

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
January 17, 2017
6:30 P.M.

DRAFT-APPROVED COPY

CALL TO ORDER:

Chair Pfof called to order the regular meeting of the Park Township Planning Commission at 6:30 P.M., held in the Township Hall at the Park Township Office.

ATTENDANCE:

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

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

APPROVAL OF AGENDA:

Motion by Dykert, supported by Nestel, to approve the agenda as presented.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Kleinjans pointed out two corrections: page 1, the time should be changed from 6:30 P.M. to 4:00 P.M., and page 2, "Dan" should be changed to "Martin."

Johnson noted one correction on page 4: the last line of the first paragraph should read: "...Sections 38-377 and 38-404 (referenced on page 17) to the newly created section."

Motion by Vanderkolk, supported by Eade, to approve the Special Meeting Minutes of January 10, 2017 as corrected.

Voice Vote: Ayes 7, Nays 0. Motion carried.

NEW BUSINESS:

A. Bouwkamp Builders – continued from December 27, 2016 private road application)

DeBoer recused himself from the Planning Commission's discussion of this application. His relative owns this proposed development.

Planner Johnson introduced the item with an update regarding submission of new documents from the applicant. The Planning Commission held a public hearing on the Special Land Use request for a private road on December 20, 2016. Action was postponed until the applicant submitted a revised site plan based on comments received at the December 20 meeting. The applicant, Bouwkamp Builders, Inc., represented by Randy Bouwkamp, submitted a revised site plan dated January 3, 2017 and additional information in a memo dated January 3, 2017.

Items remaining to be addressed in this application include the following:

1. Maintenance and Access agreement – this should be included in the Conditions of Approval. Martin said if the developer were to cancel this agreement he is in violation. If the Township has to initiate any repairs the developer is assessed a fee. The Planning Commission can modify the agreement to state the maintenance agreement cannot be cancelled. Johnson will incorporate this language.
2. Storm Water Management – the Township must have on file the Minimal Impact Approval from the County Water Resources Office.
3. Utilities Easements – the site plan should provide the planned utilities.
4. Ottawa County Road Commission Approval – this should be a condition.
5. Design of cul-de-sac – final design may be reviewed by the Zoning Administrator.

de Vries said the cul-de-sac design has to be reviewed before approval of the road.

Nestel asked Martin about the cleared radius. Is it acceptable so long as it complies with the zoning ordinance and the Planning Commission is okay with the measurement as stated in the application.

Martin said one of the conditions the developer has to meet is the zoning ordinance requirement, otherwise the Planning Commission denies it. He has to maintain a 60' cleared radius.

Kleinjans noted the ordinance in Subsection 4 states: "If there is an island there has to be a travel surface of 20' around the island."

de Vries said this was written to accommodate emergency and fire vehicles.

Martin said if the developer moves the island, the center of the cul-de-sac representing the island, if in one direction, the 60' radius may not remain. According to the ordinance there must be a 60' cleared radius as measured from the center. His interpretation is that the statutory determination of the court, if it should be disputed, will follow the common definition of a radius. That is what will hold up in any circuit court ruling.

Pfost said the bottom line is the ordinance must be met.

6. Setbacks – the side yard setback in the NE corner of Lot B should be labeled.
7. Street name – this is not required for the findings of this meeting.
8. Location map – should show surrounding parcel lines.

The Planning Commission should review the list of Special Land Use Standards (a-g) listed on Planner Johnson's Staff Memo. These represent the reasons for approval or denial. She suggested the Statement of Findings must accompany approval or denial of the special land use and be documented in the minutes.

Speaking for the applicant, Kelly Cavanaugh of Nederveld, Inc., reviewed the above items to provide clarification.

1 – Maintenance and Access Agreement – she said this is not a problem. Language regarding the drainage easement and the cancellation provision will be amended in the agreement.

2 - Storm Water – she said they have preliminary approval and a copy was shared with the Township.

3 – Utilities Easements - she explained why the label was changed. The site plan will reflect that.

4 – Ottawa County Road Commission approval – minor revisions are necessary so she anticipates hearing from the Road Commission soon.

5 – Cul-de-sac – the site plan shows the additional radius because they wish to preserve trees in the center. The cul-de-sac may be shifted slightly. She assured the Planning Commission that the developer will meet the minimum standards. The plan is to exceed the required 60'.

Pfost asked whether the lot lines will be affected by the location of the turnaround. His concern is whether the radius is okay. Can the Zoning Administrator verify this is clear in the final site plan?

