

**MINUTES OF THE COOPER CHARTER TOWNSHIP**  
**PLANNING COMMISSION HELD ELECTRONICALLY**  
**WEDNESDAY, JULY 21, 2021**

A meeting of the Cooper Charter Township's Planning Commission was held on Wednesday, July 21, 2021 pursuant to the Open Meetings Act.

Members Present: Asselmeier, Boekhoven, Corke, Fooy, Frederick, Feil and Wiersma

Members Absent: None.

Also Present: Michael Homier, of Foster, Swift, Collins and Smith, attorneys for Cooper Charter Township; Julie Johnston, Township Planner and Zoning Administrator. Additional attendees Applicant, Kelly Lind, Craig Fritsma as Representative for Land & Company, and Todd Strive of Excel Engineering, and members of the public.

Chairperson Asselmeier called the meeting to order at 7:00 p.m.

Approval of Agenda

A motion was made by Comm. Frederick, supported by Comm. Boekhoven, to approve the agenda. Motion carried 7-0.

Review and Approval of Minutes

Members of the Planning Commission reviewed the Minutes of the June 16, 2021 meeting. A motion was made by Comm. Corke, supported by Comm. Wiersma, to approve the minutes as printed. Motion carried 7-0.

Citizen Comments

Bob Kavasavich stated that he would like to be added to the agenda for the August meeting to discuss the potential of rezoning or be granted a special use permit that would allow him to provide short term rentals, such as a Bed and Breakfast at his home in the agricultural district.

Chairperson Asselmeier stated that he would let the Township Administration know that Mr. Kavasavich would like to be added to the agenda for the August meeting.

Township Planner Julie Johnston stated that the Kavavichs had not submitted an application but were interested on participating in a conversion with the Planning Commission about the potential to allow short term rentals within the agricultural district. Ms. Johnston explained that a discussion item could be added to the agenda and that no action would be needed by the commission at that time. If the Kavasavichs choose to move forward after the discussion they would need to submit an application for rezoning or special use exemption.

Comm. Frederick asked about the current legislation regarding short term rentals that was being considered and the impact that would have on the Planning Commission.

Township Attorney Mike Homier stated that a big push was made to allow short term rentals regardless of zoning. The legislation was backed by the MI Association of Realtors. Prior to its third reading the Michigan Township Association (MTA) and the Michigan Municipal League (MML) came out against the legislation, and since that time the push to pass the legislation died. As an alternative, the Michigan Township Association and the Michigan Municipal League have proposed legislation which would allow short term rentals, but would also allow local municipalities to maintain control over them. As it stands, none of the legislation is moving forward and local municipalities still have the authority to regulate short term rentals.

Richard Liscovich of 4538 Rollridge Ave. asked where the retention pond for the Cooper Landing project will be located due to concerns with water runoff. Mr. Liscovich stated that residents who live adjacent to Coopers Landing have had water issues due to the water runoff from the apartment complex and that he is opposed to phase-5 of the project moving forward. Mr. Liscovich asked if the commission would be approving the project at the meeting. Mr. Liscovich stated that he has lost thousands of dollars worth of equipment and experienced property damage due to the water runoff from Coopers Landing.

Chairperson Asselmeier stated that the Commission heard Mr. Liscovich concerns and would take them into consideration during the site plan review.

#### Public Hearing on the Rezoning Application of Kelly Lind regarding Parcel No. 02-35-410-050

A motion was made by Comm. Frederick, supported by Comm. Corke, to open the Public Hearing on the Lind Rezoning Application. Motion carried 7-0.

The Applicant Kelly Lind of 2906 Springbrook Drive stated that he is a long term resident of Cooper Township, and that he entered into purchase agreement to buy 2 lots contingent upon the approval of the rezoning request. Mr. Lind desires to rezone a lot located on Bracket Avenue which is adjacent to other C2 properties from the R-3 residential district to the C-2 commercial District. The rezoning would allow Mr. Lind to build a “contractors workshop” to support his hobbies. The proposed building would be fully insulated to limit noise pollution. Mr. Lind stated that he planned the building façade to be constructed with some combination of brick, stone, wood, and or stucco with the remaining sides of the structure being green metal to blend in with its surroundings and aid screening.

In the future Mr. Lind was open to renting the space out as an artist’s studio or office to offset the cost of the property. Mr. Lind stated that public water is available at the street and that the public sewer connection is available at the corner of Bracket and Riverview. Additionally, he mentioned that the frontage of the lot in question only faces Bracket Avenue therefore facing several commercial buildings. Mr. Lind believes that the lot would not be desirable for someone looking to build a home especially since it faces several commercial buildings. Mr. Lind stated that the current ratio of residential lots versus commercial properties within 300 feet of the

property is 30.3% and that if the board approved the rezoning the ratio would only change by 3% to 33.3%.

