

COVERT TOWNSHIP

PLANNING COMMISSION

MINUTES OF THE NOVEMBER 15, 2023 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: Lenard Berry, Robert Brown, Austin Harding, Wayne Rendell, Lonzey Taylor

Members Absent: Keneisha Harrington

Others Present: Rebecca Harvey, Township Planning Consultant

Chair Rendell advised that Joseph Frabotta has submitted his letter of resignation from the Planning Commission and will no longer be serving. Taylor noted that the Township Board is moving forward with a new appointment to the Commission.

Approval of Agenda

Motion by Taylor, seconded by Brown, to approve the agenda of the November 15, 2023 regular meeting, as presented. Motion carried unanimously.

Approval of Minutes – *October 18, 2023 Regular Meeting*

Motion by Chair Rendell, seconded by Berry, to approve the minutes of the October 18, 2023 regular meeting, as presented. Motion carried unanimously.

Public Comment on Non-Agenda Items

Barbara Rose, VanBuren County Planning Commission member, noted the County's support of MSU Extension's Citizen Planner Program and encouragement of local

planning commission participation. She reported that the County is sponsoring a Citizen Planner training session for VanBuren County on March 12, 2024 and welcomed all to attend. Training session information flyers were distributed.

No further public comment was offered on non-agenda items.

Public Hearing: Text Amendments – for compliance with Right to Farm Act (RTFA)

Chair Rendell stated that the next matter to come before the Commission was consideration of the proposed amendments to Sections 4.02/4.03 – AG District, Sections 5.02/5.03 – RR District, and Section 2.02 – Definitions so as to ensure consistency and compliance with the State’s Right to Farm Act. He explained that the Planning Commission has been engaged in a review and discussion of the proposed changes since May, 2023.

Chair Rendell opened the public hearing.

General questions were posed requesting clarification of the specific amendments proposed. No further public comment was offered on the matter and the public comment portion of the public hearing was closed.

Motion by Berry, seconded by Brown, to recommend Township Board approval of the proposed amendments to Sections 4.02/4.03 – AG District, Sections 5.02/5.03 – RR District, and Section 2.02 – Definitions so as to ensure consistency and compliance with the State’s Right to Farm Act, as referenced in public hearing notice items #1 - #4 and as presented in the ‘public hearing draft’ text. Motion carried unanimously.

Public Hearing: Text Amendment – Article 25 (Conditional Rezoning)

Chair Rendell stated that the next matter to come before the Commission was consideration of the proposed amendments to Sections 25.02 through 25.13 - Conditional Rezoning and Section 29.06 – Findings of Fact Required. He explained that the Planning Commission has been engaged in a review and discussion of the proposed changes since August, 2023.

Chair Rendell opened the public hearing.

No public comment was offered on the matter and the public comment portion of the public hearing was closed.

Motion by Brown, seconded by Taylor, to recommend Township Board approval of the proposed amendments to Sections 25.02 through 25.13 - Conditional Rezoning and Section 29.06 – Findings of Fact Required, as referenced in public hearing notice items #5 - #13 and as presented in the ‘public hearing draft’ text. Motion carried unanimously.

Public Hearing: Text Amendment – Article 21 (Mineral Removal)

Chair Rendell stated that the next matter to come before the Commission was consideration of the proposed amendments to Sections 21.01 through 21.04 - Mineral Removal so as to ensure consistency and compliance with the Michigan Zoning Enabling Act. He explained that the Planning Commission has been engaged in a review and discussion of the proposed changes since May, 2023.

Chair Rendell opened the public hearing.

No public comment was offered on the matter and the public comment portion of the public hearing was closed.

In Planning Commission review of the proposed amendments, the following was discussed:

Section 21.01 – second paragraph: Is this provision necessary in that no mining permits are currently out. There was Commission consensus to retain the provision.

Section 21.02 – third paragraph: What is GLD elevation? It was noted that GLD stands for Great Lakes Datum and refers to water elevations of the Great Lakes.

Section 21.03 A. 9.b. – What is a ‘cell unit’? – It was noted that ‘cell unit’ refers to defined areas of mining within a mineral removal operation.

Section 21.03 C. 1. – The requirement to ‘restore the property as nearly as possible’ is a subjective standard; how is this to be determined? The remaining provisions of subsection

1. were referenced as specific restoration standards and the Planning Commission's required review/approval of the restoration plan was offered as foundation for the standard.

Section 21.03 C. 3. – third paragraph: Is this statement/standard too vague? It was recognized as an existing standard. There was Commission consensus to retain the provision.

Motion by Taylor, seconded by Chair Rendell, to recommend Township Board approval of the proposed amendments to Sections 21.01 through 21.04 - Mineral Removal so as to ensure consistency and compliance with the Michigan Zoning Enabling Act, as referenced in public hearing notice items #14 - #17 and as presented in the 'public hearing draft' text. Motion carried unanimously.

Ongoing Business

Discussion: Lake Access Regulations (Keyhole Development/Anti-Funneling)

Chair Rendell reminded that the topic of 'Keyhole Development/Anti-Funneling' is a Work Plan Item and that general discussion of same was held in October. He noted that Harvey was subsequently requested to provide informational articles on 'anti-funneling' regulation to expand the Commission's understanding of the concept, as well as additional sample ordinances, for continued consideration in November.

Harvey presented an overview of the informational articles and a detailed review of the sample ordinances provided.

General Commission discussion ensued wherein questions regarding the application of keyholing standards to a planned unit development; what lakes within the Township are at issue; the impact of keyholing standards on dock regulations; and the existing keyhole developments in the Township were vetted.

A consensus of support for a simple approach to the regulation of keyhole development in the Township was expressed. Commission members noted interest in the Prairieville Township ordinance text related to 'access lots' as a template for keyhole regulations in Covert Township.

Harvey was directed to prepare draft text based on the Prairieville Township ordinance for Planning Commission consideration in January.

Communications

Harvey reported on the status of the Master Plan/Coastal Management Plan project. She noted the survey period has been extended and reminder postcards will be mailed to encourage increased participation in the survey process. She advised that the drafting of the document continues with a preliminary draft document anticipated by February.

Taylor advised that recommended Zoning Ordinance amendments related to 'child care facilities', 'self-storage facilities', and 'temporary facilities on construction sites' have been approved by the Township Board. He noted that the Board had questions on the recommended 'solar energy facility' text and has opted to return the text to the Planning Commission for further consideration.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:08 p.m.

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