Cavanaugh said this was acceptable for the final site plan that is submitted. She added the fire chief has to approve the radius. She confirmed she is comfortable with this as a condition of approval.

Planner Johnson asked if the lots change if the cul-de-sac location changes. This can be a condition of approval.

Cavanaugh agreed with this.

Martin said the ordinance for the application for the private road requires: 1) scaled drawing showing precise location, 2) design of road, and 3) design by architect showing building envelope of lot location. If the envelope, cul-de-sac, or right-of-way change the developer would have to come back for approval.

Nestel asked if the Planning Commission can be copied on the site plan that Nederveld submitted to the Ottawa County Road Commission.

Cavanaugh agreed to provide this.

Kleinjans noted the 45' radius from the cul-de-sac to the outside of the road. The uncleared portion is 25' radius with 20' of roadway. Is this acceptable?

Martin said it should be compliant.

6 - Setbacks – she said this will be taken care of.

7 - The street name will be a condition of approval.

8 - The location map will show parcel lines.

Cavanaugh concluded by saying the developer hoped for approval of the special land use at this meeting so they can move forward.

Kleinjans moved, supported by Eade, the first part of the motion is approval is contingent upon the following conditions of approval being met:

1. The Maintenance and Access Agreement ~~will~~must be signed and recorded with the Township to include required language. The agreement may not be cancelled.
2. ~~Site plan~~Side yard setback will be labeled at the NE corner of Lot B
3. The final design of the cul-de-sac ~~will~~may be approved by the Zoning Administrator
4. The final design of the cul-de-sac should be approved by the Township Fire Chief for access by emergency vehicles.
5. The street name ~~will~~must comply with the ordinance
6. The street name must be approved by the Ottawa County Road Commission.
7. The Township ~~should~~must receive a copy of the site plan provided to the Ottawa County Road Commission.
8. Changes to lot configuration or building envelope require approval by the Planning Commission

The second part of the motion is approval of Section ~~38~~-38-512(c)(2) Special Land Use Standards:

a. The nature and character of the surrounding area;

It meets and is consistent with the character and design elements of the area with lot sizes a minimum of two acres, preservation of the view shed, with density met and appropriate placement of homes.

b. The nature and character of the buildings and structures currently existing or proposed to be built on the lots which will access the private road;

The plan shows the proposed building envelopes, there are currently no structures on the property. The four proposed structures meet the requirements for the lot sizes and are located on the private road.

c. The distance of any existing or proposed buildings and structures from the proposed private road;

Setbacks are provided on the site plan.

d. The potential traffic congestion and/or hazards that will be generated or alleviated by the private road.

This is within the purview of the Road Commission. There is no anticipated problem since there are only four parcels on the private road.

e. The adequacy of the private road for school buses, fire trucks, or similar vehicles to access all lots located on the private road;

There is close proximity to Lakeshore and no anticipated problem with access.

f. The effect of the private road on the ability of further future divisions or splits of the parcels or lots located on or near the private road;

No future splits of lots would be acceptable.

g. The environmental effects of the private road and proposed development of the property.

The density is low with natural tree preservation and no indication of flooding. The Health Department will have to approve the septic plan.

Pfost confirmed the standards appear to have been met. The proposal is approved.

Voice Vote:

Ayes ~~7~~6, Nays 0. Motion carried.

DeBoer returned to the meeting at 7:35 P.M.

B. Steden Properties LLC – Timberline West #5 Preliminary Plat

Planner Johnson reviewed this application. This request is for Tentative Preliminary Plat Approval and conformance with PUD site plan approval for phase #5 of the Timberline Acres West Plat. The applicant is Denny Owen of Steden Properties LLC, represented by Todd Stuve of Exxel Engineering, Inc. This plat is part of a multi-phased PUD platted subdivision originally approved in 2000. The phases have been somewhat changed since 2000, but the project substantially contains the lots, streets and boundaries as originally approved.

The proposed plat is located in the northwest portion of Section 13. The total land area of the site is approximately 21 acres. 11.5 acres is proposed for the reserve area and storm water; the remaining area that will be developed as 19 residential lots or roads is approximately 9.5 acres.

A public hearing is required for a tentative Preliminary Plat approval.

de Vries explained the PUD has been approved, but because there are lots for sale it also has to go through the plat procedure. However, the PUD does not have to be modified.

Stuive of Exxel Engineering presented an overview of the PUD for phase #5. He noted, in this phase, the lot size varies from 14,000 to 22,000 square feet.

PUBLIC HEARING

Pfost opened the Public Hearing at 7:40 P.M.

