

GREEN LAKE TOWNSHIP PLANNING COMMISSION
GOLDEN FELLOWSHIP HALL
9700 RILEY ROAD
INTERLOCHEN, MI
September 26, 2022

MINUTES

1. CALL TO ORDER: By Chairman Schworm at 6:00 pm.
2. PLEDGE OF ALLEGIANCE: Was recited by all.
3. ROLL CALL: Board members present were: Schworm, Schuster, Barck, Volkening, and Dean, McDonald. Absent: none. Also, present were Alycia Reiten, Planning and Zoning Director, and Mary Jo Barck, Recording Secretary.
4. ELECTION OF SECRETARY:
Motion by Schworm to nominate Brad Dean to the position of Secretary, supported by Barck. Motion carried unanimously.
5. APPROVAL OF AGENDA: Moved by Schworm and supported by Schuster to approve the Agenda. Carried.
6. APPROVAL OF MINUTES: Motion by Barck and supported by Schworm to approve the Minutes of July 25, 2022 as written. Carried
7. FIRST PUBLIC COMMENT:

Andy Verlager, 5744 Pine Cone, Interlochen

Capping short term rentals, number of renters to 2 per bedroom – just trying to get rid of bad apples. Use ordinance enforcement. 90% of Bass Lake are short term rentals. Scouted out the right place for family and large group rentals. Not fair to treat everyone the same. Neighbors manage his rental and he vets renters.

Brad Verlager, 5744 Pine Cone, Interlochen

Owned property for six years, fixed it up for year-round use. Encourages visiting local businesses. Has been a mortgage banker for 29 years, there is affordable housing up north. STR owners pay 40% more in taxes. Long Lake sets the number of bedrooms the septic system will accommodate.

Linda Steel Grignon, 5702 Pine Cone, Interlochen

No problems with neighbors STR people are nice, good to deal with and have good answers to all concerns.

Nicole Gentry, 2323 J Maddy Parkway, Interlochen

Why is this going to this body and not the people who make this decision. Think number of complaints are low. Grandfathered in would help the situation a lot. What is difference to rent if a family of 12 can buy a 3bedroom house.

Ann Roth, 5807 Betsie River Road, Interlochen

Andy is pro-active to problems. She has 42 acres for the purpose of short-term rentals. When STR is sold it's a business with higher valuation. Pay non-homestead rates.

Bob Roxburgh, 10131 US31, Interlochen

Will there be a cap on number of licenses in township. Wishes to rezone property to commercial.

Linda Harvey, 308 Dubonnet, Interlochen

Retired after selling business, Dave Harvey's Athletic. Could not afford retirement, started a STR. Stay with kids 3-4 months out of the year. Memories for families. Offer up to 11 people, 3 bedrooms. Only have two people the rest of the year so septic not over used.

Dave Harvey, 308 Dubonnet, Interlochen

House built in 2004, have had for 8 years, zero complaints. Neighbor sent an affidavit, Liz & Ross Tomas no problems with AirBNB. Always polite renters, quiet paradise. Go to great extremes to vet renters, no parties. A lot of people did not know about licensing. Should be grandfathered in. It is a necessary stream of income in this economy.

Scot Richards, 11802 Fredmar, Interlochen,

Lived on Fredmar 23 years. There are problems with STR, they speed up and down the roads, if they are paying \$2500 to \$3000 a week, they want their monies worth. There is garbage left out that attracts bears. Lake used to have loons, not any more and it is overfished. Always party, party, party.

John Grignon, 5702 Pine Cone, Interlochen

Manage Andy's property, no problems. Problems in our area are the boat launch. Number of bedrooms should not be the license number.

Gale Heino, 5691 Betsie River Road, Interlochen

They recommend local business, help the economy. Bedrooms should not be limit to guests. Why different rules for long term rent than short term rent.

8. CONFLICT OF INTEREST: None.

9. CORRESPONDENCE: Haggard's Plumbing & Heating, support SUP 20-004 and James McCallum, does not support 22-004.

10. OLD BUSINESS: None

11. NEW BUSINESS

- a. SUP 22-004. A public hearing to receive and discuss any public comment for consideration given relative to the request for the granting of a Special Use for four (4) multi-family units located at 9320 US Hwy 31, Interlochen, MI and owned by Becker and Hanson Holdings, LLC.

