

HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION
Regular Meeting
December 4, 2018

The meeting was called to order by Chairman Marion Hoeve at 7:00 p.m.

Present: Chairman Marion Hoeve, Vice-Chairman/Secretary Jack Vander Meulen, Members Ken Bosma, Dennis Gebben, Randy Kortering, Ed Zylstra and Norm Nykamp. Also, present were Community Development Director John Said, Assistant Community Development Director Corey Broersma and Recording Secretary Laurie Slater.

Absent: None

Motion to approve the minutes from the regular meeting of November 13, 2018, was made by Mr. Vander Meulen and supported by Mr. Nykamp. All in favor. Motion carried.

Chairman Hoeve explained the Public Hearing process to the audience.

Chairman Hoeve opened the Public Hearing for consideration of a special use request submitted by Kim Bashaw for land located at 3335 112th Ave., described more specifically as Parcel Number 70-16-10-499-040. Petitioner is seeking permission for a Bed and Breakfast. The property is in the R-2 Moderate Density Residential Zoning District.

Kim and Kevin Bashaw were present to speak to this request. Mrs. Bashaw explained to the Commission that they have two rooms in their finished basement they rent out. They rent to only one family at a time. If the family has children, they have the second bedroom for them to stay in. They have been renting out the room for about a year with no issues. Mr. and Mrs. Bashaw live in the house as well.

Booked guests stay no longer than one week. They allow only one car in the driveway. Since they live there too, there has been no issues in regards to noise. They have not had any complaints from the neighbors. They caution the guests about getting out onto 112th Avenue. They are not aware of any restrictions regarding this with the neighborhood association.

Audience comments – none.

Motion to close the public hearing made by Mr. Bosma, supported by Mr. Zylstra. All in favor. Motion carried.

The ten Special Use Standards were shown on the Commissioner's monitors as well as the screen for the audience and then reviewed.

Staff had concerns with the Bed and Breakfast being in a residential area that was not near any of the area tourist attractions. They would like to see inspections done on the

B & B just like any other rentals within Holland Charter Township. They had concerns about the Special Use staying with the property even after Mr. and Mrs. Bashaw sell the property.

Mrs. Bashaw stated that they have no problem putting in writing and submitting to the Township a letter stating Bed and Breakfast use will cease if they were to move or when the time comes for the use to end; they do not intend to do this for the rest of their lives.

The Commission asked about how booked they are. Mr. Bashaw replied that they are booked solid in July, August and September. This year they had four days that they were without guests. Families like to come to the Bed and Breakfast because they don't have to haul so much stuff with them. They have a crib for the baby so no need to haul the pack and play. They have toys for the children to play with.

They further stated that when their own family (daughter) comes to visit they do not have guests booked for that time. It is just family.

Motion to approve Special Use for a Bed and Breakfast at 3335 112th with the stipulation that the use ends at the time the house is sold, inspections are done according to Rental Housing Standards, and bookings are limited to one at a time with no more than two bedrooms and one vehicle, made by Mr. Bosma, supported by Mr. Gebben. All in favor. Motion carried.

Chairman Hoeve opened the Public Hearing for consideration of a Special Use request submitted by Devin Schaefer for land located at 12331 James Street, Suite 190, described more specifically as Parcel Number 70-16-16-400-048. Petitioner is seeking permission for a Commercial Indoor Recreation Facility. The property is in the C-2 Community Commercial Zoning District.

Devin Schaefer of Baseball Concepts was present to speak to this request.

Mr. Schaefer explained to the Commission that Baseball Concepts is an indoor baseball training facility providing specialized instruction in batting, pitching and catching. It creates character and confidence in young people. He would like to add yoga. There is also an area for fitness training and retail sales. He has done this for nine years in the Zeeland area.

He currently does 100 lessons a week. The hours are between 3:30 pm and 9:30 pm. He has two lanes going at a time. He hopes to add to his clientele and be able to open earlier.

