

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP <u>PLANNING COMMISSION</u> Regular Meeting 7:00 p.m. October 17, 2024 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES </p>	<p> MINUTES Page 1 of 7 PC APPROVED: _____ Regular PC Mtg. October 17, 2024 </p>
<p> Meeting called to order at 7:00 PM by Planning Commission Chair, Shana Bush. <u>PLEDGE OF ALLEGIANCE</u> Roll Call: Present: (Present): Beukema, Bush, Craven, Fiala, Frigmanski, Knowles, Kooistra. Absent with Notice: none <u>Zoning Administrator:</u> Joe Shea, Present <u>Professional Planner:</u> Not Present Staff Present: Dennis Buist-Constable, Sandy Marcukaitis, Rob Heethuis Visitors: 21 (not including staff present). </p>	<p> CALL TO ORDER PLEDGE ROLL CALL </p>
<p> <u>APPROVAL OF AGENDA:</u> Adds/Changes: None <i>Motion by Fiala with support from Beukema to approve tonight's agenda as presented.</i> <i>ALL AYES. MOTION CARRIED.</i> </p>	<p> <u>APPROVAL OF AGENDA</u> </p>
<p> <u>REPORTS from REPRESENTATIVES:</u> ZBA, John Frigmanski, commented that there was no ZBA meeting this month. Board of Trustees- Larry Knowles, reported regarding the Board meeting on 10/10/24: <ul style="list-style-type: none"> • Approved water advisory board's recommendation to increase water rates for water system customers. • Approved a request for a land division on Spruce Hollow Drive. • Donation approved for privacy fence at Robbin's Cemetery • Approved the use of credit card payments for taxes. • Waived tax penalties until March 1st. </p>	<p> <u>BOARD REPORTS from REPRESENTATIVES</u> </p>
<p> <u>ZONING ADMINISTRATOR REPORT:</u> Joe Shea, ZA J. Shea noted two zoning violations went to court Tuesday, October 15th. One violation was settled. The other went to trial and the township/zoning was successful in trial. </p>	<p> <u>ZONING ADMINISTRATOR REPORT</u> </p>

PUBLIC COMMENT: (Non-agenda matters) - (Limit to 3 minutes per person- Additional comments under item 11)

Mark Peets of Hazel Drive noted that an amazing man has a STR near his home and the STR yard is clean and all renters are nice and polite. M. Peets said they have no issues with them. M. Peets feels long term renters would not take care of the yard. A curfew for the STR renters is Monday – Thursday inside at 9 p.m. –Friday and Saturday at 10 p.m. “Always nice people. No young kids screaming or yelling.” Peets feels STRs are good for local restaurants, gas stations, and pontoon rentals. “I think it’s a great thing,” concluded M. Peets.

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APPROVAL OF MINUTES : Regular Meeting of September 19, 2024

Motion by Knowles with support from Fiala to approve minutes of Regular Meeting of September 19, 2024 as presented. All Ayes. MOTION CARRIED.

APPROVAL OF MINUTES

INQUIRY ON CONFLICT OF INTEREST:

ROLL CALL: F. Fiala asked the PC members present if there was any conflict of any PC member with the agenda of requests and as modified this evening. All PC members noted: NO conflicts. No: 7, Yes: 0.

INQUIRY ON CONFLICT OF INTEREST

NEW BUSINESS:

1. Public Hearing: Amendment of Yankee Springs Township Zoning Ordinance, Section 20.8 Authority of the Board of Appeals; Re: Determination of Practical Difficulty justifying a variance.

Joe Shea reviewed the ordinance amendment, noting the township attorney is in agreement with the proposed amendment.

7:09 pm Open and Close of Public Comment as there was No public comment.

Motion by Fiala with support Frigmanski to approve amendments to Section 20.8 of the Yankee Springs Township Zoning Ordinance as presented. Bush: Yes, Craven: Yes, Fiala: Yes, Frigmanski: Yes, Knowles: Yes, Kooistra: Yes, Beukema: Yes. Yes: 7, No: 0. MOTION CARRIED.

NEW BUSINESS

SEU 24-07-09: Parcel ID 16-070-021-00, 3454 Elmwood Beach Road, Middleville, MI 49333. G. Adams

2. Public Hearing: Amendment of Yankee Springs Township Zoning Ordinance, Article X Short Term Rentals.

Joe Shea commented on work of the sub “ad hoc” committee and noted recommended changes to the Short Term Rental Ordinance.

L. Knowles commented on the Board of Trustees requesting the PC look at allowing STR units that are in close proximity to the home of the owner of the STR.

