

MEETING MINUTES  
GRAND HAVEN CHARTER TOWNSHIP  
PLANNING COMMISSION  
DECEMBER 2, 2019

I. CALL TO ORDER

Cousins called the meeting of the Grand Haven Charter Township Planning Commission to order at 7:00 pm.

II. ROLL CALL

Members present: Cousins, Wilson, Kieft, LaMourie, Chalifoux, Wagenmaker, Reenders, and Hesselsweet

Members absent: Taylor

Also present: Community Development Director Fedewa and Attorney Bultje

**Without objection**, Cousins instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

**Without objection**, the minutes of the November 18, 2019 meeting were approved.

V. CORRESPONDENCE

- Susan Heine – 14520 178<sup>th</sup> Avenue
  - Objects to the proposed Short Term Rental regulations. Family-owned cottage. Rents to offset the costs of the home.
- Mike Cuppari – No Address Provided
  - Questioned if Short Term Rentals and Limited Short Term Rentals are both allowed on one site along with other procedural questions.
- Robert Miller – No Address Provided
  - Former property owner in the Township. Rented the home without issues. Extra income necessary to offset the costs of the home. Looking to buy property in Holcomb Hills but may not with the change in rental regulations.
- John Meyer – No Address Provided
  - Objects to the proposed Short Term Rental regulations. Family-owned cottage and has rented without issue for decades. Proposed regulations actually bans the use on the majority of properties.

VI. PUBLIC COMMENTS – None

VII. NEW BUSINESS

A. Site Plan Review – Westlake Environmental

Fedewa provided an overview through a memorandum dated November 26<sup>th</sup>.

The property owner and his team were present and available to answer questions; applicant Michael Mull of Midwest Construction Group spoke:

- Provided samples and descriptions of the high-end building materials being proposed.
- The TimberTech wood will have multiple widths and colors to provide dimension and character to the building. Also utilizing textured fieldstone and brick accents.
- In regard to MDOTs comment about moving the driveway to the north, the applicant finds that acceptable and are willing to make the necessary revisions.

The Planning Commission offered the following comments:

- The proposed building will be a substantial improvement to the existing site.
- In response to staff's compliance items noted in the memo, the Commission makes the following findings:
  - Garage Door – proposed design is acceptable because the projection of the entrance door will provide screening, and the angle of the building provides additional screening from US-31.
  - Access Standards – MDOT desires to maximize the spacing between commercial drives to improve safety. Shift driveway to north end of the property. Separation from the existing median crossover is acceptable. To comply with the objectives of the US-31 Overlay Zone, a cross-access agreement and associated easement will be required.
  - Gravel Drive – the proposed gravel drive to the existing garage on the northeast section of the property is acceptable at a 20 foot width because it is a pervious material.
  - Stormwater Basin – basin must be reshaped to create the appearance of a natural pond.
  - Curbs – proposed curb design is acceptable because the site must dispose of the stormwater through infiltration. Sections of asphalt without curb is necessary to properly direct the stormwater. Infiltration supports the Resilient Master Plan, the Ottawa County Water Resources MS4 stormwater regulations, and the Township Boards directive to allow curb waivers to improve snow removal.
  - Outdoor Lighting – applicant must provide a revised spec sheet to staff to confirm compliance prior to installing.

**Motion** by LaMourie, supported by Chalifoux, to **conditionally approve** the Westlake Environmental Site Plan Review application for an office building located at 11944 US-31 based on it meeting the requirements set forth by the Grand Haven Charter Township Zoning Ordinance. This motion is subject to, and incorporates, the following report. Approval is conditioned upon the following:

1. No building permits shall be issued until permits have been obtained from all applicable agencies. Including, but not limited to the MDOT, OCRC, OCWRC, and Ottawa County Environmental Health.

2. Shared Access Facility is required, but not yet available. Temporary direct access is being permitted, but prior to obtaining a Certificate of Occupancy:
  - a. New Civil Plan Sheet designed to accommodate the future: frontage road, shared driveway, or rear access road, etc.
  - b. Shall execute a written agreement to remove the temporary access when the alternative access system becomes available. This shall be drafted by the Township Attorney.
  - c. Shall execute an access easement for future cross-connections to adjacent properties. This shall be drafted by the Township Attorney.
3. Reshape the stormwater basin to provide the appearance of a natural pond.
4. Submit a spec sheet for staff to review and approve for the outdoor lighting fixtures.
5. Provide a revised set of plans that shifts the driveway to the north end of the property.

**Which motion carried unanimously.**

REPORT – WESTLAKE ENVIRONMENTAL – SITE PLAN REVIEW

1. The application meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:
  - A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site.
  - B. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
  - C. Safe, convenient, uncontested, and well defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
  - D. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the township.
  - E. Removal or alterations of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
  - F. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
  - G. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.
  - H. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.

