

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP PLANNING COMMISSION <u>In Person</u>– Regular Meeting 7:00 p.m. July 18, 2024 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES </p>	<p> DRAFT MINUTES Page 1 of 6 PC APPROVED: _____ Regular PC Mtg. July 18, 2024 </p>
<p> Meeting called to order at 7:00 PM by Planning Commission Acting Chair, Frank Fiala. <u>PLEDGE OF ALLEGIANCE</u> <u>Roll Call: Present:</u> (Present): Beukema, Craven, Fiala, Frigmanski, Knowles, Kooistra. <u>Absent with Notice:</u> S. Bush (Chairperson) <u>Zoning Administrator:</u> Joe Shea, Absent with Notice <u>Professional Planner:</u> Not Present <u>Staff Present:</u> Dennis Buist-Constable, Sandy Marcukaitis, Rob Heethuis <u>Visitors:</u> 17 (not including staff present). </p>	<p style="background-color: #e0f7fa; padding: 5px;"> Routing 7/25/24 Beukema Email Web Binder </p>
<p> <u>APPROVAL OF AGENDA:</u> <u>Add/Change:</u> NONE. </p>	<p> <u>APPROVAL OF AGENDA</u> </p>
<p> <u>REPORTS from REPRESENTATIVES:</u> <u>Board of Trustees- Larry Knowles,</u> reported regarding the Board meeting on 7/11//24: Report not available this evening. <u>ZBA, John Frigmanski,</u> reported regarding the ZBA meeting held on 7/09/24: One issue (request) was tabled for legal review. </p>	<p> <u>BOARD REPORTS from REPRESENTATIVES</u> </p>
<p> <u>ZONING ADMINISTRATOR REPORT:</u> Joe Shea, ZA Absent with Notice </p>	<p> <u>ZONING ADMINISTRATOR REPORT</u> </p>
<p> <u>PUBLIC COMMENT:</u> None </p>	
<p> <u>APPROVAL OF MINUTES :</u> Regular Meeting of June 20, 2024 <i>Motion by Beukema with support from Knowles to approve minutes of Regular Meeting of June 20, 2024 as presented. All Ayes. MOTION CARRIED.</i> </p>	<p> <u>APPROVAL OF MINUTES</u> </p>
<p> <u>INQUIRY ON CONFLICT OF INTEREST:</u> <u>ROLL CALL:</u> 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: 6, Yes: 0, Absent: 1. </p>	<p> <u>INQUIRY ON CONFLICT OF INTEREST</u> </p>

NEW BUSINESS:

SEU 24-06-07: Parcel ID 16-080-051-00, Vacant Lot 60 Supervisors Plat of England Point, Shelbyville, MI 49344. A request by Tabitha and Eric Zimny, the property owners, for a special exception use permit for an outbuilding on a vacant lot, pursuant to the Yankee Springs Zoning Ordinance, Section 12.7 Outbuildings.

Tabitha & Eric Zimny presented their request for a shed on their vacant lot.

Adrienne Cook, of England Dr. inquired as to where the placement of the shed would be on the lot.

Jayne Spickenagel's letter was partially read into the public comment time by F. Fiala, Acting Chair. The letter and information referred to a mobile home being placed on a site. J. Spickenagel commented that her son wrote the letter and provided the information. J. Spickenagel commented that they were not sure what was going to be placed on the lot. (Attached to minutes)

Motion by Knowles with support from Beukema to approve the SEU 24-06-07 as presented. Roll Call Vote: Beukema: Yes, Craven: Yes, Fiala: Yes, Frigmanski: Yes, Knowles: Yes, Kooistra: Yes. Yes: 6, No: 0. Absent: 1. MOTION CARRIED.

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SEU 24-06-07: Parcel ID 16-080-051-00, Vacant Lot 60 Supervisors Plat of England Point, Shelbyville, MI 49344 T. & E. Zimny

MOTION to APPROVE
SEU 24-06-07

SEU 24-06-04: Parcel ID 16-370-007-00 2731 Sandon Circle #7, Wayland, MI 49348. A request by Ricardo Villarreal, the property owner, for a commercial Short-term rental permit at the above address pursuant to the Yankee Springs Zoning Ordinance, Article X, Short Term Rentals.

SEU 24-06-05: Parcel ID 16-370-002-00, 12759 Whispering Pines Drive, Wayland, MI 49348. A request by Amy Conley, the property owner, for a commercial short-term rental permit at the above address, pursuant to the Yankee Springs Zoning Ordinance, Article X, Short Term Rentals.

