

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD ON TUESDAY NOVEMBER 12, 2019

A meeting of the Planning Commission of Cooper Charter Township was held on Tuesday, November 12, 2019, at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

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

Members Absent: Corke

Also Present: Laura Genovich of Foster, Swift, Collins and Smith, attorneys for Cooper Charter Township; Russ Wicklund, Township Planning Consultant; Applicant, Dirk Bakhuyzen, and approximately 5 other interested people.

Chairperson Asselmeier called the meeting to order at 7:00 p.m. and introduced the new Planning Commission member, Chris Feil.

Approval of Agenda

A motion was made by Comm. Boekhoven, supported by Comm. Frederick, to approve the agenda. Motion carried, 6-0, with 1 member absent.

Review and Approval of Minutes

Members of the Planning Commission reviewed the Minutes of the October 8, 2019 meeting. A motion was made by Comm. Frederick, supported by Comm. Boekhoven, to approve the Minutes with a correction of the spelling of Comm. Frederick's last name. Motion carried, 6-0, with 1 member absent.

Public Comment

Chairman Asselmeier opened the floor for citizen comments:

Brenda Rakow, 8344 N. 17th Street, expressed concern about outdoor shooting on a nearby parcel, which was also discussed at the October 8th meeting. Ms. Rakow reported that about two weeks ago, she was working outside in her yard and heard continuous shooting from the direction of the Jager parcel, which lasted for about three hours. She reported that her husband heard the shooting as well. Ms. Rakow indicated that she understands SWAT training was being done on the property and suggests that such activities should be done at the outdoor gun club three miles away instead of on the Jager property.

Lonnie Sparks, 200 W. D Avenue, commented on the SWAT training occurring at the Jager property. Mr. Sparks noticed 30-40 vehicles there and called the Township Supervisor.

Mr. Sparks reported that this is the second time he has observed such training on the property. He believes that the public should have notice of this. He was outside on October 29 with his grandkids when they saw police cars, which was alarming since it was near their home, and after dark. The officers reportedly told Mr. Sparks that they had permission from the property owner to use the property.

Richard Rakow, 8344 N. 17th Street, also reported that he heard shooting, which sounded like multiple guns engaged in rapid fire. He reported that it did not sound like target practice but more like an Army platoon. Regarding the SWAT practice, Mr. Rakow stated that there are other locations where this can be done and that it should not occur on industrial property. Mr. Rakow added that he believes this type of shooting should only be done in an enclosed building.

Rhonda Knapp, 8491 Douglas, also reported that she has heard shooting.

Public Hearing: Bakhuyzen Properties LLC – Request for Special Exception Use Permit under Contractor’s Workshop

A Motion was made by Comm. Fooy, supported by Comm. Boekhoven, open the public hearing. Motion carried, 6-0, with 1 member absent.

Board Consideration

Applicant Dirk Bakhuyzen spoke about his request for a Special Exemption Use Permit. Mr. Bakhuyzen operates a tree service and is considering expansion due to the current market. Parts of the expansion plans include acquiring 8431 Douglas Avenue. Mr. Bakhuyzen added that the typical hours of operation for his business are from 7 am until 8:30 am, and then later evening, but not much of the activity happens during the day. Additionally, Mr. Bakhuyzen explained that this is not a seasonal business, as bigger bid jobs keep them busy throughout the year. As part of Mr. Bakhuyzen’s business operation he indicated that they would like to wash their trucks on the property.

Comm. Frederick asked about storage specifically if logs or tree trunks stored on site. The Applicant answered that some logs or trunks would be stored, but mostly just woodchips. Mr. Bakhuyzen explained that they try to get rid of most of their materials and that tree stumps are disposed of because they are not valuable to anyone. Occasionally there might be logs on site until they are hauled off site to a purchaser. The parcel is 2.7 acres, so there is not a lot of room for storage of excess material. The Applicant said there will be some area for turnover but no intention of long-term storage of material.

Comm. Frederick asked about ground water contamination from washing trucks. The Applicant replied that he had not thought about that. Mr. Bakhuyzen that they do not intend to put in a wash bay, and are willing to consider alternative ways to wash vehicles.