Mr. Lind gave a brief history of the property listing. According to Mr. Lind the property was originally listed in 2020 with an asking price of \$25,000 per lot and was on the market for 181 day. In December it was relisted with the asking price both lots set at \$30,000. In March the price was reduced further. Mr. Lind's offer was accepted in May contingent upon the rezoning of the property. In total the lots have been on the market for 338 days and the listing price has dropped 60% during that time. The applicant stated that after a great deal of research and discussion with Township officials he has met the burden of proof necessary to demonstrate that rezoning fits and follows the goals of Cooper Township Master Plan and therefore his application should be approved.

A motion was made by Comm. Frederick, supported by Comm. Corke to close the public hearing on the Lind rezoning application. Motion carried 7-0.

### Commissioner Discussion

Township Planner and Zoning Administrator, Julie Johnston stated that she provided the Commission with several findings when reviewing the rezoning request, some which support the rezoning and some that don't. Specifically the future land use plan does not designate this lot as commercial but instead as a medium density residential. That being said the master plan also states that commercial development should be encouraged along the Riverview Drive corridor because the infrastructure is already in place to develop the area.

Ms. Johnston agreed with the applicant regarding the lot's limited appeal as a residential property due to its entire frontage facing commercial buildings. Ms. Johnston outlined the types of motions the Commission could make on this application and what was necessary for each motion.

Comm. Boekhoven asked the applicant if he was going to keep both lots separate, to which the applicant answered that he was going to keep both lots separate.

Comm. Frederick stated that he was concerned with rezoning the property commercial because the lots lead into a platted residential subdivision, and if rezoned the lot at Thayer and Brackett would be abutting a commercial property. Additionally Comm. Frederick stated that zoning follows the property, so the commission wasn't approving the project but the entire range of uses allowed in the commercial zone. Therefore subsequent owners could develop the property for any use that is allowed in the commercial zoning district. Mr. Frederick voiced concern that if the Planning Commission rezoned the Brackett parcel, that someone in the future would seek to expand the use to the lot on the corner of Thayer and Brackett which would have an adverse impact on the platted subdivision.

Comm. Asselmeier asked the commission if they thought that someone would realistically build a home facing the commercial properties. Comm. Boekhoven stated that even though the adjacent parcel on Riverview is zoned commercial it is currently a residential property and

having a commercial building built next door may have a negative impact on that property as well.

Comm. Wiersma stated that he was in favor of rezoning the property, as did Comm. Corke.

Comm. Frederick stated that he liked the way the property was currently zoned as residential and thought it fit with the area.

The applicant stated that due to the commercial development on the north side of Brackett and with the Riverview lot that abuts the lot in question being zoned commercial he didn't think that changing the zoning would interfere with the areas intended future use as a commercial property. Additionally, the applicant stated that the building that he proposed was designed in such a way that it would limit any negative impact upon the neighboring properties.

A motion was made by Comm. Frederick, supported by Comm. Feil, to recommend denial of the Lind rezoning application based on the fact that the property is not in the commercial corridor, and if the rezoning was granted the property could be used for any commercial use, which would have a detrimental impact on the residential neighborhood surrounding the property. Motion carried 4-3

Township Planner Johnston explained to the applicant that he could still take the rezoning application to the Township Board and present it to them or he could withdraw it entirely.

#### Site Plan Review – Coopers Landing Phase-5

Todd Stuive of Excel Engineering presented a quick history of the Coopers Landing project and the proposed site plan. Mr. Stuive explained that the proposed buildings in phase 5 will be either two or three stories with attached garages. The request for Phase 5 includes eight 14-unit buildings and two 16-unit buildings designed to have 1<sup>st</sup> floor garages, 2<sup>nd</sup> floor living areas, and 3<sup>rd</sup> floor lofts. Parking will include the garages plus additional uncovered spaces around the perimeter of the apartments. According to Mr. Stuive, evergreen trees will be planted for screening purposes along the property line between development and the homes bordering Coopers Landing. Mr. Stuive responded to the drainage concerns voiced by citizens and said that the natural topography of the property slopes towards the homes. When residential properties along Rollridge Avenue experienced water issues in the past, a determination was made by the Townships Engineer that the water was coming from the undeveloped portion of the Coopers Landing property, but that the development was not the source of the issues, instead the water was naturally running off the vacant field. Mr. Stuive stated that the developers are willing to work closely with the Township's engineers on the water runoff concerns and that while preparing the proposed site plan they included a storm water system that drains runoff into a retention pond thereby alleviating concerns from the community. Mr. Stuive also stated that they are aware that extra attention will need to be paid to storm water runoff during construction as to avoid harming the neighboring residential properties.

