

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49418

Special Meeting
January 10, 2017
4:00 P.M.

DRAFT-APPROVED COPY

CALL TO ORDER:

Chair Pfof called to order the special meeting of the Park Township Planning Commission at 6:304:00 P.M., held in the Township Hall at the Park Township Office.

ATTENDANCE:

Present: Jeff Pfof, Linda Dykert, Dennis Eade, David Kleinjans, Denise Nestel, Tom Vanderkolk

Absent: Eric DeBoer (with notice)

Staff: Ed de Vries, Zoning Administrator, Dan Martin, Legal Counsel, Janis Johnson, Staff Planner

APPROVAL OF AGENDA:

Motion by Vanderkolk, supported by Eade, to approve the agenda as presented.

Voice Vote: Ayes 5, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Motion by Eade, supported by Kleinjans, to approve the Regular Meeting Minutes of December 20, 2016 as presented.

Voice Vote: Ayes 5, Nays 0. Motion carried.

Discussion/Action Items:

A. Proposed PUD Ordinance

Pfost explained that the Planning Commission has two applications pending on the approval of the PUD ordinance. The Township Board is waiting to review our recommendations for the revised draft. Planner Johnson has provided the draft with suggested language for our discussion at this meeting. He provided a brief overview to bring everyone up-to-date.

The language is considered to be outdated in the current PUD ordinance given recent problematic issues so the Township Board has placed a temporary moratorium on any PUD action until the Planning Commission has completed a review for some changes. The Planning Commission formed a work group last fall to review the process for a draft of recommendations. When Planner Johnson joined the staff she took the work group's suggestions and prepared a draft for review. Our charge is to review all the elements in the draft, act on the modifications, and forward the document to the Township Board for final approval.

Johnson began her review on page 13 where the Planning Commission left off in the November 2016 meeting. Once all the changes are made she will prepare a final draft.

Dykert arrived at 4:15 P.M.

In reference to (8) on page 13 the Planning Commission discussed the pros and cons of holding a public hearing prior to submission of a PUD proposal to the Township Board, and if so whether it should be at the preliminary PUD, or final PUD application. Johnson said the requirement is that the deciding body hold a public hearing, which would be the Township Board. She included the wording "may hold" should the Planning Commission want to have an advisory public hearing.

de Vries said, in the past, having a preliminary meeting prior to a public hearing might have avoided future issues once it went to the Township Board.

Martin said there is no legal requirement for the Planning Commission to hold a public hearing for the preliminary PUD, although it is required for the Township Board to hold a hearing.

Nestel and Kleinjans supported the idea that the Planning Commission should have its own public hearing. Vanderkolk agreed with the preliminary hearing to avoid problems with the final PUD consideration.

Pfost concurred this would be a good thing to do as part of the due diligence process that is the responsibility of the Planning Commission.

The Planning Commission agreed with consensus to change the wording to "shall hold" a public hearing.

Under (9) Standards of Approval, in reference to the letter "m" on page 14 concerning phases, Johnson asked if the Planning Commission wished to require a certain percentage of units to be completed as part of the conditions of approval.

Johnson suggested that the developer could also have the option of asking for another public hearing and request an amendment if there would be a delay in completion.

Nestel asked Martin for clarification in considering the totality of completion of a PUD project.

Martin said the Township typically has approved everything up front in a PUD plan. Approval by phase can be problematic. It is his perspective the PUD plan should be treated as a whole entity.

Nestel asked if there are conflicts in the categories listed in Section 3-674, such as land division, subdivision, and condominiums. Does one take precedent over another?

Johnson suggested it be clarified in the PUD process.

Martin said a PUD has to do with zoning. The subdivision has to do with land division, but isn't necessarily a PUD. A PUD can waive zoning requirements but can't waive a plat requirement.

Pfost asked Johnson if the list of minor amendments in Section 3-675 was all inclusive.

Johnson said it was, and noted in (3) if an amendment should *not* be minor the request has to be resubmitted to the Planning Commission.

Sections 3-674, 3-675 and 3-676 were accepted as written.

Johnson asked Martin about the 3-677 language regarding "ordinance amendment."

~~Dan Martin~~ said he would be cautious about adopting a new ordinance amendment that wasn't part of the original PUD plan adoption. He recommended replacing "ordinance amendment" with the term "resolution."

