

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD
WEDNESDAY, SEPTEMBER 21, 2022

A meeting of the Cooper Charter Township Planning Commission was held on Wednesday, September 21, 2022 pursuant to the Open Meetings Act.

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

Members Absent: Frederick, and Wiersma.

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

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

Approval of Agenda

A motion was made by Comm. Boekhoven, supported by Comm. Corke, to approve the agenda. Motion carried 5-0.

Review and Approval of Minutes

Members of the Planning Commission reviewed the minutes of the May 18, 2022 meeting.

A motion was made by Comm. Boekhoven, supported by Comm. Fooy, to approve the minutes of the May 18, 2022 meeting. Motion carried 5-0.

Citizen Comments

None.

New Business – Bryce & Associates – Parking Lot Expansion

Julie Johnston stated that she reviewed the site plan amendment and that JBS and Bryce & Associates had complied with everything the Township requested. Additionally, she stated that the Township Engineer had the opportunity to review the site plan amendment and they had no concerns, but did provide a few comments. The Township Engineers pointed out that where the new parking lot meets the existing pavement the slope is greater than six percent which may be steep when ice and snow are taken into consideration.

The representative for Bryce & Associates stated that they like to have at least a one percent slope, with six percent being the maximum slope allowed, but this fits within that six percent slope range, so they were comfortable with it.

A motion was made by Comm. Corke, supported by Comm. Feil, to approve the site plan amendment as presented. Motion carried 5-0

Old Business - Zoning Ordinance Updates – CBD, C-1, C-2 and C-3 Districts

Julie Johnston stated that tonight she thought they could spend the most time on the CBD updates because she didn't make many changes to the C-1, C-2 or C-3 districts other than reorganizing them similarly to what they had done with previous districts.

CBD District Ordinance Update

Ms. Johnston stated that the biggest change was the removal of number one which outlined the retail uses permitted within the district, and replaced it with a retail use and personal service section. Additionally, sections for indoor health and fitness centers, funeral homes, and restaurants without drive-through facilities were also allowed. Drive-through restaurants were moved to special exception uses. Ms. Johnson stated that another large change was under the special exception use section. She explained that under the current zoning ordinance all permitted special exception uses that were the same that are allowed in the C-2 district. Ms. Johnston voiced concern about those special exceptions due to the intensity of the commercial uses allowed in the C-2 General district. For example, Ms. Johnston stated that the C-2 General district allows warehouses, bars, nightclubs, bussing and trucking terminals, etc. as uses, which don't line up with the Township's plans for the CBD district. Ms. Johnston proposed that the special exception uses in the CBD district be all of those allowed in the C-1 Local Commercial District with the exception of motor vehicle sales, outdoor storage, and sexually oriented-businesses.

Ms. Johnston stated that she was concerned with creating several non-conforming businesses if the Township amended the special exception uses. Ms. Johnston asked Attorney Homier if adding language stating the uses existing at the time of the ordinance amendment would be considered conforming. Attorney Homier stated that he wasn't certain if adding that language would make any difference in how the property is used. Ms. Johnston explained that in the past the Township has had issues when property owners try to sell a legally non-conforming properties, and that banks have been reluctant to lend to purchasers of those properties. Attorney Homier stated that it doesn't make much sense to allow properties to be considered conforming to the zoning ordinance, when the Township is trying to move zoning in a different direction.

Comm. Boekhoven asked if it was possible to zone the few businesses that would be legally non-conforming as something different than CBD. Comm. Asselmeier stated that the purpose of having legally non-conforming properties was to eventually bring them alignment with the district. Ms. Johnston stated that the sticking point is when the Township Board values the current businesses as much as conformance with the zoning ordinance. Ms. Johnston expressed her concern that the Township Board may object to any Zoning Ordinance amendments that may impact current businesses. Ms. Johnston remarked that she would like to see a zoning ordinance that reflects the master plan and works towards the district that the Township wants to see in place.

Ms. Johnston asked the Commission if it would be helpful to review a map of the businesses that would be affected under the proposed updated zoning ordinance, to which the Board responded that it would.

Comm. Boekhoven asked if the provision that excludes liquor sales would impact restaurants that operate within the CBD. Ms. Johnston stated that the old language included restaurants, and businesses whose hours of operation were limited to 11:00 pm, and offered to add that language back into the ordinance if the Planning Commission thought it was necessary.

Ms. Johnston pointed out that the last change that she made was in reference to the build-to line for buildings within the CBD District by moving it closer to the road. She felt like the change was necessary to create the downtown feel that the CBD was aiming for by eliminating businesses being setback farther into their properties, so they are visible from the road.

Commissioner Comments

Comm. Corke asked if anyone had heard about a strip of land that the Township is selling that the buyer would like to rezone from commercial to residential on G Avenue. Ms. Johnson stated that she hadn't heard anything about it, but would inquire at the Township when she is in the office next.

Adjournment

A motion was made by Comm. Corke, supported by Comm. Boekhoven, to adjourn the meeting. Motion carried 5-0.