

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD
WEDNESDAY, AUGUST 18, 2021

A meeting of the Cooper Charter Township's Planning Commission was held on Wednesday, August 18, 2021 pursuant to the Open Meetings Act.

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

Members Absent: Wiersma.

Also Present: Anne Seuryneck, of Foster, Swift, Collins and Smith, attorneys for Cooper Charter Township; Julie Johnston, Township Planner and Zoning Administrator. Additional attendees; Applicant, Jerrolyn Ranney, 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. Corke, supported by Comm. Boekhoven, to approve the agenda. Motion carried 6-0-1.

Review and Approval of Minutes

Members of the Planning Commission reviewed the Minutes of the July 21, 2021 meeting. A motion was made by Comm. Frederick, supported by Comm. Corke, to approve the minutes as printed. Motion carried 6-0-1.

Citizen Comments

None.

Public Hearing on the Ranney Special Exception Use Application for a Group Daycare at 3927 West C. Avenue

A motion was made by Comm. Corke, supported by Comm. Wiersma, to open the public hearing on the Ranney Special Exception Use Application. Motion carried 6-0-1.

Applicant, Jerrolyn Ranney stated that she currently runs a family daycare at her home located at 3927 West C. Avenue. Ms. Ranney stated that she is requesting a special exception so that she can operate a group daycare which allows up to 12 children instead of the 6 currently allowed.

Township Planner and Zoning Administrator, Julie Johnston stated that the Township requires a special exception use permit to operate a daycare facility with more than 6 kids.

Chairman Asselmeier stated that the Township received a letter from Gloria Vanderlip in support of the applicant's special exception use.

Chuck Ranney, the applicant's husband stated that if the special exception was permitted, he would be the 2nd employee working with his wife in the daycare. Mr. Ranney added that his wife has provided childcare to the community for over 10 years.

A motion was made by Comm. Boekhoven, supported by Comm. Fooy, to close the public hearing on the Ranney Special Exception Use Application. Motion carried 6-0-1.

Commissioner Discussion

Comm. Fooy asked if the applicant would need an additional license from the State of Michigan to operate on a larger scale. Julie Johnston responded that for the applicant to receive permission from the State they must obtain local approval first.

Comm. Fooy remarked that he would like to see the group home language removed and instead refer to this as a daycare. Julie Johnston stated that the application refers to a group home mistakenly, but that if you read further in the application, Ms. Ranney states that she would like to expand to allow a group home daycare of 12 kids.

Township Attorney, Anne Seurnyck added that the commission could state in an exception approval that it was approved under the ordinance regarding childcare facilities to ensure there isn't any confusion between a childcare and a group home.

Comm. Corke stated that he was uncomfortable with the group home language in the application due to issues the Township has had with other group homes.

Township Attorney, Seurnyck stated that the applicant is not asking to operate a group home, and that any motion can clarify that point. Township Planner Johnston added that if someone made a motion, they could eliminate the "group" verbiage entirely and instead make a motion to approve a childcare facility with up to 12 kids at 3927 W C Avenue, run by Jerrolyn Ranney.

Comm. Wiersma asked the applicant how parking would be handled for the childcare. Mr. Ranney stated that they currently have two parking spots but are removing trees and expanding parking so 5 cars can park at a time, which should easily accommodate parents dropping off and picking up their children. Additionally, Comm. Wiersma asked if the applicant was comfortable amount of space the kids have to play and limiting noise concerns that neighboring property owners may have. The applicant responded that she is comfortable with their set-up and does not think there will be any noise concerns.

Comm. Asselmeier asked if the applicant would be comfortable limiting the hours of operation so the impact on the surrounding properties is limited. The applicant responded that they are already limiting the hours of operation and would be open to doing so in the future.

A motion was made by Comm. Boekhoven, supported by Comm. Feil, to approve the home daycare pursuant to Zoning Ordinance provision 120.120.C.12 for up to 12 children at 3927 West C. Avenue for the reasons stated in the August 18, 2021 Staff Report, with the condition that the hours of operation are 6 AM to 7 PM. Motion carried 6-0-1.

Discussion on Short-Term Rentals

Township Planner, Johnston stated that the Commission was approached by two residents to discuss the possibility of allowing short term rentals within the agricultural district. The residents had been operating a short-term rental at their home which the Township received a complaint about. Since that time the Township asked the residents to refrain from offering any short-term rentals at their home but did allow them to honor previously booked rentals. Ms. Johnston stated that this case was different than a typical short-term rental because the owners occupied the property while it was being rented. Ms. Johnston thought the Commission may want to discuss the possibility of allowing bed and breakfasts (not short-term rentals) as a special exception use within the agricultural district. Ms. Johnson stated that allowing bed and breakfasts within the agricultural district only maybe worth considering. Ms. Johnson explained that she did not think that Bed and Breakfasts had a place in other zoning districts, such as residential communities within the Township because doing so may create additional issues.

Bob Kavasavich of 10900 North 22nd Street stated that he and his wife own a remodeled barn that they have rented with Airbnb for over two years without knowing that it prohibited in the Township. The property sits on 9 acres and the owners have limit the amount of people occupying the rental to a total of 10. Mr. Kavasavich stated that they have always been present when the property is being rented. Additionally, Mr. Kavasavich believes the remodeled barn could provide a service to the community as a bed and breakfast. Mr. Kavasavich mentioned that they never allow private events, such as weddings, or parties at the rental and have no intention of doing so in the future, therefor reducing the impact of their rental on surrounding properties.

Comm. Boekhoven asked Julie Johnston if allowing bed and breakfasts within the agricultural district was an option. Ms. Johnston responded by stating that bed and breakfasts are currently allowed within the CBD area and due to the historical nature, size, and character, farmhouses are regularly turned into Bed & Breakfasts in other municipalities. In many rural communities, bed and breakfasts are allowed as a special exception use so that the planning commission could review the application and place provisions on the use to mitigate any impact the use may have on surrounding properties. Ms. Johnston stated that the only way to allow bed & breakfasts within the agricultural district would be to do a zoning text amendment similar to the livestock amendment. The Kavasavichs would have to file an application requesting the zoning text amendment because they are the individuals seeking that change. Due to expense the Kavasavichs wanted to discuss the potential for a zoning text amendment to gage the Planning Commissions interest prior to filing an application.

Comm. Frederick asked Julie Johnson if the Kavasavichs proceeded with an application to amend the zoning ordinance would that be to make bed and breakfasts a permitted use or a special exception. Ms. Johnston stated that it would be a special exception. Additionally, Ms. Johnston stated that due to the small lot sizes in Cooper Township, it would be prudent to include things

like minimum lot size, parking restrictions, and setbacks to the zoning ordinance if they were to allow bed and breakfasts.

Comm. Feil stated that he would be in favor of the text amendment, but also asked if that was necessary to do so considering that the Kavasavichs have been operating their bed and breakfast without any complaints. Zoning Administrator, Johnston stated that the Township did get a call from a resident, and that the Kavasavichs' bed and breakfast was operating in violation of the current zoning ordinance.

Comm. Corke stated that he would like to pursue the zoning text amendment. Comm. Boekhoven asked if a bed and breakfast terminology would impact the Kavasavichs' rental business or if it would change everything and defeat the purpose. Mr. Kavasavich responded by asking if their current business model with Airbnb to rent the property while still in residence would still qualify as a bed and breakfast. Township Planner and Zoning Administrator, Johnston stated that in bed and breakfasts owners reside in and are occupying the property while rentals are occurring, similar to the Kavasavichs' current business model.

Township Attorney Seurnyck stated that how you market the business would help define the rental. For instance, if your advertisement states something to the effect that "guests would have the run of the place and the owners would not be around", then it would fall into a short-term rental category instead of a bed and breakfast.

Comm. Asselmeier stated that it sounds like the Planning Commission would be in favor of moving forward with the zoning text amendments. Ms. Johnston told the Kavasavichs that in order for the Township to move forward in considering a zoning text amendment they would need to make a formal application.

The Kavasavichs thanked the board for their time and consideration and invited them to stop by the property if they would like more information about the barn.

Commissioner Comments

Comm. Frederick stated that he would like to make some comments about zoning and planning. Mr. Frederick stated that they have had several applications come before the commission lately regarding zoning and planning for their consideration. Some of the newer members of the commission may not have received much training regarding their rolls. Comm. Frederick stated that zoning is an important function of the Township and that the Board while preparing its master plan takes current and future zoning into consideration. Residents of Cooper Township have long voiced their opinions on developments, and their desire to keep the rural feel of the Township. Mr. Frederick stated that landscapers, daycares, and hair salons are being run out of residential homes and are impacting the feel of the Township, therefore zoning plays a key and important role in maintaining the character. Mr. Frederick added that there have been multiple times over the past year that residents have been taking their commercial vehicles home and storing chemicals or maintaining commercial equipment at their residence. Mr. Frederick does not think this should be the case and stated that ordinance enforcement has been lacking in the Township. Comm.

Frederick stated that he would like to see the board active in the community and receiving additional training to strengthen their knowledge base when it comes to zoning for the Township.

Township Planner and Zoning Administrator, Johnson said that she will keep her eyes out for training opportunities and let the group know about ones that she comes across.

Comm. Frederick stated that even though the Planning Commission denied Mr. Linden's rezoning application, the Township Board overturned that decision and approved it.

Adjournment

A motion was made by Comm. Boekhoven, supported by Comm. Feil, to adjourn the meeting. Motion carried 6-0-1.

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