- I. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate.
  - J. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate stormwater, prevent erosion and the formation of dust.
  - K. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets and consists of sharp cut-off fixtures.
  - L. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, are screened.
  - M. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.
  - N. The site plans conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances.
  - O. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.
2. The Planning Commission also finds the Project complies with the Overlay Zone findings and statement of purpose found in Section 15A.01 and 15A.04.6 of the Zoning Ordinance.
- A. The Project accommodates a variety of uses permitted by the underlying zoning, but ensures such uses are designed to achieve an attractive built and natural environment.
  - B. The Project provides architectural and site design standards that are more demanding than required elsewhere in the Township in order to promote harmonious development and complement the natural characteristics in the western sections of the Township.
  - C. The Project promotes public safety and efficient flow of vehicular traffic by minimizing conflicts from turning movements resulting from the proliferation of unnecessary curb cuts and driveways.
  - D. The Project ensures safe access by emergency vehicles.
  - E. The Project encourages efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
  - F. The Project preserves the capacity along US-31 and other roads in the Overlay Zone by limiting and controlling the number and location of driveways and requires alternate means of access through service drives.
  - G. The Project seeks to reduce the number and severity of crashes by improving traffic operations and safety.
  - H. The Project requires coordinated access among adjacent lands where possible.
  - I. The Project provides landowners with reasonable access, although the number and location of access points may not be the arrangement most desired by the Developer.
  - J. The Project requires demonstration that prior to approval of any land divisions, the resultant parcels are accessible through compliance with the access standards.
  - K. The Project preserves woodlands, view sheds, and other natural features along the corridor.
  - L. The Project ensures that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.
  - M. The Project implements the goals expressed in the US-31/M-45 Corridor Study.
  - N. The Project establishes uniform standards to ensure fair and equal application.
  - O. The Project addresses situations where existing development within the Overlay Zone does not conform to the standards.

- P. The Project promotes a more coordinated development review process with the Michigan Department of Transportation and the Ottawa County Road Commission.
3. The Planning Commission also finds the Project complies with the Modification of Access Standards found in Section 15A.07 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:
- A. The Project site has practical difficulties due to existing off-site access points, existing development, and the lot width of the legal lot of record, all of which make compliance impractical.
  - B. The Project use involves an access improvement that will generate less traffic than the previous use.
  - C. The Project is consistent with MDOT guidelines and MDOT staff support the proposed access design because the driveway will be shifted north to maximize the separation between existing commercial drives.
  - D. The Project and its modification is consistent with the general intent of the Overlay Zone and the recommendations of the US-31/M-45 Corridor Study.
  - E. The Project does not require a traffic study to certify the modification will improve traffic operations and safety.
  - F. The Project is not ripe for indirect or shared access but will execute a cross-access agreement and easement for future connections.
  - G. The Project is proposing the minimum modification necessary.

## VIII. PUBLIC HEARING

### A. New Zoning Ordinance and Zoning Map

Cousins opened the public hearing at 7:36pm

Fedewa provided an overview through a memorandum dated November 26<sup>th</sup> followed by an in depth explanation of a court case shaping the short term rental regulations along with the reasoning behind the Township Boards decisions while crafting the ordinance language.

- Marsha Aerts – 17784 Brucker Street, objects to Short Term Rental ordinance.
  - Property does not have neighbors around. Only a few lots. Rental supports tourism. Needs to rent to offset costs.
- Susan Heine – 14520 178<sup>th</sup> Avenue, objects to Short Term Rental ordinance.
  - Needs to rent to offset costs. Visits property at least once per month. Devastated she cannot rent the home any longer. Family has owned the property and surrounding land for decades (DePersia). If house is rented full-time, she and her family could no longer utilize the home themselves. Is very careful when selecting tenants. Good relationship with neighbors.
- Michelle Hornstrand – 1752 Brogan Drive (city unknown), objects to Short Term Rental ordinance.
  - Sister of Marsha Aerts. Numerous questions such as when ordinance will take effect; what happens to clients that have already booked; does the owner have to notify the Township of who the renters are; how many complaints have been received and what is the nature of those complaints; etc.
- Chris MacKeller – 13771 Lakeshore Drive, question about the Short Term Rental ordinance.

