1. **CALL TO ORDER**

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

2. **ROLL CALL**

   Present: Bohnhoff, Drooger, Johnson, VanderMeulen, Van Leeuwen-Vega, and VanStrate
   Absent: Garrison

3. **APPROVAL OF THE AGENDA**

   Motion by Van Leeuwen-Vega, second from Johnson, to approve the agenda as presented. All in favor, motion carried.

   Yes: 6 No: 0

4. **APPROVAL OF THE MINUTES** – March 22nd, 2022 Meeting

   Motion by Johnson, second from Drooger, to approve the minutes of the March 22, 2022 regular meeting. All in favor, motion carried.

   Yes: 6 No: 0

5. **CORRESPONDANCE** – Franczek, 722 Monarch, had concerns about how a Short Term Rental would impact the neighborhood.

6. **STATEMENTS OF CITIZENS – AGENDA ITEMS ONLY**

   - Leah Bectel, 531 E Exchange asked if there were plans to cap the number of Short Term Rentals in the Village. Chairman Bohnhoff said there has been discussion on this.
   - Carrie Absenger, 113 S Lake, had concerns with Short Term Rentals and the safety of the neighborhood, and if there was going to be a cap on the amount of them.

7. **PUBLIC HEARINGS**

   A. **117 S Lake Avenue:**

      Request for a Special Use permit to continue a new short term rental.

      Chairman Bohnhoff introduced this item and Hoisington provided an overview of a request for a Special Land Use application for a Short Term Rental at 117 S Lake Ave through a memorandum dated April 20, 2022.
Applicant, Fredrick Kidd, spoke regarding his Special Use Permit application explaining that he owned 5 short term rentals, 4 of which were in Spring Lake Township, and that he has maintained “Super Host” status for 7 years. Mr. Kidd said a short term rental would allow him to reinvest in this property.

Chairman Bohnhoff opened the Public Hearing at 7:11 p.m.

- Lee Schuitema, 408 W Exchange, said he was not totally against Short Term rentals, but he felt this was a commercial business in a residential area.
- Darcy Dye, 114 N Fruitport Rd, said she was grateful for the time the Planning Commission put into crafting the Short Term Rental ordinance and encouraged the Commission to follow those guidelines.

Motion by Van Strate, second from Johnson, the Public Hearing closed at 7:13 p.m. All in favor, motion carried.

Van Strate said he was not as concerned with the lot size as he was that they adhere to the occupancy regulations. VanderMeulen asked the applicant if he was planning on acquiring any more short term rentals in the Village. Mr. Kidd said he was not. Drooger asked what the average stay was for guests, would it be rented during the winter months, and was he agreeable to an occupancy of 4. Mr. Kidd said that the average stay was 2.2 days, yes, he would rent during the winter and if his choices were an occupancy of 0 or 4, he would take 4. Johnson said he agreed with Van Strate that most of the properties in the Village were non-conforming in lot size and that sticking to the IPMC for occupancy was important. Van Leeuwen-Vega agreed they should stick to the occupancy of 4 and that they need to balance preserving the neighborhoods, but also supporting the businesses through tourists. Chairman Bohnhoff agreed with the occupancy of 4 and asked Mr. Kidd if he had a solid set of house rules because he was very concerned with the pool in regard to noise and safety. Mr. Kidd said that he did have a solid set of house rules and that they were enforced, and he did not allow parties of any kind.

Motion by VanderMeulen, second from Van Strate, to conditionally approve the Special Land Use request by Frederick Kidd for a Short Term Rental located at 117 S Lake Avenue because the application meets the standards of the Spring Lake Village Zoning Ordinance. This motion is subject to the report of findings and the following conditions:

1. The sleeping occupancy is estimated at four (4) people, which requires two (2) parking spaces.
   - The sleeping occupancy will be verified by the Village staff after inspection of the proposed rental occurs, including inspection of the bedroom size and ceiling height as determined by the requirements of the International Property Maintenance Code (IPMC).
   - Sleeping shall only occur within the bedrooms with the occupancy of each room determined by the International Property Maintenance Code.
2. The short-term rental shall be maintained in compliance with the submitted site plan and floor plan.
3. The applicant will comply with any other local, state, and federal laws.
4. The applicant will comply with all written and verbal representations.

