

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A VIRTUAL MEETING HELD AUGUST 12, 2021**

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**Agenda**

**OLD BUSINESS:**

**Referral – Section 57.90 Sidewalks**

**NEW BUSINESS:**

**Discussion – Section 54.60 Outdoor Lighting Standards**

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A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 12, 2021, commencing at approximately 6:02 p.m.

**MEMBERS PRESENT:**

	<u>LOCATION</u>
Bruce VanderWeele, Chair	Oshtemo
Micki Maxwell, Vice Chair	Oshtemo
Kizzy Bradford	Kalamazoo
Alistair Smith	Manistee
Chetan Vyas	Oshtemo

**MEMBERS ABSENT:**

Deb Everett, Anna VerSalle

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

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:02 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 July 29, 2021**

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of July 29, 2021. Hearing none, he asked for a motion.

Mr. Smith **made a motion** to approve the Minutes of July 29, 2021, as presented. Mr. Vyas **seconded the motion**. The **motion was approved** unanimously by roll call vote.

## **OLD BUSINESS**

### **Referral – Section 57.90 Sidewalks**

Ms. Lubbert indicated at the Planning Commission's June 24<sup>th</sup> meeting, a proposed amendment to Section 57.90 was motioned forward to the Township Board for consideration. The Township Board reviewed the proposed text amendment at their July 13<sup>th</sup> meeting and asked how it would affect 'change in use' site plans. Upon closer review it was found that portion of the proposed text did not clearly capture the intent of the amendment and was open to interpretation. At the July 27<sup>th</sup> Township Board meeting, the proposed text amendment to Section 57.90 was referred back to the Planning Commission to address the 'change in use' language.

The proposed amendment to Section 57.90 of the Ordinance addresses the Township Board's concerns regarding the installation of nonmotorized facilities in connection to site plan reviews, provides clear direction, and makes this section consistent with other existing sections of the ordinance. Following is the newly proposed language Ms. Lubbert asked the Commission to review the new language, provide feedback, and if deemed appropriate send the text amendment back to the Township Board for consideration and adoption.

#### **57.90 Sidewalks and Non-motorized Facilities.**

For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk or shared use path 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 to be constructed within public street rights-of-way and/or private street easements Sidewalk easements on private property may be entered into and utilized if determined appropriate by the Township Engineer.

However, unique circumstances may exist such that the installation of non-motorized facilities in compliance with this article may not be appropriate at the time of development. Accordingly, the property owner may, in lieu of constructing the required non-motorized facility, request to enter into an Escrow Agreement with the Township as outlined in the Non-Motorized Facilities/ Sidewalk Ordinance. The reviewing body is authorized to approve an Escrow Agreement in lieu of the required non-motorized facility in the following instances:

1. Where strict application would result in extraordinary difficulty, including, but not limited to, severe variations in topography, unsuitable soils, or difficulty in providing safe separation between pedestrian and vehicular traffic due to site location, layout, or existing building arrangements.
2. The Township has plans to install sidewalk along the property in question in the next five years or in coordination with an anticipated project.

The following Site Plan reviews are exempt from this Section:

1. Uses requiring site plan review that entail an alteration or expansion to an existing building involving less than 2,000 sq. ft.
2. Uses requiring site plan review that fall exclusively into the categories of 'Accessory Structures and Site Improvements' or Administrative Review in 'Change in Use' in the Table under Section 64.20 Applicability.

After reviewing the changes the group thanked Ms. Lubbert for all the thought she put into it, and felt the amendment was ready to approve and send back to the Township Board for consideration.

Mr. Smith **made a motion** to approve the text amendments to Section 57.90 Sidewalks as presented, and to refer the amended language to the Township Board for consideration and adoption. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously by roll call vote.

## **NEW BUSINESS**

### **Discussion – Section 54.60 Outdoor Lighting Standards**

Ms. Lubbert noted that an oversight was identified within Section 54.60 of the Lighting Ordinance. Section 54.60 regulates outdoor lighting standards which includes specific parameters for both wall mounted and pole mounted lights. The section that regulates wall mounted lights only allows wall lights to 1. illuminate a walkway or entrance into the building or 2. decoratively illuminate the façade.