MOTION to Approve

J. Frigmanski noted “may” should be “is” or something definitive in Section 4 10.8.B.1 and maybe a \$ amount should be assigned.

Open Public Hearing at 7:16 p.m.

Mark VanHolstyn of 12531 Park Dr., owns a short term rental (STR) and manages a short term rental at Gun Lake. Mr. VanHolstyn commented on significant benefits of STRs-stimulating local economy and supporting small business; homeowners are provided a flexible source of income with STRs, the extra income can be essential in maintaining their properties, paying mortgages, and investing back into their homes which ultimately leads to better maintained neighborhoods which lead to higher property values and a greater sense of pride in our community. According to Mr. VanHolstyn, STRs may offer a more personal and comfortable experience vs. hotels. VanHolstyn noted that issues that may occur with STRs, but with responsible operation of STRs coupled with responsible and reasonable regulation, VanHolstyn knows issues can be mitigated and eliminated entirely. VanHolstyn noted that he has operated a STR for years now and has many guests (100) and repeated guests. His elderly neighbors have even commented to him they have been helped out by some of the STR guests. Mr. VanHolstyn thanked the PC for all they do for the community.

Luke Miller of 1940 Heritage Bay Dr., owns 1931 Heritage Bay which they operated as an Air BNB and this past August found out about the ordinance. They contacted Joe Shea admitting they didn’t have a permit as they were unaware of it. Miller noted that their property abuts to 1931 Heritage Bay Dr., and also noted that long term can be just as detrimental and an eyesore (example: couches in the front yard). Miller noted with their STR they have been home every night but once when they rented, they maintain the lawn, have a 10 p.m. curfew, have one car parking sometimes making an exception for two cars (parking in a back lot) for out of state visitors and as a STR it is no longer an eyesore as it was and can be difficult evicting long term renters. Miller commented that the PC would take into consideration proximity of STRs when working on amending the ordinance. Miller commented that they would have worked with permits had they known. They would have had permits and would have been grandfathered in. Miller mentioned not getting ordinance information due to circulation issues with the newspaper and some colorful mailings from the township possibly looking like other advertisement/flyers in the mail which go in the trash. Miller concluded “We called ourselves in immediately. We ceased and desist.” Miller hoped that the PC would consider this in amending the ordinance, and proximity of the STR to the owner’s home in particular.

John Cremer of Jenison, commented that he has three (3) STRs on Gun Lake and has been in the Gun Lake community since 2015. He has great memories since 1983 when his family stayed at Gun Lake. Mr. Cremer thanked the PC for their work. Cremer noted that Gun Lake is a public access all sports lake and until 2021 came to Gun Lake with many different options to stay and now the options have narrowed down. Cremer read what he stated was Section 2, paragraph C of the Ordinance: “Short term rentals provide a community benefit by expanding the number of type of lodging facilities available and assisting owners of STRs by providing revenue which may be used for maintenance upgrades and deferred costs. Paragraph D further states that the reason for the new law that the township staff has received complaints involving excessive noise, disorderly conduct, overcrowding, traffic, congestion and parking in STR properties. This ordinance is intended to address these issues, that’s exactly verbatim what it says in the ordinance.” “In our township now there is a limited number of them,” commented Cremer. He concurs with adding those in close proximity to their STR unit. Cremer believes that all would agree that the regulations have kept those things in place. “I don’t think we need any further changes to limit the number ... but there’s one thing that the proposed rule changes say that wasn’t brought up. It looks to me it’s the one about removing the whole paragraph about the guarantee of people getting a renewal if they follow all the rules. This is an important factor for properties especially that are grandfathered in. We have hundreds of thousands dollars tied up in these places. We are investing in them. It takes years to build up reviews and good reputations and all this stuff and then to suddenly have it questioned whether or not will it be renewed. It takes about a year to even get the booking for the following year.” (3 minutes was up.)

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Patty Zywkoski of 3131 Sandy Beach has been a YS resident for 42 years. Rentals have occurred up and down her street for decades. Her family did weekly rentals on Gun Lake. P. Zyskowski decided to live and raise her family at Gun Lake. Zyskowski also worked for 30 years at Gun Lake Family Dentistry. Many patients came in as a result from renting on Gun Lake. Mrs. Zywkoski's niece grew up on Cobb Lake and owns a restaurant less than 1 mile away. They have seen business negatively impacted because of the short term rental ordinance. Zyskowski feels the amendment to the ordinance should not remove the guarantee of renewal if you follow all the rules. Zyskowski feels it's important to have STRs because our community needs those people.

PC Chair, Shana Bush, read into record a letter from Mike Cunningham of 1908 Heritage Bay Dr.

