

**CITY OF COOPERSVILLE  
REGULAR MEETING of the PLANNING COMMISSION**

**February 21, 2011**

Chairman Schmidt called the meeting to order at 6:00 P.M.

Commissioners Present:     Mark Douglas             Ross Conran  
                                  Mike Schmidt            Tim Haselhuhn  
                                  Pat Vadas                James Ward  
                                  Frank Wash

Absent Commissioners:     None

Motion by Wash and second by Vadas to approve the minutes from the January 17, 2011 regular Planning Commission meeting. Motion Carried.

Chairman Schmidt opened the floor for any citizen comments regarding items that were not on the agenda. There were none.

**DISCUSSION/ACTION – Moore & Bruggink, 126 S. 68<sup>th</sup> Avenue**

Justin Longstreth of Moore & Bruggink Incorporated presented the latest revision on the detention pond at 126 S. 68<sup>th</sup> Street to the Planning Commission members. The latest revision has the storm water being diverted into catch basins and then into the storm sewer and ultimately in the detention pond on Conran Drive. Mr. Longstreth stated that easements have been obtained from Mr. Hanenburg and also from the owner of the vacant car dealership property. No action was taken.

**DISCUSSION/ACTION – Western Michigan Society for Industrial Heritage**

Phil Cok, President of the Western Michigan Society for Industrial Heritage was present to request an extension of time to complete the Polyhouse Structure for the Handicap Railcar Renovation Project which expired February 2011. Motion by Conran and second by Haselhuhn to extend the time allowed to complete the project to December 31, 2011. Carried unanimously.

**DISCUSSION/ACTION – Dan Noel, 327 Main Street**

Dan Noel, 327 Main Street was present to discuss the Special Land Use application he had submitted to be allowed to utilize a major section on the second floor of his building at 327 Main Street, for residential purposes. City Clerk Kim Borgman explained the chain of events that brought Mr. Noel to the Planning Commission and the stipulations set forth in the court order against Mr. Noel which ordered him to apply for the Special Land Use. Discussion was held on previous violations against Mr. Noel in regards to his building. City Clerk Kim Borgman also informed the members that Mr. Noel was informed during the court proceedings that it is not allowed in the ordinances to have a commercial business on the same floor as a residential dwelling which does exist in Mr. Noel's building with currently having a Photography Studio on the second floor.

**DISCUSSION/ACTION – Dan Noel, 327 Main Street Continued**

City Clerk Kim Borgman informed Commission members that Mr. Noel had stated during the court proceedings that should an exception to the ordinance not be allowed then he would have the Photography Studio removed from the second floor. Mr. Noel stated to the Commission members that “he has changed his mind and that having the Photography Studio move out was not an option anymore and that we don’t need to lose another business in Coopersville.” Planning Commission members informed Mr. Noel that he would have to apply for a variance from the Zoning Board of Appeals if he wanted to obtain the approval to be allowed to have commercial and residential uses on the same floor, or close, and/or move the Photography Studio to a different location.

**PUBLIC HEARING for Dan Noel, 327 Main Street**

Motion by Conran and second by Wash to open the Public Hearing for Dan Noel, 327 Main Street.

Maury Lothschutz stated that the ordinances pertaining to Mr. Noel’s issue may need to be changed.

Bill Henke spoke in support of Dan Noels request.

Sue Schmidt stated that Dan has done a nice job on his building but in 1999 when she renovated her building at 293 Main Street she had to follow all the ordinances and by checking with the architects and city officials prior to her renovations she was informed as to what she could and could not do with her building.

Motion by Vadas with second by Conran to close the Public Hearing. Carried unanimously.  
Public Hearing closed at 6:55 P.M.

Motion by Conran with second by Ward to approve the Special Land Use permit for Dan Noel, 327 Main Street contingent upon Mr. Noel complying with one of the following conditions in order to be in compliance with the ordinances:

- 1) Applying for and obtaining a variance from the Zoning Board of Appeals to continue to Maintain the two (2) uses on the same floor. Commercial & Residential***
- 2) Remove the Photography Studio from the second floor***
- 3) Remove the apartment by restructuring it to the conditions which existed prior to the construction of the residential premises.***

Motion carried unanimously.

