

PROPOSED MINUTES
LAKETOWN TOWNSHIP
PLANNING COMMISSION
4338 BEELINE ROAD
ALLEGAN COUNTY
HOLLAND, MI 49423
(616) 335-3050

March 4, 2020

ARTICLE I. CALL TO ORDER

Vice Chair Becksvort called the Planning Commission meeting to order at 7:00 p.m.

MEMBERS PRESENT: Randy Becksvort, Marcia Perry, Jim Johnson, Dick Becker
MEMBERS ABSENT: None
STAFF PRESENT: Al Meshkin – Township Manager
Ron Bultje – Township Attorney
Diane Ybarra – Recording Secretary 1

ARTICLE II. ELECTION OF OFFICERS

A nomination was made by Johnson to elect Becksvort as Chair of the Planning Commission. Following discussion, **a motion was made by Becker and seconded by Johnson to close the nominations and elect Becksvort Chair. Becksvort called for a vote on the motion. Vote 3 to 1 MOTION PASSED. Perry dissenting.**

A nomination was made by Johnson to nominate Dick Becker as Vice Chair of the Planning Commission. Following discussion, **a motion was made by Becksvort and seconded by Johnson to close the nominations and elect Becker Vice Chair. Becksvort called for a vote on the motion. Vote 3 to 1 MOTION PASSED. Perry dissenting.**

A nomination was made by Perry to nominate Johnson as Planning Commission Secretary. Following discussion, **a motion was made by Becksvort and seconded by Becker to close the nominations and elect Johnson Secretary. Becksvort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. APPROVAL OF MINUTES

The Commission reviewed the minutes of the January 7, 2020 meeting. Perry asked for a correction to the January 7, 2020 minutes to correct her comment regarding the Eldean Company. **A motion was made by Johnson and seconded by Becker to approve the amended January**

7, 2020 minutes with the noted corrections. Chair Becksvort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

The Commission reviewed the minutes of the February 5, 2020 meeting. Becksvort and Perry asked for several corrections to the minutes. **A motion was made by Johnson and seconded by Perry to approve the amended February 5 minutes as corrected. Chair Becksvort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE IV. OLD BUSINESS

A. HOLLAND BPW SPECIAL USE REQUEST

The Holland Board of Public Works requests a special use request to construct above ground utility equipment, 45' aluminum poles for meter reading equipment at or near the following locations: Property line of 6697/6701 Indian Pipe Circle; property line of 6668/6670 Summit View Concourse; property line of 4617 Forest Lane/6451 Castle Avenue; property line of 4666/4670 Sailview Drive; 4635 64th Street; and 6330 147th Avenue, Holland, MI 49423. No correspondence has been received and the item will remain tabled.

B. BAUMANN BUILDING P.U.D. REQUEST

Baumann Building, owner or agent of property located at 6331 146th Avenue, Holland, MI 49423 that being tax parcel #0311-002-062-00, requests approval of an 8 unit planned unit development on this parcel. The item will remain tabled as Commissioners review the recently submitted information.

ARTICLE V. NEW BUSINESS

A. HOWARD SPECIAL USE REQUEST

Robert L. Howard Jr., owner or agent of property located at 6211 144th Avenue, Holland, MI 49423, that being parcel #0311-011-047-20 provided a site plan for review and approval for removal of an existing residence and construction of a new residence on this site.

Howard explained he would like to restore some cars in a larger facility. He would like a 48' x 80' barn of which 30 x 30 will be the work area and the rest will be storage, five cars in a row and six trucks stacked two deep. He would like to add a lift in the facility to aid in the restoration process. It will be poured walls and a concrete floor. The lot is 2.66 acres.

Johnson clarified it would be a 48' x 80' in size which would be under the 50% overage rule. Perry asked how he came up with the formula. Howard said based on 1,000 square feet per acre in the ordinance. Johnson said it would be 3840 square feet. Becksvort asked about the 50% overage and Howard said it he understood it to be a rule of thumb. Becksvort said 2660 square feet is

allowed and anything over that is what the special use would be for, not a 50% formula. Meshkin asked if there are is another detached accessory building and Howard said there is a small shed. The 30 x 30 space inside this building (proposed) will be the work area and the rest is cold storage. Perry asked about a paint booth, what sort of ventilation would be installed. Howard said fans and filtration if he goes that way or maybe it would be a second lift and no paint booth.

