

**OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A VIRTUAL MEETING HELD MARCH 25, 2021

Agenda

NEW BUSINESS:

- a. Discussion – DRAFT Planning Department Annual Report 2020**
 - b. Discussion – Section 57.90 Zoning Ordinance Regarding Nonmotorized**
-

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, March 25, 2021, commencing at approximately 6:00 p.m.

ALL MEMBERS WERE PRESENT

AND WITHIN THE TOWNSHIP: Bruce VanderWeele, Chair
Micki Maxwell, Vice Chair
Kizzy Bradford
Deb Everett
Alistair Smith
Anna Versalle
Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, and Martha Coash, Recording Secretary.

One guest, Curt Aardema of AVB, was in attendance.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and invited those in attendance to join in reciting the Pledge of Allegiance.

Approval of Agenda

Hearing no changes, the Chair let the agenda stand as published.

Approval of the Minutes of the Meeting of March 11, 2021

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of March 11, 2021. Hearing none, he requested a motion.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of March 11, 2021 as presented. Mr. Vyas **seconded the motion**. The **motion was approved** unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Lubbart for her presentation.

NEW BUSINESS

a. Discussion – DRAFT Planning Department Annual Report 2020

Ms. Lubbart explained every year the Oshtemo Planning Department produces a report to satisfy the requirements of Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which states a Planning Commission must prepare an annual report documenting the administration of their municipality's Zoning Ordinance and outline possible future amendments to the Ordinance. She provided a report that fulfills the obligation for 2020 and provides updates on the activities and projects planned for 2021. The report will not only document past and ongoing activities but is also intended to help the Township Board develop its own work plans and budgets for the coming year. She noted although there was a drop in requests from residents, the overall work by the Board was comparable to previous years.

She asked the Planning Commission to review the report and provide feedback to staff. When finalized and approved a motion will be needed to forward it to the Township Board for consideration.

Ms. Maxwell felt the document was a good review and that she had forgotten some the Board's accomplishments in 2020 until she read the report.

As several members indicated they had read the report and were pleased with the Annual Report, Chairperson VanderWeele asked for a motion.

Mr. Smith **made a motion** to approve the 2020 Planning Department Annual Report as presented and to forward it to the Township Board for their review. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously by roll call vote.

Mr. Vyas said he was very pleased with the pictures that were included.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Lubbart for her report.

b. Discussion – Section 57.90 Zoning Ordinance Regarding Nonmotorized Transportation Facilities

Ms. Lubbart said as Oshtemo Township continues to grow so do community requests for sidewalk and path connections. Over the years the Township has adopted several policies and ordinances to establish a physical and cultural environment that supports and encourages safe, comfortable, and convenient ways for a diverse

population of pedestrians and bicyclists to travel throughout the Township and into the surrounding communities. The most recent of which was through the *Go!Green Oshtemo – 5 Year Parks and Recreation Master Plan*. Part of the plan included an action strategy to continue to require provisions for nonmotorized transportation facilities with site plan reviews. The Ordinance language that continues to implement this action strategy is Section 57.90, language provided below.

“For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required within public street rights-of-way and/or private street easements unless the reviewing body grants a deviation from this provision. Deviation may be considered if the street is a cul-de-sac, or if there are constraints as the result of severe topography or natural features.” (57.90 Sidewalks)

She said in essence, Section 57.90 does three things: 1) when a site plan is submitted to the Township, any and only the nonmotorized facilities shown on the adopted Nonmotorized Facilities Map, attached, need to be installed as part of the site plan review and approval process, 2) An internal sidewalk network is required within the site itself (including a connection from the proposed development to the adjacent nonmotorized path – if there is one), and 3) the reviewing body can grant a deviation if warranted.

What exactly that deviation can be was not specified in the code. As such, the Township’s reviewing bodies have over the years waived the requirement to install sidewalk with different approaches, most recently by requiring the applicant to sign a Special Assessment District (SAD) agreement. It has also become common practice that if the property in question cannot directly connect to an existing nonmotorized facility a deviation is granted to avoid “sidewalks to nowhere”.

She noted Supervisor Heiny-Cogswell brought this issue to the Township Board who discussed this section of the code and the Township’s current sidewalk policies at their March 9th regular meeting. At that meeting the Board agreed that sidewalks should be installed more aggressively in urbanized areas of the Township, the “sidewalks to nowhere” argument is no longer a valid reason for a deviation through SAD agreements in those urbanized areas, and this section of the code needs to be revisited and refined.

