

# CHARTER TOWNSHIP OF CHOCOLAY

## PLANNING COMMISSION MINUTES

Monday July 17, 2017

### I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:05 p.m.

#### ROLL CALL

*Members Present:* Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Kendell Milton, Jon Kangas, Judy White (Board)

*Members Absent:* Andy Smith (Vice Secretary)

*Staff Present:* Dale Throenle (Planning Director/Zoning Administrator), Kristin Cannoot (Administrative Assistant)

### II. ADDITIONAL AGENDA ITEMS /APPROVAL OF AGENDA

*Motion by White and seconded by Mullen-Campbell to approve the agenda as written.*

*Vote: Ayes 6 Nays 0 MOTION CARRIED*

### III. APPROVAL OF MINUTES FROM LAST MEETING

Monday, June 19, 2017 Planning Commission Meeting

*Motion by Meister, and seconded by Kangas to approve the minutes as written.*

*Vote: Ayes 6 Nays 0 MOTION CARRIED*

### IV. PUBLIC COMMENT

Jenny Camerata – 669 Lakewood Lane – Opposed to short term rentals when homeowner is not present, however, she is ok with renting a room.

Deborah Mulcahey – 633 Lakewood Lane – She is not opposed to short term rentals, but to where short term rentals are allowed. Asked if short term rentals are conditional use or carte blanche. She wants all of her comments as part of public record. She commented on zoning history. Her opinions on short term rentals included concerns about decrease in affordable housing, decrease in housing values, elevated prices for property, they are a commercial operation and they are an economic disadvantage.

Mark Maki – 370 Karen Road – Commented on the Township's lack of enforcement. Proposed language for short term rentals lacks a focus.

Discussed the way Commissioners should do things. He stated that short term rentals should not be allowed in R1 and WFR zones. He commented that Jennifer Thum's township emails were intentionally deleted.

June Rydholm – 221 Lakewood Lane – Concerned with short term rentals using beach, families bringing tents and trailers when no homeowner is present. Feels it is dangerous with dogs, noise, beer parties. Township should watch who is buying property.

Peter Ollila – 633 Lakewood Lane – He is opposed to short term rentals and they need to be enforced.

Lori Krzymowski – 741 Lakewood Lane – She does not want short term rentals in her neighborhood because of the disruption from renters. Doctors live in the neighborhood and they need sleep and a good quality of life. She does not want short term rentals allowed anywhere, if they are allowed they should be limited to a certain area and have hard wired smoke detectors.

Stepanie Gencheff – 597 Lakewood Lane – She is opposed to short term rentals less than thirty days.

Public Comment Closed at 7:25 p.m.

**V. PUBLIC HEARINGS**

None

**VI. PRESENTATIONS**

None

**VII. NEW BUSINESS**

None

**VIII. UNFINISHED BUSINESS**

**A. Mixed use corridor**

Staff Introduction – Throenle stated this has been brought back for continued discussion and the goal is to wrap it up in the next few meetings. Throenle directed the Commissioners to keep in mind the five questions on page VIII.A that need to be considered/answered while having the discussion.

Commissioner Discussion – The Commissioners, with direction and advice from Throenle, discussed and went through the mixed use corridor matrix and re-categorized, combined and deleted various items. Throenle stated that the

revised matrix will be brought before the Commissioners for review at a future meeting.

The Commissioners decided to review the new matrix at the next meeting and then notify the parcel owners of a public hearing regarding changes when necessary.

## **B. Short Term Rentals**

Staff Introduction – Throenle addressed Maki’s public comment regarding Jennifer Thum’s deleted emails. He stated that no emails have ever been intentionally deleted. There is a two year retention policy and that covers Thum’s emails. Throenle stated for the record that he has never told anyone that they could rent their property as a short term rental, nor has anyone from the Township. Throenle stated that the language concerning short term rentals has not been defined. Throenle directed the Commissioners to note the highlighted verbiage in the proposed language sections for the definitions. The word “family” needs to be defined for use in the definitions. Mahaney asked if there is legal precedent for the word family. Throenle stated no. Throenle proposed that the definition for Rural Character be pulled out of the definitions and placed as a precursor at the front of the Zoning Ordinance.

Commissioner Discussion – Mahaney read verbatim the current and proposed language for the Zoning Ordinance Definitions in relation to short term rentals. After discussion of each definition/proposed definition the Commissioners approved the proposed definitions for Bed and Breakfast; Campground; Dwelling, Multi-Family; Dwelling, Single-Family; Hotel; Recreational Unit; Recreational Structure; Resort; and Structure. Throenle will research riparian rights, as brought up by Milton, to possibly add to the Rural Character section.

The proposed definition for Short Term Rental changed to: A dwelling unit providing temporary accommodations for periods as short as one overnight stay. Such rentals must meet the established regulations for Short Term Rentals (Section to be defined). Such rentals are not permitted in any zoning district if restricted by deeds or covenants.

## **C. Non-Conforming Lots**

Staff Introduction – Throenle stated that this is on the agenda to remediate non-conforming lots/parcels that have been zoned inappropriately in 2008; for example parcels zoned as waterfront that do not touch any water. The goal is to rezone the non-conforming lots to bring some consistency. Throenle directed the Commissioners to the three main concerns from residents are listed on page VIII.C.

Commissioner Discussion – Throenle would like to bring a list of the non-conforming lots to the next meeting for remediation. Mahaney asked Throenle to clarify that the goal is to bring the non-conforming lots into the existing zoning districts. Throenle stated yes, to bring them into a conforming status. Mahaney confirmed that this will be accomplished in the next meeting.

## **IX. PUBLIC COMMENT**

Deborah Mulcahey – 633 Lakewood Lane – Discussed and quoted Jennifer Thum’s letter. Family is a nebulous issue, it should be looked at as a number, don’t say family. A definition of short term rental is already in the ordinance under resort. She wants to know if short term rentals are approved or not. If so, why aren’t we enforcing them.

Lori Krzymowski – 741 Lakewood Lane – Referred to five year master plan and asked if the Commissioners were familiar with a charrette. She described a charrette and how it works and suggested that the Commissioners may consider utilizing a charrette.

Stephanie Gencheff – 597 Lakewood Lane – Asked Throenle to answer Mulcahey’s question about where short term rentals are allowed. Throenle stated that he would not because it is part of public comment.

Peter Ollila – 633 Lakewood Lane – Why do we have ordinances if we are not enforcing them. He knows short term rentals are controversial.

## **X. COMMISSIONER’S COMMENTS**

Mahaney – None

Meister – None

Mullen-Campbell – None

Smith – Absent

Milton – None

Kangas – None

White – None

**XI. DIRECTOR’S COMMENTS**

Throenle presented an interactive map to the Commissioners. The interactive map was created by Joe Lawry, Steve Lawry’s son, who did the maps while interning with the Township. Throenle demonstrated for the Commissioners and audience how it works.

**XII. INFORMATIONAL ITEMS AND CORRESPONDENCE**

Throenle informed the Commissioners that he will not be available for the August 21, 2017 Planning Commission Meeting. He asked the Commissioners if they would prefer to keep the date as scheduled, change the date, or postpone. The Commissioners agreed to postpone to the September 18, 2017 regularly scheduled meeting.

*Mahaney motioned, Kangas seconded to schedule the next meeting for September 18, 2017 and skip the August meeting.*

*Vote: Ayes: 5      Nays: 1 (Mahaney)      MOTION CARRIED*

**XIII. ADJOURNMENT**

Tom Mahaney adjourned the meeting at 10:15 p.m.

Minutes submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell