

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**
Holland, MI 49424

Regular Meeting
Via Zoom Conferencing
March 25, 2021
6:30 P.M.

CALL TO ORDER:

Chair Pfof called the regular meeting of the Park Township Planning Commission at 6:30 P.M., held via Zoom conferencing meeting, Webinar ID #85757683676, in compliance with the Open Meetings Act and per the State's Emergency Order limitation on in-person gatherings indoors.

ATTENDANCE:

Present: Jeff Pfof, Terry DeHaan, Dennis Eade, Rosemary Ervine, Diana Garlinghouse, David Kleinjans, David Koppenaal,

Staff: Greg Ransford, Planner, Dan Martin, Attorney, Howard Fink, Township Manager, Lindsay Mohr, Zoom Coordinator

APPROVAL OF AGENDA:

Pfof recommended moving Public Comment forward to address the short term rental item on the agenda and to accommodate the 39 attendees in the Zoom audience. He noted that a decision regarding short term rentals would not be made at this meeting, rather a recommendation will be forwarded to the Township Board at a later date.

Ervine moved, supported by Garlinghouse, to approve the agenda as corrected and move Public Comment forward.

Roll Call Vote:

Eade, aye; Kleinjans, aye; Koppenaal, aye; Ervine, aye; Garlinghouse, aye; DeHaan, aye; Pfof, aye.

Ayes 7, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Pfof had one correction on page 4.

Eade moved, supported by Ervine, to approve the minutes of February 25, 2021 Regular Meeting as corrected.

Roll Call Vote:

Eade, aye; Kleinjans, aye; Koppenaal, aye; Ervine, aye; Garlinghouse, aye; DeHaan, aye; Pfof, aye.

Ayes 7, Nays 0. Motion carried.

PUBLIC COMMENT

Pfof opened Public Comment at 6:45 P.M.

Lucas Stanley spoke to short term rentals. He has an Airbnb in the Township. He has surveyed about 10% of rental hosts. It is his opinion there are about 200 rentals in the Township and some have been operating for over 20 years. Many families use the short term rentals as income. He estimated about \$10 million is spent in the community by the short term renters. If they won't be able to operate in the Township he said the owners would move to other places along the Lakeshore. He asked for consideration for the livelihood of the people who own the short term rentals.

Beth McGowan (?) and her husband own two short term rental units and have lived in Park Township for 17 years. She and her husband maintain a high standard of maintenance and do what they can as service providers to be sure renters of their properties have a positive experience. She has rental policies that prevent parties at their rentals. Tourism adds to local revenue which benefits the Township. Should a ban be placed on short term rentals many of the owners have said they would move their homes elsewhere.

DeHaan asked the participants to give their name and address.

Amy Avery said her property is rented just for summer. Most renters are repeaters. She bought the property in 2010. She asked the Township if rentals were allowed and was told there was no ordinance against rental properties. She pays 6% use tax on rental income. This goes to the State of Michigan which amounts to almost \$2000. She supports the amount of money that is brought into the community. If they won't be allowed to offer rentals in the future she fears the 300+ rental properties will go elsewhere. She has learned that the more information she gives her guests is better for proper maintenance. Her welcome letter to renters is seven pages long and details what they can do and what they can't do. She owns a property in St. Croix also. The neighbors who have complaints go to the owners and talk with them about problems.

Ken Johnson doesn't rent property. He agrees taxes are too high and understands that the owners of these properties have to rent them out to pay the taxes.

Paul and Colleen Hurley said when they purchased their house three years ago they didn't know there were short term rentals next to them on both sides. The owner advertises no large parties however a wedding was held there last year. The owners have no idea what happening with their rental units. One of the owners lives out of the country and doesn't know what is going on. This is unfair to the long term property owners who live there.

Anthony Senagore lives in an historic residential community. There is no language in the ordinances to support communities with these short term rentals. The lack of enforcement of the existing ordinance allows these commercial rental properties. They are full time motel businesses with no oversight by landlords. Ongoing lack of enforcement doesn't support the rights and privileges of full time home owners in the area. What about a ballot proposal? He calls for support of the historic residential neighborhoods.

