

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

Regular Meeting

September 23, 2021
6:30 P.M.

~~DRAFT COPY~~ **Approved**

CALL TO ORDER:

Chair Ervine called the regular meeting of the Park Township Planning Commission at 6:30 P.M., held in the Park Township Hall conference room.

ATTENDANCE:

Present: Terri DeHaan, Dennis Eade, Rosemary Ervine, Diana Garlinghouse, David Kleinjans, David Koppenaal

Staff: Greg Ransford, Planner, Dan Martin, Attorney

APPROVAL OF AGENDA:

Kleinjans moved, supported by Eade, to approve the agenda as submitted.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

APPROVAL OF MINUTES:

DeHaan noted a few corrections on page 4 regarding his review of short term rentals from the information provided to the Township Board.

Garlinghouse had one correction.

Kleinjans moved, supported by Garlinghouse, to approve the minutes of August 26, 2021 Regular Meeting as amended.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

A. NEW BUSINESS

1. Home Occupations – Definitions (Section 38-6), Section 38-506

Ransford reviewed the changes to the language as directed by the Planning Commission in the August 26 meeting. He noted the Planning Commission has been working on the language for the past two months. He outlined the changes in the September 14, 2021 Staff Memo.

Ervine opened the Public Hearing at 6:38 P.M.

There was no comment from the public.

Ervine asked about Section 2 A. Are we saying “the occupants of the residence” is the same as “occupants of the primary residence.”

Martin said by adding the word “primarily” says the owner is the primary person responsible for the home occupation business, but can hire one other person who is not the occupant of the residence.

Kleinjans moved, supported by Eade, to recommend adoption of Sections 38-6 and 38-506 for Home Occupations of the Park Township Zoning Ordinance as presented within the draft Zoning Text Amendment Ordinance.

Garlinghouse asked if the homeowner could sublet the residence.

Ransford said the language is written to state the owner of the dwelling is the home occupation ownership operator.

Martin said it is one person, an occupant of the residence, plus one other. The ordinance does not allow subletting or renting out for business purposes. This is where the term “primarily” in the language comes into play. But if the residence were being rented out for residential purposes, then the occupant who is renting the house may engage in a home occupation, and have one other person work at the house.

Ervine closed the Public Hearing at 6:45 P.M.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

2. Food Truck Ordinance – Proposed for Discussion

Ransford noted in the Staff Memo that currently the Township does not formally permit use of food trucks. The language shared in the September 14, 2021 Staff Memo is from the City of Monroe, MI obtained via its website. It is provided as a starting point for discussion only.

The only means to seek approval of food trucks has been through the Zoning Board of Appeals. It is on the task list for the Planning Commission, and based on the recent event when the Yacht Basin requested use of food trucks, we have had the opportunity to develop the Food Truck ordinance. It is more of a safety accommodation, not a heavy regulation situation. There is a reasonable amount of regulations that are presented. It is his opinion this is a good first step.

Koppenaar asked about food truck regulations for the Ottawa County Fair.

Martin said they aren't being regulated from a zoning standpoint, as a land use – this regulation of the food trucks at the Ottawa County Fair is under the auspices of the Ottawa County Department of Health. It's not a continuing commercial operation. It's a County operation on Township property. Historically, we haven't required the County to apply for zoning rights to operate the food trucks at the Fair even as a short-term use.

Ransford said this shouldn't be a cumbersome situation. We aren't looking to complicate the issue.

DeHaan asked if the farmers market on Ottawa Beach Road is included in this ordinance.

Ransford said they have a variance for a food truck permit.

Kleinjans asked how ice cream trucks figure into this ordinance.

Martin said an ice cream truck should operate with a peddler's permit issued by the Township. They are not typically stopping at one location and setting up sales from that location – it's not a regulation of land use, but the regulation of a particular business. Zoning will address the land use, the licensing ordinance/peddler's permit regulates the business. The recent issue with the farmers market, which had several merchants at one location, involved in a sense both a peddler's permit, but also a zoning issue because they would all operate at one location, so there was a land use involved and that's why there was an issue with permitting.

Ervine asked how do you regulate someone who wants to have five or six food trucks – how many can they have, what can they have, and how is traffic controlled in a given area.

Ransford said we could look at how to minimize the potential problems with this issue.

Garlinghouse asked if the ordinance could address certain areas in neighborhoods that have a food truck.

Ransford said this ordinance is a starting point for providing regulations.

Garlinghouse said other communities have food trucks and wondered about the regulations they might have. She mentioned San Diego and Ann Arbor.

Martin said Park Township doesn't have a lot of commercial property available in the Township, thus the difficulty is accommodating food trucks. We don't have mixed use availability and lack the commercial property for this purpose.

Ransford will look into these concerns.

Martin asked if Park Township would want this as a permanent land use or just for special events. From a policy standpoint you have a lot of discretion.

Ervine asked how many requests does the Township receive for food trucks.

Ransford said he would ask Julie Lovelace, the Zoning Administrator, about this.

Kleinjans asked about including language restricting use of food trucks to commercial property.

Martin said the concern is the need for parking. Certain types of uses that have large parking areas such as churches and schools, could allow for parking accommodation by jointly using the parking when the church or school doesn't need the parking. There is a possibility allowing food trucks in these locations, although they aren't commercial zoned property. Churches and schools could potentially get revenue from vendors as they license the use of the parking lot, so it may make sense to consider this.

Kleinjans said we should consider what is reasonable for the Township.

