

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD ELECTRONICALLY
TUESDAY DECEMBER 16, 2020

A meeting of the Planning Commission of Cooper Charter Township was held on Tuesday, December 16, 2020, 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, and
Present - Chairperson Asselmeier, attending virtually from Cooper Township.

Members Absent: Comm. Wiersma.

Also Present: Michael Homier of Foster, Swift, Collins and Smith, attorneys for Cooper Charter Township; Julie Johnston, Township Planner and Zoning Administrator, 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. Corke, supported by Comm. Boekhoven, to approve the agenda. Motion carried 6-0-1.

Review and Approval of Minutes

Members of the Planning Commission reviewed the Minutes of the November 18, 2020 meeting. A motion was made by Comm. Frederick, supported by Comm. Fooy, to approve the Minutes. Motion carried 6-0-1.

Public Comment

Michael Konkel of 7580 N. Westnedge Ave., stated that he is present to listed to discussion on the proposed Ordinance changes and does not have a comment at this time.

There being no further comments public comment was closed.

Draft Ordinance Amendment to the Agricultural District and development of new agricultural uses

A motion was made by Comm. Boekhoven, supported by Comm. Corke, open the public hearing on the draft Ordinance Amendment to the Agricultural District and development of new agricultural uses. Motion carried 6-0-1.

Julie Johnston, Township Planner and Zoning Administrator presented the proposed Ordinance Amendment to allow two new types of business within the agricultural district. Those two new uses are agricultural service businesses and other rural service enterprises. Ms. Johnston stated that these uses were designed to promote economic development within the agricultural district.

The Planning Commission spent several meetings reviewing and drafting the proposed Ordinance Amendment prior to the public hearing, and that in its current state the Planning Commission believes its ready to present to the Township Board.

Chairperson Asselmeier asked if there was any member of the public whom would like to comment on the proposed Ordinance Amendment.

There being no public comments Comm. Frederick made a motion to close the Public Hearing, supported by Comm. Corke. Motion carried 6-0-1.

Commissioner Discussion

Comm. Frederick and Comm. Asselmeier both stated their approval for the proposed and thanked Ms. Johnston on her hard work and assistance in drafting the Ordinance Amendment.

Comm. Corke made a motion to recommend approval to the Township Board of Proposed Ordinance 258, an Ordinance to Adopt Amendments to the Township Zoning Ordinance, supported by Comm. Boekhoven. Motion carried 6-0-1.

Draft Amendments to Accessory Buildings

A motion was made by Comm. Frederick, supported by Comm. Corke, open the public hearing on the draft Amendments to Accessory Buildings. Motion carried 6-0-1.

Julie Johnston, Township Planner and Zoning Administrator presented the proposed Ordinance Amendment to the Accessory Building Ordinance. Ms. Johnston stated that the amendment was intended to simplify the Ordinance and provide more flexibility for properties. Additionally Ms. Johnston stated that she provided the Planning Commission with an updated memo regarding the proposed Ordinance. After speaking with an individual Ms. Johnston stated that concerns were raised regarding having enough accessory building space for animals such as horses if the Ordinance regarding the keeping of Animals that the Planning Commission has been considering were to be adopted by the Township Board. Taking that into consideration Ms. Johnston recommended that properties over five acres that desire to build an accessory building larger than what is allowed in the Ordinance to request a special exception permit. Thus allowing the Planning Commission oversight to reduce or eliminate negative impact on surrounding properties.

Public Hearing

Chairperson Asselmeier asked if there was any member of the public whom would like to comment on the proposed Ordinance Amendment.

Michael Konkel of 7580 N. Westnedge Ave. stated that he would like to speak on the behalf of owners of smaller properties in the Township. Mr. Konkel stated that he believes the proposed Ordinance actually is more restrictive for smaller property owners. He asked what the Planning Commission believed the benefit would be to smaller property owners.

In response Julie Johnston, Township Planner and Zoning Administrator stated that the amendment increases the square footage allowed for small lots. The purpose is to treat both lots and unplatted parcels the same. Therefore, if you have a small lot you will be seeing an increase in the allowed accessory building square footage, but if you own an unplatted parcel you will see a small decrease. The only properties that would see any negative impact under the proposed Ordinance would be the unplatted parcels of less than an acre. That being said Ms. Johnston stated that she believed the proposed Ordinance was more fair in its approach because it does not differentiate between lots and parcels.

Mr. Konkel stated that he was under the impression that lots over 2 1/5 acres had no limitations on accessory building size in the past. Because the Township already has an Ordinance limiting lot coverage Mr. Konkel stated he does not think this Amendment is necessary and therefore is overly restrictive.