Becksvoort opened for public hearing.

Ruth James of 6221 of 144th Avenue read her letter of objection that was submitted to the township. James does not feel the building would be harmonious to the area; feels it would change the character of the surrounding area; feels the intended use would be environmentally detrimental to the area such as toxins; she feels this would be detrimental to her already compromised health. James referred to the originally submitted proposal for a 52 x 80 facility. James proposed the facility be constructed on the north side of his lot away from her property. Johnson thanked James for the detail of her letter. James has also noted that two variances have been denied in the immediate area.

A motion was made by Johnson and seconded by Becker to close the public hearing. Becksvoort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Johnson asked if the location is flexible. Howard said the position of the house, pool, driveways, drain field and septic do not allow for an alternate location. There is also clay one foot down. Howard said the barn will be shingled and sided similar to that of the house. Johnson asked if the stored trucks and cars are taken out on a regular basis. Howard said some of the cars are in restoration so not driven. Howard is reconsidering installing a paint booth. Johnson suggested a two story option to reduce the size and Howard responded that he plans to use the height of the barn for storage of parts. Johnson mentioned drainage requirements of oil and other materials. Bultje said it is not a commercial venture so such requirements would likely not apply but could be included as a condition if the request is approved. Howard said all fluids are recycled at Auto Zone. Becker confirmed that a special use approval would not be necessary if Howard complied with the allowable size of 2660 square feet. Becksvoort said the barn is large for the lot and expressed concern about the potential paint booth. The request is for a barn much larger than the ordinance was recently amended to address such requests. Becksvoort reviewed the history of the change of the ordinance noting that 450 square feet per acre was increased to 1000 square feet per acre in the last two years. Perry asked what kind of tools would be used such as air hoses and if the issue of noise should be addressed. Howard said he would be installing an air compressor but plans to insulate the barn so noise should not be an issue. Becksvoort reminded Perry that at the allowable size of 2688 Howard would be able to do any of these things. Meshkin suggested flipping the floor plan so the cold storage would be toward the side nearest the neighbor (James). Mrs. Howard noted that she runs a daycare center so it is important to have the cars and equipment away from the children's play and travel area. Johnson said he struggles with the proportionality of more proportionate to the lot noting that 48 x 60 would be 2880 sf but would cut a fair amount of square feet out of the barn. Howard said if it has to be smaller, there will be cars stored outside of the barn. Perry said we have the size requirements because we thought they were reasonable,

which were just expanded and now going farther beyond that, it doesn't make sense to me. Perry feels the building creates a hazard for the neighbor. Howard said without the paint booth it shouldn't affect her. Perry said the amount of exhaust could affect the neighbor. Bultje said if the building is built according to right, anything can be done but if we give authorization for the special use, we can approve with conditions. Becksvoort suggested reducing by 20 feet and making conditions about catching oil before it drains and if a paint booth is installed, it have a filtering system. Johnson said the application appears to be a pre-engineered building and they come in certain dimensions and Howard said no, he is putting it up himself and it will be stick framed. Johnson asked to clarify the exterior and Howard said it will be shingled and sided just like the house.

Howard asked if he can retract the request and do the allowable with no conditions. Mrs. Howard asked if the overhang is part of the dimensions and Meshkin said it is. Johnson said he could support a 48' x 66' building but it would come with conditions like a floor drain, comparable exterior and other items discussed. Perry said the application in front of us is not what is being asked and Bultje said he has no concerns with the application because they are asking for a reduction in size. Perry expressed concern about exhaust from the vehicles. Howard said he is more into the restoration and the cars are not going to be running creating excessive exhaust.

