

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD ELECTRONICALLY
TUESDAY FEBRUARY 17, 2021

A meeting of the Planning Commission of Cooper Charter Township was held on Tuesday, February 17, 2021, electronically pursuant to the Open Meetings Act as amended by Public Act 228 of 2020.

Roll Call:

Present - Comm. Boekhoven attending virtually from Cooper Township;
Present - Comm. Fooy attending virtually from Cooper Township,
Present - Comm. Frederick attending virtually from Cooper Township,
Present - Comm. Feil attending virtually from Cooper Township,
Present - Comm. Corke Attending Virtually from Cooper Township,
Present - Comm. Wiersma Attending Virtually from Cooper Township, and
Present - Chairperson Asselmeier, attending virtually from Cooper Township.

Members Absent: None.

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

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

Approval of Agenda

A motion was made by Comm. Frederick, supported by Comm. Corke, to approve the agenda. Motion carried 7-0.

Review and Approval of Minutes

Members of the Planning Commission reviewed the Minutes of the December 16, 2020 meeting. A motion was made by Comm. Boekhoven, supported by Comm. Corke, to approve the Minutes. Motion carried 7-0.

Citizen Comment

None.

Public Hearing on the Draft Keeping of Livestock and Honeybees Ordinance

A motion was made by Comm. Corke, supported by Comm. Frederick, to open the Public Hearing on the Draft Keeping of Livestock and Honeybees Ordinance. Motion carried 7-0.

Julie Johnston, Township Planner and Zoning Administrator gave a quick overview of the Ordinance. She stated that the Keeping of Livestock and Honeybees Ordinance was something that the residents of Cooper Township desired and something the Township Board would like to move forward with. Ms. Johnston stated that the Ordinance redefined animals in a way that deals with both commercial operations as well as personal use. The Ordinance also deals with animals based on size and the acreage or property size need for the number of animals that you have. Additionally the Ordinance created better setbacks for shelter enclosures and the appropriate ways to handle waste products.

Ms. Johnston stated that she believes that the Keeping of Livestock and Honeybees Ordinance is a good ordinance and, if after hearing public comment, the Planning Commission feels it is ready then she recommends forwarding it on to the Township Board. Township Planner and Zoning Administrator, Johnston additionally mentioned that both she and members of the Township staff have been taking calls from residents eager for the approval of the Ordinance especially with spring coming.

Public Comment

None.

There being no public comment Comm. Corke made a motion to close the Public Hearing, supported by Comm. Boekhoven. Motion carried 7-0.

Commissioner Discussion

None.

Motion to Recommend Approval of the Draft Keeping of Livestock and Honeybees Ordinance

Comm. Corke made a motion to recommend approval of the Keeping of Livestock and Honeybees Ordinance to the Township Board, supported by Comm. Feil. Motion carried 7-0.

New Business

Discussion of Electing Officers and Planning Commission Bylaws

Julie Johnston, Township Planner and Zoning Administrator stated that she asked the Township staff for a copy of the Planning Commission bylaws but they were unable to find them. Ms. Johnston stated that bylaws outline how the Commission elects officers, holds meetings, what happens if a member is absent for multiple meetings, etc. Bylaws spell out the format and how the Planning Commission operates. Ms. Johnston asked if the Commission was interested in creating or reviewing the bylaws to make them more formal. She also inquired if the Commission was interested in having an officer election.

Chairperson Asselmeier stated that he does not recall the annual elections for officer positions since he was elected as Chairperson. However he remarked that he was willing to step aside if someone else would like to Chair the meetings.

Commissioner Wiersma stated that he supported updating the Planning Commission Bylaws and having elections once the bylaws were finalized.

Comm. Frederick recalls seeing a set of bylaws. He additionally recalled the election of Mr. Boekhoven as Vice-Chairperson and keeping Comm. Asselmeier as Chairperson. He stated that at one point he was elected Secretary but gave up that position when he became a member of the Township Board.

Comm. Corke concurred with Comm. Frederick's recollection.

Township Attorney Mike Homier stated that he is in possession of a draft set of bylaws dated December 23, 2013. Mr. Homier stated that he will review the meeting minutes to ascertain if the draft Bylaws were ever approved. Additionally he forwarded a copy of the draft bylaws to Ms. Johnston for her review.

Township Planner and Zoning Administrator, Johnston asked if the Board was amenable to her reviewing the bylaws and bring back suggested changes to the Planning Commission. Mr. Johnston also asked if the Commission was fine with leaving the current officers in place for now until the bylaws have been reviewed, or should an election be placed on next month's agenda.