To: Yankee Springs Planning Commission
From: Mike Cunningham, 1908 Heritage Bay Drive
Subject: **Short Term Rental Ordinance Revision**

I am supportive of the changes proposed to this ordinance that are a subject of tonight's public hearing.

I would like to ask that voting on the proposed amendments be tabled until further amendments can be included.

The additional amendment that I would like to see made would be to allow a short term rental in a residential zoning district if the property is close to the principle residence of the person who owns and rents out the rental property AND if the owner is in residence each and every day that the STR is occupied by short term renters.

Close would mean, not farther away than the distance we use to notify people about public hearings for SEU's etc. The distance could be reduced also, even to the point of requiring the property to be next to or directly across the street from the owner's residence.

I believe that the proximity of the property owner and the requirement that they be on site during the rental will significantly reduce/eliminate the problems that are seen with some STR's.

If this approach does not gain much support, I would ask that, as an alternative, the definition of a B&B be modified (if needed) to allow a close by property to be allowed as an SEU for a B&B rather than an STR. The owner onsite requirement would still apply.

Even though I prefer that residential neighborhoods be used exclusively for owner occupancy, or long-term rental, I think allowing what I have suggested is a reasonable compromise.

Thanks!

Mike Cunningham

Close Public Comment: at 7:31 p.m.

PC Discussion occurred.

Interruption by audience member occurred asking about how they (audience) could find out the changes and about not having marked up copy of the changes.

PC Discussion took place regarding close "proximity".

Motion by Fiala with support from Knowles to table issue to next month's regular meeting and contact ad hoc STR committee. All AYES. MOTION CARRIED.
(Next meeting Nov. 21st. at 7 p.m.)

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MOTION to Table

3. Public Hearing: Amendment of Yankee Springs Township Zoning Ordinance, Article XII General Regulations; Proposed regulations regarding the use of cargo containers and portable storage containers.

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Open to public comment at 7:44 p.m. NO comment from public.

Letter to read into Public Hearing by Michael Cunningham, of 1908 Heritage Bay Dr., Middleville

To the Yankee Springs Township Planning Commission:
Please read this letter and consider it part of the official record.

I am opposed to allowing the use of shipping containers in residential zoning districts for any purpose. I believe that the majority of township residents also would be opposed.

Shipping containers have a definite purpose in the world for shipping, and the containers have also found use in commercial areas as economical storage space. In commercial use, the business balances the savings using this storage method with the need to maintain an attractive enough business that customers are not driven away. I do not oppose the commercial use of storage containers in the township (in commercial zoning districts).

I also do not oppose the use of shipping containers in agricultural zoning districts and others where the size of the property is large enough to allow this storage method without impacting the nature/characteristic of the township. Farms and other uses of larger properties generally have enough other non-residential buildings and equipment on the property to allow storage containers to hide or blend in.

You may hear comments that storage containers can be made to look good and may even have sometimes won architectural awards when used for houses etc. Most do not. There is no way you can allow the use of storage containers based on requesting that they be made to "look good" or any other wording that promises that they can be used without being and becoming unsightly and eventually even being used for unofficial/illegal housing. Our experience as a township indicates that not allowing their use in any residential zoning district is the only effective regulation that can be made and enforced.

I believe that many township residents that have lived here all their lives and many that have moved here because they like the area, naturally want the township to retain the character that has made it so desirable and successful so far. The vast majority of these residents will not be at tonight's meeting. The few that want storage containers allowed may be in attendance. I ask that you consider the entire township and not just those present when you have this discussion.

I also ask that you consider the entire township in Master Plan discussions. A Master plan does not have to promote change. A Master Plan can acknowledge and reinforce that a township is in good shape and heading in the right direction as I think ours is.

Thanks!

Mike Cunningham
1908 Heritage Bay Drive

Close of public comment at 7:47 p.m.

PC Discussion occurred.

Motion by Knowles support by Fiala to make recommendation to board of trustees to approve ordinance amendment regarding cargo and portable storage containers with change to also not be in RR as a permitted use. Roll Call Vote: Beukema: Yes, Bush: Yes, Craven: Yes, Fiala: Yes, Frigmanski: Yes, Knowles: Yes. Yes: 7, No: 0. MOTION CARRIED.

MOTION to recommend to BOT

EDUCATION – UPCOMING AND COMPLETED OPPORTUNITIES

MTA Annual meeting was attended by Shana Bush.

A few different classes regarding zoning and ZBA functions are coming up.

Webinars for Master Citizens Planners are available. Fiala mentioned one he attended regarding Affordable Housing.