Chris Becker, Becker Holding and Andy Purvis, Gosling Czubak introduced themselves. Mr. Becker recapped the planned development with the members; four 8-unit apartments, 24 single family homes and a 4-unit commercial storefront. The project has been fully vetted, working with Ms. Reiten to meet all the requirements to go forward.

Schworm asked about phasing. Becker responded infrastructure and multi-family units are phase one and phase two includes the commercial storefront and single-family homes. Barck asked if MDOT has reviewed ingress and egress. Becker stated they have received initial ingress and egress response from MDOT. Barck asked if sewer and water plans have been finalized. Becker said they will be tapping into Tom's water system for the commercial and multi-family, the capacity has been confirmed. Single family homes will have their own water and septic.

Schworm opened public hearing at 6:33 p.m.

Rodney Weathers, 1795 White Oak, Interlochen

Concerned about traffic and water. Traffic is hazardous, do not see entrance on display at township, wants to see what MDOT plans. Purvis said they will use existing ingress and egress, adding a right turn lane. Becker answered the plans have been reviewed by MDOT, he appreciates Weathers concerns. Weathers appreciates the extra lane but doesn't alleviate traffic concern. Purvis added in 2024 MDOT will add a left turn lane through to Interlochen corners. Weathers asked what type of commercial business will be located in new building. Becker answered light retail is planned, the commercial development is included in phase 2.

Mike Cardwell, 1656 White Oak, Interlochen

Mr. Cardwell asked if the development will use the easement from White Oak. Becker answered no easement from White Oak is included at this time. Purvis added there are significant terrain issues and the 66-foot easement/access creates complications. Cardwell asked if it is a full development. Becker said the access will be through the center and each home will be on a one-acre parcel. Cardwell asked if he would be able to purchase the lot behind his without a home built. Becker said they have not yet reviewed that far and he does not have pricing. Cardwell asked about trees and if they will be cleared. Becker said they are not building a trailer park, there will be trees to buffer.

Chris Brown, 1852 White Oak, Interlochen

Eight years ago, a development was proposed and failed. The plan included a two-foot berm with evergreens to keep privacy and add a dividing line. Becker said no berm is included; these are one acre lots. Becker added the houses planned will replicate those on White Oak. Mini-Boutique homes are not planned concept. Brown asked is there a tie-in that you have to build and house if you own the lot. Becker said that it is private property.

Nicole Gentry, 2323 J Maddy Parkway, Interlochen

Will short term rentals be allowed in there? Becker, no these are 12-month leases.

Schworm moved to close the public hearing at 6:53 p.m.

Member Discussion:

Wilson asked what the rental estimate for apartments is? Becker does not yet know, 1.5-2 years before available. Wilson also asked when work will start. Becker responded spring 2023.

McDonald said apartment unit "B" looks like headlights are directed into building are you considering privacy fencing. Becker said landscaping will be added if it becomes an issue and would be taken up with management to protect tenants.

Schworm stated the project is not like every development and includes new businesses and new homes. He added it is a respectful and thoughtful way to development vacant lot.

Barck asked staff if any other comments were received. She said she has spoken with two White Oak residents and has had no other calls.

Schworm asked if Becker was aware of the required performance bond. Becker responded he is.

Motion by Schworm, supported by Barck to approve request with regard to meeting all outside and county agencies and MDOT conditions, applications and waivers as detailed.

Roll Call Vote:

Wilson – yes

Dean – yes

Barck – yes

Schuster – yes

Schworm – yes

McDonald – yes

Motion Carried.

- b. PPOA – 22-001 – A public hearing to receive and discuss amendments to the Green Lake Township Short Term Rental Ordinance for definitions, parking, well / septic and inspection.

Schworm reminded the members and audience that the Short-Term Rental Ordinance is already in place and tonight they are voting on definitions.

Schuster added the ordinance is already signed and in place.

Schworm said their actions tonight are to recommend to the Board specific definitions. Those who are speaking have three minutes and to remember they are only a recommending body to the Board.

Schworm opened public hearing at 7:30 p.m.

