the Planning Commission members if they had any response to the Connect article attached to the memo. The Chairperson said she thought that the third paragraph on the first page was the most important in that it said that a two-second distraction of any kind more than doubles the risk of a crash or near crash.

The Chairperson also noted that on page 2 of the article that the key suggestions under "When are DBB's okay?" are very important, to-wit: "Control the lighting," "Lengthen dwell time," "Keep it simple," and "Prohibit message sequencing."

Mr. Benson said he agreed with the Chairperson with regard to the third paragraph on page 1 of the article, but he wanted to emphasize the fact that the study done by Outdoor Advertising itself showed that drivers take their eyes off the road for two seconds twice as often when looking at digital advertising as opposed to a traditional billboard. He thought this was extremely significant. He also agreed that the criteria on page 2 was very important, specifically, setting the minimum dwell time to insure that no motorist sees more than one message change, thereby reducing distractions.

The Chairperson lamented the reference to asking people to text displayed in some of the electronic advertisement. Mr. Anderson also said he was disturbed to see that some electronic billboards provided phone numbers, thereby encouraging someone to use their cell phone while on the road.

Mr. Skalski said perhaps the Township should establish restrictions on the text of electronic billboards. Attorney Porter expressed some concern that there could be First Amendment claims, depending on what the Township tried to restrict in the way of speech.

Mr. Anderson asked counsel about the ability to limit these signs. Attorney Porter said, rather than trying to prohibit electronic billboards, the Township should regulate them in an effective way. He said he did not think a total ban would be effective in the long run.

Mr. Bushouse suggested looking at the industry standards and what was needed in order to effectively and safely read these signs by the motoring public.

Ms. High asked the Planning Commission members if they had any comments on the article prepared by Dr. Ian Lewin. Mr. Anderson said that Dr. Lewin's article addressed some of the issues raised by Mr. Bushouse. The Chairperson said she thought it was interesting that the amount of glare was directly related to the size of a billboard. She also liked that information which the article provided on reducing glare by adjusting it to the ambient lights surrounding the billboard.

Mr. Benson said he thought that both Method 1 and Method 2 set forth in Dr. Lewin's article were quite interesting. He said he saw a distinct difference between the two methods, though the first method being one that was extremely hard to quantify and would be terribly burdensome on a township to administer, and the second which would be more objective and more easily monitored and enforced by the Township.

Ms. High then asked for comments on the next attachment, that being the Plainfield Charter Township Zoning Ordinance provisions involving digital displays.

The Chairperson said she liked this proposed text. Mr. Benson noted that it was very conservative in its approach, and he thought that was the best.

Ms. High then asked the Commission to comment on Royal Oak's Ordinance. She noted that this Ordinance had an incentive section which would call for reduction in the overall number of billboards in the Township. The Chairperson said she liked this provision of the Ordinance.

Mr. Benson noted the regulations on page 4, particularly (2)(e) which prohibited sequential messaging, as well as (f) which required a minimum height in every copy line were very good. He said he thought these regulations made sense because they would make the signs easily readable and not as distracting. Mr. Benson did note, however, on page 6, that there were, what could be best described as, extremely arbitrary provisions. Attorney Porter agreed with Mr. Benson and thought that the standards proposed were arbitrary and should not be used in any township ordinance.

Ms. High asked the Commission for comments on the Minnetonka, Minnesota Ordinance. Mr. Benson said the brightness standards provided for in the Ordinance were extremely poor. Attorney Porter said he had to agree and hoped the Commission would pick a more objective standard than the type of standards set forth in this Ordinance.

The Chairperson noted that she liked the conclusion on page 2 of the draft which stated that, "The city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety." She said she also liked the reference to the requirement set forth in subparagraph b) 6) which required the immediate discontinuance of a display if there was a malfunction with the board.

Ms. High asked if there was anything further regarding this Ordinance. Hearing none, she asked that they provide their input with regard to the Acworth, Georgia Ordinance.

The Chairperson said she liked paragraph 13) c) which required an annual certification of the lumens showing compliance by an independent contractor. Mr. Benson suggested that independent contractors might not be that objective, depending upon who their client was.

Ms. High asked if there was anything further, and hearing none, she said she thought Mr. Milliken would be using the information and feedback they received from the Planning Commission to work on a proposed text for the Commission's consideration in the near future.

VARIOUS ZONING ORDINANCE AMENDMENTS – DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS THAT REFER TO THE BUILDING DEPARTMENT, BUILDING OFFICIAL, OR SIMILAR REFERENCES IN ORDER TO TRANSITION TO KALAMAZOO AREA BUILDING AUTHORITY (KABA)

The Chairperson said the next item was discussion of potential Zoning Ordinance amendments which refer to the Building Department, Building Official and other similar references in order to transition the Kalamazoo Area Building Authority (KABA).

Attorney Porter noted the Chairperson’s recommendation to include the abbreviation “KABA” be used, and then presented the proposed text to the Planning Commission in which the term “Building Official” was redefined to reference the Building Officials authorized to act on behalf of the Kalamazoo Area Building Authority (KABA). He said that KABA would take control of all building inspections in the Township on October 1, 2012, and these Zoning Ordinance text amendments were necessary to allow that to happen. He said that the notice had been sent to the Gazette, and he had set the public hearing on this matter for the Planning Commission’s consideration on August 23, 2012.

Old Business

The Chairperson indicated that the next item on the Agenda was consideration of old business. There being no old business, the Chairperson asked that the Commission proceed with the next item on the Agenda.

Any Other Business

The Chairperson asked what the Planning Commission might be considering at its next meeting. Ms. High said she was not sure exactly what Mr. Milliken had planned for their schedule. She then remembered Flagstar Bank’s request for a drive-thru A.T.M. which was going to be under consideration as a special exception use at its August 23, 2012 meeting.

Planning Commissioner Comments

The Chairperson asked if there were any Planning Commissioner comments.

Mr. Boulding, Sr. asked about KABA and whether it would be centrally located. Attorney Porter said that, during the start-up, KABA would likely operate from the Oshtemo Township and Comstock Township offices, but would eventually secure its own centrally-located facility at some point in the future. Mr. Skalski said he was not

sure how much that would be needed, since most of the information would be done using the Web.

The Chairperson wished Mr. Bushouse a happy birthday. She also said she had enjoyed the ribbon-cutting ceremony at the Drake House. The Chairperson concluded by reminding everyone of Oshtemo Fun Day on August 18, 8 a.m. – 4 p.m. at Flesher Field.

Mr. Anderson cautioned the Commissioners as they consider electronic billboards because he thought it would be extremely difficult to oversee and enforce. Mr. Bushouse said, if they did get electronic billboards, he thought perhaps the ones near the bridges on U.S. 131 should have some kind of warning system for ice and snow.

Mr. Benson reminded all those in attendance that the Sunburst 5K Run would be taking place on August 11, 2012.

Adjournment

The Chairperson noted that the Planning Commission had exhausted its Agenda, and with there being no other business, she adjourned the meeting at approximately 8:05 p.m.

Minutes Prepared:
August 14, 2012

Minutes Approved:
August 23, 2012