Russ Wicklund, the Township Planning Consultant spoke about the application. He explained that this is considered a “Contractor’s Work Shop,” typically used in a Central Business District. Common conditions for this use would be screening (Applicant proposes fencing and landscaping); and building activities have 50 feet separation from residential use, which does not apply in this case since the neighbors are zoned Central Business District, and across the street is residential, but those properties are more than 50 feet away. Additionally Mr. Wicklund mentioned that the property is currently used by Bronco Asphalt, so this use is consistent.

Comm. Frederick asked about a previous special exemption use request for this property before. Mr. Wicklund confirmed yes, but that was a different type of use, more specifically car sales. The Applicant confirmed that customers do not visit the site.

Public comment on the Special Use Exemption

Rhonda Knapp, of 8491 Douglas who lives next door asked whether new buildings will be added to the property. The Applicant answered that no new buildings are anticipated.

Lonnie Sparks of 200 West D Avenue commented that this sounds like a low impact use for the property and that the logs should not be a concern.

There being no additional comments from the audience. Comm. Boekhoven made a Motion supported by Comm. Wiersma to close public hearing. Motion carried 6-0, with 1 member absent.

Deliberations on the Special Exemption Use Permit Application

Comm. Frederick asked about the impact of truck washing. Additionally he and raised a concern that no residents appeared regarding the special exemption use permit, since so many residents appeared the last time an special exemption use permit was requested for the same property. Comm. Frederick asked if the residents receive notice and Mr. Wicklund confirmed that yes, the residents received notice.

Having considered the application, taken comments from citizens, and there being no further questions from Commissioners, a Motion was made by Comm. Frederick to approve special exception use permit supported by Comm. Boekhoven. Motion carried 6-0, with 1 member absent.

Draft Text Amendments

Township Planner Russ Wicklund discussed the proposed amendment to Zoning Ordinance that the Planning Commission reviewed a couple months ago. Mr. Wicklund revised the Ordinance to

address Planning Commission's prior comments. The new version provides that the minimum ground area for a two story dwelling shall be 600 square feet. Garages cannot be larger than the size of the ground floor (i.e., 600 square feet).

Mr. Wicklund discussed the proposed amendments to the Site Condo Ordinance. Some of which are "housekeeping" provisions, such as changing the language from Zoning Board to Planning Commission. Additionally, the proposed amendments clarify the process for approving site condominium projects. Site condos have become more popular than platted subdivisions.

These amendments also address detached condo projects that are not a *site* condo projects. They would all follow the same three-step process.

Mr. Wicklund added that the proposed amendments to animal regulations came up in recent Zoning Ordinance amendments, which removed agricultural livestock from residential zones. MDARD regulates the siting of facilities for commercial livestock. Since the changes, the Township staff has received requests to allow non-commercial livestock in residential zoning districts. Mr. Wicklund requested that Foster Swift put together a proposed zoning ordinance amendment to address residential, non-commercial livestock and therefor text amendments on animal regulation are not ready to set for public hearing.

Comm. Frederick asked about swine exclusion and where rabbits fit in.

A Motion was made by Comm. Boekhoven, seconded by Comm. Wiersma, to have a public hearing at next Planning Commission meeting on the text amendments discussed with the exception of the animal regulations. Motion carried 6-0, with 1 member absent.

Old Business

Industrial outdoor shooting. Mr. Wicklund reported that based on the last meeting, one possibility to address the citizens concern is requiring shooting be indoors. Can an amendment be drafted to ban outdoor shooting in the industrial district?

Commissioner Comments

Discussion regarding the previous car dealership Special Exemption Use request. Comm. Frederick commented that he was surprised that so many people came to that public hearing, but none here. Chairman Asselmeier believes that it was a question of a "car lot's" perception.

Adjourn

There being no further business before the Commission a Motion to adjourn the meeting at approximately 7:54 PM, was made by Comm. Fooy supported by, Comm. Frederick. Motion carried 6-0, with 1 member absent.