Arnie Minke, 2334 Tonawanda, Grawn

Until two weeks ago didn't know ordinance existed. The license fee doesn't guarantee number of people at his house. The government does not have the right to tell him who can and cannot visit his house. Don't think I will be getting a license.

Harold Schmidt, 8846 Beverly Lane, Interlochen
Short Term Rentals support all of us in community. As a business owner and member of the Chamber there are not a lot of places to stay. Little things starting to change, if you are following the rules and supporting the community, things will change. Supports businesses.

Jeff Brackett, 4779 E. Duck Lake Rd., Grawn
Owns apartment building on US31 and has put a lot of money into. Rules changed after it was done. Built up a relationship with ICA parents and when they visit, they bring their children with them. Just this week he has had to tell to many people they can't stay and sent them to Traverse City. Send people to local places. Seems funny when Interlochen is trying to grow and do something.

Dave Harvey, 308 Dubonnet, Interlochen
Number of people based on bedroom and the stress on well and septic, when only rent 3-4 months of the year – rest of time only two people living there. House allows multi-generational family to stay together. The septic rule seems unreasonable.

John Kennedy, 11100 Riley Road, Interlochen
AirBNB three years going on four. Don't agree with 2 per bedroom. Foster Care 22 years, 163 kids in home over time. Pumped twice per year, no problem. Above board, why can you tell us how many. Now has another unit, was year-round – rent issues. Finally caught up rental, took a long time to collect and had to repair. No problems with short term renters. Book of local places and township rules left for renters.

Connie Kennedy, 11100 Riley Road, Interlochen
Doesn't think there should be the rules implemented that are being discussed here tonight. At Papa's Place can sleep 8-10 comfortably, multi-generational guests. This is robbing people of memories.

Heather Stutzman-Lehman, 10324 Fence Post, Interlochen

How did these restrictions come in to place? Impressed with comments from audience. Have dealt with long term rentals and the clean-up. Short term renters don't cause the damages.

REPLY: McDonald. Ordinance was put into place because the township did not have an ordinance meaning short term rentals were not allowed. Passed this to allow them. Not sure where rules came from. Some people have a large lot with lots of buffering, others particularly on the lakes have very small lots and 10-12 people on a tiny lot, loud all summer long and the neighbors are not thrilled with that, strike a balance. Want short term rental people to make some money and help the community, but we had to come up with some sort of balance. Make everyone as happy as best we can. Stutzman-Lehman, has the township had a lot of complaints?

STAFF: There was no ordinance which meant short term rentals were not allowed.

SCHWORM: Until recently the State had not acted on whether short term rentals were allowed. Believes most property owners are responsible with their short-term rental. One or two bad people, sour the water.

Stutzman-Lehman, to get to the point to change the ordinance what do we need to do?

SCHWORM: We will have a discussion with recommendations to pass on to the Board.

Andy Verlanger, 5744 Pine Cone

Pat mentioned lot size, but leave it up to the enforcement officer and complaints – 3 strikes and you're out. Should rely more on complaints when setting rules. Why is this being talked about here, not Board?

Schworm: Planning Commission is a recommending body, send changes to Green Lake Township Board.

Patricia West, 8865 Vegabound

Will public see changes?

SCHWORM: Changes will be spelled out tonight and sent to Board.

Gayle Peino, 5691 Betsie River

Should be able to rent out to how many they are comfortable with. The bad owners should be penalized, not those taking care of their properties. Should not be a cap on number of people, 10-15-20 people may be ok, if they have control over their property. Properties should be grandfathered in. Is township going to start checking private homes to see how many people are living there and their sewer size.

Riley O'Connor, 2943 Reynolds Road, Interlochen

Mr. Kennedy gives renters rules, make renter adhere to ordinance. Could this be mandated. Could this be proposed to Board.

STAFF: Already in the ordinance.

O'Conner: Specific to this issue, an ordinance like this can go to a vote by the taxpayers.

SCHWORM: Mechanism in place for the township to do that. This commission cannot make that decision, recommending body only.

Brad Verlanger, 5744 Pine Cone, Interlochen

Do you know how many complaints there have been on short term rentals, and who receives them? Then does it go the police usually?