**DISCUSSION/ACTION – Midwest Development Team LLC, 411 64<sup>th</sup> Avenue**

Bill Henke from Midwest Development Team LLC, 411 64<sup>th</sup> Avenue was present to discuss the Special Land Use application he had submitted to be allowed to operate a Trucking and Repair Facility in a portion of the building located at 411 64<sup>th</sup> Avenue which is currently zoned I-2 Heavy Industrial. Mr. Henke stated that the remaining portions of the building that are not currently being utilized would later be used for Warehousing purposes with the intention of leasing out other sections of the building. Discussion was held on the general condition of the office area and the current utilization of the different areas for parking. Suggestion was made to Mr. Henke to have a majority of the trucks and trailers park on the south side of the building to help the aesthetics of the area. Discussion was also held on the potential for Mr. Henke to have the zoning of the property changed to a MPUD to comply with the possible multiple uses of the building and property.

**Public Hearing for Midwest Development Team LLC, 411 64<sup>th</sup> Avenue**

Motion by Wash with second by Douglas to open the Public Hearing at 7:00 P.M. for Midwest Development Team LLC, 411 64<sup>th</sup> Avenue. Carried unanimously.

Maury Lothschutz , Owner of Michigan On-line Auctions inquired as to the status of what his business would be defined as and in what zoning district his business would be allowed in. Mr. Lothschutz has intentions on leasing a portion of Midwest Development Teams building. Mr. Lothschutz was informed that he is currently allowed in the MPUD zoning district and that the City Clerk has been inquiring with other municipalities as to what the definition or classification of an On-Line Auction business would be and also what zoning districts they are being allowed in. Mr. Lothschutz was also informed that no discussion or action on his request to be allowed to relocate to Midwest Development Teams building or property until Midwest Development Teams current use of the building was brought into compliance with ordinances.

Motion by Conran with second by Wash to close the Public Hearing. Carried unanimously. Public Hearing closed at 7:15 P.M.

**DISCUSSION/ACTION – Midwest Development Team LLC, 411 64<sup>th</sup> Avenue continued**

Motion by Conran with second by Vadas to approve the Special Land Use for Midwest Development Team LLC at 411 64<sup>th</sup> Avenue to operate a Trucking and Repair Facility. Carried unanimously.

Further discussion was held on the future uses of remaining sections of Midwest Development Teams building. Mr. Henke was informed that no decisions would be made in regards to the future uses at this meeting.

**DISCUSSION/ACTION – Frank Noel, 199 S. 48<sup>th</sup> Avenue**

Frank Noel of 199 S. 48<sup>th</sup> Avenue was present (this was Frank Noel's 3<sup>rd</sup> meeting for this request) to discuss the Special Land Use application he had submitted in September 2010.

**DISCUSSION/ACTION – Frank Noel, 199 S. 48<sup>th</sup> Avenue continued**

Mr. Noel was requesting to be allowed to operate a Wrecker Service and Impound Lot on his property. Mr. Noel had previously requested to operate a Wrecker Service and Used Vehicle Parts Dealership then recently had changed his request. Mr. Noel stated that he had changed the number of vehicles that would be on his lot at one given time from ten (10) to twenty (20). Discussion was held on the proposed use not being an allowable use in the MPUD zoning district and the fact that the property was previously rezoned to MPUD for Master Plan purposes. Discussion also took place in regards to the site plan submitted was not complete. No lighting or sidewalks were on the site plans and there is currently a court order on the property for two (2) years which states: no inoperable vehicle's, dismantled or partially dismantled vehicle or vehicle parts can be on the property unless they are stored in a wholly enclosed garage. Much discussion took place in regards to the proposed use not being congruent with the Master Plan.

Motion by Chairman Schmidt with second by Wash to deny the request for the Special Land Use due to the following reasons: 1) Mr. Noel had a pre-existing non-conforming business that currently has court (legal) constraints 2) Incomplete Site Plan 3) Proposed use not congruent with the Master Plan 4) Use as requested is not permitted in the zoning district. Motion carried. One (1) Opposed – Ward

**DISCUSSION/ACTION on Chapter 672 Weapons & Explosives Ordinance**

Motion by Conran with second by Ward, to recommend approval of the Weapons and Explosives Ordinance to City Council. Carried unanimously.

**ADJOURN**

Motion by Chairman Schmidt with second by Douglas to adjourn the meeting. Carried unanimously.

Meeting adjourned at 8:05 P.M.

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Chairman, Mike Schmidt