

**KOCHVILLE TOWNSHIP PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
MARCH 10, 2014 – APPROVED  
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**7:00pm:** opened with the Pledge of Allegiance.

**Roll Call:** Present: Tony Leuenberger, Joanne Cammin, Russ Herlache, Don Jackson, Rhonda Ferrell, and Chair Kiss. Absent, Excused Ron Robishaw.

**Approval of Agenda:** Mr. Jackson made a motion to approve the presented agenda. Seconded by Mr. Leuenberger. Motion carried.

**Approval of minutes of regular meeting of February 10, 2014:** Mr. Leuenberger would like some clarification on page 4 of the PC minutes (comments from Tony) to clarify Tony Dier. Mr. Jackson made a motion to accept the minutes of February 10, 2014 as amended. Mr. Leuenberger seconded the motion. Motion carried.

**Open general public:** no comments

**Close general public:**

**Report from PA33 Committees:** no comments

**Report from Township Board Rep. Rhonda Ferrell:**

The Township Board approved Resolution #14-004 – Kochville Township Parks & Recreation Master Plan 2014-2018.

The Township Board approved a pay increase for all hourly employees effective April 1, 2014.

Mr. Gerald Johansen was hired as an accounting clerk pending employment agreement.

The Board approved an Auditing Service Agreement with Yeo & Yeo.

Resolution #14-005 – Poverty Guidelines was approved.

Resolution #14-006 – Site Plan Fee Schedule was approved.

The Township Board approved METRO Act permit application – Great Lakes Comnet, Inc. requesting use of the road right of way easements on Fashion Square Blvd, Trautner, and Hampton Place for the installation of fiber optic cable to the Netsource One Data Center.

The Township Board approved Resolution #14-007 – SASWA Resolution approving apportionment for 2014.

The Township Board approved the Fire Department to apply for a FEMA Firefighter Assistance Grant. Trustee Thon is doing well and was in attendance at the Township Board meeting.

**Business Items:**

**1. Requested Action: ZBA Animal Protection Shelter:** Recommendation to the Planning Commission from the ZBA to amend the zoning to allow an “Animal Protection Shelter” (by state definition) as a Special Use in a B-1 district; and to add the state definition of an Animal Protection Shelter.

Mr. Palmer explained to the Planning Commission the ZBA public hearing that was held on February 20, 2014 for interpretation and classification of a use as a permitted use in the B-1 district, specifically 3365 Freeland Road, parcel # 18-13-4-22-1002-001. Mr. Palmer explained he received comments from Ms. Traxler, McKenna Associates and they both looked at the most similar uses and the surrounding areas. The ZBA looked at all the definitions of animal protection shelter and kennels from the State and Township. It boiled down to distinguishing between non-profit and profit. The ZBA decided to not

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classify the animal protection shelter as a kennel. The ZBA chose to look at this use as a special use. Their recommendation is to use the state definition of an animal protection shelter which is covered by the act.

Chair Kiss agrees with the ZBA assessment of the state definition of the animal protection shelter and the explanation of a kennel versus animal protection shelter. Mrs. Ferrell agrees with the ZBA also. The State of MI regulates animal protection shelters based on the Department of Agriculture.

Shawna Guiett of Amazing Grace Animal Rescue is here to answer any questions of her non-profit animal rescue. She is currently in the process of working with the State to obtain her certificate to regulate her establishment. The State has been out there to inspect.

Mrs. Cammin questioned the limit of animals at the shelter. Ms. Guiett stated the Department of Agriculture sets the guidelines. It is based on the number of enclosures. Chair Kiss questioned if the restrictions were based on square footage or is it based on the number of cages. Shawna stated she didn't think the Dept of Agriculture has restrictions based on square footage. Shawna says they set their own restrictions based on their own enclosures which are well below the set restrictions based on the Dept. of Agriculture. Mr. Herlache questioned the comparison of our neighboring Townships based on animal protection shelters. Mr. Palmer stated Petsmart has a special use to operate. Mr. Leuenberger questioned aggressive dogs. Ms. Guiett stated there are various tests they perform on the dogs before acceptance. All their employees are volunteers. Amazing Grace has been in operation since mid June 2013. No outstanding neighboring concerns.

