

**AMENDED MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD ON TUESDAY, JUNE 13, 2017**

A meeting of the Planning Commission of Cooper Charter Township was held on Tuesday, June 13, 2017, at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

Members Present: Asselmeier, Boekhoven, Corke, Crosby, Frederick, Reynolds.

Members Absent: Bricker.

Also Present: Michael Homier of Foster, Swift, Collins & Smith, attorneys for Cooper Charter Township; Russ Wicklund, Township Planning Consultant; Ralph Wyngarden and Attorney John Crane on behalf of Verizon Wireless.

Chairman Asselmeier called the meeting to order at 7:00 p.m.

Agenda Item

Chairman Asselmeier asked if the Agenda met with the Commissioners' approval. Motion made by Comm. Frederick to approve the agenda as printed. Supported by Comm. Corke. Motion carried 6-0-1, with one member absent.

Review and Approval of Minutes

A motion to approve the Minutes of the February 14, 2017, Planning Commission meeting was made by Comm. Reynolds. Supported by Comm. Corke. Motion carried 6-0-1, with one member absent.

Citizen Comment

Jim DeKryder, 817 Fairview, Ross Township stated that he owns 300 acres on North Westnedge and D Avenue, where the "For Sale" signs are up. It was an old aggregate site. There has been a paved road back to that site for at least 70 years. He is having trouble selling property off that site because the road is a non-conforming road according to County Road Commission standards. He asked if there was any flexibility for a variance to make some minor improvements even if it doesn't meet with County Road Commission standards. The Road Commission would require drainage, catch basins, and a system for water flow; however, the unique characteristic of this site is that it is pure sand all the way down to the water table. There is no clay. There is no water or sewer there. Although it is zoned I-2, without a road that conforms with Road Commission standards, it is impractical for sale.

Chairman Asselmeier stated that he believes the Road Commission controls the roads and the Planning Commission could not make any kind of recommendation to the trustees with respect to altering or improving a road.

Planner, Russ Wicklund, stated that there are private road standards that are provided for doing a site condominium project. Therefore, an application would have to come in to do a site condominium project of which this road would be a part of that project. At that point, the Zoning Board of Appeals would look at whether the applicant is proposing to vary from the standards of the zoning ordinance. He doesn't believe this is something the Planning

Commission could grant. Mr. Wicklund indicated that he didn't think Mr. DeKryder should make application to the ZBA without a site plan. Attorney Homier noted that Mr. DeKryder is basically asking for a variance of the law. The law is the Road Commission standards. In order to ask the ZBA to grant a variance, Mr. DeKryder would have to show some practical difficulty for non-compliance with the existing standards. Mr. DeKryder stated that most of the practical difficulty is economic. Although he doesn't mind developing an industrial park, there is no water and sewer and the economics of putting them in and improving the road outweighs what potential buyers could afford. Mr. Wicklund stated that the assessor won't approve a land division on anything but a public road. The only mechanism the township has, even if he varies from the private road standard which references back to the County Road Commission standards, would be a variance from those standards to then be a part of a site condominium project. That is the only way per the Township's ordinance that could result in what Mr. DeKryder is looking to do. Mr. DeKryder thanked the Commission for their time and consideration of his request.

Special Exception Use Permit for Verizon Wireless, 2958 Travis Road, Parcel No. 02-35-201-015.

This application was tabled previously at the request of Verizon Wireless. Mr. Wicklund stated the matter was tabled until the applicant could come back to the Planning Commission with proof that they had rights to access the site. Ralph Wyngarden and Attorney John Crane appeared on behalf of Verizon. Mr. Wyngarden stated that the special exception use permit is for the outdoor storage of eleven disassembled temporary cell towers. Mature woods around the property shields the neighbors and road traffic from seeing the units. The disassembled towers are brought out in the summer and moved to locations that have additional demand. There is minimal traffic/road usage to the site (eleven trips out in the spring and eleven trips back in the fall). When asked what type of vehicles are used in transporting the towers, Mr. Wyngarden stated either a straight truck or box truck.

Comm. Corke expressed concern about the cost of clean-up of this site if it were abandoned. Comm. Reynolds agreed that he would like some condition imposed regarding clean-up of the site if abandoned. He also wanted to know if some restrictions could be imposed as to the size of the vehicles and number of trips to the site. Mr. Crane stated that they do not anticipate using semi-trucks, double-bottom gravel haulers or anything like that. They may use trailers behind straight-type trucks. There would be a limited number of trips in and out of the site. They consider this to be long-time storage; however, if the materials need to be removed due to an emergency, they will do so. There was a brief discussion with respect to the condition and/or maintenance of the road; however, it was pointed out that the road is neither a public or private road, but rather an easement and any problems arising therefrom would be a private matter between the neighbors and Verizon or its successor. Mr. Crane stated that Verizon has dedicated itself to being a good neighbor and will work with the homeowners in the area to ensure Verizon is a participant in the maintenance of the road. Comm. Reynolds indicated that he is withdrawing his conditions with respect to restriction of the size of vehicles and number of trips to the site.

A motion was made by Comm. Corke, seconded by Comm. Boekhoven, to approve the special use application for outdoor storage on the condition that if the outdoor storage use is discontinued or abandoned, all equipment and materials related to outdoor storage shall be removed within a reasonable time but in no event later than 90 days after the discontinuance or

abandonment and further provided that the existing natural treeline shall be maintained or replaced as needed for screening. Motion carried 6-0-1, with one member absent.

Solar Ordinance

Attorney Homier presented a working draft of a proposed solar ordinance, which includes a private on-site use and a commercial for sale to the grid-type of use. While solar farms eat up a lot of agricultural land, with solar energy, there is no noise, no shadow flicker and no ice throw as in wind energy. There may be some glare, but that is rare. There are regulations regarding screening and maximum height. The draft ordinance contemplates that commercial solar projects would be a use permitted by special use permit in the Agricultural and Industrial districts. Typically, solar companies are looking at 30+ acre parcels. The Township has had some inquiries already; however, the use is not currently provided in the ordinance.

Chairman Asselmeier asked the commissioners to review the solar ordinance and then bring any questions or concerns to the July Planning Commission meeting, at which time a public hearing will be scheduled.

Master Plan Discussion

Mr. Wicklund has been working on different elements of the Master Plan. There are characteristics in the Township that make this Master Plan more difficult because there is little differentiation between agricultural and residential. He went through and prepared a parcel inventory of 40+ acres and then determined if that was a dominant characteristic in a section and the presence of any residential plats. He found that the northeast sections of the Township could go to a more consistent agricultural designation based upon very few plats and a greater number of 40 acre parcels. At the present time, there is no differentiation in zoning between what is considered an agricultural parcel and an R-1 residential parcel. They have the same requirements. There is also no differentiation if a plat or site condominium project is developed. A site condominium project can go into any location and have its own site development standards based upon whether it is served by public utilities or not. Originally, Cooper Township used zoning as the Master Plan. At the next meeting, he will present development trends which address utility extensions, primary roads, secondary roads, and other characteristics of future development in the Township. Comm. Reynolds asked if it is still possible to have the Master Plan revised by the end of the year, to which Mr. Wicklund said "yes".

New Business.

No new business.

Old Business.

No old business.

Adjournment

A motion to adjourn the meeting was made by Comm. Boekhoven, supported by Comm. Corke. Motion carried 6-0-1, with one member absent.