

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD ON TUESDAY OCTOBER 8, 2019

A meeting of the Planning Commission of Cooper Charter Township was held on Tuesday, October 8, 2019, at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

Members Present: Asselmeier, Boekhoven, Corke, Fooy, Frederick and Wiersma

Members Absent: None (one seat on the commission is currently vacant).

Also Present: Michael Homier of Foster, Swift, Collins and Smith, attorneys for Cooper Charter Township; Russ Wicklund, Township Planning Consultant; Applicant, Steve Taplin, with Engineer Michael Presta, and approximately 14 other interested people.

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

Approval of Agenda

A motion was made by Comm. Federick, supported by Comm. Corke, to approve the agenda. Chairman Asselmeier requested a change to move Old Business ahead of Commissioner Comments and the Motion was amended and carried 6-0.

Review and Approval of Minutes

Members of the Planning Commission reviewed the Minutes of the August 13, 2019 meeting. A motion was made by Comm. Boekhoven, supported by Comm. Federick, to approve the Minutes. Motion carried, 6-0.

Public Comment

Chairman Asselmeier opened the floor for citizen comments on non-agenda items. Upon a request from the audience that their concerns be heard, the Chairman indicated the Commission would hear input from the public at that point in the agenda.

Public Hearing: Step 1 Site Condominium Plan Review of Steve Taplin, 10050 Taplin Lane, Kalamazoo, Michigan

A Motion was made by Comm. Corke, supported by Fooy, to open the public hearing on the Steve Taplin's Site plan review. Motion carried 6-0.

Mr. Taplin indicated he was requesting approval for a new site condominium project off 22nd Street, with this request quite similar to the project he undertook in about 2001 along B Avenue.

Board Consideration

Russ Wicklund, Township Planning Consultant, gave a brief overview of the Step 1 approval process, explaining that Step 1 approval focuses on the layout and design of the road and units for the site plan. He added that the applicant has provided some construction related information that would be presented as part of the Step 2 review. The final step would be the review and approval of the Master Deed, which would be recorded and presented to future homeowners as to the responsibility of the association to maintain the private road. He added that Wightman had served as the Township Engineer in reviewing this request.

Public Comments

Ellen Daniels, 10290 N. 22nd Street, stated she lived across the road from the site and had a few concerns. She wanted to know about the entrance and whether there would be a stop sign and lighting at the new intersection. Mr. Taplin stated that there would be a stop sign but not sure about a light. Mrs. Daniels also expressed concerned about cutting all of the trees. Mr. Taplin responded that, other than the road, it would be left to the future homeowner to decide which trees to cut or retain.

John Miller, 3261 East B Avenue, asked about any future expansion of the site, with Mr. Taplin indicating that the road would be quite short and would not be extended in any direction.

There being no additional comment from the audience. Comm. Federick made the motion, supported by Comm. Boekhoven, to close the public hearing. Motion carried 6-0.

Board Consideration

The Chairman then asked for discussion among the board in consideration of the site plan.

Comm. Frederick asked questions related to the road (such as depth of asphalt layer). Mike Presta, Engineer on behalf of the applicant stated that the plans present construction detail on the road, including some changes as requested by the Wightman review.

Comm. Wiersma asked about the site delineation for the wetlands. Mr. Presta indicated this was done by Kyser and Assoc. and that the road would terminate before reaching the wetland area. Mr. Presta added that the future homeowners of Units #4 and #5 would be responsible for getting any permits needed for driveways and building activity.

Deliberations on Site Plan Approval

Having considered the site plan, taken comments from citizens, and there being no further questions from Commissioners, a motion was made by Comm. Frederick, supported by Comm. Corke, to recommend Step 1 approval of Mr. Taplin's Site Plan to the Township Board indicating that this type of development is supported in the community survey and will have larger residential lots. Motion carried 6-0.

Discussion of Shooting Ranges as an Accessory Use

Township Planning Consultant Wicklund presented his interpretation related to whether a shooting range could be considered an accessory use to a permitted firearms manufacturing business.

