

OSHTEMO CHARTER TOWNSHIP

PLANNING COMMISSION

MINUTES OF A MEETING HELD FEBRUARY 14, 2013

Agenda

DISCUSSION OF VARIOUS ZONING ISSUES: NUMBER OF DOGS PERMITTED ON UNPLATTED PARCELS; PODS STORAGE UNITS; FENCES IN MULTI-FAMILY DISTRICTS; TEMPORARY SIGNAGE.

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, February 14, 2013, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Chairperson
Frederick J. Antosz
Wiley Boulding, Sr.
Dusty Farmer
Millard Loy
Terry Schley

MEMBERS ABSENT: Richard Skalski

Also present were Greg Milliken, Planning Director, Attorney James Porter, and Meeting Transcriptionist, Martha Coash.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Gelling 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 called for a motion to accept the Agenda. Mr. Boulding, Sr. made a motion to accept the Agenda as presented. Mr. Loy seconded the motion. The motion passed unanimously.

Introduction of Meeting Transcriptionist

Chairperson Gelling introduced, and the Commissioners welcomed Mrs. Martha Coash, the newly hired Minutes Transcriptionist for the Planning Commission and ZBA.

Public Comment on Non-Agenda Items

Chairperson Gelling called for public comment on non-agenda items. Hearing none, she proceeded to the next item on the agenda.

APPROVAL OF THE MINUTES OF JANUARY 24, 2013

The Chairperson asked if there were any additions, deletions or corrections to the minutes of January 24, 2013. No changes were noted. Mr. Antosz made a motion to approve the minutes as presented. Mr. Schley seconded the motion. The motion passed unanimously.

DISCUSSION OF VARIOUS ZONING ISSUES

The Chairperson opened this agenda item by informing the Planning Commissioners that various zoning issues were being presented for discussion and feedback only, in an effort to better guide the Planning Department as to if/how to proceed. She directed Mr. Milliken to continue with the presentation.

Mr. Milliken indicated discussion at the last Planning Commission meeting raised issues regarding two Zoning Ordinance requirements: the number of dogs permitted on unplatted parcels and temporary storage units (PODS). It seemed reasonable to continue the discussion at this meeting given a light agenda, as well as initiate discussion of two additional items identified by staff as compliance challenges: fences in Multi-Family Districts, and temporary signage.

Mr. Milliken introduced the topic of number of dogs permitted on unplatted parcels by reviewing Section 78.300 that allows for up to nine dogs to be kept on unplatted land within the township (with a 300 foot proximity restriction) and three dogs on platted property. Discussion at the last meeting indicated the Commission was comfortable with the three dog limit for platted land, but less comfortable with the language regarding unplatted lots. He reviewed standards from other townships, information provided by the Animal Law Center at Michigan State University, and provided a related detailed article for Commissioners' review, but he was unable to find comparable language where a requirement on the number of dogs permitted was based on whether the land was platted or not. He offered the following five options for consideration:

1. Make no change to the Ordinance.
2. Eliminate the distinction between platted and unplatted lots and set a township wide limit of three dogs, which is consistent with the majority of other communities in the region. This may be viewed as unfair to large unplatted parcel owners.
3. Set a limit based on lot size.
4. Eliminate quantitative limits and instead rely on "nuisance" language regarding the impact of dogs on surrounding property and persons.
5. Remove limits on unplatted lots.

Mr. Milliken reported analysis by the GIS Specialist showed there are about 4100 platted lots and about 2100 unplatted lots in the township. Over 88% of the platted parcels are less than one acre in size; over 80% of the unplatted parcels are at least one acre and 57% are at least five acres.

Chairperson Gelling added that in desiring to acquire as much information as possible regarding this topic, she personally met and talked with the Township's Ordinance Enforcement Officer Mr. Rick Suwarsky, who reported that there had been no complaints received regarding the number of dogs on unplatted lots since having being hired by the Township in July of 2012, and that in general, 99% of complaints received regarding dogs are about noise. She read a quote from him indicating that he feels the current ordinance is adequate. Ms. Gelling added she feels the current ordinance provides an appropriate framework for enforcement and is uncomfortable restricting homeowners anymore than necessary. She said it is difficult telling homeowners what they cannot do on their property, that there have been very few complaints period, and she feels the Township has a safety net with the current Ordinance allowing the Township to impose a three dog restriction in "any area" of the Township if the dogs constitute an odor, noise, or unleashed nuisance.

Mr. Schley indicated that the lot size analysis was helpful but wondered if the language could be amended to set a three dog limit on unplatted properties less than an acre in size.

There was general discussion with contribution from all Commissioners on the several options presented, the implications of township regulations regarding kennels, the lack of data regarding the health and well-being of animals related to various regulations, and the ability to effectively enforce the Ordinance with quantitative regulations vs. nuisance language.

Disposition: Commissioners concluded no action regarding this issue is warranted at this time.

Regarding PODS storage units, Planning Director Milliken indicated there was limited local information available on this subject, with the exception of a document regarding Portable Storage Units that had been drafted by former Township employee Brian VanDenBrand several years ago. However, there are several examples of Ordinance language from communities around the country that regulate this use, and the Planning Department was asking whether the Commission thought staff should continue to research this issue and develop draft language to address portable storage units or address them in other ways.

Commissioners cited examples past and present of PODs and other temporary storage units in the Township. It was acknowledged they are an increasingly popular option and could become a problem in the future if they are used for more than a very temporary storage solution. It was agreed it would be prudent to establish usage rules before that occurs.

