

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD
WEDNESDAY, FEBRUARY 16, 2022

A meeting of the Cooper Charter Township's Planning Commission was held on Wednesday, February 16, 2022, pursuant to the Open Meetings Act.

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

Members Absent: None.

Also Present: Mike Homier, of Foster, Swift, Collins and Smith, attorneys for Cooper Charter Township; Julie Johnston, Township Planner and Zoning Administrator. Additional attendees; Applicant, Kelly Lind.

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 November 17, 2021 meeting.

A motion was made by Comm. Frederick, supported by Comm. Wiersma, to approve the minutes of the November 17, 2021 meeting. Motion carried 7-0.

Citizen Comments

None.

Site Plan Review – Kelly Lind, Contractor's Workshop at 2570 Brackett Avenue

Kelly Lind of 2906 Springbrook Drive stated that he is requesting site plan approval for a contractor's workshop at 2570 Brackett Avenue. Mr. Lind stated that the contractor's workshop is essentially a mancave for his hobbies. Mr. Lind explained that has no plan to use the workshop for business purposes.

Township Planner and Zoning Administrator, Julie Johnston presented her staff report. Ms. Johnston stated that there were three items that the planning commission would need to determine. Additionally, Ms. Johnston outlined a few proposed conditions that may be included with a motion to approve. The first thing the Planning Commission needs to consider is the screening

requirement between commercial and residential properties. Ms. Johnston stated that she would suggest the Commission discuss required natural screening instead of an opaque fence as a condition of approval.

Second, the applicant asked for a waiver from the solid surface parking requirement of asphalt or concrete. Ms. Johnston explained that according to the applicant's plans the initial approach from the road will be paved as required from the road commission, but once you go beyond the right-of-way the applicant would like to use gravel for the parking area. Ms. Johnston stated that the Township Ordinance allows the Planning Commission to do one of the following; wave the paved parking requirement outright, set a timeline in which the applicant must apply to the ordinance and pave the parking with either asphalt or concrete, or require the applicant to pave all the parking area with either asphalt or concrete right away.

The third point for discussion is the photometric plan. Ms. Johnston stated that the applicant's plans only include two exterior lights that resemble residential fixtures, one being at the front entry, and the second fixture near the rollup door for vehicles, therefore she didn't require the applicant to submit a photometric plan. Ms. Johnston stated that the Planning Commission could require a photometric plan as a condition of approval.

Ms. Johnston added that she recommends the Planning Commission require the applicant to have a permit for the public water connection from the City, permits from the Kalamazoo County Health Department for the onsite septic system, and permits from the County Road Commission for the driveway connection work within the Brackett Avenue right-of way before issuance of a building permit.

Mr. Lind stated that he already received approval from the County Health Department for the septic system, and he has been in contact with the County Road Commission as well as public utility providers.

Comm. Frederick stated that he had a question regarding the setbacks for the proposed building, since the side yard property lines are on the east and west and not to the south as stated in the staff report. Upon reviewing the plans Ms. Johnston stated that where the staff report indicated that side yard property line was to the south was an error, and that the side yards are on the east and west sides of the property.

Comm. Boekhoven asked if it were possible to put a condition on the approval regarding the gravel parking versus a solid surface that would require the parking be paved prior to the sale of the property. Ms. Johnston explained that the issue with placing a condition upon the sale of the property is that the Township would not be aware of a sale until after it has closed, and therefore would have a difficult time enforcing that condition. Julie Johnston asked Township Attorney Mike Homier if he had any concerns. Attorney Homier stated that administering that type of condition presents a challenge. The commissioners discussed and agreed to add a 5-year timeline for Mr. Lind to pave the parking as a condition upon approval.

Attorney Homier asked if the Township was aware of any deed restrictions that would prevent the property from being used as a contractor's workshop considering that it is a platted lot. Mr. Homier

stated that some platted lots have restrictions that require the lot to be used for single family residential purposes only. Attorney Homier added that a plat restriction wouldn't impact the Township, but neighbors surrounding the property may be able to raise an issue with the owner, therefor he suggested that Mr. Lind look into it.

Chairman Asselmeier stated that to his understanding the Commission was in agreement about placing a condition upon the approval requiring Mr. Lind to pave the parking area no later than 5 years from the date of approval and asked if someone was willing to make a motion on the Lind application.

A motion was made by Comm. Frederick, supported by Comm. Corke to approve the Lind site plan with the following conditions:

- The applicant must pave the parking area no later than 5 years from the date of the approval.
- A permit for the public water connection from the City will be obtained before any building permit is issued.
- A permit for the onsite septic system will be obtained prior to any building permit is issued.
- The driveway connection and all work within Bracket Avenue right-of-way must be permitted through the Road Commission of Kalamazoo County before the issuance of a building permit.

Motion carried 7-0.

Discussion of Zoning Ordinance Reorganization

Zoning Administrator Julie Johnston stated that she had some recommendations on how the Township could reorganize the Zoning Ordinance to make it more user friendly. For example, when a user is looking into specific special uses, they may need to jump to a different section of the ordinance to find the conditions for that special use, which can create confusion. Another issue Ms. Johnston found was that the Township has a number of permitted uses, but some of them have conditions attached to them, which may be better titled a conditional use instead. Ms. Johnston suggested that the Zoning Ordinance be broken down to have permitted uses, conditional uses, and special exception uses for each zoning district. Additionally, Ms. Johnston explained that it may be time for the Planning Commission to review some of the uses within each district. If the Planning Commission were in favor of reorganizing the Zoning Ordinance, then Ms. Johnston stated that she would prepare updates to a few districts for the Commission to review at each meeting.

Comm. Asselmeier asked Ms. Johnston if she thought the suggested updates to the Zoning Ordinance were a needed change. Ms. Johnston stated that the proposed updates would aid users in obtaining the information they need instead of having to look for information in multiple different locations within the ordinance. The members of the commission all voiced approval on moving forward with reviewing and reorganizing the Zoning Ordinance.

2022 Election of Chair and Vice Chair

Comm. Asselmeier opened discussions regarding the elections of a Chair and Vice Chair for the Planning Commission.

Comm. Corke, supported by Comm. Feil nominated Comm. Asselmeier as Chairperson and Comm. Boekhoven as Vice Chair. Both nominees accepted their nominations.

A Motion was made by Comm. Cork, supported by Comm. Feil to elect Comm. Asselmeier as Chairperson and Comm. Boekhoven as Vice Chair.

Motion carried 7-0.

Commissioner Comments

Comm. Frederick stated that the Planning Commission previously discussed the number of plans an applicant must provide. Due to the expense occurred for multiple copies, Mr. Frederick suggested that applicants provide fewer copies, and an electronic version for the meeting packet. Attorney Homier asked if the Ordinance states how many copies must be provided. Upon review of the ordinance Julie Johnston stated that the Ordinance requires an applicant to provide 10 paper copies. Attorney Homier suggested that the Planning Commission propose an amendment to the Zoning Ordinance that an applicant provide a digital copy, and one or two physical copies of the required documents. Township Planner Julie Johnston suggested that she add amending the number of copies to the list of amendments the Planning Commission is discussing so that all of the changes to the zoning ordinance would be noticed for a public hearing at the same time, thereby reducing the expense to the Township. All of the Commissioners voiced agreement with having a public hearing on all of the amendments to the zoning ordinance at the same time.

Adjournment

A motion was made by Comm. Boekhoven, supported by Comm. Corke, to adjourn the meeting. Motion carried 7-0.