- Questioned how parking would be addressed at the rental homes. Has experienced cars parked in his yard before and wants to prevent.
- Jack Steinmetz – 15695 High Ridge Drive, request regarding the Short Term Rental ordinance.
  - Himself and other neighbors on High Ridge and Lost Channel are requesting the four unplatted “green” lots be changed to “red” and marked as not eligible for a Short Term Rental. Believes that will be fairer to everyone.
- Andrew Wesner – 15831 Lake Avenue, supports the Short Term Rental ordinance.
  - Resides next door to an egregious short term rental. Supportive of the Board’s position that there are certain expectations when buying into a neighborhood. STRs have a major impact to residents. Obnoxious in regard to noise because of the number of people and the water-related toys. Sold his boat because there were too many “close calls” with the tenants driving water-related toys such as seadoos. Asked when this STR will be forced to close.
- Ed Everhart – 12087 Bluewater Road, objects to Short Term Rental ordinance and the increased setback for properties fronting on Lake Michigan.
  - Questions what impact the STR ordinance will have on his property. Paid over \$1 million. Would only buy land that was not in the Critical Dune Areas because EGLE (formerly the DEQ) is a nightmare. Intends to build a 4,000+ sqft new house by 2022. Has an EGLE permit already that would allow him to build closer to the water than the existing cottage. Pays over \$20,000 in property taxes and will not let his rights be taken away. Believes the 200 ft setback for Lake Michigan waterfront properties is a “takings.” Wants a reduction in his property taxes if the Township is going to “take” half of his building envelope. Provision is arbitrary and capricious and in conflict with existing EGLE provisions. Readily Moveable Structures allow the house to be moved if needed, so the Township should not be concerned with how close to the water the house is built.
  - Requested an explanation of why he did not receive notice about the STR ordinance and zoning ordinance.
  - Explained he was part of a court action about 10 years ago that vacated the Sheldon Beach Subdivision. Will send documents to Township, so the map can be updated.
- Mindi Freng – 17411 Buchanan Street, objects to Short Term Rental ordinance.
  - Home was utilized as a rental for over 15 years when the property was purchased. The rental income was reflected in the sale price. Typically rents for 6 weeks and 9 full weekends. Has had great renters in the past and is not aware of any complaints. Did cease renting when Township sent cease and desist letter. Was not aware the Township was proposing new STR regulations until she received the tax insert in the mail. Does not understand how her land is platted, it is a “U” shape and has no restrictive covenants. Only 8 houses on that section of Buchanan Street. Traffic should not be a concern because it is already busy due to the road-end beach access. Financially, cannot hold onto the home much longer if unable to rent.
- Tara Angus – 1514 Erin Street, Jenison, objects to Short Term Rental ordinance.

- Is a frequent user of STRs because her children are part of nation-wide travel teams for sports. STRs are better than hotels because it is quiet, has a kitchen, and allows for better family time. Has visited the Freng property before and it was a “calm” experience. Encourages the Township to consider putting themselves in someone else’s shoes before approving the ordinance. Tourism, rentals, and beach access are essential. If STRs are no longer allowed in the Township she will take her money and go somewhere else.
- Stan Fortuna – 11763 Garnsey Avenue, supports the Short Term Rental ordinance.
  - Supportive of the Board’s position that this ordinance needs to protect the character of our neighborhoods. Wonders when existing rentals will cease and what type of enforcement will be done for violations.
- George DeWild – 12103 Bluewater Road, objects to Short Term Rental ordinance and Lake Michigan section of the Resiliency Chapter.
  - Questioned when the STR ordinance would be adopted and enforced. Indicated the Sheldon Beach Subdivision is no longer platted so the map needs to be updated. Believes Section 3.01 should be removed in its entirety because no additional regulations are necessary for lakefront property.

There being no further public comment, Cousins closed the hearing at 8:19pm

## IX. OLD BUSINESS

### A. New Zoning Ordinance and Zoning Map

Fedewa and Bultje provided explanations to many of the questions posed during the Public Hearing.

The Planning Commission directed staff to provide the public comments to the Township Board and then requested staff briefly review the presentation created by the consultant that describes the major policy changes.

**Motion** by Wagenmaker, supported by LaMourie, to recommend the Township Board **approve** the New Zoning Ordinance and Zoning Map.  
**Which motion carried unanimously.**

## X. REPORTS

- A. Attorney’s Report – None
- B. Staff Report – None
- C. Other – None

## XI. EXTENDED PUBLIC COMMENTS

- Marsha Aerts – 17784 Brucker Street
  - Her home is rented annually to a family from Iowa to host a family reunion. It is also rented by quilters, scrapbookers, book clubs, and other family parties. Grand Haven is a tourist community. Understands why Short Term Rentals should not be allowed in an executive-housing style neighborhood such as Garnsey Avenue but believes her area should be eligible.

- Ray Swanson – 11724 Garnsey Avenue
  - Questioned if a vacant lot may be eligible as an STR. Does not support the 200 ft setback for Lake Michigan, believes it is too much.
- Kevin Freng – 17411 Buchanan Street
  - Questioned how the public will learn if Sheldon Beach Subdivision was vacated. Questioned how to obtain complaints that may have been received on his property.
- Susan Heine – 14520 178<sup>th</sup> Avenue
  - Is unfamiliar with platted vs. unplatted land and how that impacts an STR license.
- Michelle Hornstrand – 1752 Brogan Drive (city unknown)
  - Questioned how enforcement will occur and if renters would be asked to leave during their tenancy.

XII. ADJOURNMENT

**Without objection**, the meeting adjourned at 9:11 pm.

Respectfully submitted,

A handwritten signature in black ink that reads "Stacey Fedewa, AICP". The signature is written in a cursive, flowing style.

**Stacey Fedewa, AICP**  
Acting Recording Secretary