All in favor, motion carried.
REPORT

1. This approval is based on the affirmative findings that all standards of the Special Land Use Criteria outlined in §390-134 have been fulfilled:

   A. That the use is designed and constructed and will be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.

   B. The use is consistent with the adopted Spring Lake Village Master Plan.

   C. The authorized use is compatible with adjacent uses of land, the natural environment and the capacities of the public services and facilities affected by this use.

   D. The use is, or will be, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.

   E. The use does not involve activities, processes, materials and equipment or conditions of operation that is unreasonably detrimental to any persons, property or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

   F. The buildings, structures, and entrances are situated and designed to minimize the adverse effects upon owners and occupants of adjacent properties and the neighborhood.

   G. The site plan and special land use comply with the specific requirements contained in §390-137 of this article, as applicable.

2. The application meets the site plan review standards of §390-126 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:

   A. The use proposed will preserve to the greatest extent practical, the existing natural features of the site, including vegetation, topography, water features, and other such features. Only the areas under actual development will be disturbed.

   B. Buildings and structures are proposed to be placed in an orderly, logical fashion consistent with its surroundings and intent of the district. Where open spaces are proposed, it is located and arranged in a manner which provides view protection, visual relief, physical separation, environmentally sensitive area protection, and/or recreational value to the site and surrounding properties.

   C. The proposed use will preserve the views from adjacent properties and streets open to water areas to the greatest extent practical. Placement and height of buildings and locations of open spaces make reasonable provision for protecting existing views.

   D. The use proposes proper relationships between the existing streets within the vicinity, including deceleration lanes, service drives, entrance and exit driveways, and parking areas to provide safe and convenient movements of pedestrians, bicycles, and vehicles. Streets, access plans, and/or ingress/egress drives conform to the current regulations of the Village and MDOT.

   E. The proposed use has given special attention to proper site surface drainage, so the removal of surface waters does not adversely affect neighboring properties, the public
storm drainage system, or nearby bodies of water. Surface water will be collected at designated intervals to prevent standing water that would obstruct vehicle and/or pedestrian traffic. The standards of the Spring Lake Stormwater Management Ordinance are met.

F. All utilities for the proposed use are provided in a manner least harmful to surrounding properties and the utilities are located underground (as applicable), unless specifically waived by the Planning Commission.

G. The proposed use will be screened from view from adjoining streets and properties for any exposed storage areas, trash receptacles, machinery installations, service areas, truck unloading areas, utility buildings and structures, and similar accessory areas. Screening complies with Article XIV.

H. The site plan for the proposed use provides adequate access to the site and all buildings on the site by emergency vehicles.

I. The proposed use provides an orderly transition for all structures to adjacent development of a different scale.

J. The site plan for the proposed use provides outdoor common areas and associated amenities for employees, customers, and/or residents which may include public trash receptacles, bike racks, seating areas, recreation areas, shade trees, bus stop turnouts, and similar facilities; where appropriate.

K. The proposed use complies with all applicable local, state and federal approvals prior to issuing a land use permit.

L. The site plan for the proposed use is consistent with the intent and purpose of this Ordinance.

B. **202 Monarch Avenue:**

Request for a Special Use permit to begin a short term rental.

Chairman **Bohnoff** introduced this item and **Hoisington** provided an overview of a request for a Special Land Use application for a Short Term Rental at 202 Monarch Ave., through a memorandum dated April 20, 2022.

Applicant, Laura Zervas provided details of the ceiling height and access to the street end beach at the north end of Monarch that she would use to market her home.

Chairman **Bohnoff** opened the Public Hearing at 7:27 p.m.