STAFF: Zoning Administrator receives them. Can go the police, especially when staff not available. We have had a couple of complaints, two persons in particular out of the 60+ rentals, typically related to the number of guests when the number of guests the license states is more than the number of guests. Reach out to the owner and it is generally corrected. That quadrant, specifically Fredmar Drive, has large number of complaints.

Nicole Gentry, 2323 J. Maddy Parkway, Interlochen

Did some number crunching. 100 short term rentals in the township. Talked to owners about how much their renters spend. Families spend \$500 a day, here in Interlochen, groceries and entertainment. If people are renting for five days, that's \$2,500 a week, times 14 weeks, which is a short season, that's \$35,000, times 100 rentals, that is \$3,500,000 being brought into Green Lake Township. Where else could you come up with \$3.5 million dollars? They spend their money on lots of things and we want to build our downtown, so this is a really great way to do it. The \$35,000 will pay for your affordable housing. We pay very high taxes for properties we rent and are very respectful. Don't cap it, enforce it. Take the money that I have heard is being spent paying a stool pigeon to spy on all of us and put that money to use putting in some sidewalks and streetlamps.

SCHWORM: I would like to address one part of that comment. None of the money taken in from the fee is spent to hire spies and stool pigeons to make sure everyone is compliant.

Dzidra Mika, 2334 Tonawanda, Grawn

AirBNB does its own policing, bad people get weeded out pretty quickly. Need Interlochen to grow. Where does the \$250 go? Hate to see such a negative attitude towards bringing in people to our community

Ron Gentry, 2401 M137, Interlochen

AirBNB and VRBO, you know about the reviews, we don't particularly like it but we have had people we have banned. Sometimes it's the way they treat the place and sometimes it's because they are noisy. Two issues over these years that our neighbors have called us about and we took care of it right away. We just don't allow it. Can't quite grasp where this all comes from, two people per a bedroom rule. Some of it seems to me that somebody is trying to get rid of short-term rentals. Cuts down a lot on the income we get for the short 14 weeks we can rent. Can someone tell me why such a hard and fast rule?

SCHUSTER: Health Department sets the number of persons per bedroom. When you build a house, they don't ask how many bathrooms you have, they ask how many bedrooms. That is basically where this is coming from.

SCHWORM: The Health Department has to regulate that, the State and DEQ tells the health departments in all counties how they have to regulate human waste. The two persons per bedroom is a Grand Traverse County ordinance, it's not something we picked out of the air. No one goes around and knocks on people's doors; they count on you to be honest. Size septic accordingly, not contaminate the ground water. We have a lot of rentals on the water and when you concentrate that many people it can get into the water table and the lake. I've been a licensed septic installer for over 25 years, I have done a lot of them, know all the rules and why you have to have them.

WILSON: Some of the townships have dealt with this problem by not even allowing them. We have townships, right here, down the road that don't allow them. All I see here and rules and regulations that allow you to have them. A lot of you are concerned about the quality of the water, but you are here arguing about how many people you can have in your house, when your house is built for a specific number of people for that septic system. So should we set a rule here, that every short-term rental needs to have their septic pumped at least twice per years. The Township is trying to work with you, Alycia is trying to work with you, a lot of townships around here, they are not.

Becky Johnson, 4291 E. Shore Drive, Grawn

Health permit from the county states how big my septic system has to be based on the number of bedrooms. It does not state anywhere on there that I can only have two people per bedroom. It should be the homeowner's responsibility to take care of their septic. Secondly, people on the lake, homeowners can be just as noisy as short-term

rental people. All of these people, short term rental owners, are trying to keep Interlochen economically viable. Let's keep that money here.

SCHWORM: The septic situation you commented on, that is the permit to install your septic system, it is not the ordinance or the rules by which you have to abide by.

Schworm moved to close the public hearing at 7:52 p.m.