Ms. Lubbert asked the Planning Commission to review Section 57.90 of the Ordinance per request of the Township Board and provide feedback on how to proceed. She provided relevant supplemental documents, including the Non-Motorized Facilities Map, to help inform discussion.

She indicated the language focus could be expanded some to center more on requirements for urbanized areas, as well as guidance regarding what defines an urbanized area. Zoning for higher density areas could be used for that purpose, or the

map used by the County for federal grants funding for roads that defines urban areas could also be used. The third of the Township to the east is defined as urbanized on that map. If we have a defined plan for what is urbanized, the potential code change could be based on that document. She indicated she was looking for an initial Board discussion regarding this topic to see if there is a way to tweak the text to better meet the needs of the nonmotorized network in the Township.

Chairperson VanderWeele said he liked the idea of using the already established simple, straightforward classification system from KATS as a baseline for what is urbanized; no one could argue that point. Sidewalks are delayed currently through SAD agreements until 50% of the people in an area are in line to add them. He wondered if any sidewalks have been initiated that way.

Attorney Porter said initiation of a SAD agreement would be by the Township or neighbors. He was not aware of any being initiated except on West Main Street in front of the mall area, a special assessment initiated by the Township to which the property owners did not object. That could occur in other areas as well.

He added this use is only in play when requiring site plan approval, putting additional requirements on other properties than single family homes. Whichever way the Board goes, there will not be sidewalks down every public street in the Township in a residential zone.

Mr. Vyas confirmed that in a business area, property owners must clean and maintain the sidewalk. He asked if there has been push back from business owners.

Attorney Porter said when the sidewalk was put in on West Main Street, which is the largest project done in the Township to date, only one property owner objected.

Ms. Lubbert explained that usually property owners work together to hire a single contractor to do sidewalk maintenance.

Ms. Maxwell confirmed paths in the plan outside the designated urban areas would not change. She wondered how property owners there could be encouraged to add sidewalks.

Ms. Lubbert said more requirements would be added, not removed. If a path is shown on the plan a sidewalk would be required, but the Planning Commission could still offer SADs if it is decided that is appropriate. Any site plan proposal outside the urban area could request a deviation by the Planning Commission.

The question for the Board is to decide when it is appropriate to grant a deviation to a site plan outside the urban area. Language might say sidewalks in the KATS MPO urbanized area shall require path approval. The Planning Commission has the power to grant a deviation to that requirement for any site plan outside of the urbanized area.

Ms. Everett asked how the KATS map fits with our nonmotorized plan.

Ms. Lubbert said a good portion of the nonmotorized plan fits within the boundary.

Ms. Everett suggested if the KATS map is used it would be desirable to have our nonmotorized plan show the same information.

Ms. Maxwell commented “internal” sidewalks would be good to have even if they do not currently connect to anything.

Ms. Lubbert said more discretion for deviation can be provided on internal sidewalks on a case-by-case basis. The language exists to allow for that.

Chairperson VanderWeele said the direction he was hearing from Commissioners was to concentrate on the KATS MPO Urbanized area map to establish an urbanized boundary and to provide language to clarify how much deviation should be offered.

Ms. Everett asked what should be done with subdivisions.

Ms. Lubbert said that is a separate code section. It is currently required that sidewalks be installed but usually they are not put in until the house is built. A future amendment may be appropriate for that section that limits the number of years until installation. Ms. Lubbert said the subdivision ordinance is on the Planning Commission’s text amendment list to address this year.

In answer to a question from Mr. Smith, Attorney Porter acknowledged the longer a developer delays sidewalk installation, the more likely that financial problems might occur which could impact the ability to finish the sidewalks. He said that has been a reality in the past.

Ms. Lubbert will draft language for Section 57.90 based on Commissioner discussion and bring it to the next meeting for review and further discussion.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Mr. Curt Aardema, AVB, thanked Commissioners for their work to develop zoning ordinance language regarding the Maple Hill South Sub Area Plan, noted it is about 80% complete, and encouraged them to finalize the work. AVB has new and unique components to their plan for development and is anxious to get to the finish line.

OTHER UPDATES AND BUSINESS

Ms. Lubbert said two Commission members, Ms. VerSalle and Mr. Smith,

recently attended a virtual planning training, including history and zoning issues.

Both Ms. VerSalle and Mr. Smith said they felt the training was valuable and highly recommended it.

Ms. Lubbert said the code amendment draft would likely be the only item for the April 8 agenda and that there would likely be three or four items on the April 29 agenda.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:39 p.m.

Minutes prepared:
March 27, 2021

Minutes approved:
April 8, 2021