Chairperson Asselmeier stated that he would like to see the bylaws updated first and have a process for elections prior to proceeding with one, but asked his fellow Commission members their opinions.

Comm. Boekhoven stated that he was in agreement with finding and updating the Bylaws first so that they are available to work from for elections.

Comm. Wiersma, Corke, Feil and Fooy also agreed that the bylaws should be looked at.

Township Planner and Zoning Administrator, Johnston stated that the Commission does not have any applications up for review at the next meeting so the time can be used to review the Bylaws.

Zoning Amendments regarding the Medical Marihuana Act and Primary Caregivers

Township Attorney Mike Homier asked the Chair if he could raise one other issue that the Planning Commission needs to address. Mr. Homier stated that the Township currently has a moratorium on the approval of permits and licenses and/or approvals of certain uses of property related to medical marihuana operations for patient and caregivers. The reason for that was because the Township had become aware of one and there are likely other medical marijuana operations within the Township which are generally unregulated.

Mr. Homier explained that the Supreme Court recently issued an opinion that would allow the Township to regulate that use through the adoption of zoning amendments which could regulate where in the Township those uses could be located. For example, Mr. Homier stated the Township is allowed to amend its zoning ordinance to prohibit primary caregivers from growing marijuana within residential areas, or zoning districts that are zoned residential. The Township could allow that use to occur in a commercial or industrial district and exclude residential districts. Mr. Homier explained that the Township cannot completely prohibit the use, but the Township can designate where in the Township it would be allowed, rather than leaving it completely unregulated. Because the moratorium is set to expire in April if not extended Mr. Homier suggested that the Planning Commission should consider whether or not it's going to regulate that use by zoning district.

Chairperson Asselmeier asked Mr. Homier if he thought it was appropriate to discuss at the next meeting to which Mr. Homier agreed.

Township Planner and Zoning Administrator, Johnston stated that she will add both the bylaws and the marijuana zoning issues to the agenda for next month's meeting.

Commissioner Comments

Chairperson Asselmeier, asked if there were any Commissioner comments or something they would like to share with the Board, or if Township Attorney Homier or if Township Planner and Zoning Administrator, Johnston had anything else to add.

Township Planner and Zoning Administrator, Johnston stated that she would like to provide that Commission on an updated regarding the two Ordinances that were previously sent to the Township Board. Ms. Johnston stated that the Agricultural District and the Accessory Building Ordinance was approved by the Township Board at their last meeting.

Additionally Township Planner and Zoning Administrator, Johnston remarked that the Accessory Building Ordinance was approved, but that the Township Board had made changes to the Ordinance. The Township Board felt that requiring a special exception for properties larger than 2.99 acres was a bit onerous because of the fees and time it would take for a resident to obtain a permit. The Township Board stopped the table regarding property size at 2.99 acres and made properties larger than 2.99 acres comply with the 10% lot coverage for both principal buildings as well as accessory structures.

Township Planner and Zoning Administrator, Johnston stated that during the meeting a resident raised some suggestions after he spent a considerable amount of time reviewing what neighboring jurisdictions allow. He brought some suggestions to the Township Board, some of which were considered while others were not. Ms. Johnston explained that she specifically spoke to the Board about the Planning Commission's desire to prohibit flat roof accessory structures. Township Planner and Zoning Administrator, Johnston stated that she believes the new Accessory Building Ordinance is much simpler than the previous Ordinance and is less cumbersome and easier to utilize for the Township Staff. Ms. Johnston stated that moving

forward it is good to consider ease of application and use for the Township Staff on any Ordinance the Planning Commission works on.

Chairperson Asselmeier asked if there were any further comments to which Comm. Corke responded. Comm. Corke asked Township Attorney, Homier if he had heard anything more about the Rod and Gun Club purchase of several hundred acres.

Township Attorney, Homier responded that it was his understanding that the Rod and Gun Club was purchasing the property but did not plan on developing it. They intended on creating a buffer between the club and didn't want future complaints or issues with a separate property owner if the land sold and was developed. Mr. Homier went on to say that the Township is not involved in private land purchases so he is not sure if the Rod and Gun Club ever closed on the purchase of the property.

Adjournment

There being no further business before the Commission, a motion was made by Comm. Feil, supported by Corke, to adjourn the meeting. Motion carried 7-0.