SEU 24-06-06: Parcel ID 16-370-006-00, 2735 Sandon Circle, Wayland, MI 49348. A request by Starr Adams, The property owner, for a commercial short-term rental permit at the above address, pursuant to the Yankee Springs Zoning Ordinance, Article X, Short term Rentals.

****The Planning Commission (PC) decided to consider all three (3) SEU requests at same time. (SEU's 24-06-04, 24-06-05 and 24-06-06) since they are so similar.*

Julie Johnston, of Plainwell, is a Planning & Zoning Consultant, noting she has been asked by some of the property owners to come to talk to the PC this evening about Special Exception Use. The reason why she is here is because they do not believe that an SEU is actually needed for these properties for Short Term Rental. J. Johnston is speaking for Ms. Adams, and Mr. Villareal and believes the 3rd property owner (Conley) also feels the same. J. Johnston commented on the civil infractions that were

received by the three property owners with SEU requests tonight. J. Johnston reviewed the history and zoning of the property since 1945. The property was changed from Single ownership to condominium. Johnston commented, "That is just a change in property ownership. It is not a change in the use of the property which has been ongoing as a resort. Condominiums are just a way to allow people to own property, multiple people to own property within an area and then to have common space for everyone to enjoy." Johnston commented on October 17, 2013 the PC issued an approval for the Whispering Pines Resort as a seasonal condominium. There were 10 conditions noted in that approval. Johnston quoted the 10th condition to the PC regarding seasonal use of property and days of occupancy. Johnston commented, "It was also approved as a PUD (Planned Unit Development), and it had to be approved that way because under the Resort Recreation District, residential uses can only happen as a PUD. So they had to approve it as a Resort. That is the only option in the Resort Recreation District. A resort that allows people to use the homes residentially in a seasonal nature. And then finally the cottages there in Whispering Pines, they do not qualify as a conforming residential structure under the township ordinance. Those cottages are less than 600 sq. feet. The ordinance requires a dwelling to be at least 720 sq. feet. So these are non-conforming uses to begin with.

They don't meet ordinance requirements, which again is why I believe the township back in 2013 or prior required it to be a PUD because it doesn't meet standard ordinance for a single-family residential home. So we wanted to bring this information to you because I'm sure that the consultant that was doing the work for the township, their job is to make sure that everyone is getting the correct permit. They saw that there were these cottages that were advertising for summer recreation and for rentals and thought ok these folks did not get their permits. I need to go and do the civil infraction. And I know that Ms. Adams has a court case at the end of the month and was told by the Zoning Administrator to come before you to get the SEU so that court case would go away. We just don't believe that that is the case. The STR ordinance exempts resorts from the requirement of getting STR permits. And we believe that these properties within the Whispering Pines Resort should continue to get that exemption. One thing we wanted to show you tonight is on the Pure Michigan website they have Whispering Pines listed as a resort so people know they can utilize that through the summer to enjoy the lake. We are hoping to answer any questions you might have and we are hoping that as a body will decide that this was just a mistake and that these property owners should be allowed to continue to utilize their property as a resort."

March 24, 2024 ordinance changes were noted by Julie Johnston specifically noting the definition for short term rental that was previously not in the township's ordinance.

Ordinance Section 3.9 was cited by Lee Kooistra – commenting that it no longer qualified as a resort.

Johnston commented regarding the approval in 2013 of Whispering Pines as a PUD, commenting that it is a non-conforming status and should be able to continue based on Michigan state law relating to non-conformance.

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Further discussion occurred among PC members.

Julie Johnston commented that she felt “the PC was leaning towards the SEUs and not that this is a resort and shouldn’t be required to get it. All of them (3 owners represented tonight) have received a civil infraction (fine) which requires them to go to court. The way to avoid that and avoid the civil infraction is to get the SEU. So if you don’t agree and you would rather go that route, we would rather have the SEU now and then we can continue on with our request to the ZBA because we will request an interpretation from the ZBA on this and then the attorney can get involved and be a part of it. From a PC standpoint, at this point I guess as representing the property owners they would prefer if there is a leaning toward giving the SEU they would prefer to get that tonight and allow us to move on in a different capacity by working with the ZBA.

Further discussion occurred among PC members.

Ryan Mosley of 12720 Russell Drive, wrote a letter that was emailed to Joe Shea, ZA, on July 8, 2024. The letter was read into record by PC member, R. Craven. (Attached to minutes). This letter noted that operating a STR on a small lot leads “to an unreasonable situation that neighboring private property owners are left to deal with. These larger groups also lead to many vehicles that clog our small residential ingress and egress drive.” The letter also mentioned that “with STRs the burden is placed on the neighboring property owners (regarding disorderly conduct).”

