

ROBINSON TOWNSHIP PLANNING COMMISSION
November 26, 2024

The regular meeting of the Robinson Township Planning Commission was called to order at 7:00 PM. at the Robinson Township Hall.

Present	Absent
Shawn Martinie Bill Maschewske Steve Young Lydia Brown Phil Crum	Michelle Gillespie One position vacant

Also present were Township Attorney Ron Bultje, Zoning Administrator Julie Lovelace, Doug Marshall, Attorney Jennifer Lynn representing Doug Marshall, Rex Pease and Janice Pease. The attendance sheet is attached.

Approval of Agenda

A motion was made by Lydia Brown and seconded by Steve Young to approve the agenda of the November 26, 2024 meeting as written.
The motion carried unanimously with one member absent and one position vacant.

Adopting of Previous Minutes

A motion was made by Shawn Martinie and seconded by Steve Young to approve as written the minutes of the October 22, 2024 Planning Commission meeting.
The motion carried unanimously with one member absent and one position vacant.

Non-Commission Member Inquiries and Questions

Mr. and Mrs. Pease of 13353 Green St. requested to be on the agenda as soon as possible for the re-review of their Special Use application and Site Plan to construct an oversized and over height accessory building per Section 4.2(D)(2)(c) of the Zoning Ordinance. The Planning Commission had previously recommended to the Township Board approval of the Site Plan and Special Use application, however, the Township Board returned the matter to the Planning Commission for re-review following a neighbor complaint regarding the removal of trees in violation of a condition of the Planning Commission recommendation and issues with the submitted Site Plan which may not have shown a neighbor's house. This item will be on the Planning Commission January 2025 regular meeting agenda.

Reports and Communications -- None

Announcements

Chairperson Martinie reported that an application for a minor Site Plan amendment was received from Consumers Power Company for the Johnson St. substation. The application was approved by the Chairperson, the Zoning Administrator, and the Township Supervisor as provided by the Zoning Ordinance.

Bill Maschewske reported briefly on a pending challenge to the State of Michigan new Solar and Wind Energy Ordinance by multiple municipalities.

New Business

Zoom Discussion with Granicus Regarding Short Term Rentals

As scheduled, a Zoom meeting was held with Mike Bozick of Granicus, a company that does contract administration and enforcement for municipalities nationwide regarding Short Term Rentals (STR). Mr. Bozick reported that he has a copy of the Robinson Township draft STR Ordinances, both Zoning and Police Power, and he is also working with the State of Michigan legislature regarding their pending legislation. Mr. Bozick reported that his company works with approximately 500 communities. A PowerPoint presentation was shown and Mr. Bozick agreed to send Zoning Administrator Lovelace a copy. In addition, he agreed to do a search and tell the Planning Commission how many STR already exist in the Township since they monitor STR continuously. He noted that less than 10% of STR owners apply voluntarily for licensing and approval due generally to the fact they are not informed of this requirement. He also noted that STR are difficult to enforce due to multiple listings on different platforms and the descriptions do not necessarily match. True compliance requires a holistic approach and the permit or license fee needs to cover the cost of monitoring. He also noted that when problems with tenants at a STR occur, the police typically do not respond.

Mr. Bozick noted that Granicus has a 24/7 complaint hotline and they can contact the responsible persons. He stated that South Haven, Michigan, which has many STR, uses Granicus for monitoring and administration. It was also stated that Granicus has a staff member, Jeffry, who is an expert on STR ordinances and reviews and writes STR ordinances for municipalities. He strongly recommends getting the ordinance right the first time.

Chairperson Martinie – How much does it cost to use the consultant for ordinance work?

Mike Bozick – The average cost in 2024 for all modules is about \$9400. For \$3000 they could just identify all STR in Robinson Township, including addresses. It was emphasized that it is important to know when and where STR are already happening.

Marshall/Timpe Special Use and Site Plan

At 7:40 PM., the Marshall Limberlost Special Use renewal application was reviewed. A renewal would normally be reviewed directly by the Township Board, however, since there were

complaints submitted from neighbors to the Township Board, the renewal was referred to the Planning Commission by the Board for investigation and recommendation.