Comm. Fredrick made a motion to close the Public Hearing, supported by Comm. Corke. Motion carried 6-0-1.

Commissioner Comments

Comm. Fredrick commented on Ms. Johnston's recommendations to provide a special exemption use permit upon approval of the Planning Commission for properties that wanted to keep hobby animals and asked if the rest of the Planning Commission was in agreement with her recommendations.

Township Attorney, Mike Homier stated that the setting fees for the approval of a special exemption use are outside the jurisdiction of the Planning Commission and that the decision on costs and fees would need to be considered and set by the Township Board. That being said, he did not see an issue with the Planning Commission making a recommendation to the Board concerning the costs or fees involved.

Comm. Boekhoven stated that he is trying to understand Mr. Konkel's comments and review the percentage of square footage that would be reduced for effected properties.

Township Planner and Zoning Administrator Johnston stated that she previously responded to Mr. Konkel's comments regarding smaller properties she did not address properties over 2 1/2 acres. The reason that limitations were added for properties over 2 1/2 acres was to reduce

impact on the surrounding community while allowing accessory buildings that were in keeping with both the property size and what surrounding communities do. It is Ms. Johnston's opinion the Ordinance Amendment that was developed is more fair across lot sizes.

Comm. Frederick asked how many properties over the Township are over the 2 1/2 acres. Ms. Johnston stated that she did not have exact data, but it was many. Comm. Frederick stated that he supports the proposed amendment as it is written.

Comm. Boekhoven asked if it was reasonable to change the proposed ordinance to allow properties of 2 acres and above to apply for a special exemption permit to build a larger accessory building that would comply with the previous ordinance, therefore allowing recourse to negatively impacted properties.

Township Attorney Homier, stated that his concern with the concept is that the Planning Commission should not have unfettered discretion so there would have to be some standards of approval. Some standards have already been outlined in the proposed amendment, such as that the building be harmonious with the current property.

Chairperson Asselmeier asked the Planning Commission members if they felt like more discussion to refine the amendment was necessary at a subsequent meeting, or if they were comfortable submitting the amendment as written to the Township Board.

Comm. Boekhoven stated that he was open to sending it to the Board depending on the opinions of the rest of the Planning Commission.

Comm. Fooy stated that he is in favor of keeping the amendment as currently written and doesn't think the Planning Commission should be considering special exemption permits for properties less than 5 acres.

Comm. Frederick, Comm. Corke, Comm. Feil, and Chairperson Asselmeier concurred with Comm. Fooy's statements and voiced support of the amendment as written.

For clarification Township Attorney asked of the Planning Commission was supporting the Amendment as written, or with the additional special exemption permit process for properties over 5 acres.

The Planning Commission members indicated that they were supportive of the amendment with the additional language regarding a special exception use permit.

Mr. Homier stated that if the Planning Commission would like to make a motion regarding the Zoning Amendment it would be best to make a motion to recommend approval to the Township Board of proposed Ordinance 257 with the amended language for a special exception use permit on parcels that are 5 acres or more.

A Motion was made by Comm. Fooy, supported by Feil to recommend approval to the Township Board of Proposed Ordinance 257 with the amended language for a special exception use permit on parcels that are 5 acres or more. Motion passed 4-2-1.

Old Business

Chairperson Asselmeier stated that the Planning Commission was prepared to discuss the proposed Ordinance allowing the keeping of livestock and or honeybees.

Julie Johnston, Township Planner and Zoning Administrator presented the proposed changes to the Ordinance. Ms. Johnston stated that one of the changes was to properly identify GAAMPs though out the entire text. On number 4 there is language that was added to address accessory buildings. The language included limitation prohibiting accessory buildings for animal keeping purposes in the front yard of properties. Additional language was added regarding the information necessary to be considered for a special exception use permit, including acreage of the property, total number of requested animals, a waste management plan, and a sketch plan.

Ms. Johnston stated that changes were made so that properties which are not in a platted subdivision or site condo development who meet all of the requirements in the ordinance do not have to apply for a special exception use permit. Instead they can request approval by submitting the required information through an administrative zoning review.

Additional changes including prohibiting roosters for properties less than 2 1/5 acres and Ms. Johnston stated that the Planning Commission may want to consider prohibiting them entirely.

Another change Ms. Johnston stated that the Commission may want to consider would be to reduce the size allowed for bee hives. The size currently proposed is well larger than necessary to accomplish the Township's goals with the ordinance.

A Motion was made by Comm. Corke, supported by Comm. Boekhoven to set a public hearing for January 20, 2021 on the keeping of livestock and honeybees. Motion carried 6-0-1.

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.