Audience comments – none.

Motion to close the public hearing made by Mr. Nykamp, supported by Mr. Kortering. All in favor. Motion carried.

The ten Special Use Standards were shown on the Commissioner's monitors as well as the screen for the audience and then reviewed.

Staff commented on the parking and questioned whether there was an option to bring the parking lot up to current standards for interior islands and vegetation. There is plenty of parking there. Mr. Schaefer commented that he needs no more than ten parking spaces at any given time. The interior of the tenant space is being modified only slightly to handle the baseball activities. Mr. Hoeve questioned the need to modify the parking lot. Commissioner's agreed the space has been sitting empty for some time and it would be good to see activity here.

Motion to approve the request for the Special Use for a Commercial Indoor Recreation Facility as presented based on the standards made by Mr. Nykamp, supported by Mr. Kortering. All in favor. Motion carried.

Chairman Hoeve opened the Public Hearing for consideration of a Special Use request submitted by Todd Sneller for land located at 12659 Riley, described more specifically as Parcel Number 70-16-09-300-083. Petitioner is seeking permission for a Restaurant with Drive-through. The property is in a Planned Unit Development (PUD), with C-1 Neighborhood Commercial Zoning District requirements.

Todd Sneller, Facility Manager of Riley Plaza, Stephanie Davis, Franchise Owner, and Tom Postma were all present to speak to this request.

Mr. Sneller stated that there are 19 other tenants in the plaza and the addition of Rita's drive through Custard and Italian Ice would compliment the other businesses. There is ample parking. They propose to use a portion of the parking lot that does not get used. They are in a flood plain here and the DEQ has given them authorization to proceed. They are utilizing what they already own. It would be consistent with the adjacent McDonald's drive through. Since it is within the plaza, traffic flow issues would be self-managed. They want to keep the other tenants, so they would not do anything to make them leave. There would be indoor and outdoor seating.

Rita's is closed during January and February, it is a seasonal business.

The Commission had concerns about the flow of traffic. The east driveway of Riley Plaza on to Riley Street is already tough. The Commission would like the flow to encourage customers to use the 128th Street exit or the driveway to the west. Stacking of vehicles is also a concern. If they are a popular place in the summer like Captain Sundae, there will be issues of blocking traffic. Also, if the business were ever sold, there could be further issues with stacking. The Commission would like to see the proposed building positioned differently. They may have to reconfigure the parking and restripe the parking lot.

Ms. Davis explained the business to the Commission. They have Italian Ice, 10 out of the company's 90 flavors per day, picked by customers on their app. The ice is made on

site daily. They are famous for their frozen custard and soft serve custard. They give back to the community. There is only one other Rita's in Michigan in Sterling Heights – 157 miles away.

Mr. Postma stated that he is working with Holland Engineering on the layout of the business to address the issues of stacking.

The Commission stated that snow is piled up in that space at the present time. What do they intend to do with the snow once this building is up? Mr. Sneller responded, they have greenspace on the north and west sides of the property. There are plenty of parking spaces for snow, as there are more parking spaces than what is needed.

Mr. Gebben stated there are two issues with the proposed building 1) stacking of vehicles – can only stack 4 without interfering with adjacent drive aisles; and 2) the added traffic to the east driveway of Riley Plaza.

Mr. Postma questioned the 10-car standard and stated that the issue of stacking is within their parking lot, not out into the street.

Staff indicated the ordinance requires the ability to be able to stack 10 cars. In order to have a lesser amount, they would need to seek a variance. Further, no traffic studies or comparisons from other Rita's operations were provided to indicate the 10-car standard was excessive.

It was the consensus of the Commission that the proposed design does not work for traffic flow and they would like Riley Plaza and Rita's work with Staff to find a way to revise the site plan to address stacking and traffic concerns, including directing traffic to the west exit or the 128th Street exit.

