

PORT SHELDON TOWNSHIP PLANNING COMMISSION

Meeting Minutes

Wednesday, March 22, 2023

6:00 pm

1. Call to Order: DeLeeuw 6:00pm

**2. Roll Call: Present were Duke DeLeeuw, Del Petroelje, Lori Stump
Steve Grilley, Nikki Timmer, Bill Monhollon**

Also present:

Recording Secretary Diane Jansen

Zoning Administrator Ryan Capson

Township Planner Andy Moore

Kelly Kuiper representing Curt Moran Jr of 16050 Stanton LLC.

David Stebbins from Redstone Development.

Many residents and guests were also present.

3. Approval of Agenda with changes

a. Motion by Steve Grilley

b. Supported by Del Petroelje

All members voting Yes and Carried

4. Approval of Minutes from January 25, 2023.

a. Motion by Nikki Timmer

b. Supported by Del Petroelje

All Member voting Yes and Carried

5. Communications:

**a. Letter from Holland Charter Township informing us they are reviewing their
comprehensive plan and future land use map.**

b. Letters from Homeowners regarding Short Term Rentals.

6. Zoning Administrator Updates

**a. The Board of Trustees upheld the commission's recommendation to deny the
rezoning application from the property on Olive Shores from AG-1 to LSR from
the January 25, 2023 meeting.**

7. New Business

a. PUD Application from David Stebbins of Redstone Land Development LLC

1. Parcel 70-11-01-300-021

**2. Proposed Ventura Townhomes consisting of 11 Residential Buildings,
8 four-unit buildings and 4 six-unit buildings. For a total of 52 total living
spaces.**

3. Units will be hooked to Public water and sewer and will have storm drainage.
4. One family per unit, 3-bedroom, two stall garage and two parking spaces per unit.
5. Will maintain existing tree cover for a buffer to existing homes to the east with a fence 20ft from the property line.
6. Existing pole barn and chicken coop will be removed.
7. Playground and outdoor exercise area.

b. Public Hearing Opened:

1. Rocco DePirro, 9104 US31, Alaskan Pipeline, has seen some of Redstone Developments other projects and approve of the project.
2. David Brewer, 16050 Stanton Street, new to the area. Most homes are on 2 acres. DeLeeuw, the master plan has allowed for higher density. The 2 acres is zoned AG-1. The proposed PUD has the required infrastructure as well.
3. Curt Carini- 14944 Port Sheldon Street, agrees the location of the proposed townhomes is the best in the township.
4. Matt Wallace, 9105 Stillwater Dr, has there been any communication with West Ottawa School District, his concern of capacity at Sheldon Woods Elementary. Nikki Timmer, a new school will be built by WOSD and would allow for new distribution on future students.
5. Corinne Wallace, 9105 Stillwater Dr, Will the units be single family? David Stebbins, confirmed that they will be one family occupancy.
6. Public Hearing Closed.

c. Comments from Township Planner Andy Moore:

1. The townhomes proposed by the applicant add to the mix of housing in Ottawa County and will add to the user base for the utilities found in this area, and a playground is proposed at the south end of the site.
2. The site is proposed to improve the efficiency of the use of the land, utilize multi-residence buildings, and maintain existing tree cover for a buffer to existing homes east of the property. Tree clearing limits along the homes to the east of the property can be seen in the site survey and removal sheet provided by the applicant. The site plan also illustrates the addition of 17 trees along the street
3. Landscaping shall be provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian-scale outdoor environment.
4. The proposed development will connect to Stanton Street in the North which is connected to US-31 in the west and 146th Ave in the east. Sidewalks are proposed originating from the front of the property along Stanton St and continuing from building to building throughout the development.