- Holly O'brien, 722 Monarch, provided clarification on the street end beach, explaining that it was for owner use only, not renters/tenants, and that she had documentation of that dating back to 1951.

Motion by **Drooger**, second from **Van Leeuwen-Vega**, The Public Hearing closed at 7:29 p.m. All in favor, motion carried.

Yes: 6  No: 0

Chairman **Bohnoff** asked if **Hoisington** had any information on the private beach at the street end. **Hoisington** said that this was the first she had heard anything about a private street end beach and the Village, or any municipality, was not responsible to uphold any private
restrictions. **Johnson** asked if Monarch was a public street. **Hoisington** said she had nothing to indicate it was private. **Drooger** asked for clarification on the occupancy numbers. **Hoisington** said that she had drafted the occupancy at 5, but this would have to be verified by the Building Inspector per the IPMC. **VanderMeulen** asked what the difference was between this application and the previous application. **Hoisington** said they were treated the same way and that occupancy was based on the IPMC. **Van Strate** said his only question was if the beach was private or public. **Hoisington** said since this was the first time she had heard of it, she would have to check with Manager Burns and any records at Village Hall. Chairman **Bohnhoff** asked if they had the option to table approval until they received more information on the beach. **Hoisington** said they could table but, whether the beach was private or not, did not impact the Commission’s approval of the Short Term Rental. **Johnson** asked Ms. O’Brien if there had been any issues with the 3 long term rentals. Ms. O’Brien said they have not had issues because the tenants of the 3 homes had been informed of the restrictions and that she has documentation from 1951 that talked about Elk, Dixie, Monarch, and Rex Streets. The **Commission** discussed whether or not to table approval and agreed this was not a Planning Commission issue.

**Schuitema** and **Dye**, members of the Parks and Recreation Board, noted that the Monarch Street end was not listed as a public area. Ms. Zervas said that when she had the deed and title work done at Transnation, the deed said it was public.

Motion by **Drooger**, second from **Johnson**, to conditionally approve the Special Land Use request by Laura Zervas for a Short Term Rental located at 202 Monarch Street because the application meets the standards of the Spring Lake Village Zoning Ordinance. This motion is subject to the report of findings and the following conditions:

1. The sleeping occupancy will be verified by the Village staff after inspection of the proposed rental occurs, including inspection of the bedroom size and ceiling height as determined by the requirements of the International Property Maintenance Code (IPMC).

   • Occupancy shall not exceed five people but may be reduced following the results of the required inspection.

   • Sleeping shall only occur within the bedrooms with the occupancy of each room determined by the International Property Maintenance Code.

   • Two (2) parking spaces are required.

2. The short-term rental shall be maintained in compliance with the submitted site plan and floor plan.

3. The applicant will comply with any other local, state, and federal laws.

4. The applicant will comply with all written and verbal representations.

All in favor, motion carried.

Yes: 6  
No: 0

**REPORT**
1. This approval is based on the affirmative findings that all standards of the Special Land Use Criteria outlined in §390-134 have been fulfilled:

A. That the use is designed and constructed, and will be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.

B. The use is consistent with the adopted Spring Lake Village Master Plan.

C. The authorized use is compatible with adjacent uses of land, the natural environment and the capacities of the public services and facilities affected by this use.

D. The use is, or will be, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.

E. The use does not involve activities, processes, materials and equipment or conditions of operation that is unreasonably detrimental to any persons, property or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

F. The buildings, structures, and entrances are situated and designed to minimize the adverse effects upon owners and occupants of adjacent properties and the neighborhood.

G. The site plan and special land use comply with the specific requirements contained in §390-137 of this article, as applicable.

2. The application meets the site plan review standards of §390-126 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:

A. The use proposed will preserve to the greatest extent practical, the existing natural features of the site, including vegetation, topography, water features, and other such features. Only the areas under actual development will be disturbed.