Open public comment by F. Fiala, Acting Meeting chair at 7:31 p.m.:

Amy Garn, of 12747 Whispering Pines Drive, commented “These are all my neighbors. I’ve been there for a few years. I enjoy the renters. We have a big beach. Big enough to accommodate everyone. I have a large family. I own a unit right on the water. A lot of those big groups are my family, not people that are renting. They’re there to spend time with me. So when you blame all of these issues on renters, people own property on the lake. I don’t rent my unit. But we do have large get togethers. We do use lots of parking spaces. You can’t just blame all of this on the renters. But the fact that they rent, has never been an issue for me. It’s never been any louder or quieter, with or without renters. I think this ordinance needs to go. I’ve talked to local businesses. Their businesses are down 25% or more. I own a business here on the lake. It’s not good. We rely on tourists. We need these people at the lake. And just to ban them. We’re asking for trouble. We’re going to lose restaurants. We’re going to lose businesses. It’s not going to be the place it is now.

Starr Adams, of Cottage #6, commented “All of us here to see you tonight had reservations for the whole year and all of them were cancelled. Mine personally was 13 (cancellations) 14 for you (Amy Conley), 12 for him (R. Villareal). This has been quite a trauma for us. For us to have to pay our taxes, our association fees, and now we have to pay \$2,500 to \$5,000 at the end of this month if we do not have our permits. Please consider that for us.”

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Art Shook, of Orangeville, former owner of #2 which is currently owned by Amy Conley, commented, "I bought in 2011 when all the property was up for foreclosure. During that time we had a lot going on with the township because the former owner did a lot of things behind the township's back. We worked diligently with the township and did everything that you folks wanted us to do including when you rezoned and admittedly rezoned the property incorrectly we lost access to a drive that we had, Cote Drive, that resulted in us having to put in a new emergency drive in because the fire department said you couldn't access some of the buildings because of the messed up zoning caused us \$10,000 at that time. We've done everything the township asked us to do to get into compliance. And as was just mentioned, this is a travesty not to just to the owners but to the businesses in the area. I've talked to three of them, they are all down 20%, that's what I was told. They blame part of it on the park being closed. When they found out about this moratorium on renters, they were livid. I won't even tell you some of the language that was used. For unit #2, I had that booked for the new owner all summer long. We had to turn down 12 different people; call them at the last minute and they've had this booked for years, and tell them they no longer have a place to stay. The one that broke my heart the most was a gentleman that booked 11 months ago. He is 76 years old. He lives in California. He's terminally ill. He's been given two years to live. He hasn't seen his sister in two years. She lives in Wayland. She's also terminal. He's had this vacation booked, flights, and everything else. Pontoon rentals. And he knows it's the last time he's going to see his sister and we had to call him just a couple weeks prior to and tell him 'You no longer have a place to stay because of this ruling.' I think it's a travesty not only on the owners but the renters and the businesses. I tell you right now I know several people that said they will not patronize any business in Yankee Springs Township because of this. It's not against the businesses. It's because it appears that the township has no regard for the businesses in this area to turn away business from renters coming in that's going to spend thousands of dollars during the time that they are here. They don't bring groceries in. They don't bring their food in. They buy everything in the area. And so I think it's a shame. And not only that. I've worked for large companies. I've worked for the government. With the governors. Anytime a business makes a major change they always give their employees or their constituents adequate notice. It would have been different if you said 'effective January 1st, 2025'. I just think this is a real shame on all people involved."

Close of Public Hearing by F. Fiala at 7:37 p.m.

Discussion continued with the PC members.

Motion by Fiala with support from Beukema to approve SEUs for three (3) properties (SEU 24-06-04 (Villarreal), SEU 24-06-05 (Conley), and SEU 24-06-06 (Adams)) through the end of 2024. Roll Call Vote: Kooistra: No, Knowles: Yes, Frigmanski: Yes, Fiala: Yes, Craven: Yes, Beukema: Yes. Yes: 5, No: 1. Absent: 1. Motion Carried.

