

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION MEETING HELD ON TUESDAY, JUNE 11, 2019

A meeting of the Planning Commission of Cooper Charter Township was held on Tuesday, June 11, 2019, at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

Members Present: Asselmeier, Bricker, Corke, Frederick, and Fooy.

Members Absent: Crosby, Boekhoven.

Also Present: Laura Genovich of Foster, Swift, Collins & Smith, attorneys for Cooper Charter Township; Russ Wicklund, Township Planning Consultant; Applicants; Members of the Public.

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

I. Approval of Agenda

Frederick moved to approve the agenda as printed. Supported by Corke. Motion carried unanimously, 5-0-2.

II. Approval of Minutes

Bricker moved to approve the minutes of the May 14, 2019 meeting, as printed. Supported by Fooy. Motion carried unanimously, 5-0-2.

III. Public Comment

Two residents, Rhonda Knapp and Lee Ann Smith, briefly inquired about the subjects of the public hearings and decided to reserve their comments for the public hearings.

IV. Public Hearing: Amendments to Township Master Plan

Frederick moved to open the public hearing. Supported by Bricker. Motion carried unanimously, 5-0-2.

A public hearing was held regarding the application for an amendment to the Cooper Charter Township Master Plan submitted by Lonnie and Peggy Sparks. The proposed amendment would change the future land use designation in the Master Plan for the Sparkses' property (Parcel No. 39-02-17-426-040) from agricultural to low-density residential.

Planner Wicklund explained the relationship between a Master Plan amendment and a rezoning of the property. The Master Plan is the Township's guide for future development, so the Township looks for consistency with the Master Plan when there is a rezoning request. The

Sparkses' property consists of 80 acres with frontage along D Avenue. The entire 80 acres is subject to the Master Plan amendment request.

The Applicants addressed the Planning Commission. Peggy Sparks spoke as trustee of the Robert & Nina Barker Revocable Living Trust. She noted that the property has no agricultural value because only about five acres are farmable, and the land is made up of steep elevation changes with no top dirt due to prior mining. The Applicants therefore request that the Master Plan be amended to designate the property for future low-density residential use.

Richard Rakow of 8344 N. 17th Street spoke at the public hearing and submitted a written comment in support of the request. He stated that this amendment would provide an additional buffer between residential and industrial properties.

Lee Ann Smith of North 16th Street asked what inspired the original Master Plan. Planner Wicklund explained the Master Plan process and the connection between the Master Plan and the rezoning request.

Frederick moved to close the public hearing. Supported by Corke. Motion carried unanimously, 5-0-2.

V. Deliberations on Master Plan Amendment

Corke moved to recommend that the Township Board approve the Master Plan amendment. Supported by Frederick. The motion carried unanimously on a roll-call vote, 5-0-2.

VI. Public Hearing: Rezoning Request

Frederick moved to open the public hearing. Supported by Corke. Motion carried unanimously, 5-0-2.

A public hearing was held concerning the request by Lonnie and Peggy Sparks to rezone Parcel No. 39-02-17-426-040 from "I-2" to "R-1." (The portion of the property that fronts D Avenue is already zoned R-1 and is not included in the request.)

The Applicants addressed the Planning Commission and explained that the property has no industrial value and no access to public utilities. Everything south and west of the property is zoned residential.

Frederick moved to close the public hearing. Supported by Bricker. Motion carried unanimously, 5-0-2.

VII. Deliberations on Rezoning Request

Planner Wicklund explained the standards for rezoning, including a consideration of consistency with neighboring uses.

Corke moved to recommend that the Township Board approve the rezoning request. Supported by Bricker. The motion carried unanimously on a roll-call vote, 5-0-2.

VIII. Public Hearing: Special Exception Use Permit

Frederick moved to open the public hearing. Supported by Corke. Motion carried unanimously, 5-0-2.

A public hearing was held concerning a request by Cormac Butterly for a special exception use permit under “used vehicles sales” for Parcel No. 39-02-17-426-040 (8431 Douglas Avenue).

The Applicant addressed the Planning Commission and explained his proposed business, which would market and sell specialty Japanese sports cars.

Many members of the public addressed the Planning Commission:

- Brian Guidebeck, 8456 Douglas, expressed concerns about the noise and how cars would be transported onto the property.
- Rhonda Knapp, 8491 Douglas, shared concerns about the noise and semi-trucks and asked what protections would be put in place.
- Jim Phillips, 1490 Royal Road, also shared those concerns and asked whether engine work and body work would be performed on site.

The Applicant clarified that he would not be running a body shop or mechanic’s yard, but rather a retail and storage facility. He proposed business hours of 9:00-6:00 Monday through Friday, and 10:00-2:00 on Saturdays. He believes this business will be less noisy than the current asphalt business and that deliveries (eight cars at a time) will be during business hours. He anticipates one to two retail sales per week. He indicated that the capacity would be 40 cars, and the only noise would be from cleaning, not engine work. The Applicant stated that he has operated this type of business in Ireland.

- Rhonda Knapp believes that the excavating company that previously operated on the property released chemicals which killed her garden. She is concerned about additional environmental contamination.
- Richard Rakow submitted a written opposition and also stated his opposition.

Bricker moved to close the public hearing. Supported by Corke. Motion carried unanimously, 5-0-2.

Planner Wicklund discussed the standards for granting a special exception use permit and also advised that a site plan has already been approved for this property, so no additional site plan approval is required unless the Applicant proposed to change the site configuration.

The Planning Commission discussed the existing fencing at the property, concerns about the washing bay, and how the building would be used. The Planning Commission considered the “Google street view” of the property to observe the existing fencing and property configuration. The Planning Commission acknowledged the public's concerns about noise and screening.

Chairman Asselmeier allowed additional public comment:

- Rhonda Knapp stated that there is not enough room for a car transporter to deliver cars on the property. She also reiterated her concerns about environmental contamination and stated that she was concerned about the security and safety of her home.
- Louise Castaneda, 8456 Douglas Avenue, expressed concern about home values, traffic, and property taxes.
- Brian Guidebeck observed that the Applicant’s reference to 40 cars is more than the number he included in the application.
- Lee Ann Smith asked about curb appeal.
- Jim Phillips stated that the proposed business does not “pass the smell test.” He questioned whether these would be high end cars if they are only going to be sold for \$10,000, as suggested by the Applicant.
 - The Applicant responded that the cars would be “high performance” vehicles, but not necessarily high priced.

The Planning Commission discussed possibly tabling the request to give it more thought and consider the public’s concerns.

Corke moved to table the request to the July 9, 2019 meeting. Supported by Bricker. Motion passed unanimously on a roll-call vote, 5-0-2.

IX. Commissioner Comments

The Commissioners discussed possibly visiting the Butterly property, although no quorum of the Planning Commission can visit at the same time.

A motion to adjourn the meeting with made by Bricker, supported by Corke. Motion carried unanimously, 5-0-2.