Recently the Zoning Board of Appeals reviewed a site plan for a commercial use requesting the use of pole lighting standards for wall lights on the back of their building to illuminate loading docks and access aisles. The argument was primarily that level of lighting was needed on the rear of the building and a pole light at this location would create an unnecessary and dangerous obstacle for trucks to have to maneuver around. After discussion, the Zoning Board of Appeals unanimously voted to allow the applicant the requested deviation and to send a request to the Planning Commission to consider an amendment to the ordinance to better address lighting for these types of situations.

Staff drafted a proposed amendment to section 54.60 to allow wall lights to be treated like pole lights in certain circumstances. Ms. Lubbert asked the Planning Commission to review and provide feedback on the proposed amendment.

The proposed change was to add a section C. 3 as follows:

1. Luminaires used for illuminating vehicular circulation, parking, loading and unloading operations for any commercial, industrial, or other use:
  - a. Shall be regulated using the same standards as B. Pole Mounted Lighting of this Section.

- b. Shall not apply to luminaries used for illuminating pedestrian walkways and doorways.

The group felt good light without the obstacle of a pole was appropriate for loading and unloading operations, saw the reason in providing it for security and in cases where the area is too small for trucks to safely navigate, and also noted wall lighting is much less expensive than erecting a pole. However, they felt vehicular circulation and parking were not intended to be part of this language and that illumination of pedestrian walkways and doorways were already addressed under C. 1.

After discussion it was agreed to revise the proposed C. 3. language to eliminate vehicular circulation, parking and to strike b. regarding illumination of pedestrian walkways and doorways as shown:

1. Luminaires used for illuminating ~~vehicular circulation, parking,~~ loading and unloading operations for any commercial, industrial, or other use:
  - a. Shall be regulated using the same standards as B. Pole Mounted Lighting of this Section.
  - b. ~~Shall not apply to luminaries used for illuminating pedestrian walkways and doorways.~~

Hearing no further discussion, Chairperson VanderWeele asked for a motion.

Ms. Maxwell **made a motion** to approve the text amendments to Section 57.90 Sidewalks as presented by staff with the deletions agreed upon per Board discussion, and to move it to public hearing at a date set by Staff. Mr. Vyas **seconded the motion**. The **motion was approved** unanimously by roll call vote.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

As there were no public comments, Chairperson VanderWeele moved to the next agenda item.

## **OTHER UPDATES AND BUSINESS**

Ms. Lubbert reported that the DDA is eager to see the amendments to the Village Theme Development Plan implemented through the Zoning Ordinance. They understand that this project is not at the top of the Planning Commission's project priority list and with staffing constraints it may not be completed for a while. To help expedite the process, they are looking into using their funding to pay a consultant to draft the amendment to the ordinance language that would implement the revised Village Theme Development Plan. The request from Harding's to allow restaurants to

have drive-throughs in the Village Core District will be included. They will invite Planning Commissioners to meetings held and once draft amendments are compiled submit them to the Commission for consideration. She will keep the Commission informed on progress.

Ms. Lubbart explained the Township's Master Plan needs to be updated by state mandate every five years, and the next one is due in 2022. She noted that the Amendment will focus on housing: what we have now, and what we need, and how we get there. This has been one of the biggest areas of concern by residents and the Township Board.

Ms. Maxwell expressed concern that Ms. Lubbart would not have time to work on the Commission's other defined priorities.

Ms. Lubbart indicated she is working to get approval from the Township Board to hire a consultant to work with a steering committee, comprised of Planning Commission members, on this Master Plan update. If proceeding with a consultant is approved, she felt she would have time to work on the other priority projects. She added that the work on the Master Plan centering on housing would trickle down to provide guidance for work on various code amendment projects.

Ms. Bradford noted housing is a big issue throughout Kalamazoo County. When she was running for the Township Board, she was approached by citizens most often about housing and is glad to see movement in this direction to respond to and meet the needs of the public.

## **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:40 p.m.

Minutes prepared:  
August 13, 2021

Minutes approved:  
August 26, 2021