B. Buildings and structures are proposed to be placed in an orderly, logical fashion consistent with its surroundings and intent of the district. Where open spaces are proposed, it is located and arranged in a manner which provides view protection, visual relief, physical separation, environmentally sensitive area protection, and/or recreational value to the site and surrounding properties.

C. The proposed use will preserve the views from adjacent properties and streets open to water areas to the greatest extent practical. Placement and height of buildings and locations of open spaces make reasonable provision for protecting existing views.

D. The use proposes proper relationships between the existing streets within the vicinity, including deceleration lanes, service drives, entrance and exit driveways, and parking
areas to provide safe and convenient movements of pedestrians, bicycles, and vehicles. Streets, access plans, and/or ingress/egress drives conform to the current regulations of the Village and MDOT.

E. The proposed use has given special attention to proper site surface drainage, so the removal of surface waters does not adversely affect neighboring properties, the public storm drainage system, or nearby bodies of water. Surface water will be collected at designated intervals to prevent standing water that would obstruct vehicle and/or pedestrian traffic. The standards of the Spring Lake Stormwater Management Ordinance are met.

F. All utilities for the proposed use are provided in a manner least harmful to surrounding properties and the utilities are located underground (as applicable), unless specifically waived by the Planning Commission.

G. The proposed use will be screened from view from adjoining streets and properties for any exposed storage areas, trash receptacles, machinery installations, service areas, truck unloading areas, utility buildings and structures, and similar accessory areas. Screening complies with Article XIV.

H. The site plan for the proposed use provides adequate access to the site and all buildings on the site by emergency vehicles.

I. The proposed use provides an orderly transition for all structures to adjacent development of a different scale.

J. The site plan for the proposed use provides outdoor common areas and associated amenities for employees, customers, and/or residents which may include public trash receptacles, bike racks, seating areas, recreation areas, shade trees, bus stop turnouts, and similar facilities; where appropriate.

K. The proposed use complies with all applicable local, state, and federal approvals prior to issuing a land use permit.

L. The site plan for the proposed use is consistent with the intent and purpose of this Ordinance

8. **OLD BUSINESS**
   A. **117 S Lake Avenue:**
      Request for a Special Use permit to continue a new short term rental.
   B. **202 Monarch Avenue:**
      Request for a Special Use permit to begin a short term rental.

9. **STATEMENTS OF CITIZENS – NON-AGENDA ITEMS ONLY**
   - Chris Lisowitz, 18341 North Shore Estates & Barrett’s Boat Works, spoke regarding a development that Barrett’s was planning in a few years.
• Leah Bectel, 531 E Exchange, asked what number the Planning Commission was looking at for capping Short Term Rentals and that with the housing shortage, she was disappointed to learn that her neighbor would be a Short Term Rental.

• Darcy Dye, 114 N Fruitport Rd, spoke regarding the cost of hotels and housing in the area and wanted there to be a balance between tourism and family affordable housing.

10. COMMENTS OF PLANNING COMMISSIONERS

• Johnson and Van Leeuwen-Vega agreed with Dye that Short Term Rentals were a complex issue and they needed to keep on top of how many were approved in the Village.

• Chairman Bohnhoff wanted to look into the liability issues for Short Term Rentals with pools and hot tubs and felt they needed a cap on the number of Short Term rentals allowed in the Village.

• Drooger said he would like the Commission to have a list of public accesses in the Village.

11. STAFF REPORT – Hoisington reported that there was potentially a lot on the May agenda which so far included Samaritas, 823 W Savidge (if it’s complete), and possibly 3 Special Land Use Permit applications for Short Term Rentals. Hoisington also reminded the Commission to complete their MSU Citizen Planner training.

12. ADJOURNMENT

Motion by VanStrate, second from Johnson, the meeting adjourned at 8:00 p.m. All in favor, motion carried.

Yes: 6 No: 0

________________________________________  ________________________
Cassandra Hoisington, Associate Planner  Maryann Fonkert, Deputy Clerk