At the August 13, 2019 meeting of the Planning Commission, approval was given for a site plan in support of a new industrial building (“I-2” Industrial zoning district) to house a firearms business. Minutes from the meeting reflect that consideration of the site plan did not include a shooting range due to the fact that it was not included as part the application. A reference was made that this could be considered at a later date by either an amendment to the site plan or through a special exception use approval.

After further review, Mr. Wicklund believes that a special exception use would not be possible based upon this not being listed as a permitted or special exception use in the “I-2” District, and further that a non-commercial (club) outdoor shooting range is only permitted within the “A” Agricultural District. Mr. Wicklund noted that commercial (indoor) shooting ranges are a special exception use in several commercial districts. Thus any shooting range would need to be an indoor range, clearly of an accessory nature, based upon criteria such as the size (square footage) of the indoor range, and possible hours of operation in relation to the permitted firearms manufacturing business.

Mr. Wicklund discussed typical accessory use provisions, by definition incidental and subordinate to the permitted use, including parking and a limited amount of outdoor storage (10%) in the industrial zone.

Comments made by the public regarding Shooting Ranges as an Accessory Use

The Chairman then asked for input from the audience.

Les Gregersen, 5217 West C Avenue, owner of the industrial properties directly to the east of the site, stated that he was required to get special exception use approval for gravel mining as he excavated his site. A condition of the approval required that Mr. Gregersen appear at a Planning Commission Meeting once a year for multiple years until it was determined that no complaints had been received before the condition could be removed.

Mark Rowson, 9979 N. 17th Street, stated that he did not have an issue related to an indoor facility but that there would be little control over an outdoor range and the Township already had an outdoor range that could be utilized.

Brenda Rakow, 8344 N. 17th Street, stated that she had counted 52 houses along 17th Street and was concerned about noise, with several members of the audience stating that soundproofing would be easy to accomplish with an indoor range. She added that there needs to be a balance between the rights of the business and the rights of the residents to enjoy their property.

Lonnie Sparks, 200 West D Avenue, stated that he was supportive of the position taken and that the rules needed to be followed.

Peggy Sparks, 200 West D Avenue, asked about the site plan amendment process.

Mr. Wicklund stating that first he would need to make the determination that an indoor shooting range was accessory in nature to the business before the amendment could proceed to the Planning Commission for review. Additionally Mr. Wicklund indicated that this would not require a formal public hearing but the Planning Commission could impose conditions as part of their review for approval.

Board Consideration

The Chairman then asked for any additional input from the Planning Commissioners or Attorney Homier. Comm. Frederick asked about complaints of outdoor shooting, with Attorney Homier stating that it would be similar to any other code enforcement procedure. He added that it may be feasible to prohibit outdoor shooting in the industrial districts, but that he would review this as it's related to state law.

Old Business

Mr. Wicklund requested that the Planning Commission remove an item from the tabled agenda items regarding a request from Cormac Butterly for "New and Used Car Sales" because the applicant had verbally withdrawn his application but never followed up with the requested written withdrawal.

A Motion was made by Comm. Corke, supported by Comm. Fooy, to remove Cormac Butterly's Request for consideration from the tabled items. Motion carried 6-0.

A Motion was made by Comm. Boehoven, supported by Comm. Corke, to deny the application from Cormac Butterly for a special exception use based upon the applicant's failure to complete the process. Motion carried 6-0.

Mr. Wicklund then requested that the Board defer consideration of proposed text amendments until the November meeting as several additional items have come up over the last few months, including but not limited to the need for clarification of the minimum floor area for a two story dwelling.

Commissioner Comments

Comm. Corke indicated he would not be in attendance at the November meeting.

Adjournment

There being no further business before the Commission a Motion to adjourn the meeting at approximately 7:50 p.m. was made by Comm. Boehoven, supported by Comm. Fooy. Motion carried 6-0.