

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD ON TUESDAY, NOVEMBER 15, 2016

A meeting of the Planning Commission of Cooper Charter Township was held on Tuesday, November 15, 2016, at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

Members Present: Boekhoven, Frederick, Janssen, Reynolds, Stehouwer.

Members Absent: Asselmeier, Corke

Also Present: Michael Homier of Foster, Swift, Collins & Smith, attorneys for Cooper Charter Township; Russ Wicklund, Township Planning Consultant; Ralph Wyngarden, Sr. on behalf of Verizon Wireless; Kurt Fontaine from Cripps - Fontaine.

In Chairman Asselmeier's absence, Comm. Boekhoven chaired the meeting.

Agenda Item

A motion to accept the Agenda as printed was made by Comm. Janssen and supported by Comm. Stehouwer. Motion carried 5-0-2, with two members absent.

Review and Approval of Minutes

A motion to approve the Minutes of the October 11, 2016, Planning Commission meeting was made by Comm. Frederick, supported by Comm. Janssen. Motion carried 5-0-2, with two members absent.

Citizen Comment

No citizen comments.

Special Exception Use Permit for Verizon Wireless, 2958 Travis Road, Parcel No. 02-35-201-015; Request for outdoor storage for 11 disassembled temporary cell towers.

Ralph Wyngarden, Sr. from Faulk & Foster, 678 Front Avenue, N.W., Suite 215, Grand Rapids, MI 49504, appeared on behalf of Verizon Wireless. He stated that the proposal is for outdoor storage which is now allowed as a special use under the amendment to the zoning ordinance. There would be eleven disassembled temporary cell towers stored on Verizon's parcel. They would be stored on the west side on the tower area, not visible from the road. During the summer, they will be moved to different parts of the state. This is just for storage during the winter season. There would be limited traffic to the storage area.

Comm. Frederick asked if Verizon would be bringing the disassembled towers to the site yet this year. Mr. Wyngarden stated that did not know; however, doubted that it would be yet this year because of the ongoing special use process and the fact that Verizon still has to get the site ready. Comm. Frederick stated he was concerned about the impact their trucks would have on the gravel road. Mr. Wyngarden explained that the disassembled towers are hauled on mid-sized trailers, not semi-trucks, which would have less impact on the road. Comm. Frederick asked if

the Verizon trucks tore up the gravel road more than normal wear and tear, is Verizon prepared to offer any restitution to bring that road up to the standard it is now. Mr. Wyngarden said Verizon is willing to work with the land owners on that; however, Verizon does not want to be tied down to a heavy-duty maintenance agreement for the road. The neighbors are concerned that the extra traffic will cause more potholes and that they will not be repaired to the standard they are now. Mr. Wyngarden stated that this site is a passive site and the traffic will be limited to their trucks taking the cell towers out in the spring and bringing them back for storage in the fall.

Mr. Wyngarden provided an aerial map and site plan which he used to explain the storage location. Comm. Janssen asked specifically where the parts would be located and a general description of the parts.

Alta Herman, 5787 North Riverview, asked if all eleven trucks would come in, one after another. Mr. Wyngarden said, not necessarily, because they would be going to different locations on different days. Ms. Herman asked if they would decide on one day to bring in the towers so that all eleven trucks would be there on the same day, to which Mr. Wyngarden stated no, the trucks would arrive on different days because they would finish one site and bring the parts to the storage area. That routine would be repeated with each site. She asked if Verizon had other locations that these parts could be taken to. Mr. Wyngarden stated no. Ms. Herman stated she is concerned about the amount of traffic on that road, because just normal wear and tear creates potholes. The increased truck traffic will only make it worse.

Comm. Janssen asked if there was a way to put in the agreement that if the Township approves the special use, approval would require Verizon to review and repair the road if there are any problems created by their truck traffic. Mr. Wicklund stated that the Planning Commission has the ability to impose any condition as part of their approval of the special use permit.