Disposition: The Chairperson, with the consensus of the Planning Commissioners asked Mr. Milliken to develop language to address temporary storage unit use in the Township for the Commission to consider. Chairperson Gelling stressed it was necessary to have such language in place so as to be proactive, progressive and prepared.

The Planning Director explained the issue being raised regarding fences in the Multi-Family District is the allowable height. To date there have been several inquiries, but no formal requests for a variance in fence height as addressed in section 78.230 in the fence standards; however an application to the Zoning Board of Appeals to allow a taller fence, likely 7-8 feet, is anticipated.

Mr. Milliken suggested it might be a good idea to address this issue proactively and described several ways an amendment to section 78.230 could be made if desired.

In response to a question from Chairperson Gelling as to why taller fences might be requested by multi-family dwellings, Mr. Milliken explained the impetus is the need for increased security measures. It is likely that in addition to taller fences, gates and an identity pass system may be desired by property owners. Commissioner Dusty Farmer suggested perhaps it would be advantageous sharing information the Township Board had been provided, describing in detail the criminal activities that had been taking place in the Township/Multi-Family District. The Chair stated she would appreciate the Planning Commission being privy to such documentation for enlightenment and informative purposes.

Attorney Porter noted that until two years ago there were no fence height limitations. He suggested it may be a good idea to address this issue now to avoid substantial future variance requests. He added that particularly the larger multi-family developments have experienced an increase in criminal activity, much of it from non-residents. Therefore, the fences serve as a crime deterrent in these high-density areas.

Disposition: Commissioners agreed that the Planning Director should return with an appropriate recommendation for an amendment to section 78.230 to change fence height requirements in the Multi-Family District.

Mr. Milliken stated there is no greater enforcement issue in the Township than temporary signage. Oshtemo Township's commercial corridors are relatively free from the clutter that occupies many similar areas within the community, but he would like feedback from the Commissioners on section 76.175 regarding temporary sign code enforcement. Paragraph C indicates that one 32 square foot special event sign is permitted for up to 14 days per six month period "per lot, building site, or parcel."

This means that for a tenant in a shopping center with multiple businesses, each of whom likely desires a temporary sign, when one business displays a banner or sign, the potential for any other tenant to display a similar sign is removed until the next six month period.

Mr. Milliken suggested if a change is desired, the likely amendment would allow each tenant to have a temporary sign for 14 days per six months. It would be advisable to also add that a multiple unit building site would be permitted only one temporary sign at any one time. Many commissioners indicated that a requirement of this sort would be important.

Mr. Schley acknowledged it is not realistic for multiple businesses to be required to share such limited time with other businesses and all Commissioners agreed they want to assist businesses and that Mr. Milliken's suggestion for amendment of section 76.175 is reasonable. At the same time, however, it was not desired that the corridors become overcrowded with banners and similar signage.

Disposition: Mr. Milliken will develop language to address this change for the Commission's consideration.

OLD BUSINESS

With there being no old business to discuss, the Chairperson directed the Commissioners proceed to the next agenda item.

ANY OTHER BUSINESS

Mr. Boulding, Sr. noted there are gold exchange businesses in the Township and inquired about their regulation, and if the Township should adopt new ordinance language as other communities have done to address these uses.

Attorney Porter said these types of businesses are regulated under Michigan State Law and are required to be licensed by the Township. In addition they are looked at by local law enforcement.

Chairperson Gelling reminded Commissioners of the Joint Township Boards meeting on February 19, 6:00 p.m., and discussed travel/meeting arrangements for those Commissioners attending the upcoming Michigan Association of Planning training session in Delta Township.

Mr. Milliken asked members to come to the joint meeting prepared to brainstorm on goals for the Township Board over the next four years. A retreat with the Township Board will be held in the coming months to consider the goals. Mr. Antosz suggested community input might be useful.

The Chairperson said she'd like the Commission to hear about the Drake Road Sidewalk Study at an upcoming meeting. Mr. Milliken reported he would be attending the MDOT meeting on March 5 for an update on the Stadium Drive/131 interchange project and the rehab project to improve Drake Road/Stadium Drive intersection. He expects to report at the March 14 meeting on those projects and how the Drake Road/Stadium Drive project will tie into the sidewalk improvements on Drake Road. There is also an upcoming Road Commission project to improve Drake Road between West Main Street and the stoplight at Croyden. Finally, the M-43 overpass project is scheduled to begin in June and end in November of this year. Chairperson Gelling asked Mr. Milliken to please send notification of the March 5 MDOT meeting to Planning Commissioners and encouraged everyone's attendance.

Attorney Porter noted Mr. Milliken's participation in planning for these projects and the huge positive impact he has made. Commissioners expressed their appreciation to Mr. Milliken.

PLANNING COMMISSIONER COMMENTS

Mr. Loy noted he will be absent from the March 28 meeting.

Mr. Schley reminded the Commissioners he will be absent from the February 28 meeting.

He also said that in light of the discussion on temporary signage, he wanted to remind the group about two general signage rules. Historically signs that are placed in business/store windows are allowed to cover only 25% of the window by Village Overlay Standards. The basis for that was to allow window interaction for pedestrian traffic. The Village Overlay Standards also limit the use of neon to signage only.

ADJOURNMENT

Having exhausted the Planning Commission agenda, and with there being no other business to discuss, Chairperson Gelling adjourned the meeting at approximately 8:36 p.m.

Minutes prepared:
February 18, 2013

Minutes approved:
February 28, 2013