

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD ELECTRONICALLY
TUESDAY AUGUST 18, 2020

A meeting of the Planning Commission of Cooper Charter Township was held on Tuesday, August 18, 2020, electronically pursuant to the Open Meetings Act and Governor Whitmer's Executive Order 2020-75.

Members Present: Boekhoven, Corke, Feil, Fooy, Frederick and Wiersma.

Members Absent: Asselmeier.

Also Present: Michael Homier of Foster, Swift, Collins and Smith, attorneys for Cooper Charter Township; Julie Johnston, Township Planner and Zoning Administrator; Jeff Sorensen, Township Supervisor, and members of the public.

Vice-Chairperson Boekhoven called the meeting to order at 7:00 p.m.

Approval of Agenda

A motion was made by Comm. Cork, supported by Comm. Wiersma, to approve the agenda. Motion carried 6-0-1.

Review and Approval of Minutes

Members of the Planning Commission reviewed the Minutes of the June 9, 2020 meeting. A motion was made by Comm. Frederick, supported by Comm. Corke, to approve the Minutes. Motion carried 6-0-1.

Public Comment

Township Supervisor, Jeff Sorensen, mentioned that Marcie Tiller spoke with the Township after a crossbow arrow was shot into her home. She would like to know if the Township has considered an Ordinance that would prohibit the firing of crossbows within the Township.

Public comment was closed at 7:15 PM.

Site Plan Amendment Request: Adams Heating and Cooling, 5593 N. Riverview Dr., Kalamazoo, MI 49004. Parcel #39-02-35-276-059. Changes proposed: Addition of 4,800 sq. foot storage building and gravel lot.

The Applicant, Robert Adams explained that he would like approval to amend his site plan so that an additional storage building for equipment could be constructed just north of the existing building on the property. The additional building is necessary for storage, but will also deter theft.

Julie Johnston, Township Planner and Zoning Administrator, presented the staff report regarding the site plan amendment. She commented that the photometric plan the Township received was difficult to read, but does not anticipate any issues with lighting. Ms. Johnston requested that the applicant submit an updated photometric plan as a condition of approval. The only outstanding item needed for approval is the SESC permit from the Drain Commissioner. The site plan complies with all zoning requirements and therefore she recommended that the Planning Commission approve the amended site plan with the condition that the applicant receives the SESC permit from the Drain Commissioner.

Board Consideration

Comm. Corke asked about the applicant's plans for security cameras since theft has been an issue. The applicant responded that they currently have security cameras, but with the distance involved they do not pick up all activity. They plan on installing security cameras on the new building to aid in detection of theft.

Additionally Comm. Corke asked about lighting around the new building. The applicant responded that they are planning on having wall pack lighting around the entire building that should cast light about 20 feet around the exterior of the building.

Comm. Frederick asked Mr. Homier if an updated photometric plan was necessary to approve the application to which Ms. Johnston stated that the application was in good order and recommended approval with the condition that the applicant receive the necessary SESC permit. Additionally if the applicant provides a clearer photometric plan for the project file she could administratively review and approve it.

Comm. Corke asked the applicant about the time frame for construction to which the applicant responded that they are planning on breaking ground by the beginning of October with construction to be complete by November.

Comm. Federick stated that since the new building is in a commercial area light pollution shouldn't be an issue and he was comfortable making a motion to approve the amended site plan as submitted with the condition that the applicant receives the SESC permit from the Drain Commissioner.

Deliberations of Site Plan Amendment

Having considered the site plan, allowed for comments from citizens, and there being no further questions from the Commissioners, a motion was made by Comm. Federick, supported by Comm. Corke to approve the site plan amendment as submitted allowing the addition of a 4,800 sq. ft. storage building and gravel lot with the condition that the applicant obtain the SESC permit from the Kalamazoo County Drain Commissioner. Motion carried 6-0-1.