A package of materials had been received by Planning Commissioners including a contract that Mr. Marshall requires his tenants to read and sign. Also included were written input from Jessica Meeusen and a separate document from Todd Meeusen.

Chairperson Martinie – Has this contract been in use?

Doug Marshall – It has been in use for two years. He walks through the contract with his tenants.

Chairperson Martinie – What is the procedure for a complaint?

Doug Marshall – He has had four complaints and hundreds of guests. He stated the neighbors have his cell phone number.

Chairperson Martinie – Do you have exterior lighting?

Attorney Jennifer Lynn – There was lighting along the driveway before any rentals on the property.

Bill Maschewske – Have any new outdoor lights been installed since the Special Use Application?

Doug Marshall – No. He also stated that the Site Plan has been amended to show the existing outdoor lighting which was there before the Special Use was approved. They are solar powered lights.

At this time, the recommended conditions for approval (in *Italics*) included in Zoning Administrator Lovelace’s Memorandum dated 10/17/24 (copy attached) were reviewed.

1. *That the Applicant removes any unapproved lighting (if applicable) and applies for a minor site plan amendment to install lighting (if desired).*

Following discussion, the Planning Commission revised this condition to “That the Applicant applies for a minor Site Plan amendment for the existing outdoor lighting.”

2. *That the Applicant/Host establishes a form of written communication, such as texting or E-mail, for neighbor complaints. The Host shall respond to any complaints/incidents immediately.*

Following discussion, the Planning Commission amended the above recommendation by adding “to all property owners within 300 ft. of the Applicants property.” at the end of the first sentence.

3. *That the Host reports any incidents requiring law enforcement assistance on his property to the Township immediately after the event.*

The Planning Commission agreed with this condition.

4. *That the Applicant grants approval for yearly inspections during the operational season to ensure the site is maintained according to the approved Site Plan.*

The Zoning Administrator added that her office should have owner approval to inspect if there are complaints from the neighbors.

Bill Maschewske – Of the four complaints acknowledged, were any of the complaints valid?

Doug Marshall – The first complaint regarded garbage in a neighbor’s trash container located on State property. This was not deliberate since the tenant thought the container was on State property for public use and did not know it belonged to a homeowner.

The second complaint was regarding a neighbor using fireworks around the Labor Day holiday. This resulted in a tenant entering a neighbor’s property and yelling because his dog was out of control from the noise.

The third complaint was a tenant’s dog on a neighbor’s property. Mr. Marshall explained the dog was on a leash but got away from the owner and the owner went to retrieve the dog on the neighbor’s property and engaged the neighbor in loud discussion.

The fourth complaint was not explained.

Township Attorney Bultje – Noted that since this was a Special Use, conditions could be applied, including site inspections.

A lengthy discussion followed between Township Attorney Bultje and Attorney Jennifer Lynn, who argued that site inspections were not typical for a Special Use and therefore Mr. Marshall was being treated differently than other Special Use applicants.

The Planning Commission, the Township Attorney, Mr. Marshall, and Attorney Jennifer Lynn finally agreed upon the following wording for Condition Number 4.

“That the applicant grants approval for site inspections upon change to the Site Plan, upon a Zoning complaint concerning the standards of the Special Use, or upon Township initiative, all with the owner’s permission and during the operational season.”

A motion was made by Lydia Brown and seconded by Phil Crum to recommend to the Township Board approval of the Marshall/Timpe Special Use renewal application with the following conditions.

1. That the Applicant applies for a minor Site Plan amendment for the existing outdoor lighting.
2. That the Applicant/Host establishes a form of written communication, such as texting or E-mail, for neighbor complaints to all property owners within 300 ft. of the Applicants property. The Host shall respond to any complaints/incidents immediately.
3. That the Host reports any incidents requiring law enforcement assistance on his property to the Township immediately after the event.
4. That the Applicant grants approval for site inspections upon change to the Site Plan, upon a Zoning complaint concerning the standards of the Special Use, or upon Township initiative, all with the owner's permission and during the operational season.

A roll call vote was taken.

Lydia Brown – Yes

Bill Maschewske – Yes

Shawn Martinie – Yes

Steve Young – Yes

Phil Crum – Yes

The motion carried unanimously with one member absent and one position vacant.