Bill Cole looked at the ordinance regarding short term rentals which hasn't been enforced. Within three blocks of his house there are three short term rental units. There are parties late into the night and vulgar language that is broadcast through the community, drunkenness, golf balls hit into the lake, fitting more people in homes than should be allowed, catering, traffic problems, overflowing trash containers, excessive speed. He is against short term rentals. The Township needs to enforce its ordinance. He has lived in Park Township for 15 years and he has observed the number of these short term rentals have increased.

Diane (?) has rented out a home on a short term basis for two years in the Township. She has had a positive experience with her renters. She suggested looking at the City of Holland for guidelines. She said there wasn't one neighbor in her community who wants to go back to long term rentals.

Roman Court (?) believed short term rentals are commercial enterprises where a lot of money is made. The owners don't live in the community. These shouldn't be allowed in residential communities. The ability to monitor behavior doesn't exist. It is often difficult to contact anyone about remedying issues. The long term impact on communities isn't given priority. There should be strict policies if allowed. The onus shouldn't be on the neighbors and the Township. The rule should be three strikes and you are out as a renter. The City of Holland has strict requirements as a model.

Alex Brickton is against short term rentals. His family has had property in the Township for years. He is concerned about the quality of life in the neighborhood. He is also worried about fire safety. He has experienced vandalism and landlords don't enforce rules. He is a taxpayer too.

Joan Zeerip has lived for 21 years in the Township. It was her belief her home was in a low density R-3 neighborhood. Over the last five years she has seen homes purchased for the purpose of short term rentals and for use as investment property. It is changing the dynamic of the neighborhood. Landlords don't participate in the community. Often the residents have no idea who the owners are and how to contact them. Renters are in a vacation mode when here and their actions are different from the living mode of the residential neighborhood. Fireworks

and noise are ongoing problems. Parking, traffic and trash issues continue. The long term residents have tried to work things out with owners. She has written the Township about her experiences, especially with parking and congestion at the road ends. She has outlined 15 different issues in her correspondence. Police reports have been filed. The rental owner's attitude is usually "Call the police!" Both weekend and weekly rentals are problematic.

Mark Nolan said his cottage has been in the family for 100 years. He returns every year from Denver where he lives. His connection to Ottawa Beach and the Township is personal. He wants to keep the cottage in the family. He doesn't rent it out to parties just to families. He asks for a balance and welcomes regulations to protect owners' interests.

Linda Dykert said she has a rental property at 434 Lakeshore. Anyone who has a rental is commercial business. The ordinance was written in 1974 and agrees the Township needs to update the ordinance. She doesn't rent to anyone who doesn't have a 5 star rating. She checks on her property because local management has to be accountable for the property. She has rented since 1999. Her long term renters had the parties – that was her experience.

J. Patterson lives in Macatawa and has served on the Macatawa Park Rental Association. He said the working legal definition is less than 28 days is considered commercial according to an attorney he contacted. The commercial aspect is at odds with the residential aspect. There are differences between the residential lifestyle and short term renters. People on vacation live differently than residents who have to get up and go to work every day. Another issue is the constant coming and going of people. Limitations on rental time is important for preserving residential quality of the neighborhood.

Charles Farmer has been a resident of Park Township for two years. Had he known the home behind him was a short term rental he wouldn't have purchased. In San Diego there is a rule that neighboring vacation rentals have to be disclosed. These rentals are a detriment to the neighborhood.

Lori Van Top or Vanthof has lived in Park Township for 20 years. She and her husband bought an old farmhouse, renovated it and use it as a short term rental. They use it as a second home when they don't rent it. They also bought a second house and turned it into a short term rental. Regarding road ends the neighbors say it's encroachment if the short term rental guests use it. They support their short term rental as it is unregulated. This has been done for years in the Township.

Eric Tarwa purchased a home in the Township and his intention was as a second property rental investment for their daughter but in the meantime want to use it as a short term rental.