5. The site appears to be accessible for both people and cars, though we note that for most buildings the “rear” faces the proposed private street and the “front” of the building faces outward, toward the perimeter of the site.
- d. Commissioner comments: The process is the commission recommends approval of the preliminary PUD application. The Board will hold a public hearing at their April meeting. If approved by the board, a final site plan without a public hearing will be on the May meeting agenda.
- e. Motion by: Del Petroelje to recommend the Board of Trustees approve the PUD application. Seconded by: Steve Grilley
All members voting yes and carried.
- f. Special Land Use Application from of 16050 Stanton LLC
 1. Parcel 70-11-03-200-017
 2. Kelly Kuiper representing Mr. Moran will make the presentation to a private road to serve 4 new land division parcels or future single-family homes.
 3. Road to be named: Bluestone Court
 4. Road will be gravel, with proper drainage and underground utilities and will hook up from Stanton Street not Reyes Lane. The area is wooded and there will be a buffer of trees left for as a buffer.
- g. Public Hearing Opened.
 1. Paul Nelson, 9335 Reyes Lane,
 - a. Elevation is higher than Reyes Lane.
 - b. Will there be ditches
 - c. Concerns of Traffic
 - d. Location should be 20’ away from his private street so he can put in a hedge. They have enjoyed 20 years of woods the residents on Reyes Lane consider this an invasion.
 - e. What will be the location of the gas line? Are they hooking up to the gas line on Reyes Lane.
 - f. Is there an ordinance that the new private road must be paved? Deleeuw, once the number of lots exceeds 4 or 6 the road must be paved. Kelly Kuiper confirmed the 5th lot is not part of the private street application. 4 lots will be developed.
 - g. Concern that flooding will be prompted by the elevation of the new developed lots and road.
 - h. Concern about the power lines in proximity to the lot line.
 - i. When the construction is in progress, no equipment or trucks can be parked on Reyes Lane.
 2. Mattie LaRose, 9259 Reyes Lane
 - a. Concern of flooding with the elevation of the new road. They have a history of flooding on their lot.

- b. Concern of dust with a second dirt road so near.
- c. Have the new private road be offset to allow for trees as a buffer. For Sound and Dust.

3. Public Hearing Closed.

h. Kelly Kuiper's response to the questions from the public hearing.

- 1. The elevation of the road was set by the engineer with the Ottawa County Water Resources office. The OCWR did not have a policy for one off projects like Reyes Lane at the time of its construction. The Engineering of the road will handle all run off on its own property. There will be ditches on both sides of the proposed road and have been designed through the storm water calculation rate. This was approved by the Water Resource Commissioner.
- 2. For clarification the easement for the road is right up against the property line. The road itself dose not begin until 25' in from the property line. The road commission has asked it to a line with the driveway across the street.
- 3. Gas line will be run from Stanton St not connected to the Reyes Lane line. The gas line will run on the south side of the proposed road. Consumers will also have an easement to maintain proper distance from the gas line. All utilities will be underground and service only the lots on the proposed road.
- 4. Parking, Kelly does work for the excavation company and trucks or equipment will not be parked on Reyes Lane.
- 5. The reason for the traffic looking at the land is that there are purchase agreements on all 4 lots. Traffic should decrease going forward.

i. Comments from Township Planner Andy Moore:

- 1. The proposed development will result in the removal of trees, as the property is mostly wooded. However, no other clearing or significant activity is proposed.
- 2. It is unlikely that the additional homes will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the community.
- 3. The proposed private street will facilitate the development of four residences. Public water and sewer services are not available on the site. The impact on schools, police, fire protection, etc., will not likely be excessive.
- 4. The site is wooded, and the development of four homesites will have little effect on the community as a whole.

j. Motion by Bill Monhollon to approve the special use with the following conditions.

- 1. No earthwork shall be undertaken on the site until all appropriate permits have been secured consistent with this site plan approval and

copies of such permits have been submitted to the Township, including approvals from the Ottawa County Road Commission.

2. Prior to the issuance of any Township permits, the applicant shall have paid all application, permit, and other fees related to the request.
3. The proposed easement shall be reviewed by the Township Attorney prior to final approval by the Zoning Administrator. A copy of the final recorded easement shall be provided to the Township.
4. The applicant shall comply with all requirements from the Township fire department and any other officials or consultants deemed appropriate.

k. Seconded by Nikki Timmer
All members voting yes and Carried.

k. Special Land Use Application for Private Road from Bill Monhollon who is a commission member. He declared conflict of Interest and stepped down while the commission discussion was active.

1. Parcel 70-11-28-200-045.
2. Address 6184 Lake Shore Drive.
3. Name of Street will be Painted Ridge.
4. Lot to split into 3 lots for Single Family Homes.
5. There is a pond on lot 2.

l. Public Hearing opened. Heath Bedford, 17003 Forest Lake Drive. Concern if the road would connect to Forest Lake, it will not. Bill Monhollon confirmed that he will build a home on one of the lots. The Public Hearing was closed.

m. Comments from Township Planner Andy Moore:

1. The property is proposed to be developed with three homes, and the surrounding area consists of low-density residential development at a similar density. This is consistent with the proposed development.
2. The proposed special land use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
3. The proposed development will result in the removal of trees, as the property is mostly wooded. However, no other clearing or significant activity is proposed.

n. Motion by Steve Grilley to approve the special use with the following conditions.