OLD BUSINESS:

Discussion on Shipping containers – discussed in public hearing this evening.

Discussion of the Master Plan – approx. 365 survey responses so far. Lots of good info per R. Craven. S. Bush told audience that hard copies of the survey were available at the township office. Otherwise residents should have received a postcard with the QR code and there is also a link for the survey on the township website.

F. Fiala commented on the DNR having a 5 Yr. Plan and that it may be good to have the DNR representatives (Randy Heinze (Game Area) and Joe Jandernoa (Parks & Rec.)) come into a PC meeting and talk about their plan.

L. Knowles requested Joe Shea to put a meeting together for the adhoc committee regarding STRs.

OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

PUBLIC COMMENT:

Starr Adams of 2735 and 2739 Sandon Circle noted that she agrees with everyone else. “You can have problems with neighbors that aren’t short term rental,” commented Adams. Adams also commented, “People need a place to go on vacation. You should let them continue to go where they have always gone.” Adams commented that she would like to say something at the PC’s next meeting about short term rentals.

Kristy Shepard resident of 11101 W. Bowens Mill Rd and also 3373 Sandy Beach, commented that when she purchased her cottage on Gun Lake in 2013, she believed that STRs were allowed back then. She didn’t have the desire to rent out at that time but did realize the option was there for the future. She noted that her job as a real estate agent was to do a deep dive for clients regarding STR allowances and other items. K. Shepard commented that she was at the ZBA meeting in September, when Mr. Benji Vista was here asking for his STR permit. He had plans to rent one of the five homes that he purchased on the two lots in the future. Shepard noted that she was pleased that the variance was granted. “Again, he purchased that before, I think, the STR ordinance, the current one, was in place. He made a \$1.5 million investment that could have been tragic for him. So again, I’m glad to see that you take things into consideration. One thing that I would like to propose for future conversation,

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OLD BUSINESS

OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

PUBLIC COMMENT

much like the variance was granted to Mr. Vista, that you also consider changing the current STR ordinance to allow any owner who ever had plans to rent in the future. Our lives change. We bought our cottage because we wanted to spend time with our family and our kids. Our kids are now gone. They graduated and move away. We are actually trying to sell our cottage because we don't use it much any more with our kids being gone. Not having the ability to rent it puts us in a spot where we have this great cottage and this great body of water that we just don't use. I would ask that you consider that.... When the property is transferred the new buyer will do their due diligence to make sure that there are ordinances in place regarding STRs that they can follow or not follow.

Sarah Hannapel, who owns the property at 3440 Elmwood Beach Road asked, "Who is on the adhoc committee? S. Bush said she (S. Bush) could discuss this after the meeting, but not at public comment time. S. Hannapel commented that she was concerned about the language used for the re-permitting of STRs. S. Hannapel also was curious how the township was going to regulate complaints moving forward, and who is verifying those complaints. S. Hannapel commented that a "lot of livelihoods depend on continuing STRs and promoting our township and our ecosystem on the lakes and all the good things we have to offer here."

Caryn Hannapel 3450 Elmwood Beach would encourage the info that was emailed at the meeting to her by someone attending the meeting tonight to be a little more public for people and that they can access it online where they access all their other information regarding the township. Hannapel noted she was an attorney and it is important that the public has access to information and it makes for a "much more fruitful conversation." "I think it's very unfortunate to have a conversation where everyone is not informed," commented C. Hannapel. C. Hannapel was thankful that the discussion was tabled. Hannapel wanted to bring up things about the "distance aspect of that". C. Hannapel brought up there are cameras, noise monitors, and her sister (who owns a STR) has all the stuff set up. "There are a lot of other things you can do, you don't have to be right next door to monitor those types of things," concluded Caryn Hannapel. Hannapel encouraged transparency and working together.

Luke Miller 1940 Heritage Bay Dr. commented that the people here tonight speaking in favor of short term rentals care about their STR properties. "They are creating memories for other families. They are creating memories for new families. They're sharing the experience of being on the water. I think it comes down to policing and how we police them. We can't police long term rentals any better that we can short term rentals. Long term rentals can be a pain. Try to get rid of somebody. Look at the damage the attorney fees to get rid of these people. It's not easy.... I think it comes down to the homeowner and how we police and it's our responsibility to make sure the people renting are following the guidelines.

ADJOURNMENT:

Motion by Bush with support from Beukema to adjourn meeting at 8:18 pm. All AYES. MOTION CARRIED.

Approved by: Frank Fiala 11/21/24
Frank Fiala, Planning Commission Secretary Date

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PUBLIC COMMENT cont'd

ADJOURNMENT