Audience comment – none.

Motion to close the Public Hearing by Mr. Vander Meulen, supported by Mr. Nykamp. All in favor. Motion carried.

Motion to table the Special Use request for a Restaurant with a Drive-through; applicant to work with Staff to redesign the proposed building with better traffic movement. All in favor. Motion carried.

The Commission next considered a proposed amendment to the text of the Holland Charter Township Zoning Ordinance to allow short-term rental of residential dwellings.

Steven Wasiura of 603 Howard Avenue was present for this request.

Mr. Wasiura explained to the Commission that he had been renting out his residence from April through September for several years. He is out of the area for business during these months. He purchased the property from a couple who did short-term

rentals as well. He further stated that his guests have a good time and there have been no complaints from the neighbors.

The Commission asked Staff for a definition of short-term. They replied that there is no allowance in the ordinance for short-term rentals. Stays of 14 days or less may be permitted via a Bed and Breakfast or Hotel special use, but owners or management must be present. However, in the case of short-term rentals it is an issue of renting out the entire property without the owner being present on the property.

Mr. Wasiura further explained that the "group" drafted an ordinance from looking at other municipalities that allow short-term rentals. They would allow no weddings or parties. They would not allow any more people there than what can be accommodated for sleeping. There is special insurance for short-term rental.

The Commission had concerns that the owner is not there to regulate that. How would he know if there were more people than sleeping accommodations?

Mr. Wasiura stated that he has regular contact with the tenants and he has a camera outside and can see how many cars are in the driveway.

It was further stated by staff that there is no way that a 2,000 square foot house with four bedrooms can accommodate 14 people, which was noted in Mr. Wasiura's property listing.

There were several people in the audience to address this request.

Al Diepstra of 572 Howard Avenue was in support of allowing short-term rentals. Mr. Diepstra bought a house 12 years ago that he uses for short-term rentals. He screens his tenants, rents to families for 1-2 weeks. He has a large house with a circular driveway that could hold 20 cars and has had no complaints from neighbors. He is fully rented May through August.

Also present, Stephanie Elhart of 628 Lawn Avenue in opposition of allowing short-term rentals. Ms. Elhart stated there is no shortage of short-term rental hotels. The recent occupancy rate is 62.6%. These hotels allow pets and have laundries in them for the guest. With the completion of the three extended stay hotels in Holland Charter Township there will be an additional 309 units available.

Ms. Elhart stated that allowing short-term rentals would have a negative impact on Township infrastructure and resources, business, affordable housing and permanent residents. Multiple letters and documents expressing concern or opposition were provided.

Also present, Jay Frankhouse of 628 Lawn Avenue in opposition of allowing short-term rentals. Mr. Frankhouse stated that short-term rentals are non-compliant, run by out of area property owners. They have one next to them and it is more like a vacation resort

with 8-21 people, 4-6 cars in the driveway, bon fires, trespassing, and noise on a weekly basis. How would Staff enforce the ordinance? He asked that the Commission suspend any decision until a study is done on the effect of the short-term rental in communities that allow it.

Next the Commission heard from Luiz Costa of 13200 Pineoak Drive in support of the short-term rentals. He moved here from Lansing several years ago to work at the BPW. He rents his place out because his daughter has moved out of the area and his wife is in Lansing helping with family. He is there as much as he can be to help too. His house sits vacant while he is gone, so he rents it out. He used a property development company to rent it out on a yearly basis and it was a horrible experience. People stole from him. He has been pleased with the short-term rentals. Using homes for short-term rentals is an alternative to sprawling urban development.

Next in support of the short-terms rentals was Liz Hofswell of 458 Beeline Road. She stated that she has several properties in the community where people like to come and stay. Some families that travel like to stay in a house where the children can go outside and play in the yard. The short-term rentals have been happening for a long time without regulation.