1. No earthwork shall be undertaken on the site until all appropriate permits have been secured consistent with this site plan approval and copies of such permits have been submitted to the Township, including approvals from the Ottawa County Road Commission.
2. Prior to the issuance of any Township permits, the applicant shall have paid all application, permit, and other fees related to the request.

3. 3. The proposed easement shall be reviewed by the Township Attorney prior to final approval by the Zoning Administrator. A copy of the final recorded easement shall be provided to the Township.
 4. 4. The applicant shall comply with all requirements from the Township fire department and any other officials or consultants deemed appropriate.
 5. The cul-de-sac will comply with all Township regulations and requirements.
- o. Seconded by Lori Stump
All members voting yes and Carried.

8. Unfinished Business

- a. Solar Amendment Discussion:
1. Andy to present final draft for the commission to review.
 2. Members agree to hold a public hearing during its April meeting.
- b. Question from Curt Carini on why a solar ordinance is needed now. Answered by Andy Moore, because as of now there is not an ordinance on Solar in the Township, and it better to be prepared as Solar has been gaining popularity. It is in the best interest of the Township to put some thought into how they want to control a possible influx of Solar permits.
- c. Short Term Rental Amendment Discussion:
1. Andy Moore reported that the ordinance he worked on with in Case County. They have about a dozen short term rentals while the Township has over 160. Its been working pretty well and have invested in manpower to facilitate registering and qualifying short-term rentals. The ordinance only allows for 1 person renting once in 7 days. So, if they stay 2 days, the home can not be rented for the remaining 5 days.
 2. Andy Moore advised that this was something best regulated outside of a zoning ordinance. A regulatory ordinance put in place by the Board with the input of the Township Attorney. Permitting or licensing at the Board level with enforcing being handled through them. Zoning then would not deal with conforming or nuisance issues.
 3. An ordinance put together in 2006 was for an overlay ordinance for Sheldon Dunes. Which at the time was not moved upon.
 4. We thought that the state was going to address this issue however it looks like this will not happen.
 5. Andy to prepare a comprehensive report regarding short term rentals to be presented to the Board. The Board then would direct the commission in what direction or action should be taken by the commission.
- d. Commissioner Comments:

1. Steve Grilley agrees there should be some regulations but not through a zoning ordinance. DeLeeuw agrees it should be a police ordinance.

e. Public Comments:

1. Onder Ors, 9433 Whispering Sands Drive. Is there a commercial transaction happening with short-term rentals? With over turn you don't know who your neighbors are. With the close proximity of the homes it's very important to regulate them, for the safety of our kids and families. Sheldon Woods is now an unsafe environment in his mind. Many communities are not allowing short term rentals.
2. DeLeeuw, this practice of short-term rentals has been going on since before he was born. He grew up on the lake shore and short-term rentals have been going on for over 60 years. We need to be very careful and not get ahead of ourselves on this subject. It's part of the Michigan lake shore experience.
3. Daughter of Curt Carini, 14944 Port Sheldon St. The vetting process from Airbnb and VRBO is extremely stringent, there are background checks, verifying of identity. This process must be completed before you are allowed to book a reservation. They also have regulations of long you have to wait before rebooking do to Covid regulations.
4. Curt Carini, 14994 Port Sheldon St.
 - a. The solution for issues is always to call 911. His question is how often is this taking place? How many calls are being received with issues with short-term rentals. When the township is speaking with our deputy how often is he dealing with calls regarding this issue?
 - b. Last week when he was at his short-term rental on Whispering Sands Dr. a resident walking in the neighborhood asked him if he had any available weeks. He asked if she was a resident and she said yes. He said I though residents were against short term rentals. Her response was well we are for some of them.
 - c. Not everyone has a half million dollars to by a home in Sheldon Dunes so they are willing to rent for 2-4 thousand to enjoy the area. Renters are not coming to cause trouble, they are looking to enjoy Lake Michigan beach and enjoy life.

9. Meeting was adjourned by Deleeuw at 7:45pm.



Lori Stump – Secretary