Craig Fritsma stated that he would like to touch on a few things that were remarked on in the Township Planners report. The first being the 3<sup>rd</sup> floor loft area. Mr. Fritsma stated that the loft

area is not designed to be a living space, but is designed for storage similar to an attic. This additional space the developers saw as a bonus they could provide potential residents due to the pitch of the roof. Even though the zoning designation for the proposed development is considered R-4, Mr. Fritsma stated that they have always intended to develop larger scale buildings and have made that plan known to the Township. If the size of the proposed buildings becomes an issue in obtaining site plan approval, then they would consider breaking up the units thus take up more of the open area which Mr. Fritsma feels would be a poor alternative to the proposed design.

Township Planner and Zoning Administrator, Johnston stated that she was contacted by a resident about the site plan review due to the previous drainage issues. The resident worked with the Township Engineer and the developers to create solutions to the drainage concerns. Ms. Johnston stated that the resident was concerned that the solution for the drainage issues would be eliminated when phase 5 of the Coopers Landing development was constructed. Comm. Frederick stated that when he went out to the site in preparation for the meeting he noticed that a drainage ditch had been dug in the open field near the residential properties.

Mr. Fritsma responded that the current drainage ditch would be eliminated but in its place storm water will be handled through a storm sewer system that will direct the water away from the neighboring properties.

Ms. Johnston stated that the proposed development is technically a planned apartment development which gives the Planning Commission authority to grant variances or waivers. Historically, the Township has granted Coopers Lansing waivers of the height and unit requirements in the R-4 district. Ms. Johnston stated that it is a little unfortunate that the original site plan approval for Coopers Landing which included the lower height requirement and smaller unit size in the R-4 district was adjusted over time resulting in increased heights and larger units. Ms. Johnston thought it important for the commission to remember that even though the history of the development was provided and future phases were shown, the commission could only make a determination in regard to the phase-5 plan that is being reviewed. Regardless of the changes or waivers granted during the previous phases, Ms. Johnston stated that the commission is not bound by those previous determinations when considering phase-5.

Ms. Johnston stated that she did not have any concern with the additional units in the 14-unit buildings due to the fact that they were perpendicular to the residential neighborhood. Ms. Johnston added that the height of the proposed buildings did present more of a concern. When looking at the elevation, the buildings look to have 3 levels above the garage, so in essence 4 stories. According to the Township's Zoning Ordinance the garage could be counted as a basement therefor the garage and the loft area would not be deemed living spaces. Ms. Johnson remarked that the building height does not violate the provisions for the R-4 district, but the 3<sup>rd</sup> story would require a waiver since only two stories are allowed in the R-4 district. Within her staff report Ms. Johnson provided an outline of the waivers needed and the conditions that the Township Engineers thought would be prudent to include in any approval.

Ms. Johnston mentioned that the only thing she didn't see explained during the presentation was the lighting plans. Ms. Johnston believes the lighting won't be an issue due to the proposed

layout of phase-5 since the majority of the lighting will be located on the structures and downward facing.

### Commissioner Discussion

Comm. Frederick asked the applicant if they were aware of any drainage issues the property has experienced recently to which the applicant responded that they were not aware of any drainage issues at this time. Comm. Frederick additionally asked if the fire department had reviewed that plan since in the past they had concerns with the height of the development due to not having a ladder truck that could reach the elevation of the proposed buildings. Ms. Johnston stated that the fire department had reviewed the plan, but that the elevations might not have been reviewed since they were received in a subsequent set of plans. Ms. Johnston stated that the commission could add a condition to the approval requiring the fire department to review the elevations and sign off on them.

Comm. Frederick stated that he was comfortable granting site plan approval due to the applicant's consideration for the surrounding properties, the drainage plan, and screening.

A motion was made by Comm. Corke, supported by Frederick, to approve Phase-5 of the Coopers Landing Planned Apartment Development with the waivers and or conditions as stated in the staff report. Motion carried 6-0, Wiersma abstained.

### Commissioner Comments

Comm. Frederick stated that Comm. Corke did a great job as chairman during the last meeting.

Julie Johnston stated that there will be an August meeting in which the Commission will be reviewing a special exception use for a daycare as well as discussion regarding short term rentals in the agricultural district. Attorney Homier asked how the zoning ordinance currently defines short term rentals. Ms. Johnston stated that the Township is not in the best position to enforce limits on short term rentals at this time.

### Adjournment

There being no further business before the Commission, the meeting was adjourned.