

COVERT TOWNSHIP
PLANNING COMMISSION
MINUTES OF THE JULY 17, 2024 REGULAR MEETING
6:30 P.M., COVERT TOWNSHP HALL

Call to Order / Roll Call / Pledge of Allegiance

Chair Rendell called the meeting to order at 6:30 p.m.

Members Present: Robert Brown, Tom Bury, Luke Dennison, Austin Harding, Jena Johnson, Wayne Rendell, Lonzey Taylor

Members Absent: None

Others Present: Rebecca Harvey, Township Planning Consultant

Approval of Agenda

Motion by Brown, seconded by Dennison, to approve the agenda of the July 17, 2024 regular meeting, as presented. Motion carried unanimously.

Approval of Minutes – June 20, 2024 Regular Meeting

Motion by Dennison, seconded by Brown, to approve the minutes of the June 20, 2024 regular meeting, as presented. Motion carried unanimously.

Public Comment

No public comment was offered.

New Business

Discussion – Summary of Master Plan Survey Results

Chair Rendell noted that the Commission received both a summary of the survey results and a complete summary of all survey responses for review. A discussion of the survey results has been scheduled to provide a foundation for the upcoming review of the draft updated Master Plan/Coastal Management Plan.

Planning Commission discussion ensued wherein the following observations were noted:

Chair Rendell:

- majority of respondents are greater than 50 years of age and are owners of a second home west of I-96 (along Lake Michigan)
- responses may have been fueled by the proposed Fire Lane 12 project under consideration at the time of the survey
- raises a question on to what degree the Commission should rely on the responses

Johnson:

- responses indicate residents highly value the rural character and natural features of the Township . . . with strong support for preservation-based policies
- the Township's small town feel was highlighted and support noted for strengthening rural economic activity

Dennison:

- survey did not mention schools . . . which may have been a conduit to getting input from younger residents
- likes the idea of a 'town hall' to discuss the results of the survey and how they are reflected in the updated Plan

Taylor:

- appreciates the level of response received
- understands that younger residents are more supportive of growth but younger residents largely did not participate in the survey
- the Township and the Master Plan do not directly control public schools . . . but try to address issues that impact schools, such as housing, transportation, etc.
- also would like the community to know their voices were heard and supports efforts to improve/promote communication of the survey results and corresponding Plan policies

Brown:

- limited solutions available to improve participation in community surveys/open houses
- the preservation of the Township's rural character and natural features has consistently been highly rated in previously conducted surveys

Ongoing Business

Text Amendment: Battery Storage Facilities

Chair Rendell reminded that the Commission considered the Township Attorney's review of Draft #3 of proposed amendments to Section 2.02 – Definitions and Section 18.34 – Battery Energy Storage Systems (BESS) in June. Following Commission discussion of the review comments provided, Harvey was directed to revise the draft text to include the requested modifications and to submit Draft #4 to the Township Attorney for the 'decommissioning agreement' text and for final review. It was then agreed that the revised text and final review comments would be considered at the July meeting and a public hearing on the draft text scheduled.

Harvey provided an overview of the modifications reflected in Draft #4 and referenced the written review comments provided by the Township Attorney titled 'Kaufman revisions July 17, 2024 – Draft #4'. Following Planning Commission discussion, the following points of consensus were noted:

- Section 18.34, Subsection B.8. – Noise: the added waiver provision is acceptable given the grant of a waiver by the Planning Commission is optional; change 'non-participating properties' to 'non-participating lots'; modify 'owners' to 'owners and occupants'.
- Section 18.34, Subsection 12. – Decommissioning: the rewrite/expansion of this subsection by Attorney Kaufman is acceptable; Subsection 12.A. - change 'Calhoun County' to 'Van Buren County'; Subsection 12.C. – delete 'to the Planning Commission' following 'provides substantial evidence'; Subsection 12.D. – delete reference to provisions a. through e.
- All other modifications reflected in Draft #4 are acceptable.

- Section 15.01 – Table of Dimensions: the addition of Footnote #10 to the side/rear setback requirements within the I District is acceptable; Section 15.02 – Notes to Schedule of Regulations, Footnote #10: change ‘100 feet’ to ‘50 feet’.

Motion was then made by Chair Rendell, seconded by Bury, to schedule a public hearing on the proposed amendments to Article 2 – Definitions, Article 13 – I-Industrial District, Article 15 – Schedule of Regulations, and Article 18 – General Provisions reflected in the reviewed and modified Draft #4 for the August 21, 2024 Planning Commission meeting. Motion carried unanimously.

Text Amendment: Shipping/Storage Containers

Chair Rendell reminded that, following discussion and a consensus of support for allowing the use of shipping containers only as an accessory use (e.g. storage) within the Township, the Commission directed Harvey to prepare draft text (using the Conway Township ordinance as a template) for consideration.

In June, the Commission reviewed/discussed Draft #1 – ‘Shipping Containers as Accessory Structures’, which contains definitions for ‘cargo container’ and ‘portable storage container’ and an amendment of Section 18.14 so as to include regulations for both. It was agreed that the Commission would study further the draft text for continued consideration in July.

Taylor advised the Commission of an unsigned letter recently received by the Township requesting that this topic be considered.

Lengthy Planning Commission discussion ensued regarding Draft #1. The following review comments were provided:

- Additional limitations on the use of containers may be warranted in non-residential zoning districts.
- Why not allow containers within the front yard when accessory buildings are allowed in the front yard? Scenarios involving large lots and large front setbacks were offered in support of a front yard location.
- No limit on number of containers is established. A standard limiting the number of containers on a single site to two (2) should be included.
- Should containers be allowed to be located on a vacant lot?

- Subsection A.5. should note that electrical service may be provided.
- Subsection B.2. – the standard ‘or better’ should be clarified
- Support noted for allowing deviations from some of the standards, such as location, quantity, setbacks, and structural modifications, through the special land use process rather than through the variance process. The special land use process would allow use of the impact-based special land use criteria to address scenarios/issues raised.
- How will the new standards apply to containers currently being used in the Township in violation of the current Section 18.14?

Harvey was then directed to revise the draft text to reflect/address the Planning Commission’s discussion to date for continued consideration in August.

Communications

Harvey reported on the status of the Master Plan/Coastal Management Plan Update and the update of the Zoning Ordinance/Zoning Map with all adopted amendments to date.

Public Comments

No public comment was offered.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

Respectfully Submitted,
Rebecca Harvey, AICP, PCP
(McKenna)Township Planning Consultant