Following discussion, **a motion was made by Johnson and seconded by Becker to approve the Howard Special Use Request for an accessory building based upon a consideration of the special use standards in Section 38.471, 38.91 and 38.65; with the conditions of not to exceed 48' x 66'; have an oil collection drain; adherence to exterior finishes similar to that of the house; no paint booth; flipped floor plan to take activity center away from neighboring property; compliance with the revised application; compliance with federal, state, county, and Township laws and ordinances; and with the written and verbal representation at this meeting.** Bultje said the ordinance allows by right that the construction is relatively comparable to what is stated in the ordinance. Johnson also noted it must be built no closer than what is in the application. **Becksvoort called for a vote on the motion. Vote 3 to 1 - MOTION APPROVED. Perry dissenting.**

B. SHORT-TERM RENTAL UNIT ZONING AMENDMENT

Meshkin explained the proposed amendment to Section 38 of the Zoning Text Amendment Ordinance to address short-term rental units in the township. The township board has been looking at rental unit regulations and recently adopted a new amendment ordinance. The amendment regulates all rental units in the township with numerous conditions. It affects long-term and short-term rentals. The township cannot prohibit long-term rentals. Currently short-term rentals are defined as 28 days or less. Bultje referenced a case in Spring Lake Township which effectively made short term rentals in residential districts illegal unless the zoning ordinance permits them. Meshkin said there are 50-100 short term rentals in the township. The ordinance being considered states short-term rentals are allowed in the residential districts. Bultje said a special use permit would be required if the rental has an occupancy of more than 16 people. The current rentals are not considered grandfathered status so would have to come in and apply for a special use if they

have a capacity of over 16 people. Bultje said this ordinance gives protection to the short-term rentals. Becksvoort asked why we are doing this. Bultje said because we have many of them in the township as we are a recreational location and it is beneficial to the local economy. Meshkin said this gives us the right to regulate and address those that are an issue. Becksvoort asked if the township zoning trumps the state and Bultje said no, we have derived power from the state. It has not yet been determined but it is anticipated that the legislation will regulate how the township regulates.

Becksvoort opened for public hearing.

David Vander Sluis of Laketown Township has a lot of questions about this ordinance. Which code will be used for rental inspection? Meshkin said the new ordinance that was just passed references the International Property Maintenance Code. Bultje said this hearing tonight is about land use only and the regulation ordinance has been done. Vander Sluis said if anyone gets approved do they lose homeowners exemption and Bultje said if the property is used for rentals of 14 nights or more the principal residence exemption (PRE) would be lost. Vander Sluis said he is surprised that this has not been noticed to make residents aware. Bultje said we do not have anything to do with homeowners' exemptions. Vander Sluis argued the value and exemption issues. Meshkin said you are allowed to rent for 14 nights per year and keep the exemption but anything more than that it is lost. Bultje said if they are doing it now, it is unlawful. Vander Sluis asked who would be doing the inspections and Meshkin said it will be the fire department and if there is a building related issue, there are resources with the building inspector. Vander Sluis feels the change should be postponed to 2021 as many homeowners have secured rentals for the 2020 season. Bultje said remember they are illegal and we are trying to make them legal. Meshkin said if the township has knowledge of properties rented for more than 14 nights per year, there is an obligation to report this to the state to address the PRE.

John Lamb of 6262 138th Avenue said he has two vacation rentals next to his property and he is not sure if he is for or against it. He knows that his neighbors are not happy having strangers in the neighborhood. One time the Koops had unlocked doors and the renters came into his home due to having made a mistake of the wrong address.

Following discussion, **a motion was made by Johnson and seconded by Becker to close the public hearing. Becksvoort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Becker said that he has no issue with the amendment; Johnson supports the amendment; Perry feels it is appropriate as does Becksvoort.

Following discussion, **a motion was made by Perry and seconded by Becker to recommend approval of the Short-Term Rental Unit Zoning Amendment to the Township Board noting the draft date of December 16, 2019. Becksvoort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE VI. CITIZEN COMMENTS

Ruth James of 144th Avenue thanked Howards for removing the paint booth. James expressed concern about the heavy metal dust from grinding and feels she will have to keep her windows closed.

ARTICLE VII. ADJOURNMENT

A motion was made by Perry and seconded by Johnson to adjourn the meeting at 8:29p.m. Becksvoort called for a vote on the motion. UANIMOUS DECISION – MOTION APPROVED