Lynn Dykstra lives in Chippewa Resort and has experienced parking problems with short term rentals which are in that area in great number. She has talked with Chief Gamby about it. She has lived in the Township for several years. Originally this was a residential area but it has become problematic with many incidents with the short term rentals. The residents go directly to the police not the owners because often the problems are in the middle of the night. She appreciates the Township looking into this issue.

Paul and Lisa Duckworth have a short term rental Airbnb at 240 Cougar Court. He has oversight because he's on site all the time. He loves hosting people from all over the world. It adds value to the community to offer the area to people. Please seek a balance for solutions.

Chris and Mary Nussbaum reiterated the crowded nature of their Chippewa neighborhood because of the three short term rentals near her. They are noisy and contribute to traffic congestion. She asked for limitation or elimination of short term rentals.

Joe Zobkiw speaking on behalf of Lynn Hendriks in Idlewood. He has been asked to speak for three families who live on Michigan Avenue. The group of residents has forwarded concerns with five points to the Township. They want to reinforce importance of issues the residents are experiencing with short term rentals. Residents in Eagle Crest, Idylwood and Macatawa Hills have problems with these rentals. They have to live with the problems on a daily basis. Please take into account the special areas and recognize they aren't business developments, they are residential. The owners across the street who bought the property said they were going to live there when they obtained the permit from the Township, but it is being operated as a rental.

Pfost closed Public Comment at 7:46 P.M.

OLD BUSINESS

Short Term Rentals

Fink reported on his findings regarding short term rentals and the request of the Planning Commission to obtain additional information and data. He has engaged a company called Granicus that helps communities on this issue. They work with local governments on this type of work and systems with regard to municipal services. A rental address ID system will provide the Planning Commission with data on the location of short term rentals, the number of bedrooms, pricing, length of rentals, and other data. In addition, the Township is working in creating a contractual arrangement with a consultant who has been part of the short term rental conversation who has perspective on the issue. If the Planning Commission supports contracting with this individual, let's talk with him and ask what you want him to do to help you. He anticipates this will involve a period of time. He has presented a proposal for a year long process regarding community meetings and ordinance implementation. He asked: Is this what you want? Will this be a good fit? The consultant initially will be given a five hour block of time for discussion with the Planning Commission.

We could create a module to allow the Township to estimate revenue short term rental businesses. This company has carved out a niche and has helped many communities. The Cities of Holland and Grand Haven have utilized this company's services.

Pfost said he and Ransford met with them and were impressed with the tools this company has. We will need the background information this company can give us. We will need a lot of facts. This will give us a good foundation with which to move forward.

Eade appreciated the information and thanked Manager Fink for locating this company which will offer some good advice and input. Because of the Internet this issue has become a national problem. Working with a consultant will accelerate the process for good decision-making.

Koppenaar observed the residents have had personal experience and most of them appear to be in favor of regulation. That is the path we should take.

Kleinjans agreed with Eade and agreed a consultant would be helpful. We need to move on this quickly.

Garlinghouse can see both sides of the issue. The Township has received many helpful letters from the residents. The idea of a consultant will be important to guide us in the right direction.

Ervine thanked the participants during Public Comment. She supports hiring the consultant for fact-finding. It is a multi-faceted challenge which will require a multi-faceted solution. The data we collect will help answer some of the questions we have. She thanked Fink for his help in finding the consultant. She also wanted to be certain whatever decision the Planning Commission makes will align with the Master Plan.

DeHaan thanked Eade and Ervine for their observations. We need more information and Fink has found a helpful entity for us to go forward with this issue. He thanked the Public Comment participants.

Pfost assured the public they will be part of the process which will result in a recommendation from the Planning Commission which will be forwarded to the Township Board of Trustees. Staff will assist in this process

NEW BUSINESS

1. Public Hearing for Master Plan – General Amendment – Public Open Space

This action is to provide recommendation of adoption to the Park Township Board of Trustees.