Mr. Homier asked who owns the road and what right does Verizon have to cross it? Mr. Wyngarden stated that Verizon has an access easement; however, he didn't have a copy with him. Mr. Homier wondered if the easement was recorded and, if so, did the easement contain any provision for the upkeep or maintenance obligation on behalf of Alltel (or Verizon). Mr. Homier stated he is concerned about the Planning Commission approving a use across private property or whether Verizon has a legal right to cross over it. Mr. Wyngarden asked whether the special use permit for storage is now going to be tied to accessing the property. Mr. Homier stated his concern was that Verizon is requesting the Planning Commission approve a special use permit to increase the travel over a private road whose ownership is unknown. Without confirmation otherwise, Mr. Homier is speculating that the homeowners own the property to the centerline of the road and wonders if Verizon has done any research on whether or not it has an easement to cross over private property. That would need to be determined.

Ms. Herman stated that she believes her neighbor, Ken Korles, owns all the way across the road.

Comm. Janssen asked if Alltel owned the property prior to Verizon and, if so, did they have an easement. In addition, if they had an easement, would it transfer to Verizon. Mr. Homier said

there probably would have been an assignment of the easement to Verizon, but at this time there is no evidence of that.

Comm. Janssen made a motion to table the application for special use permit, pending receipt of more information from Verizon about the easement. Supported by Comm. Reynolds.

Chairperson Boekhoven asked for comment. Comm. Reynolds stated there is a Consumers Power substation at that location and he would like to know how Consumers legally accesses the substation.

Mr. Homier stated that on the Verizon parcel, Verizon needs to come up with the easement, if there is one, to determine the scope of the easement.

Motion carried 5-0-2, with two members absent.

Public Hearing on Amendment to Existing Site Plan, 7729 Douglas Avenue, Parcel No. 02-20-276-015, Maintenance Building Addition, 24x66 and concrete slab 30x54.

Kurt Fontaine from Cripps – Fontaine stated they want to add to the front of their shop, plus a concrete pad.

Comm. Stehouwer questioned the run-off from the new addition, which was addressed by Mr. Fontaine.

There being no further discussion, a motion was made by Comm. Stehouwer to approve the building addition and concrete pad, seconded by Comm. Reynolds. Motion carried 5-0-2, with two members absent.

Master Land Use

Comm. Reynolds briefly went over the items in the matrix to be included in the Master Land Use plan.

Comm. Frederick again expressed his concern with regard to large urban developments coming in, which he doesn't think the residents want. Comm. Reynolds said he shares that concern. Mr. Wicklund stated that the Master Plan is one of the tools which will have to be reviewed, if that is the direction the Planning Commission wants to take. This task will take place over the next two years and this amount of time gives the Commissioners an opportunity to voice their opinions as to growth and other changes they want to make.

Mr. Wicklund stated items to be considered: middle-of-the-road management; growth management; pro development; growth boundaries; infrastructure only going into the growth boundaries; or blended development, which may be the best plan for Cooper Township. Comm. Boekhoven confirmed that whatever the Planning Commission proposes will go to the Board for approval. He stated he would hate to spend the next two years on the Master Plan only to have the Board reject the Plan.

Comm. Boekhoven asked if the Planning Commission needs Board approval to spend the money necessary for the Master Plan? Comm. Janssen suggested having a joint meeting so that the budget and all aspects of this process can be discussed.

Mr. Wicklund volunteered to try and set up a joint meeting in January, 2017.

It was noted that no decision has been made as to whether there will be a Planning Commission meeting in December. That decision will depend upon whether any applications are received.

New Business.

Comm. Reynolds asked about the status of the gravel operation in Richland Township and the use of D Avenue for their route. Mr. Wicklund said that they are not using that route. It is a non-issue.

Old Business.

Comm. Boekhoven asked whether anything further needs to be done on the moratorium on medical marijuana dispensaries. Attorney Homier stated that nothing needs to be done. The new law is written in a way that requires a municipality to opt in, rather than opt out, so that if the Township wants to allow dispensaries, it can, but the Township cannot be compelled to allow them and nobody can permit them unless the Township allows them.

Adjournment

A motion to adjourn the meeting was made by Comm. Reynolds, supported by Comm. Janssen. Motion carried 5-0-2, with two members absent.

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