

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD OCTOBER 26, 2017**

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**Agenda**

- a. **Presentation/Discussion of Future Land Use and Parks Planning**
- b. **Maple Hill South Sub-Area Plan Discussion**

**OLD BUSINESS**

- a. **Master Plan Update**
- b. **Village Theme Development Plan Update**

**ANY OTHER BUSINESS**

- a. **Planned Unit Development Ordinance – Proposed Amendments**
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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, October 26, 2017, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson  
Fred Antosz, Vice Chairperson  
Ollie Chambers  
Dusty Farmer, Secretary  
Kathleen Garland-Rike  
Mary Smith

MEMBER ABSENT: Bruce VanderWeele

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney and Martha Coash, Meeting Transcriptionist. No others were in attendance.

**Call to Order and Pledge of Allegiance**

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

**Agenda**

Chairperson Bell noted a revised agenda had been provided and asked if there were any additions, deletions or corrections. Hearing none, she asked for a motion to approve the agenda.

Mr. Chambers made a motion to approve the revised agenda as presented. Ms. Smith supported the motion. The motion passed unanimously.

## **Public Comment on Non-Agenda Items**

Noting there were no audience members, the Chairperson moved to the next agenda item.

## **PRESENTATION/DISCUSSION OF FUTURE LAND USE AND PARKS PLANNING AND MAPLE HILL SOUTH SUB-AREA PLAN DISCUSSION**

Chairperson Bell asked Ms. Johnston for her presentation on this topic.

Ms. Johnston apologized for her absence at the October 12 meeting and said she had reviewed the minutes and noted the interesting discussion the Planning Commission had regarding the master plan update. She noted that the Planning Commission were probably wondering why the October 12<sup>th</sup> minutes were not part of their agenda packet. Ms. Johnston indicated that she and the Township Attorney thought the minutes needed some context before approving them for public release. The minutes would be brought to the November 9 meeting for approval subsequent to this presentation and discussion to allow the opportunity to clarify some of the remarks made at that meeting.

Particularly concerning, she said, was discussion of the Parks plan and Future Land Use Plan regarding private property and the need to address it in an appropriate manner. The Michigan Planning Enabling Act, PA 33 of 2008 allows communities to classify future land uses and parks are an appropriate use. However, Parks should only be included if they are handled in an appropriate manner.

First, it is important to distinguish between zoning and future land use planning, which are different. The zoning ordinance outlines recreational uses like land zoned R-2, which are private recreational uses. The Future Land Use Map reflects how the Township wants the land to develop in the future. It is the Future Land Use Map that determines how someone might rezone their property, which ultimately determines the value of land.

If private property is designated for public park space, it could be considered a regulatory taking because it has decreased the allowable uses to only one type, a park, which would only be useful to the Township. This could be considered a regulatory taking by a governmental agency because it has reduced the economic value of the property. Discussion about the development of parks on private property should not occur as part of a master planning discussion to avoid even the appearance of a regulatory taking.

She addressed the Board's discussion regarding whether progress on the Master Plan should be delayed while the Township considers the development of a park on the east of US131. Ms. Johnston indicated that if the Planning Commission has larger

planning concerns, such as future land uses, density, transportation concerns, etc., the process could be put on hold while these discussions occur.

Ms. Johnston said it is good to talk about these things, but she is worried about perception. Those who have been following the draft plan believe we are close to completion. The plan can be stopped or changed, but allowing the October 12 minutes online without clarification from the Commission could cause problems over something not intended.

Chairperson Bell said hearing the Parks Department was hoping for green space in that general area of the Township at the October 12 meeting was a new revelation.

Ms. Johnston said that to her knowledge no discussions have occurred with the property owners regarding purchasing acreage for a park. If the property owner decides not to sell us property, a park cannot be forced. There is no guarantee of a park; however possible incentives could be extended to property owners.

Attorney Porter concurred that the Township cannot compel a private owner to provide a public area. What can be required is open space for residents within a development area. Community open space is different than a Township owned park.

Ms. Farmer said the presentation at the last meeting brought to mind the density of the area and the problem with crime and policing when we are already trying to deal with those problems.

Ms. Johnston explained how parks planning is managed, described the process and the factors considered to create policy. She said park plans can be part of the overall Master Plan but that most communities keep them separate.

She noted the 63-day public comment period on the plan ends just before the December meeting, but based on the conversation at the last meeting maybe the Commission is not yet ready to proceed to the next step.

In answer to a question from Ms. Farmer, Attorney Porter said that to stop or put the brakes on because of more than minor changes would require more public input. He indicated that we have a current Master Plan that says the Maple Hill South Sub-Area needs future planning. The language in the current Master Plan says we need something different – it cannot remain the same.

Ms. Johnston clarified that the existing Township Master Plan designated Maple Hill South as a Sub-Area, but a Sub-Area plan was never created and is not in the Future Land Use Plan in any way. She said she felt the current options are to:

1. Put a hold on the approval process for the Master Plan to allow the Planning Commission to continue to develop the sub-area plan, or
2. Decide a finer look in that area is not necessary, remove the sub-area plan and just include future land use designations for that area, or
3. Determine if we are comfortable with the current draft

Maple Hill South Sub-Area Plan, or if just minor tweaks are needed, and continue with the master plan process as planned. She said any of the three options would work, but the Planning Commission needs to decide which direction they would like to take as the draft Plan is already out for public comment.