Member Discussion:

Staff summarized that what was given to the Planning Commission was to define what a bedroom is utilizing the Webster dictionary for the common definition. Discussed the application procedure for well and septic status report. The standards for capacity limits, which seems to be what everybody is most concerned about. When the ordinance was developed it was written in such a way bedrooms could accommodate x2, based on what the health department regulations, is what you can have. The motion the Planning Commission is to consider is if you have capacity for three bedrooms, then you could have six guests, consistent with Health Department regulations. If you have capacity for 4 bedrooms, then you would have eight guests not taking into account the actual number of bedrooms, that is what the commission is to consider tonight. Also, we have proposed to define the size of a parking spot, 10X20 and minimum number of parking spaces you can accommodate in your driveway or garage. Accessory structures, incidental to primary dwelling are not to be short term rentals. Legal non-conforming structures not addressed. Whatever is currently on the ground, times 2 per bedroom is what you would get. Well and Septic Report would need an initial first year permit, then renewal would require a third-party inspection to verify the capacity has not changed and the system is in good working order and that would be good for three years. The short-term rental license is still issued annually but that would give owners ability to carry inspection over three years.

Schuster, on the septic portion we have to stick by what the health department determines, but is there an exception if they went in front of the health department and asked for a bigger system. Is that something we can entertain? Staff, it is already in there. Schuster, so they have the option. Schworm, there are lots of ways to accommodate more people, have that discussion with the health department. Can also find out what the home was designed for and the lot and soil conditions, how deep the water is down, is all part of the design of the system. There also have been problems with parking so many guests and any outdoor equipment brought. Parking

needs to be better defined. These ordinances are put in place for the safety of the community, the good of the environment, and everything around.

If your property is capable of accommodating 20 people, then that is fine. We are not going to put a cap if the septic is permitted for that many people. A lot of homes built in the 50' & 60's would require an inspection before you could sell it. A lot of those systems were drywells or barrel in the ground – that's not legal. To say you can put a bunch of people in a house because it has been taking it, is not a good way to license. The enforcement is just one person, the Planning and Zoning Administrator and can't be everywhere. She is not going to be on-call 24 hours a day to respond when someone complains. We have heard a lot of good comments tonight from a lot of good people. Exactly what we want. We are not opposed to rentals, but we need to have some regulation out there for the community and environment.

Motion by McDonald, supported by Schuster to approve the definition of a bedroom as defined by Webster's Dictionary and recommend the definition change to the Board. Roll Call Vote:

Wilson – yes

Dean – yes

Barck – yes

Schuster – yes

Schworm – yes

McDonald - yes

Motion Carried.

Motion by McDonald, supported by Barck to adopt recommendation an accessory structure, incidental to primary dwelling, not be allowed as a short-term rental. Accessory dwelling could be sheds, garages, buildings not acceptable for habitation.

Roll Call Vote:

Wilson – yes

Dean – yes

Barck – yes

Schuster – yes

Schworm – yes

McDonald - yes

Motion Carried.

Motion by McDonald, supported by Wilson to recommend proposed status report by a third-party inspector be accepted when a health department report not available.

Schworm added “licensed” third party to motion.

Roll Call Vote:

Wilson – yes

Dean – yes

Barck – no

Schuster – yes

Schworm – yes

McDonald - yes

Motion Carried.

Motion by McDonald, supported by Schuster to recommend to township Board the definition of a parking spot to be 10’x20’ minimum, match number of bedrooms and be located in driveway or garage.

Roll Call Vote:

Wilson – yes

Dean – yes

Barck – yes

Schuster – yes

Schworm – yes

McDonald - yes

Motion Carried.

Motion by Schworm, supported by Schuster to set capacity limitations as set by Grand Traverse County Health Department Sanitary Code, capacity equals number of bedrooms x2.

Roll Call Vote:

Wilson – yes

Dean – yes

Barck – yes

Schuster – yes

Schworm – yes

McDonald - yes

Motion Carried.

- c. ZOA 22-003 – A public hearing to receive and discuss amendments to the Green Lake Township Zoning Ordinance for wall signage, fencing, outdoor storage setbacks.

Member & Applicant Review:

Staff stated Article 6 has a discrepancy, the table for dimensional regulations states one per premise and that should read one per business in the commercial district. Change is Article 6 Signs, 6.8 Table of Dimensional Regulations a. 1 per business.

Article 4, General Provisions, 4.13 Fences, Walls or Hedges may be permitted on any property in any residential district but shall not exceed 6'6" or create a hazard to traffic or pedestrians.