Ransford said the open space classification in the Master Plan includes county, state and township properties. The driving factor in the amendment referring to non-Township owned property is property owned by the schools and other entities could be sold to a private party. The Master Plan says these should be under public open space classification but if sold to a private party an owner could theoretically only use it for public purposes. The Township zoning ordinance allows for parks, playgrounds and municipal buildings to benefit the public. Thus, there is no need to have a separate public classification identified in the Master Plan and it is appropriate to remove it. This amendment will maintain all property owned by the Township is in that public oversight classification. In addition, Zoning Ordinance language and a related zoning district was created for Park Township that, if property is proposed to be taken out of the zoning district, it will require public notice, a public hearing and public referendum - to become in private ownership. This amendment removes county and school properties, corrects language errors, and mention of heritage preservation, and will keep properties in the open space

classification. The Planning Enabling Act requires these to be identified within the zoning plan as well so this includes that modification. It required a public hearing with a following 42-day period for public comment. No comments were received.

PUBLIC HEARING

Pfost opened the Public Hearing at 8:14 P.M.

There was no comment.

Pfost closed the Public Hearing at 8:15 P.M.

Pfost asked the Planning Commission if there were questions or comments.

Kleinjans asked Ransford regarding the open space zoning district. There is no comment explaining what it is in the document. The reference is #12.

Ransford said the purpose of this is the reference to the zoning plan for the Master Plan. Since the zoning ordinance gives density and dimensional information – it doesn't need to be in the Master Plan.

Kleinjans said there may be typos – he mentioned reference to R-3 and it should be R-2.

Ransford said he will review the section and make the necessary corrections.

Pfost requested a motion to recommend adoption by the Township Board.

Kleinjans moved, supported by Ervine, to recommend adoption of the amendment by the Park Township Board with corrections.

Roll Call Vote:

Eade, aye; Kleinjans, aye; Koppenaar, aye; Ervine, aye; Garlinghouse, aye; DeHaan, aye; Pfost, aye.

Ayes 7, Nays 0. Motion carried.

2. Master Plan – Five Year Review

The Planning Commission is to direct staff to draft the framework, schedule workshops, and proceed with the Master Plan process.

Ransford said he understood from the Planning Commission that the Plan doesn't need a complete overhaul – his goal is to make the Master Plan as easy to use as possible so it can be referenced for land use, etc. The Plan itself indicates that it does not start until Chapter 4 which is a problem in his opinion. The demographics, data, and other descriptive material in the first three chapters run the risk of losing users. This is where he comes from in his review. A couple of pages read like a travel brochure. They are of no value when reviewing for site plans. It could be streamlined.

The Upland area north by James Street, and the public utilities in the area, have received inquiries. There are references regarding the balance of development and open space. To what degree is the Planning Commission open to development? There is a laundry list at the end of his Staff Memo: There are phrases that describe rural preservation, agricultural (AG) preservation, etc. Does this mandate AG? How much protection do you want for AG? There are growth boundaries identified but there is no detail referencing what we are trying to do. There are efforts to protect agricultural land but what do the boundaries represent? This should be clear.

Also, the subareas are referenced in two different locations in the Master Plan. To the point of reorganization he has to go to pp. 29-41 for subarea analysis, then he has to go to another section. Should we organize these two sections to improve the reference to the subareas? This should be a goal to improve the organization of the Master Plan.

Ransford also noted that on the to-do list are public workshops planning, community survey for public input, and planning outcomes.

Garlinghouse agreed some reorganization is necessary. She asked about the sub area map – she asked about its relevance.

Ransford said it isn't accompanied by any description and could use some improvements. Garlinghouse pointed out that there is an arrow pointing to the west but the referenced area is to the east.

Fink said the Township contracts with a graphic designer. When the Master Plan is redone Ransford should review the maps and graphics and handle those designs.

Pfost said Greg Ransford is our "master orchestrator" and the Commissioners' task is the Master Plan review. We ask the questions to have Ransford to follow up with changes. We also need to include public interaction during the process.

Kleinjans would like to see WHY are we doing this. Working forward an outline would be helpful so we can follow progress.

Ransford intends to lay out structure points for a framework so we can follow the process which is usually an 18 month process.

Ervine sees it as a working document, a roadmap for the Planning Commission, to keep us on the path regarding our goals. She appreciated Ransford looking at so we set up measurable goals. When it's done it should be usable during our deliberations and discussions.