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MOTION to APPROVE

<p>EDUCATION – UPCOMING AND COMPLETED OPPORTUNITIES</p> <p><i>*No educational activity to report for this month.</i></p>	<p>DRAFT MINUTES Page 6 of 6 PC APPROVED: _____ Regular PC Mtg. July 18, 2024</p>
<p>OLD BUSINESS:</p> <p><u>Discussion on Shipping containers-</u></p> <p><i>After group discussion, it was noted that L. Knowles will talk to Joe Shea, ZA, about contacting PCI and then talking (J. Shea) to the PC about it (shipping containers) at the next meeting.</i></p> <p><u>Discussion of Public Input regarding the Master Plan</u></p> <p><i>R. Craven presented possible survey questions. It was noted that the survey questions need to be approved by the Township Board of Trustees. Several items were discussed regarding the survey and how it will be made available to the Public.</i></p>	<p><u>OLD BUSINESS</u></p>
<p><u>OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION</u></p>	<p><u>OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION</u></p>
<p><u>PUBLIC COMMENT: NONE.</u></p>	<p><u>PUBLIC COMMENT</u></p>
<p><u>ADJOURNMENT:</u></p> <p><i>Acting Meeting Chair, Fiala, adjourned meeting at 8:10 pm.</i></p> <p>Approved by: _____ Frank Fiala, Planning Commission Secretary Date</p> <p><i>Please see attachments: Two (2) Letters</i></p>	<p><u>ADJOURNMENT</u></p>

RECEIVED JUL 13 2024

Letter to the Planning Commission Opposing Special Use Permit for Mobile Home Placement

[Your Name] JAYNE STICKENWAL
[Your Address] 3985 ENOCAND, SHELBVILLE
Yankee Springs Township Planning Commission
[Commission's Address]
[Date]

Subject: Opposition to Special Use Permit Application for Mobile Home Placement on Parcel 16-080-051-00

Dear Members of the Planning Commission,

I am writing to express my strong opposition to the special use permit application for placing a mobile home on the parcel identified as [Parcel Number] in our neighborhood. As a long-term resident of Yankee Springs Township, I have significant concerns about the potential negative impacts this permit could have on our community.

- 1. Impact on Property Values:** Allowing a mobile home in our predominantly single-family home neighborhood could negatively affect property values. Research has consistently shown that the introduction of mobile homes in areas of traditional housing can lead to a decrease in the perceived value of surrounding properties. This potential devaluation could harm the investments many of us have made in our homes and decrease the overall desirability of our neighborhood.
- 2. Aesthetic and Community Character:** Our community prides itself on its cohesive aesthetic and character. Introducing a mobile home could disrupt this harmony and alter the visual appeal of our streetscape. Mobile homes, by their nature, often differ significantly in design and appearance from permanent residential structures, leading to a disjointed and inconsistent neighborhood look.
- 3. Infrastructure and Services:** The infrastructure of our neighborhood, including roads, water supply, and sewage systems, is designed to support traditional residential homes. Mobile homes can place different demands on these systems, potentially leading to increased wear and tear and higher maintenance costs. Additionally, there could be concerns regarding proper integration with existing utilities and compliance with health and safety standards.
- 4. Precedent for Future Development:** Approving this special use permit could set a precedent for future applications of a similar nature. This could lead to a gradual increase in mobile homes in our area, further compounding the issues mentioned above. It is crucial to consider the long-term implications of this decision on our community's development and character.
- 5. Zoning Compliance and Community Plans:** The current zoning regulations and community development plans were established to maintain a certain standard and quality of life in our township. Granting this special use permit would deviate from these established plans, undermining the principles and goals that have guided our community's growth and development.

In conclusion, I urge the Planning Commission to consider the broader implications of this special use permit and the potential negative impact on our neighborhood. I respectfully request that you deny the application to ensure the preservation of our community's character, property values, and overall quality of life.

Thank you for your attention to this matter.

Jayne E. Spickard

Sincerely,
[Your Name]

[Your Contact Information]

Joe Shea

From: Grand Prop <rentwithryan@gmail.com>
Sent: Monday, July 8, 2024 8:24 PM
To: Joe Shea
Subject: July 18, 2024 PC Meeting Comments
Attachments: 2024 - Whispering Pines PC Notices.pdf

Joe,

We received the attached PC notice of the requested exceptions for the existing ordinance regarding STR.

Below are our written comments regarding these requests:

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We have observed many large groups of people coming to these STR's and the people want to be outside in the summer, which is understandable, however, with operating a STR on a small lot there is nowhere for the people to go. This leads to an unreasonable situation that neighboring private property owners are left to deal with.

These larger groups also lead to many vehicles that clog our small residential ingress and egress drive. This leads to talking to the current group about parking only to have them leave and the new group does the same thing every few days. Having the road clogged makes it difficult or impossible for emergency services to respond.

If we go to a Holiday Inn (which is what a STR is) there is staff in place to respond to the type of events above or disorderly conduct. However, with STRs the burden is placed on the neighboring property owners.

On behalf of all neighbors to STRs, we want to thank the committee in advance for making some much-needed changes.

Ryan Moseley
12720 Russell Drive
Wayland, MI 49348

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Thanks,

Ryan