

Saugatuck Township Regular Planning Commission Meeting July 27, 2015

APPROVED MINUTES

The Saugatuck Township Planning Commission met on July 27, 2015 at the township hall on Blue Star Highway, Saugatuck, Michigan, 49453.

Present: Miller Cook, Rudich, Conklin, Prietz, Welk, Milauckas, Rowe
Also Present: Zoning Administrator Steve Kushion

At 7:00 pm Chairperson Conklin called the meeting to order.

Pledge of Allegiance

Review and Adopt Agenda: Add 'Election of Officers' as Item #12. Add 'Planning & Zoning Newsletters' as Item #13. Move #9 'Rental Dwelling Permit discussion' to between Item #5 and Item #6. Rowe motioned to approve the amended agenda, Welk seconded. Motion approved unanimously.

Review of April 27, 2015 meeting minutes: No changes to the minutes. Prietz motioned to approve the minutes, Milauckas seconded. Motion approved unanimously.

Public Correspondence: No correspondence.

Public Comments & Rental Dwelling Permits: ZA Kushion reported that there is a growing problem in the township with rental dwelling units. Houses that are 2000-3000 square feet are being rented out for 30-40 people with 20 cars. The only restriction on rental dwelling units is that they have to meet the International Fire Safety Code requirements for rentals so if Fire Chief Jahnik finds they meet all of the requirements, ZA Kushion can't deny them a rental dwelling unit permit. To correct this issue, the Planning Commission needs to recommend to the township board a change in the ordinance since rental dwelling units are not a zoning permit issue. The township board would then have to schedule a public hearing. ZA Kushion suggested that anyone who is having an issue with rental dwelling units call the police so that there can be a record of complaints regarding specific rental dwelling units. Prietz asked if the issues were with rentals of a specific length. Conklin stated that the road, sewer and water infrastructures were not designed for so many occupants in one dwelling unit. ZA Kushion stated that, because of the number of cars around these rental dwelling units, it would probably be very difficult for fire trucks to get close enough to fight a fire. An example was brought up of a newly built house being advertised as a rental for 38 people. Conklin asked for suggestions of possible regulations on rental dwelling units. Suggestions included limiting the number of people per square feet, limiting the number of vehicles per unit or limiting the number of people per bedroom. Rowe brought up an example of a house that he had rented in Arizona where the regulations are two cars per unit without regard to how many people were staying in the house. Milauckas stated that when the rental length was less than a week, it sounded more like a commercial use than a rental use in a residential district.

Tom Nowak, 3213 Silver Lake Rd. - Nowak suggested that if you build a home in a district zoned single family but have no intention of living in the house itself and you intend to use it for weekly rentals, that it is a commercial business.

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Kathy Plapp, 3034 Harbor Road - Plapp stated that the rental dwelling unit in her neighborhood is being advertised on a web page and the owner is collecting rent and state taxes. The rental period of the rental dwelling unit is between two days and two weeks. There are between 9-11 cars on the property. She stated that she thinks that the rental dwelling unit should be considered a commercial business that should not be allowed in a residential district. Plapp stated that she believed the minimum time of rental should be six months.

Barb Paulger, 3014 Newport - Paulger stated that the rental dwelling unit in her neighborhood has been rented out since Memorial Day with only two to three day rental periods. There have been many cars on the property and the renters have been having bonfires next to the propane tank on the property. The renters get into the house with an access code on the front door.

Maryrita Peters, 3260 Lorrimar - Peters stated that there is an issue with the garbage left behind from the rental dwelling units. The garbage sits for several days between the time it is put out and the time the garbage company comes to haul it away. There is also an issue with cars speeding on her road.

Joe Shashaguay, 3383 Shagway Dr - Shashaguay stated that he has noticed an increase in the number of rental dwelling units along with an increase in noise. He suggested that the majority of the issues could be prevented if the noise ordinance could be enforced. Conklin suggested having the noise ordinance posted in rental dwelling units. He also stated later in the meeting that the noise complaints are also during daytime hours, not just late at night.

Marjorie Arnett, 3263 Lorrimar Lane - Arnett stated that she has noticed a drastic change in the garbage, traffic and noise in the four years that she has lived in her neighborhood.

John Peters, 3260 Lorrimar Lane – Peters questioned if there were any laws on the books now that would make the property owner liable for a monetary fine if they have a certain number of complaints filed against them. ZA Kushion stated that there were no laws on the books like that and that would be something he would want to look at if the rental dwelling unit ordinance is amended. Rowe suggested that the rental companies should be invited to share how they manage their rental units since it seems most of the complaints are regarding individual rental dwelling unit owners not rental companies. Conklin asked the property owners to keep a record of the rental dwelling units that are causing problems so that the township can figure out who the property owner or rental company is. Rowe also suggested that the rental companies or individual rental dwelling unit owners provide a 24 hour phone number to call if there are issues. Milauckas stated that there should be follow up with the Allegan county sheriff's office to see why there is no response to noise complaints.

Jackie Grounds, 3236 Lorrimar Lane – Grounds stated that the traffic is the biggest issue to her. The speed limit on the street is 25 mph and cars are going 45-50 mph down the road. She worries about pets and children along the road. She states that they have strangers on their beach and she no longer feels comfortable allowing her children to be on the beach.