Old Business

Draft Short Term Rental Legislation Discussion

The discussion of Short- Term Rentals (STR) was continued from the last regular meeting. Based on input from the Planning Commission, revised draft Zoning and Police Power Ordinances had been distributed with draft dates of 10/28/2024 and 10/31/2024, respectively. Chairperson Martinie requested comments regarding the documents.

Bill Maschewske –

1. Questioned if STR should be allowed on Private Roads.
Township Attorney Bultje responded that this is really a private property matter.
2. The requirement for fire extinguishers was not added as requested.
It was agreed to require 2A10B fire extinguishers per Laketown Township Ordinance, Section 10.52B, and add as Section 5, (n) and move the current Section 5 (n) to Section 5 (o).
3. Questioned the definition of “Dwelling” as it required a bedroom.
This definition was determined to be acceptable.
4. Questioned if Section 12 applied to Section 8?
Township Attorney Bultje stated “Yes” if the Township wanted.

There were no more comments.

Township Attorney Bultje agreed to make the accepted changes in an updated draft of the regulatory ordinance.

Village of Robinson

The next topic discussed was the request from the Zoning Board of Appeals to review the Zoning Ordinance for possible revisions to address the number of Variance requests from property owners in the Village of Robinson. Proposed Zoning Ordinance Text Amendment wording was provided by the Zoning Administrator with the assistance of the Township Attorney and provided relief to Yard Setback Requirements. The proposal involved reducing the Setback requirements to 80% of those in the 1949 Zoning Ordinance.

Bill Maschewske and Zoning Administrator Lovelace discussed the proposed amendments extensively.

Township Attorney Bultje agreed to add the word “but” following the semicolon in proposed paragraphs (f), (g), and (h) for clarification.

Chairperson Martinie – Do the 80% setback numbers solve the three Variance requests from the last 2 years in the Village of Robinson?

Zoning Administrator Lovelace agreed to investigate.

The proposed revision to Section 4.22, Lot, Corner, was discussed. It was noted that it only was intended to clarify and not change the current requirement,

A discussion followed regarding the accuracy of GIS measurements and the placement of property lines on the GIS maps. In response, Township Attorney Bultje suggested adding that the Township reserves the right to require a survey to paragraphs (f), (g), and (h).

The word “Plan” in Section 4.31 G is to be changed to “Plat”.

Accessory Dwelling Units

The concept of permitting Accessory Dwelling Units was discussed at the request of Zoning Administrator Lovelace. She has received numerous requests for either new construction or existing dwellings to add accommodations which, by the definition in the Zoning Ordinance, would determine that an Accessory Dwelling Unit is being created and which is not currently permitted. It was agreed to look for a solution that would strengthen the existing definition. Further exploration of this concept was set aside at this time.

Zoning Ordinance Proposed Amendments

Having recently completed updating the Township Master Land Use Plan, the next task of the Planning Commission is to incorporate the Strategies of the Master Land Use Plan into the

Zoning Ordinance for implementation. At the request of the Planning Commission, the Township Board has contracted with Fresh Coast Planning to assist with this task. Prior to this meeting, Planning Commissioners received a Memorandum from Gregory Ransford dated November 11, 2024 along with marked-up Zoning Ordinance Text with his recommendations for implementing the Master Land Use Plan Strategies in the Agricultural District of the Zoning Ordinance and Chapter 4, General Provisions, to start the process. All were impressed with the excellent job of coordination that was accomplished.

Chairperson Martinie noted that Fresh Coast Planning budgeted the project with Julie Lovelace, the Contracted Zoning Administrator from Fresh Coast Planning, accomplishing this, however, due to her work load and anticipated departure from Fresh Coast Planning, Mr. Ransford has started this project himself. (Mr. Ransford's time is billed at a higher rate) Chairperson Martinie also stated the Planning Commission, due to a busy Regular Meeting schedule, would probably need an additional meeting each month to accomplish review and possible revision of the proposed changes to the Zoning Ordinance. A schedule for additional meetings was not set at this time.