It was agreed to insert "resolution or report" instead of "ordinance amendment" in 3-677.

There was discussion regarding the timely completion of a PUD and the possibility of approval of a request for extension, e.g., in case of interruption of construction, beyond a one year extension.

Johnson said she would add some language regarding extension situations in a PUD under the section "Time Limitations on Development" on page 17.

Martin asked the Planning Commission about the level of control it may want to exercise in this case.

Vanderkolk asked what is accomplished with regard establishing a level of control.

Martin said documentation of some level of communication with the Township, i.e., a status update from the developer, is advisable. Under 3-679, new minor amendments would come under the new PUD.

On pages 17 and 18 Johnson said she will change the language so the reference to “major and minor amendments” will come under the new ordinance. She also recommended moving Sections ~~2 and 338-377 and 38-404~~ (referenced on page ~~1817~~) to the ~~regulation-newly created~~ section.

Martin advised that the Planning Commission could schedule a public hearing on draft 3 to speed up the process. Draft 4 can be recommended for approval to the Township Board with minor changes.

The Township Board will act in March if the Planning Commission approves the draft in February after a public hearing, and sends it to the Township Board for their approval.

Nestel asked if the date of the moratorium will have to be extended.

Martin noted that the Township Board can extend the moratorium to be safe with the date deadline.

de Vries said he believed the date for the end of the moratorium is the date of the March Board meeting.

Johnson said she can have the new draft with changes ready for the Planning Commission’s review by February 7.

Vanderkolk recommended the February 14 date would be the best choice for review and approval given requirements for public notice.

The Planning Commission agreed that the February 14 work session date will schedule the public hearing and the draft approval.

Pfost thanked the Planning Commission for its careful review of the PUD ordinance.

B. Ordinance Amendment for Special Use

Johnson initiated the review of the Special Land Use draft dated November 22, 2016 which was distributed to Planning Commission members.

Martin volunteered to add any necessary legal edits to the draft.

Johnson added definitions for Family Child Care, Group Child Care, Self-Storage Facility and State Licensed Residential Facility. For clarity, she noted the change from “may” to “shall” in Sec. 38-36 (a) on page 3.

Johnson noted that the Planning Commission should hold a public hearing and not wait for an applicant to request it (as noted in (b)).

Johnson said that the Zoning Enabling Act states the Township must specify how it processes special land uses.

She reviewed the new language on pages 3 and 4 regarding Expiration and Validity of Permits, including the definition of major changes and requirements for a public hearing. She also added new language for General Standards for Determination listed on page 5.

New language for Site Plan, amendments, major and minor changes, were listed on page 6.

Under Division 2 – AG Agricultural - on page 7, Johnson pointed out the changes she made to the language for Use regulations for this district.

On page 8 (11), Johnson added this specific language for reference to the licensing act. This is a use by right for six clients and under.

There was consensus to omit Adult Day Care (12) since it's not licensed/regulated by the State.

(13) Family Child Care is licensed by the State.

(14) Adult Foster Care Facilities, referenced on page 8 (14), is regulated by the State. Johnson explained that these standards have to be included in the ordinance language.

(16) Listed other possible uses when authorized as a special land use.

Martin asked about listing the use of farm buildings for storing boats, etc. on a commercial basis. This is occurring in the Township so he advised that any change in the ordinance should cover this issue.

Johnson said she has language that may work in the agricultural sector. Storage in accessory buildings on farm property is a separate consideration. She will check on language for this in addition to language for farm markets.

The Planning Commission's review stopped on page 9, to be continued at the next meeting.

Johnson advised the board members review the balance of the document for continued review on January 17. She has also included language covering mixed use. de Vries will check to see if multi-use is covered in an ordinance.

PUBLIC COMMENT

Chair Pfost opened Public Comment at 6:30 P.M.

No public representative was present.

Chair Pfost closed Public Comment at 6:30 P.M.

Nestel left the meeting at 6:35 P.M.

ANNOUNCEMENTS

The next regular meeting will be January 17, 2017. The next work session is scheduled for February 14, 2017.

ADJOURNMENT

Dykert moved, supported by Kleinjans, to adjourn the meeting at 6:42 P.M.

Voice Vote

Ayes 5 , Nays 0 . Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
January 12, 2017

Approved: January 17, 2017