Travis Chambers of 2653 Francis Ave. - He lives on the east side of Pine Creek and has been there 10 years. His family enjoys the wildlife in the area and quiet community. The problem he is experiencing is more water. He has observed that the storm water basin is not able to hold all the water coming from the new development. The water has taken a couple of his trees and some of the land surface because of flooding. The creek has become too deep and runs too fast as a result of the storm water flow from the basin.

Lenora Barker of 2600 Meadow Creek Ln. – Her north property line is parallel to phase #5. She has lived there since 1970. This past summer they couldn't mow the grass because of standing water, sometimes 2' deep. Mosquitoes are bad because the area is now wetland – the water isn't going away. The situation with standing water is new. She suggested diversion into the creek may be a solution.

Brent Dreyer of 2608 152nd Ave. – He owns a farm which abuts this development. He shared pictures of the problems he has incurred as a result of the encroachment of the Timberline development. The trees have been removed along his property line. His concern is his working farm since he is considering expansion of his farm. He hopes the Township can act proactively to counter these problems.

A written communication from Joan Steinhoff was also received by the Township. She listed seven concerns: 1) lowering of the water table and introduction of mineral contaminants in well water which became unpotable. As a result the residents had to go to city water; 2) Interruption of peace and tranquility of community's rural character; 3) Increase of development affecting the rural nature of this part of the Township; 4) Negative effect on area wildlife, wooded areas, and open spaces; 5) Adverse effect of non-aesthetic homogeneity of development projects; 6) Need for mandatory fencing for lots abutting developed area to inhibit trespassing; and, 7) Crowded footprint of new development and light pollution caused by homes that are built too close together.

Pfost closed the Public Hearing at 7:50 P.M.

Pfost noted the Planning Commission's intent is to make sure the owner of the developed property complies with the Township zoning ordinances.

Planner Johnson reviewed her Staff Memo, noting the memo from de Vries highlighting the original approvals of this PUD in 2000.

She asked the Planning Commission if they wanted to discuss the change in phases.

Nestel asked if identifying the changes in phases is crucial. Should we just focus on the plat?

Martin said the phases do not present a problem; the focus should be on the plat.

Johnson reviewed the items that are missing from the Preliminary Plat drawing (1-14).

Martin noted the parcel referenced in R-3 on page 4 wasn't included as part of the original PUD.

De Vries said there has been some lot splitting and combining of that parcel since the original PUD approval.

Stuive said the parcel in question has always been a nonconforming parcel.

Martin said this parcel has always had a 66' wide access. It was always nonconforming but it lessens the nonconformity. The 4.8 acres access makes it a remainder flag lot now. It's decreasing the nonconformity by having the remainder as part of the 66' frontage. We're not creating a new lot since it's a nonconforming lot. He's unsure whether the developer can use this lot for any future purpose since it looks unusable. Could it be treated as park space since it's an unbuildable lot.

Johnson noted it's still a legally nonconforming lot.

Martin said this leaves the nonconforming lot outside the plat. It was not part of the PUD.

Stuive confirmed the lot is 4.8 acres. The total acreage of the plat is 21 acres. The current thought is to have a drive to service the lot, however, since it is outside the plat it is not a part of the plat consideration.

Vanderkolk observed this is a non-issue at this point. The Planning Commission agreed.

Regarding the sidewalk issue noted on page 4, Stuive confirmed the measurement of the average width of lots is over 100' at 101.1'. Thus, it is optional to comply with the sidewalk requirement.

Following discussion on this point, it was the consensus of the Planning Commission to not require sidewalks.

de Vries said there was a notation there wasn't to be removal of trees in the reserve area unless it was needed for the storm water system.

Stuive said there will be curbs at intersections and cul-de-sacs. The main sections of the roads will have valley gutters.

In reference to discussion of Division 4 – Improvements:

On page 5 (6) – Storm Drainage: Pfof said, based on the testimony of residents during the Public Hearing, the Planning Commission should have assurances from the Ottawa County Water Resource Commission for the storm water system and drainage issues.

de Vries said he had a call from a resident in the area who was observing less water, although some of the neighboring residents have experienced more water based on comments during the Public Hearing. Pine Creek is part of this development so perhaps the excess water may be coming from somewhere else. In his opinion, the Township should ask the Water Resources Commission to look at the situation.

Pfof agreed we should require additional information on this issue.

Vanderkolk concurred that the Water Resources Commission should provide analysis, and he suggested the Drain Commissioner should have an engineer make an assessment.