Ervine asked about time restriction for when these food trucks are allowed to operate. Should the Planning Commission suggest certain operating hours?

DeHaan asked if the hours of operation can be included in a permit.

Ransford said certain parameters for operating times could be included in the language.

All agreed to include the time requirement.

Ervine asked about a fine or infraction in the event there is a problem. It should be clear.

Martin said the fine is \$50 for the first offense, and it increases from there should there be continued offenses to the ordinance. This is what Park Township requires.

Eade was comfortable with the Monroe, MI guidelines. All agreed to ask Ransford to draft the language ordinance. He will follow up with other communities.

OLD BUSINESS

- 1. Accessory Buildings, Detached Accessory Buildings, Location and Height Limitations - Section 38-491(b)(2)h**

2. Accessory Buildings, Detached Accessory Buildings, Location and Height Limitations – Section 38-491(b)(2)i

Ransford reviewed the proposed changes made during the August 26 meeting. They include:

- Option of a Public Hearing requested by a neighbor
- Option of deferment of request to Zoning Board of Appeals
- Revise standard in Subsection 5 to consider adverse effect regarding the view of an adjoining property.

Ransford said Planning Commission direction from last month included wheel stop language. He added that the Zoning Administrator supported the recommended changes.

Eade moved, supported by Koppenaal, to recommend a motion to adopt Section 38-491(b)(2)h, Section 38-491(b)(2)i, and Section 38-605(6) of the Park Township Zoning Ordinance as presented within the draft Zoning Text Amendment Ordinance.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

Eade thanked Ransford for his work on this language and noted it will make the business of the Zoning Board of Appeals a lot easier.

PUBLIC COMMENT

Ervine opened Public Comment at 7:15 P.M.

Sharlene Clark spoke to the food truck issue. Where she lives she is surrounded by short term rentals and doesn't want food trucks in her residential area either. Please consider these issues carefully.

Ty Hogue spoke regarding short term rentals. His family moved from Holland Township to Park Township because they wanted to live in a bedroom community neighborhood. He has had negative experiences. He has two short term rentals diagonally from his home and within 150 yard there are at least five or six short term rentals. They have had vulgarity issues, etc. Zoning enforcement for food trucks is great, but it is also needed for short term rentals.

John Hammelman thanked the Planning Commission for addressing short-term rentals. – He and his wife bought a home in Park Township in 2010. When they moved here there were none in their neighborhood, now there are a lot of short-term rentals, two across the street. You wonder who's going to be there every day. Every house should be for family living not short-term rentals. Police reports don't include the issues residents face. He doesn't live here full time, he wants to, but hopes things will go well so they can live here.

Ervine closed Public Comment at 7:23 P.M.

ANNOUNCEMENTS

1. The next Planning Commission meeting will be on October 28, 2021.
2. Master Plan Update –

Ransford said. there will two workshops in October. There may be some virtual opportunity for residents. Once the workshops are held Staff will work on the framework to get documents updated and ready for the Planning Commission.

DeHaan asked what Staff learned from the interviews.

Ransford said all farmers but one anticipate to be out of farming in five years or less. Berries coming in from out-of-state and out of the country are competitive to the point they can't compete. They can't compete with the price per pound with companies growing berries in South America, particularly from Colombia and Chile. They have year-round weather to grow berries which Michigan does not have. The majority of the farmers want the option to sell their property.

Howard Fink said the Planning Commission should receive his Manager's Report three times a month. Secondly, he announced the Township will be conducting a sign dedication a week from today at 5:15 P.M. for Jay Van Wieren. The ceremony will dedicate the Township bike path system in Jay's honor. He was a supervisor for Park Township in the '60s and was instrumental in developing the bike path system in Park Township. He and Esther Faber collaborated on the project.

DeHaan asked for a Zoning Board of Appeals report on a monthly basis. Could Fink include this with the Manager's Report?

Ransford will ask the Zoning Administrator about this idea.

Eade gave an update on State legislative interest in short term rentals and what he knows about what is happening at the State level. The West Coast Chamber's Action Committee held a breakfast at which State Senator Roger Victory was in attendance. Eade was pleasantly surprised that Victory is interested in legislation, particularly with regard to corporations buying homes for short term rentals. Eade discussed with Victory Park Township's concerns regarding local control and including it in our Master Plan. Victory was interested in our local concern.

DeHaan provided an update on the airport following reports to the Township Board. We are in Stage 2 of participation workshops by the residents. He encouraged Planning Commission members to participate in the workshops, in person or via Zoom. There are seven identified suggestions for the future use of the airport.

Garlinghouse asked if Planning Commission members are allowed to participate.

Martin said if a quorum of the Planning Commission members is present and engages in any discussion regarding public policy it would be within the definition of a meeting under the Open Meetings Act. That requires public notice of the Planning Commission meeting, among other things, otherwise you are in violation of the Open Meetings Act. As an individual you can attend and participate, but if there is a quorum of members present, you can only listen and not participate in any discussion of the airport or it could be considered a violation of the Open Meetings Act.

Kleinjans said we should review the issues about short-term rentals before we review the data. He shared a handout for those interested.

Ervine hopes to have some information to the Planning Commission on short-term rentals before the October meeting.

Ransford said the consultant hopes to attend the Planning Commission meeting in October.

ADJOURNMENT

Kleinjans moved, seconded by DeHaan, to adjourn the meeting at 7:57 P.M.

Voice vote:

Ayes 6, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
September 27, 2021

Approved:

October 28, 2021