Eade agreed that a framework would be helpful and he can see a goal of 18 months.

DeHaan appreciated Ransford's observations but he disagreed with the importance of the first three chapters. They help describe Park Township but maybe it doesn't belong here, however, they need to be included somewhere. What we are trying to accomplish is expressed in those chapters. Can we have the framework for the next meeting?

Ransford said that was possible.

Pfost suggested public involvement will be critical. We are determining the future for Park Township.

The Planning Commission reviewed the bullet points at the end of Ransford's Staff Memo.

Important points: the Park Central Plan needs to be changed, the Gateways project needs to be updated.

Fink advised that the Planning Commission may want to delay discussion on the Gateways until the Township Board completes its review. They have a year-long process under way on this issue

Ransford said the purpose for the Gateways isn't clearly stated.

The Planning Commission postponed review of Ransford's memorandum bullet points until the next meeting.

3. Home Occupations

The Planning Commission is to determine whether the text regarding customers should be revised.

Ransford provided a summary of what five other townships have in their language regarding home occupations. There is no prohibition of on-site customers or clients.

Pfost noted we need to consider safety and peace and quiet of residential neighborhoods.

Kleinjans asked if we need to regulate by number of cars or number of people visiting.

Pfost asked for a list of activities that would not be allowed.

Should customers be allowed to visit home occupation sites?

Ransford said he will draft options for the Planning Commission to choose from, allowing customers, pursuant to their direction.

4. Task List – Food Trucks

Ransford said many communities have zoning regulations. Do you want this added to your task list?

Pfost said we approved food truck use at the market. We need to discuss the significance of land use aspect of food trucks. We don't want safety hazards with regard to traffic.

Martin said food trucks could be permitted as special use, in the catchall provision that allows a special use as a use similar to other uses in the commercial zoning districts. The operator would still have to get a variance because the commercial districts require a permanent structure, and therefore food trucks don't qualify so they would need a non-use variance. A

food truck that intended to be parked within a public right-of-way would need a franchise. Currently the Township doesn't specifically regulate food trucks. Food trucks must also have a peddler's license, such as an ice cream truck. The PC needs to determine whether they want to create specific regulations related to food trucks, similarly to what the PC is considering with farm markets.

Ervine supported adding this issue to the task list. We could prioritize the list when we do our Strategic Planning.

Fink said the peddler's license allows for ice cream trucks. The truck moves from one point to another and is not parked. Food trucks are under peddler's license regulations. He received an application from a taco truck that wanted to park off Ottawa Beach Road in the State Park area. The Township cannot allow that – permission has to be from Ottawa County Road Commission and the State Park. The taco truck asked if he could park in a commercial parking lot. On that case, the Planning Commission would have to allow it as a special use. So, could there be a licensing ordinance that would make this easier? It is not allowed at the present time.

All agreed to add this issue to the task list.

ANNOUNCEMENTS

1. NHP Update

Ransford said both Lake Court and Edgewood are satisfied with the language based on their focus groups. Both overlays drafts are ready to be provided to the Planning Commission for review. He shared the height definitions with both communities. This will come before the Planning Commission in April.

2. Accessory Building

Eade said the Zoning Board of Appeals has been receiving resident requests for accessory buildings larger than is allowed in the current ordinances. They are on large lots. Could staff look at our ordinance and propose language for the ordinance to reduce the number of residents on a large lot that isn't encumbering neighboring property in order to build a building larger than 2% of the lot size requirement with a maximum of 2500 square feet.

3. Anchorage Marina

Pfost said Anchorage Marina has submitted a request to return their site plans to save costs for Jeff Cavanagh. Please return to Julie Northrup at the Township office before the applicant appears before the Board of Trustees.

4. The next meeting will be April 22, 2021

ADJOURNMENT

Eade moved, seconded by Ervine, to adjourn the meeting at 9:35 P.M.

Respectfully submitted,

Judith Hemwall
Recording Secretary
March 27, 2021

Approved: April 22, 2021