



**VILLAGE OF SPRING LAKE
PLANNING COMMISSION**

**REGULAR MEETING
October 23, 2018 7:00 PM**

**Barber School Community Building
102 West Exchange Street
Spring Lake, MI 49456
49456**

1. CALL TO ORDER

Chairman **Kauck** called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Bohnhoff, Johnson, Kauck, Martinus, Nauta (7:02), and VanStrate.

Absent: Van Leeuwen-Vega

3. APPROVAL OF THE AGENDA

Motion by **Van Strate**, second from **Martinus**, to approve the agenda as presented.
All in favor, motion carried.

Yes: 5 No: 0

4. APPROVAL OF THE MINUTES: September 25, 2018 regular meeting

Motion by **Martinus**, second from **Johnson**, to approve the minutes from the
September 25, 2018 regular meeting. All in favor, motion carried.

Yes: 6 No: 0

5. PUBLIC HEARING

A. 801 West Savidge Street: The Planning Commission will consider a request for a
Special Land Use Permit for Open Air Sales located at 801 West Savidge Street,
Permanent Parcel Number 70-03-16-476-011.

Larry McKnight, 1150 Plymouth Ave. NE, Grand Rapids, MI., said he was
representing Mary Beth Schutt, owner of Warehouse Two Antiques. Mr. McKnight
said Ms. Schutt was a tenant in the building but had written permission from
building owner Richard Fletemeyer for outside sales use. Mr. McKnight said Ms.

Schutt was seeking a special use permit which would validate the use that had been ongoing for at least a couple years.

Chairman **Kauckeck** opened the Public Hearing at 7:04p.m.

There was no public comment.

Motion by **Van Strate**, second from **Johnson**, the Public Hearing closed at 7:05 p.m. All in favor, motion carried.

Yes: 6 No: 0

Nauta and Chairman **Kauckeck** agreed that open air sales had been ongoing for at least a few years at this location. **Howland** commented that items had been placed beyond the loading dock area along the front and side of the building, which was not shown on the proposed site plan. **Howland** said if the Planning Commission wanted to allow that as more display area, they should include that language in the motion, however, the application stated that “the open-air aspect of the property would be on existing concrete paving along the west side of the existing retail sales building and would not include any of the approved and designated parking areas”. **Bohnhoff** said that over the last couple of months items seemed to have been creeping out of the loading dock area and on to the front yard grass and right of way. **Bohnhoff** said he didn’t mind the decorations on the walls but felt the open-air sales items should be restricted to the concrete loading dock area and not allowed to go past the entrance door. **Johnson** said he drove that corner quite often in the summer and the items on the corner obstructed vision, so from a safety standpoint, he too felt the open-air sale items should be kept to the loading dock area and go no further than the front door. **Van Strate** said he thought the open-air sales items should be allowed to be displayed in the loading dock area up to the entrance door.

Motion by **Bohnhoff**, second from **Van Strate**, to approve the request for a Special Land Use Permit for Open Air Sales located at 801 West Savidge Street, Permanent Parcel Number 70-03-16-476-011. The Open-Air sales shall be confined to the 16-foot-wide concrete loading dock area to the immediate west of the building and shall not go further south than the buildings front wall.

- a. The applicant will comply with any other local, state, and federal laws.
- b. The applicant will comply with all verbal representations.

All in favor, motion carried.

Yes: 6 No: 0

6. WORK SESSION

A. Short Term Rental Regulations: The Planning Commission will begin a discussion about potential regulations concerning short term rentals.

Chairman **Kaucheck** introduced this item and asked **Howland** to give the Commission some background. **Howland** said that, for the record, Mr. Martinus was going to recuse himself from this discussion. **Howland** explained that the Village had been discussing short-term rentals with residents, property owners, Village Council and staff for a while and have proposed draft regulations that were based, in part, on other community's experiences and tailored to what the Village believed was an appropriate set of regulations to maintain the character of the Village but also allow short-term rental activity that was good for the economy and was recognized to occur in communities like this in West Michigan. **Howland** said there was also a regulatory code change that would go along with this, referencing the rental regulations in the Code of Ordinances, in terms of inspections and certifications, but that kind of regulations were not governed by the Planning Commission in any way, so she had not included that. **Howland** said the proposed ordinance added new definitions such as dwelling owner, rent or rental and short-term rental, specifically, and then established short-term rental use, designating it as a Special Use in certain Zoning districts in the Village. **Howland** explained the definition of a Special Use and that each person who wanted to operate a Short-Term Rental would have to come before the Planning Commission for a Public Hearing, and if the request was found compatible, the Planning Commission would then approve the use. **Kaucheck** asked if that meant that a public hearing would be held every time someone wanted to have a short-term rental. **Howland** said that it did. **Howland** explained that there was a minimum 10,000 square foot lot size, except in the CBD, CBD-1 and PUD Districts, and that short-term rentals often required more parking so the draft Ordinance proposed that all parking areas should be hard surfaced with asphalt or concrete pavement and at least 2 parking spaces be added per short-term rental, beyond the normal minimum parking requirements established by the Ordinance and vehicles used by the renters may not exceed the available on-site, off-road parking spaces. **Nauta** and **Johnson** were concerned that requiring 2 extra paved parking spaces would be excessive for a small 2-bedroom home and suggested the number of parking spaces be tied to the size of the home and how many people could potentially stay there. **Howland** said that was good feedback that they could talk about and the occupancy of the dwelling unit would be established by the International Property Maintenance Code, based on the size of the bedrooms, ceiling height and a couple of other factors, so they would know how many people a home could safely sleep. **Howland** went over the other requirements of the Draft Ordinance which included:

- Additional parking shall not be located in the front yard;
- Fire pits shall be prohibited;
- Patio and decks must be a minimum of three (3) feet from any property line;
- The Village may require an outdoor congregating area to be fenced in or landscaped in order to help buffer the short-term rental from neighboring properties. The Village shall consider lot sizes in the area and of the short-

term rental, surrounding land uses, topography, and other considerations deemed relevant by the Village.

- The number of overnight guests shall be based on occupancy limits established by the International Property Maintenance Code. No guest may sleep on couches, the floor, in tents, or in trailers on the lot.

Howland said they could go straight to a Public Hearing next month or, if the Planning Commission had things that they felt needed more research on, they could do that too, but the earlier the better for public comment because there were a lot of great ideas out there that would be beneficial to hear. **Nauta** and **Johnson** were both concerned about the 10,000-foot lot size requirement being very restrictive and Public Hearings pitting neighbor against neighbor. **Howland** clarified that the public hearing process was for the neighbors to voice their concerns but if a homeowner met all the special use standards, they would be granted the permit. **Burns** said the 10,000 feet was a starting point for discussion because they had to have a place to get the conversation started. **Van Strate** said he liked the International Property Code as the deciding factor for occupancy, and he wasn't convinced more parking was needed. The Planning **Commission** discussed the protection for the Village and neighboring homes by requiring a public hearing and a Special Use Permit. Manager **Burns** shared information on conversations that had taken place between short-term rental hosts, Village Council and staff. The **Planning Commission** discussed having each member submit their comments to **Howland** and she would finalize the draft for their review at the November meeting. **Johnson** said that he would be interested to hear the thoughts and ideas of the residents that were in the audience. Chairman **Kacheck** agreed to open comments from the audience giving each person 3 or 4 minutes to speak.

Bob Mersereau, 1821 Doris, Grand Haven, said his grandfather built their cottage on Spring Lake almost 80 years ago and have rented in the summer. Mr. Mersereau said that he represented 8 short-term rental hosts of single family residences and that they were comfortable with the process that Howland outlined, including having their neighbors come to their special use request process. Mr. Mersereau said they feel that short-term rentals support the Village Master Plan by supporting the local businesses and helping the Village to become a destination. Mr. Mersereau said the most important part of this was that the reason they were going through this process was because some guests got out of control, and because of this, the other hosts were ready to enforce strict house rules that have now been incorporated into their rental agreements. Mr. Mersereau also spoke regarding Parker Penny's smaller property size, whose maximum number of guests was 2 adult guests and possibly one child and suggested that the amount of parking spaces be based on the maximum number of guests.

Richard Martinus, 209 S Park Street, spoke regarding allowing smaller lot sizes and not requiring all parking areas be paved.

Nauta suggested making the process stiff enough that people would have to put some investment into their property to have a short-term rental.

Darcy Dye, 114 N. Fruitport Road, suggested getting help with guidelines regarding paving and protecting the watershed.

Nauta said that from what he had observed, B & B property owners took very good care of their homes and property in order to keep it earning income.

Robert Mersereau, 1821 Doris Ave., Grand Haven, thanked Darcy for speaking out about protecting the watershed and suggested alternative materials to use instead of paving parking areas. Mr. Mersereau discussed the different types of short-term rentals and what that would mean to the Village.

Bill Vivian, 336 Rachael's Way, said that their condo by-laws did not allow rentals and wanted to know if they would be able to keep it that way. **Howland** said that yes, they could be more restrictive than the Village laws. **Kaucheck** said that if their by-laws were incorporated as part of their CCR's, then they could do whatever they want with them.

7. STATEMENTS OF CITIZENS ON ITEMS NOT ON THE AGENDA

There were no other statements of citizens.

8. ADJOURNMENT

There being no further business, motion by **Nauta**, second from **Van Strate**, the meeting was adjourned at 8:30 p.m. All in favor, motion carried.

Yes: 6 No: 0

Jennifer Howland, Village Planner

Maryann Fonkert, Deputy Clerk