Outdoor storage change reflects the current composition of commercial properties in the township, none of which could accommodate a 300' setback for outside storage.

Schworm opened public hearing at 8:31 p.m.

Public Comments:

Schworm moved to close the public hearing at 8:31 p.m.

Motion by McDonald, supported by Schworm to recommend to Green Lake Township Board wall signage ordinance, changing the word "premises" to business. Motion includes changing YY Storage from withing "300 feet" to "50" for setback.

Roll Call Vote:

Wilson – yes

Dean – yes

Barck – yes

Schuster – yes

Schworm – yes

McDonald – yes

Motion Carried.

Motion by Schworm, to support recommendation of staff, changes to replace 4.13 B Article 4, 4.13 Fences, Walls, hedges or berms

Notwithstanding any other provision in this ordinance, fences, walls or hedges may be permitted on any property in any district provided that no fence or wall shall exceed six- and one-half feet (6 ft 6 inches) in height. Such fences, walls or hedges shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. All fencing walls or screening shall be maintained in good

repair and safe condition and shall be constructed of material which will not be detrimental to the health, safety and welfare of adjacent residents.

Buffering or screening shall be required for the development of commercial and industrially zoned property located adjacent to a residentially zoned or residentially used parcel. The required screening may consist of a landscape buffer, fence or wall in accordance with Article 7 Landscaping. The buffering or screening shall be shown on the required site plan according to Article 13 Site Plan Review. A fence or wall used to provide such screening shall be a minimum of five feet in height and not exceed six- and one-half feet in height. Evergreen plantings used to create landscape buffers shall be in accordance with Article 7 Landscaping and be maintained in a living condition.

Fencing shall not be constructed within the 50-foot water's edge setback unless under four feet in height.

Motion supported by Dean.

Roll Call Vote:

Wilson – yes

Dean – yes

Barck – yes

Schuster – yes

Schworm – yes

McDonald - yes

Motion Carried.

- d. ZMA 22-001 – A public hearing to receive and discuss amendments to the Green Lake Township Zoning Map R-1 Residential to Institutional and R-5 Residential to Institutional in accordance with the Master Plan.

Member & Applicant Review:

This is Interlochen Center for the Arts property, including the Interlochen Elementary School. The parcel has historically been institutional. Diamond Park parcel has historic cottages utilized by Interlochen Center for the Arts.

Schworm opened public hearing at 8:38 p.m.

Public Comments:

Patrick Kessel, Interlochen Center for the Arts, 4000 J. Maddy Parkway

Mr. Kessel agrees the parcels have been institutional for many years and agrees with the change in zoning.

Schworm moved to close the public hearing at 8:39 p.m.

Member Discussion:

Motion by McDonald, supported by Schworm to rezone specific portion of Parcel Id 28-07-360-001-02 from R1 to Institutional and rezone parcel Id 28-07-021-007-01 from R5 to Institutional.

Roll Call Vote:

Wilson – yes

Dean – yes

Barck – yes

Schuster – yes

Schworm – yes

McDonald – yes

Motion Carried.

12. OTHER BUSINESS:

13. LIAISON REPORT FROM THE ZONING BOARD OF APPEALS:

Mr. Wilson reported the August 10, 2022 meeting granted permit extensions due to lack of contractor availability. Variance granted for a side porch to allow for construction of a handicap ramp.

The September 14 meeting denied a request to place a 6' fence in a front yard, not meeting setback. The motion allowed for 60 days to reach compliance. Changes in the ordinance recommended tonight will allow for the fence to stay.

ZBA is in need of members.

14. SECOND PUBLIC COMMENT:

Heather Stutzman Lehman, appreciates all the township does to make the community better.

15. ADJOURNMENT: Schworm motioned to adjourn the meeting at 8:47pm., supported by Schuster and carried unanimously.

BRAD DEAN, SECRETARY
GREEN LAKE TOWNSHIP PLANNING COMMISSION

MARY JO BARCK, RECORDING SECRETARY
GREEN LAKE TOWNSHIP PLANNING COMMISSION

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND/OR CORRECTION
PRIOR TO THEIR ACCEPTANCE.