Discussion of Accessory Building Height

Township Planner and Zoning Administrator, Julie Johnston, stated that she recently spoke with a resident who wanted to construct an accessory building to store a recreational vehicle, but due to the current side-wall height limitations being 10 feet he was running into an issue creating a doorway large enough to fit the vehicle. The resident was planning on complying with the overall height restrictions of 16 feet, but wished to raise the sidewalls to 12 feet. Although this issue had been previously discussed Ms. Johnston wanted to determine if the Planning Commission would like to revisit changes to the Ordinance to eliminate the wall height requirements, but maintain the 16 foot building height restriction.

Comm. Frederick commented that he understands the issues with the side wall limits and would be willing to consider amending the Ordinance to meet the need of the Township's residents. He noted that the Township would prefer residents to store campers or motorhomes in a building, but that the language of the current Ordinance may be a barrier.

Ms. Johnston mentioned that the Planning Commission does not necessarily need to increase the height of accessory buildings unless they so choose, but that eliminating the side wall height limit would help residents plan buildings that comply with the height requirement and still fit recreational vehicles.

Township Supervisor, Jeff Sorensen asked if Cooper Township was the only Township that regulates side wall height of accessory buildings, to which Ms. Johnston responded that to her knowledge Cooper was the only Township she knows of that regulates side wall height. Supervisor Sorensen stated that the Township may be too restrictive and may want to consider revisions to the Ordinance.

Ms. Johnston stated that in the past the Planning Commission was concerned about the roof pitch that would be allowed if a side wall height was not included in the Ordinance. Though she understands the concern she noted that roof pitch of a proposed building would be better reviewed by the building department under the building code and not a zoning consideration.

Comm. Boekhoven stated that he believes the Planning Commission should review proposed language to amend the Zoning Ordinance regarding side wall height on accessory structures. Ms. Johnston stated that she will prepare proposed language for the Planning Commission to review at the next meeting.

Discussion on Keeping Animals Ordinance

Township Planner and Zoning Administrator, Julie Johnston stated that in her short time assisting the Township she has discovered that allowing residents to keep animals is an issue in the Township. Currently the Ordinance does not allow an individual to keep farm animals for personal enjoyment.

The Township does not have the right to regulate a commercially operating farm under the Right to Farm Act (RTFA) and the Generally Accepted Animal Management Practices (GAAMPs) when it is located in a rural zoning district. The Township can regulate non-commercial farm operations, for example a resident wanting to raise chickens for their own personal enjoyment.

The Township may want to adopt an Ordinance that addresses non-commercial (hobby) farm operations especially in densely developed areas of the Township.

Comm. Frederick asked if the Planning Commission adopts an Ordinance, would that mean that the Township is loosening restrictions on residents having animals, for example chickens.

Ms. Johnston stated that the current Zoning Ordinance prohibits residents from keeping any animals for personal enjoyment. Amending the Zoning Ordinance would loosen the restrictions based on property size.

Township Attorney, Michael Homier, stated that a cow on a quarter acre lot may not be a good idea, but depending on the size of a property it may be considered appropriate. Additionally Mr. Homier mentioned that the Township should also consider language precluding residents from having exotic animals under the Ordinance.

Ms. Johnston stated that she will prepare proposed language for the Planning Commission to review at an upcoming meeting.

Citizens Comments

A member of the public asked if the Planning Commission would consider allowing residents to have a cow and a calf for milk production as a hobby on a 30 plus acre property. Ms. Johnston indicated that those issues were likely to be addressed in the draft language.

Discussion on Planning Commission Meeting Dates

Township Attorney Michael Homier stated that there has been a proposal to move the Planning Commission meeting dates to the third Wednesday of each month to best coordinate with the members' schedules and that of the Township.

Having considered the schedule, allowed for comments from citizens, and there being no further questions from the Commissioners, a motion was made by Comm. Fooy, supported by Comm. Wiersma to move the Planning Commission meeting dates to the third Wednesday of each month. Motion carried 6-0-1.

Old Business

None.

Adjournment

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