Any and All Other Business That May Come Before the Board

Zoning Administrator Lovelace reported that Schipper's Excavating wishes to double the size of their existing office building. The business is an existing non-conforming use as the property is zoned B-2, General Business District, which does not permit the current use and should be zoned either I-1 or I-2 Industrial.

The following options were considered.

1. Allow expansion of the building up to an additional 50% of the current size as a nonconforming use.
2. Entertain a Contract Rezoning request of the entire parcel to I-1 for this use only since it is an existing business. This would allow the full expansion stated by Mr. Schippers.

Chairperson Martinie is to contact Mr. Schippers regarding the above options.

Pay Bills

A motion was made by Lydia Brown and seconded by Steve Young to pay salaries for the November 26, 2024 meeting (one meeting, 5 members present, 1 member absent, 1 position vacant).

The motion carried unanimously with one member absent and one position vacant.

Adjournment

A motion was made by Lydia Brown and seconded by Phil Crum to adjourn the Planning Commission meeting at 10:40 PM.

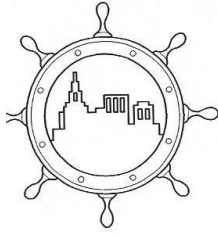
The motion carried unanimously with one member absent and one position vacant.

Respectfully submitted,

Bill Maschewske, Secretary
Robinson Township Planning Commission

Attachments: November 26, 2024 Planning Commission Sign-in Sheet

Zoning Administrator Lovelace Memorandum dated 10/17/24 regarding the
Timpe/Marshall Special Use Renewal



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MEMORANDUM

To: Robinson Township Planning Commission
From: Julie Lovelace 
Date: 10/17/2024
Re: Timpe/Marshall Special Use Renewal

At their October 9, 2024 meeting, the Township Board of Trustees reviewed the renewal application from Doug Marshall for the Special Use for recreational vehicle parking in the E-1 Lowland Resource Conservation Overlay Zoning District at parcels listed below.

Parcel # 70-04-33-200-004
 70-04-33-200-005

As part of their review, the Board received two complaints from Todd and Jessica Meeuwesen (attached). In light of these, the Board has requested Planning Commission (PC) review.

Of the complaints, one may apply to PC site plan review. That is the possibility of motion sensor lights being installed. No exterior lighting was proposed on the original site plan. A condition of approval was that any future addition of site lighting, trash dumpsters, or signage must be reviewed and approved by the Township. If lighting is desired by the Applicant, this could be considered a minor amendment to the site plan per Section 31.11 of the Robinson Township Zoning Ordinance (RTZO) *Amendment, Revision of Detailed Site Plan* and should be addressed accordingly. Otherwise, no site lighting is approved.

Regarding complaints of guest offensive behavior, dogs, trespassing, and trash/litter, these should be reported directly to the property Owner/Host in real time so the Host can address the issue with the guest immediately. Any trespassing or threatening behavior by guests should first be reported to the police department and then to the Host.

Mr. Marshall and his guests have the right to use Limberlost Lane. It is a nonconforming private road that predates the RTZO current standards. Should the residents with access rights to Limberlost wish to upgrade the private road, they may bring it up to the current standards listed in Section 4.9B *Private Roads* of the RTZO at their own cost. If they do not have an existing private road maintenance agreement, they may create one. That is a civil matter for them to work out with an attorney. A road upgrade may require permitting by the Department of the Environment, Great Lakes, and Energy and/or FEMA. FEMA should be contacted before taking any action.

Section 32.6 *Issuance of a Special Use Permit* states the Board may stipulate additional conditions and guarantees that all conditions will be complied with when, in order to fully comply with the intent of this Ordinance, such additional conditions may be deemed necessary.

In consideration of the above, the PC could recommend to the Board renewal of the special use with the following conditions:

- That the Applicant removes any unapproved lighting (if applicable) and applies for a minor site plan amendment to install lighting (if desired)

- That the Applicant/Host establishes a form of written communication, such as texting or E-mail, for neighbor complaints. The Host shall respond to any complaints/incidents immediately
- That the Host reports any incidents requiring law enforcement assistance on his property to the Township immediately after an event
- That the Applicant grants approval for yearly site inspections during the operational season to ensure the site is maintained according to the approved site plan

Julie Lovelace
Planner