

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

A meeting of the Cooper Charter Township's Planning Commission was held on Wednesday, March 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; Applicants Robert and Kathy Kovacevich.

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. Boekhoven, to approve the agenda. Motion carried 7-0.

Review and Approval of Minutes

Members of the Planning Commission reviewed the minutes of the February 16, 2022 meeting.

A motion was made by Comm. Corke, supported by Comm. Wiersma, to approve the minutes of the February 16, 2022 meeting. Motion carried 7-0.

Citizen Comments

None.

Public Hearing – Kovacevich Special Exception Use

A motion was made by Comm. Corke, supported by Comm. Wiersma to open the public hearing. Motion carried 7-0.

Chairperson Asselmeier stated that since the applicants had been before the board on several occasions, he would like to turn the meeting over to the Township Planner and Zoning Administrator, Julie Johnston for her to present the staff report and recommendations.

Prior to discussing the staff report Ms. Johnston suggested that the Board close the public hearing.

A motion was made by Comm. Frederick, supported by Comm. Corke to close the public hearing. Motion carried 7-0.

Board Discussion

Township Planner and Zoning Administrator, Julie Johnston stated that upon review of the Kovacevich's application she came up with four conditions that may be helpful for the Planning Commission to consider.

The first condition she suggested would be in regard to screening for the parking area. Ms. Johnston explained that she would like to see the chosen shrubs to become at least three feet tall within the first year. Ms. Johnston explained that the screening requirement was put in place to provide screening to keep neighboring properties from seeing parked cars. If the selected shrubs are too small, they may take years before properly screening the parking area. Ms. Johnston recommended the use of dense screening plants such as privet hedge, boxwood, or arborvitae.

Secondly Ms. Johnston recommended that the parking area be outlined with some type of demarcation device, such as timbers, or concrete parking stops. This will allow the Township to ensure that the parking area is an appropriate size for the special exemption use.

Third, the Ms. Johnston recommended that the applicant provide the Township with documentation from the Kalamazoo County Health Department to ensure that the septic system is an acceptable size for the Bed and Breakfast use.

Fourth, Ms. Johnston stated that the board may want to consider a cutoff for evening check-in times, for which she believes 8 PM may be an appropriate limit. This would assist in maintaining the residential character of the area and prevent disruptions in the community.

Fifth, Ms. Johnston suggested the Planning Commission require a sign application be submitted and approved prior to the applicants placing a wall or freestanding sign.

Comm. Corke stated that property in question is out in the middle of nowhere, so he didn't think it was necessary for the applicants to put in extra shrubs for parking. Comm. Corke stated that the home for the Bed and Breakfast is setback a way off the road and not anywhere near neighboring properties. Ms. Johnston explained that screening was a condition of approval under the updated zoning ordinance for the special exemption use.

Comm. Wiersma commented about the latest check-in time and voiced concern with the recommended time being too early. Comm. Wiersma added that he would be comfortable with a 10 PM check-in due to flight delays. The applicant Mr. Kovacevich stated that he would prefer a 10 PM deadline for check-ins.

Comm. Boekhoven stated that his concern with the suggested 8 PM check-in limit was answered, and he was comfortable with a 10 PM check-in deadline that still allowed an occasional exception in case of an emergency.

Comm. Frederick stated that he wouldn't like to see a large LED sign which would be a nuisance to the neighboring properties if allowed. Township Planner, Johnston stated that the ordinance prohibits the applicant from using any sign that is illuminated or animated.

Township Planner, Johnston stated that the Ordinance requires parking to be screened from the road and surrounding properties, but it does not require a specific type of screening. Therefore Ms. Johnston remarked that the Planning Commission could consider the setbacks of this property as proper screening by itself.

Comm. Boekhoven asked if waiving the screening requirement or considering the setbacks as appropriate screening creates a precedent for future applications. Ms. Johnston responded that Bed and Breakfasts are a special exemption use, therefore each application would be reviewed independently based on its own merit.

A motion was made by Comm. Corke, supported by Comm. Wiersma to approve the special exemption use with the conditions 2, 3, 4 (with 10 PM being the latest check-in time), and 5 as stated in the staff report. Motion carried 7-0.

Old Business - Zoning Ordinance Updates

Ms. Johnston reminded the board of the zoning ordinance updates that they started during the last meeting. Ms. Johnston stated that the reorganization was fairly straight forward and required the Planning Commission to add the appropriate uses into each district with the use categories for permitted, conditional, and special uses.

Ms. Johnston explained that there may be some uses that the Planning Commission may want to eliminate because they just don't make sense in certain districts. For the purpose of tonight's meeting Ms. Johnston stated that she focused on the AG and R-1 districts. In the agricultural district Ms. Johnston suggested eliminating the allowance for a single-family home to be converted into a two-family home. Ms. Johnston explained that within the AG district the Township was trying to limit density and preserve farmland with seemed contrary when allowing single family homes to be converted into multiple family homes. Township Attorney Mike Homier asked if anyone knew how many non-conforming properties there would be within the AG district if two-family homes were limited in the AG district. Township Planner Johnston stated that she wasn't sure how many non-conforming properties that would create, but that she would look into it and updated the commission on her findings. Ms. Johnston also suggested removing signs as a permitted use since the Township has a sign ordinance. She also suggested removing duplexes as a special exception use within the agricultural district. Another provision that seemed out of place was the mining special exception use within the agricultural district due to all of the provisions that apply to mining. Instead Ms. Johnston stated that she thinks the mining special exception use should be moved in the special exception use section of the zoning ordinance.

In the R-1 district Ms. Johnston had similar recommendations to remove signs, remove duplexes, and remove accessory structures without a principal structure. Ms. Johnston explained that the Township has an accessory structure ordinance that already outlines when you can have an accessory structure without having a principal structure, and therefore the accessory structure language isn't needed.

As a reminder Ms. Johnston mentioned that she thought it would be prudent to go through all of the districts prior to having a public hearing in order to keep costs down for the Township.

Comm. Frederick asked if Ms. Johnston saw a similar number of changes needed within each district. Ms. Johnston responded that some districts may need a significant amount more changes than others.

Ms. Johnston said that while discussing the updates with Township staff lot sizes were brought to her attention. Currently the lot sizes are identical in every district, which doesn't line up with the Township trying to preserve the rural character of the community. Instead she suggests the Planning Commission create gradation of lot size depending on the district's intended use.

Comm. Frederick stated that when the Township did a survey of residents their feedback confirmed that they were interested in preserving the rural character of the community. Therefore Comm. Frederick stated that they had talked about changing the lot size in the agricultural district to 2 ½ acres which is similar to neighboring communities.

Ms. Johnston remarked that in the subdivision ordinance the lot sizes were small. Additionally the Health Department requires lots without water or sewers to be an acre. Since most of the properties in Cooper Township do not have public water and sewer it may be a good thing to consider when adjusting lot sizes to bring them in line with the Health Departments requirements.

Comm. Frederick asked if this would be the appropriate time to update lot and plat sizes while the Planning Commission is updating the zoning ordinance. Ms. Johnston answered that she plans on working with the Township to draft a plan and recommendation that the Planning Commission could review while updating the zoning ordinance. Additionally Comm. Frederick suggested that when the planning commission is reviewing lot sizes it may a good idea to do so at a joint meeting with the Township Board to include their feedback as well.

Adjournment

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