Mr. Jackson commented that since B-1 zoning is with a special use that B-2 zoning should be a use by right. There is no carryover in our ordinance from a special use to a use by right. Mr. Palmer stated that B-1 zoning is more closely in line with AG (agriculture) a lighter use with wider bigger lots. B-2 zoning is a more intense use with tighter lots. Mr. Palmer doesn't believe it would be a good fit in a B-2 zoning district. He doesn't want to lose the control.

Ms. Traxler, McKenna Associates commented that B-2 zoning is for a larger consumer population compared to B-1 zoning. It is for general retail shopping and merchandising activities with limited wholesale, business, and personnel services. Ms. Traxler stated that we do have special uses that are not carried over to a use by right. Ms. Traxler agrees that this particular location may be a perfect fit for this use, the animal protection shelter. Thus, initiating an ordinance amendment and considering a special use would be her recommendation which would require a public hearing.

The Planning Commission is in consensus of adding a special use in the B-1 zoning district and adding animal shelter protection definition per the State of Michigan.

Mr. Jackson made a motion to hold a public hearing to add 155.005 DEFINITIONS. Animal protection shelter per State of Michigan and 155.232 USES PERMITTED BY SPECIAL USE PERMIT (10) Animal protection shelter. Seconded by Mr. Herlache.

**Roll Call:** Mr. Leuenberger – Yes; Mrs. Cammin – Yes; Mr. Herlache – Yes; Mr. Jackson – Yes; Mrs. Ferrell – Yes; and Chair Kiss – Yes. Motion carried.

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**2. Sarah Traxler**-McKenna Associates

- Proposed 155.003 (D) Freestanding Solid Fuel-Burning Furnaces: Sarah presented the Outdoor Burning Model Ordinance presented by DEQ and MTA. We will put this on the back burner and do more research.
- Amend Accessory Use: An accessory use includes a building or structure and is clearly used incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related. We can state what isn't allowed. Construction trailers still need to re-visit.
- Supplemental Use Regulations: Garage Sales shall not continue for a period exceeding two (2) weeks and no more than 3 sales per year.
- Zoning Conflict Section 155.246 (2) & (9) Ms. Traxler agrees with Mr. Palmer.
- Zoning Permit: Sarah suggested changing the wording of "The Zoning Administrator may require a survey". She agrees with Mr. Palmer to move forward.
- Administration: Section 155.385 (C) Certificate of Occupancy. Not enforceable. Ms. Traxler agrees. Mrs. Cammin questioned the consecutive weekends on the garage sales. Mr. Palmer will enforce the garage sales. No permit required.

**Master Plan Update:**

- Sending a master plan intent letter to the Township for distribution to neighboring Townships.
- Boundaries of the 2 sub areas.
- Draft, goals, objectives: PC consideration.
- New classifications/agenda items.
- June 2014: recommendation to Township Board based on the work that was done for 3 months to consider the amendment to the master plan.
- Send out to adjacent townships: 63 day period.
- Adoption date September 2014.

Future land use map needs updating and the proposed multi-family developer is accelerating the schedule.

**Other Business:** none

**Comments from Staff/Commission:** Mr. Palmer Zoning Administrator would like the Planning Commission to be aware of the B-2 district freestanding/monument sign ordinance which states the sign shall not exceed 50 square feet in size effective date February 26, 2016. Discussion followed.

**Next PC Meeting:** April 14<sup>th</sup>, 2014. Bring training ideas for Sarah Traxler.

**Adjourn:** Mr. Herlache made a motion to adjourn. Seconded by Mr. Jackson.

Respectfully submitted,

Rhonda Ferrell, Secretary