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Bill Atman, 6356 Silver Lake Dr – Atman stated that his dumpster is being filled with garbage from the rental dwelling units. He also states that there are people using his dock and are very noisy.

Ray Eggert, 3212 Lorrimar Lane – Eggert stated that he blames the township board for letting property owners buy or build houses and then use them as a rental dwelling unit. He thinks that these rental dwelling units should be considered a commercial business.

Malcolm Smith, 3004 Newport – Smith stated that he thinks that all of the rental dwelling units should be looked at for homestead exemption violations. ZA Kushion stated that the assessor watches very carefully for those kinds of violations. Milauckas asked how many of the properties being rented have rental dwelling unit permits. ZA Kushion stated that the fire chief estimates that maybe half of them have permits.

Albert Blommaert, 3210 62nd St – Blommaert asked if the rental company representatives would be at the next meeting. ZA Kushion stated that meeting would be held at a township board meeting, not a planning commission meeting. Conklin stated that the rental dwelling unit ordinance was originally designed for situations that occurred 30-40 years ago when property owners would rent their house out for the winter or while they were trying to sell their house. Milauckas stated that when the ordinance is looked at by the township board, clearly defining when there is a residential versus a commercial use should be considered.

Rental Dwelling Permit Discussion: Milauckas asked about the fireworks ordinance. Rudich stated that because of the enforceability issue, it didn't seem worth having a fireworks ordinance. Rudich stated that he liked the idea of so many people per bedroom with a three car maximum. Miller Cook stated that she is reluctant to limit what property owners can do if they're being respectful of the laws and their neighbors. ZA Kushion stated that rental companies will be upset if the township starts regulating the number of people, etc. that are allowed at a rental dwelling unit. Conklin stated that she thought that most of the issues were with individual property owners, not with rental companies. Miller Cook stated that she thought that rental dwelling permits should be revoked if there are a specific number of complaints against the rental dwelling unit. Rowe stated that the rental companies would want to be included in discussions because it's to their benefit that everyone have the same rules. Prietz stated that he would like to see a 24 hour phone number available to call if there are problems at a rental dwelling unit. Rowe stated that the tenants are given a 24 hour phone number so why shouldn't the township receive that same phone number. ZA Kushion stated that the issue should be cleared up sometime this fall in preparation for next summer's rental season. ZA Kushion was asked to talk to legal counsel and also research other rental dwelling unit ordinances in other municipalities.

Tri-community Master Plan Update: The next meeting of the Tri Community Committee is August 14. The City of the Village of Douglas has approved the Tri-Community Master Plan along with the City of Saugatuck so only the township is left to approve the plan so it can be sent to the Joint Planning Committee. Rudich motions to approve the May 12, 2015 draft of the Tri-Community Plan. Rowe seconds. Motion is approved unanimously.

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Fleming Oil Update: Fleming Oil was issued two tickets in early July for the concrete barriers and for the sign structure and the township is now waiting for a court date. There has been no response from the property owner.

Saugatuck Brewing Company: Saugatuck Brewing Company is looking into purchasing land next to the freeway to move their brewery and restaurant. One parcel is zoned Industrial and the other parcel is zoned commercial. Restaurants are allowed in an industrial district. The proposal is that they would like to build a warehouse for distribution, a brewery and a restaurant. Conklin recused herself from the discussion. ZA Kushion wants to make sure the planning commission agrees with his interpretation of the zoning ordinances for the two parcels since it would be a large investment by the brewery.

Review Budget Reports and Information: Rudich presented the prior year and current year's budget reports. Milauckas noted that there is no budget for training and seminars. Rudich will adjust the budget to put money into training and seminars. Milauckas brought up that he would like to receive the monthly planning newsletters. ZA Kushion will follow up on getting the monthly planning newsletters to the planning commission members.

Township Board Updates and Planning Commission Comments: Rudich stated that he will bring up the Rental Dwelling Permit issue at the next township board meeting. Conklin brought up that she has noticed that when there are events at Roan and Black, cars are parking along Blue Star Highway instead of in their overflow parking lot.

Election of Officers: Welk motioned to elect Conklin as Chairperson, Rowe as Vice-Chairperson and Miller Cook as Secretary. Rudich seconded. Motion approved unanimously.

Planning Commission Newsletters: Discussed under Review Budget Reports and Information.

Next Planning Commission Meeting: The next Planning Commission meeting will be on August 24, 2015.

Motion to adjourn at 8:48 pm, Prietz motioned, Rowe seconded. Motion is carried.

Janna Rudich, Recording Secretary

1. Motion to approve the July 27, 2015 amended agenda. Rowe motioned, Welk seconded. Motion approved unanimously.
2. Motion to approve the minutes of the April 27, 2015 Planning Commission meeting. Prietz motioned, Milauckas seconded. Motion approved unanimously.
3. Motion to approve the May 12, 2015 draft of the Tri Community Plan. Rudich motioned, Rowe seconded. Motion approved unanimously.
4. Motion to elect Conklin as Chairperson, Rowe as Vice Chairperson, and Miller-Cook as Secretary. Rudich seconded. Motion approved unanimously.
5. Motion to adjourn the meeting. Prietz motioned, Rowe seconded. Motion approved unanimously.