Also, in support of short-term rentals was Diane Hayes. Ms. Hayes stated that the City of Holland was nervous about allowing short-term rentals. They have since then relaxed the rules and she was told by the City that the best-looking houses on the block are the B & B's. It was a positive change, neighbors love it.

Next in support of short-term rentals was Tracy Barnett of 113 S Division. She stated that her mother's house at 469 Pinecrest is a short-term rental house. Without this option they would have lost their family home. They also have had a rental in Park Township for the past six years with good reviews. Tenants follow the rules.

Dave Barnett further stated that common sense regulations are needed. They have had good luck with the families that have rented from them. Renting out a house short-term forces the owner to keep the house up both inside and out.

Mr. Brown stated that he has several rentals. Advertising through Airbnb makes you keep the property in better condition, as you are being evaluated on their website by clients, so that is a huge incentive to keep your property up. People like the experience. It's different than a hotel. The demand is huge, people from larger cities like to stay at short-term rentals.

Motion to close the Public Hearing by Mr. Zylstra, supported by Mr. Bosma. All in favor. Motion carried.

There was further discussion among the Commission Members. They asked Staff what action would be taken from here on the short-term rentals. Staff replied that there is no

provision for them in the ordinance and they are operating without Township permission.

The Commission would like Staff to gather information from other jurisdictions that allow short-term rentals and find out the pros and cons. How they enforce their ordinance. Also, jurisdictions that didn't allow them and why. How do jurisdictions recover the cost of inspections, etc.?

Mr. Said stated that they would consider Mr. Wasuira's ordinance, but that if the use is to be approved it is likely Staff and legal council would need to put together an ordinance for zoning as well as for the general code. This would take several months. There needs to be additional research, citizens of Holland Charter Township must be protected.

Mr. Said further stated that Staff will survey other communities and give the Commission an update at the January meeting.

Motion to table this item and refer Staff to gather further information on short-term rentals by Mr. Nykamp, supported by Mr. Kortering. All in favor. Motion carried.

The "group" wanted to know what they were supposed to do in the meantime. Mr. Broersma stated that short-term rentals are currently prohibited and recommended not taking any further reservations.

Public Comment: Steven Taylor of 405 James street was present as he received a civil infraction for having chickens. Mr. Taylor stated that he has had chickens there for 17 years. Some of which are rescue chickens. He has no more than eight at a time. He did have extra once and the Critter Barn was happy to take them. Park Township and Holland City both allow chickens. He has raised the chickens from chicks and uses them for eggs.

Staff explained that you can have chickens in Holland Charter Township on property that is zoned Agricultural and 5 acres or larger. They further explained that the Ordinances for chickens and bees were reviewed twice over the past year and a half.

Mr. Taylor was not aware. He asked if his chickens could be grandfathered in. Staff replied that that is not an option.

Mr. Said further explained that they did have someone come before the Commission with a request to amend the ordinance and they were denied. But he is welcome to submit an application for a zoning ordinance text amendment if he wishes.

He asked if he could change the zoning on his property to Agriculture. Staff indicated this was not a realistic option considering the property is less than 5 acres in size, the surrounding uses, and the Future Land Use Map designation for the property to remain residential.

Other Business. The Commission next considered the 2018 Annual Report.

Motion to approve the 2018 Annual Report by Mr. Nykamp, supported by Mr. Vander Meulen. All in favor. Motion carried.

Mr. Said informed the Commission that he is preparing a draft of the Request for Proposals for the Master Plan 2019 update with the help of Corey Broersma and the Township Supervisor. He will send it out after the first of the year, but will first provide it to the Planning Commission for their information and comment.

Election of Officers:

Mr. Bosma nominated Mr. Hoeve as Chairperson and Mr. Vander Meulen as Vice-Chairperson, Mr. Gebben supported the nominations. All in favor. Motion carried.

The meeting adjourned at 9:06 pm.

Respectfully submitted,

Laurie Slater,
Recording Secretary