

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD ON TUESDAY FEBRUARY 11, 2020

A meeting of the Planning Commission of Cooper Charter Township was held on Tuesday, February 11, 2020, at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

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

Members Absent: Feil

Also Present: Michael Homier of Foster, Swift, Collins and Smith, attorneys for Cooper Charter Township; Russ Wicklund, Township Planning Consultant; and members of the public.

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

Approval of Agenda

A motion was made by Comm. Wiersma, 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 November 12, 2019 meeting. A motion was made by Comm. Wiersma, supported by Comm. Federick, to approve the Minutes. Motion carried 6-0, with 1 member absent.

Public Comment

Chairman Asselmeier opened the floor for public comment.

Peggy Sparks inquired about the prospect of an outdoor shooting/ industrial zone shooting ordinance.

In response, the Township Attorney Mike Homier commented specifically about the shooting at the Jager properties and gave an update as to the status of contact with the Jager's attorney. Mr. Homier also explained the challenges of instituting an Ordinance prohibiting firearm discharge in an industrial zoned area.

Brenda Rakow, 8344 N. 17th Street, commented that she is not concerned with hunting, but is concerned with sport shooting near residential neighborhoods.

Attorney Homier commented that sport shooting ranges are not allowed under the current zoning ordinance.

Comm. Boekhoven commented about the site plan for the Jager property and how the condition prohibiting shooting on the business property impacts the remaining acreage the Jagers own.

Attorney Homier commented that the site plan for the Jager property specifically prohibits outdoor shooting in connection with the business, and police training both of which are not permitted. Additionally Mr. Homier has been in contact with the Jagers through correspondence and with their attorney regarding the outdoor shooting. Since that time, the Township has not received reports of additional outdoor training exercises that he is aware of.

Lonnie Sparks, 200 W. D Avenue, reported that the Jagers are using their property just North of the industrial property as a sport shooting range. Mr. Sparks also commented that he heard shooting on the property every weekend for the majority of the day.

Attorney Homier commented that the Township employs an enforcement officer to investigate complaints. At this time and to his knowledge, the Township has not received a complaint regarding shooting activities on the Jager property.

Richard Rakow, 8344 N. 17th Street, asked about how the Department of Natural Wildlife's hunting regulations impact the Township's ability to create and enforce a prohibition on shooting on an industrial property.

Attorney Homier responded that an Attorney General opinion concluded that Townships may not adopt Ordinances limiting or interfering with the hunting of wildlife. However, case law suggests that cities may prohibit firearm discharge, provided that they are not restricting hunting in DNR designated areas.

Chairperson Asselmeier urged residents to report violations regarding shooting to the Township for investigation.

The Board discussed the potential of future ordinance amendments regarding this issue.

Public Hearing: Zoning Ordinance Amendments

A Motion was made by Comm. Corke, supported by Boekhoven, to open the public hearing on the proposed zoning amendments. Motion carried 6-0, with 1 member absent.

Township Planner Russ Wicklund discussed the nature of the proposed zoning amendments.

There being no public comment, a Motion was made by Comm. Frederick, supported by Wiersma, to close the public hearing on the proposed zoning amendments. Motion carried 6-0, with 1 member absent.

A Motion to recommend the approval of the proposed zoning amendments was made by Comm. Wiersma, supported by Comm. Frederick. Motion carried 6-0, with 1 member absent.

Public Hearing: Site Condominium Ordinance Amendments

A Motion was made by Comm. Corke, supported by Boekhoven, to open the public hearing on proposed zoning amendments regarding site condominiums. Motion carried 6-0, with 1 member absent.

Township Planner Russ Wicklund discussed the nature of the proposed zoning amendments.

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

A Motion to recommend the approval of the proposed zoning amendments regarding site condominiums was made by Comm. Frederick, supported by Comm. Corke. Motion carried 6-0, with 1 member absent.

2019 Annual Report

Russ Wicklund delivered his annual report to the Planning Commission pursuant to the Michigan Planning Enabling Act, including actions that have taken place and completed over the past year.

Old Business

No old business was discussed.

Commissioner Comments

Additional comments were made among the commissioners about outdoor shooting, particularly in areas zoned industrial.

Gordon Stewart, 4116 Stonehill Drive, commented that parallels can be drawn between fireworks and the shooting on the Jager property.

Adjournment

There being no further business before the Commission, a Motion to adjourn the meeting - was made by Comm. Wiersma, supported by Comm. Corke. Motion carried 6-0, with 1 member absent.

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