She said the sub-area plan can provide for transportation, street connections, non-motorized, and land use classifications, but not for a public park on private property. Instead, the draft Plan outlines the possibility for incentives to a property owner for public park/spaces that the Township could own for public use. Community open space would likely be required from the developer for use by project residents. This type of open space is private.

Attorney Porter noted we can pursue the same goals and objectives to acquire public land – it can be concurrent.

Chairperson Bell asked what direction the Commission wished to go.

Mr. Antosz felt the sub-area plan is very good and lays out options, that the current discussion is better placed when ordinance is developed. It is up to the Commissioners to take into account options in the Ordinance for the sub-area plan.

Ms. Johnston said there was an economic downturn for years, development in the Township was at a standstill and residents were used to very little change. The economy is now in good shape and we are seeing development happen, which is a big change. But, all of the development currently happening in the Township was planned by previous Future Land Use Plans. But, it is understandable that now that the commercial development is actually happening, it is giving people pause and reconsidering where future commercial development should occur is absolutely fine.

Ms. Garland-Rike pointed out there is both commercial and residential development; Ms. Johnston said that was a great point and that we need all types of housing.

She said the rural character strategy west of 8<sup>th</sup> Street means that if we stick to that we have to look east, most of which is already developed. There are few pockets where new development can occur; she sees Maple Hill as an area where the Township might encourage something new and different, something that the Township doesn't already have. But, regardless of what the Planning Commission decides, we should not adopt a Master Plan that does not outline future land uses for this area in some way; either through the Future Land Use Map or through a Sub-Area Plan.

Mr. Chambers pointed out the amount of public input that has already gone into the development of the draft Sub-Area plan and that because of that input we should not scrap the Maple Hill plan and go in different directions. The plan can be modified but we need to slow down and discuss this more.

Chairperson Bell agreed. Looking at density was eye-opening and adding that to the parks plan and how those things connect to the Future Land Use Plan and the sub-area plan are worth understanding.

Ms. Farmer said she is alarmed about filling that space up and is more comfortable with incentivizing open areas. Her concern is crime, but we have to move forward without the assumption that there will not be a park there. She felt the sub-area plan should be looked at again with fresh eyes. She was concerned about policing in that area and an increase in higher density.

Ms. Johnston said she felt traffic and transportation would be the biggest problem in that area and informed the Planning Commission that the Township is considering a Corridor Improvement Authority with Tax Increment Financing for the West Main Area. A Corridor Improvement Authority would allow the incremental increases in tax dollars to be funneled to improvements along West Main.

Chairperson Bell said tools have been defined for open community development and green space. They need to have a full understanding of the options in the sub-area to determine what would be appropriate there.

After further discussion it was agreed by most that one more work session to discuss the sub-area plan would be beneficial and it was scheduled for 5:00 November 9 prior to the next regularly schedule Commission meeting, which will be within the current 63-day public comment period.

Ms. Johnston asked that each Commissioner read the sub-area plan and write down what is giving them pause in order to amend the text of the plan to make it clearer. She said minutes from the meeting of October 12 will be in the November 9<sup>th</sup> agenda packet for adoption at that time.

## **OLD BUSINESS**

### **a. Master Plan Update**

Ms. Johnston noted the 63-day comment period for the public will end December 9th and asked whether the Board had any comments or changes. There were several minor edits suggested and noted for change.

### **b. Village Theme Development Plan Update**

She reported a sub-committee meeting is planned for the first part of November to review a draft of the plan being developed by Wade Trim.

## **ANY OTHER BUSINESS**

### **a. Planned Unit Development Ordinance – Proposed Amendments**

Ms. Johnston said that in recent years, the Planning Commission has approved two special exception uses for commercial planned unit developments (PUD) within the Township; the Corner@Drake and Westgate PUDs. During the approval process for these developments, it became clear zoning ordinance language did not provide the type of public notice generally warranted for a project of this type, scale and intensity.

She noted Commissioner Smith specifically requested that staff review the PUD approval process and suggest changes that would require a public hearing at the time of concept plan approval. The current ordinance requires the approval of the special exception use, which includes the public hearing, at the time of site plan review. This public hearing seems late in the process, as the Planning Commission has already approved a concept plan for which the site plan must conform. Giving public notice at the time of site plan does not allow area property owners and residents the opportunity to weigh in on the concept plan, which governs the development after its approval by the Township.

She provided recommended amendments to change this process and require the special exception use public hearing and approval at the time of concept plan, and noted a few minor changes were also made to the process.

Attorney Porter said the changes improved due process and thanked Ms. Smith for her suggestion.

In response to a question, Ms. Johnston said an applicant would be required to show everything on the concept plan except for individual building envelopes.

The group was in consensus to move forward with the amendments as presented, with the next step being legal review to be followed by a public hearing in December.

## **PLANNING COMMISSIONER COMMENTS**

Chairperson Bell encouraged Commissioners to attend the Grange Hall open house on November 11.

The Chair thanked Ms. Johnston for her thoughtful review of future land use and parks planning to move forward appropriately.

Hearing no further comments, Chairperson Bell asked for a motion to adjourn.

## **ADJOURNMENT**

Ms. Smith made a motion to adjourn the meeting. Ms. Farmer supported the motion. The motion passed unanimously.

The Planning Commission meeting was adjourned at approximately 8:27 p.m.

Minutes prepared:  
October 27, 2017

Minutes approved:  
November 9, 2017