Nestel asked if the applicant pays for this assessment.

Martin said the PUD does not have an escrow account.

de Vries said the Township has an escrow account for phase #4, and will establish one for the plat.

Stuive confirmed there will be public street lighting (11) on page 6. He said the distance between street lights might be closer to 300-400' rather than the stated requirement of 500' and is established by the electric utility.

Johnson confirmed this should be shown on the site plan with the design.

Regarding (13) Street Trees: The Planning Commission agreed if we aren't requiring sidewalks this requirement should be deleted.

Martin agreed this is a moot point since sidewalks won't be required.

Pfof asked about requiring guarantees of completion of the project as referenced by Section 18-118 on page 6. What about specifying periods of time for this?

Martin said the developer doesn't have control over the economy so imposing a condition like this would be difficult.

Regarding the Reserve Area, Johnson asked if this area is intended for use by the lot owners. She requested clarification on this from the applicant

Stuive addressed this question and said there is an association that has been established with certain restrictions. They will be the same as for phase 5. It is a requirement the residents will

have use of that area within the plat and will have rights to use the park area. He said the storm water drainage and wetlands are part of the open area. With regard to access to the park, the State requires one access from a public road which is a pedestrian access. The park is platted as a private park area, not an outlet.

Martin noted that the PUD shows this. When approved in 2000, the Township approved the plan for this park with 15' off the cul-de-sac. It does not require 85' of road frontage. This site plan controls the zoning principles unless the Planning Commission specifies otherwise with other conditions.

Regarding Neighboring Farm Activity on page 7 – All deeds for all lots shall include this according to the original PUD. Vanderkolk read from the original PUD as confirmation.

In reference to permits for work on the wetlands, Stuive said the wetlands are on the map.

Pfost said the wetlands boundaries have to be delineated. We should know where the drainage area is located on the map. The flood plain is noted but not the wetlands. That is a separate delineation on the site map and should be noted.

Johnson said if the development is disturbing the wetlands that should have State approval.

Stuive said that approval comes from a separate department in the State. Approval would have to be obtained from that department.

Vanderkolk asked if this could be a condition imposed on the PUD.

Johnson said even if the State doesn't require it, the Township could require a condition on approval that the wetlands be designated.

Nestel asked for clarification if concerns about the wetlands are up to the Water Resources Commission or the Township.

Johnson said the Planning Commission has the right to see a determination by the Water Resources Commission. Johnson said the Planning Commission could condition approval based on the Water Resources Commission decision. If the condition is not met approval is denied.

DeBoer asked about the Township's position on this if the Water Resources Commission denies approval.

Johnson said that is a decision of the Planning Commission.

DeBoer said we should make it conditional.

Kleinjans asked when the lots are to be completed.

The developer replied that half of the 40 lots are reserved. In one to two years' time they should be completed. It will require three to four months to complete the infrastructure. Infrastructure has to be done by the time the permits are issued.

de Vries confirmed this was the correct process.

Pfost asked about buffering and/or screening.

Martin said looking at the plat and the PUD plan there will be two streets that will be stubbed. The agricultural land may be developed in the future but there's no buffer area. There's some reserve area next to the agricultural property but it is at a minimum.

DeBoer moved, supported by Eade, to give tentative approval with recommendation of approval by the Township Board, of the Preliminary Plat and Site Plan Approval for Timberline Acres West No. 5 PUD with the following conditions: 1) the Preliminary Plat drawing requirements ~~should~~ must be updated (1-14) minus #s 5 and 13; 2) the approval of a Maintenance and Use Agreement ; 3) the farmland statement is included in deeds for all lots; 4) the wetlands shall be delineated and the drainage ~~are~~ approved by the Water Resources Commission; 5) street lights are in compliance with public utilities requirements.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

Pfost called for a break at 9:22 P.M.

The meeting reconvened at 9:30 P.M.

C. ICK Properties LLC – Timberline West #6 Preliminary Plan

Johnson introduced this agenda item for the Timberline West #6 Preliminary Plan. This plat is part of a multi-phased PUD platted subdivision approved in 2000. The phases have been somewhat changed since 2000, but the project contains the lots and streets as originally approved.

Mr. Ike Koetje of ICK Properties proposes to develop Phase 6 of the Timberline Acres West subdivision. The proposed project is located east of 152nd Avenue approximately one quarter mile south of Riley Street.

Stuive described this proposal. Phase 6 will contain 41 single family lots to be served by public streets and public water and sanitary sewer. The phase also proposes two park areas which will be undeveloped along the south and west portions of the plat. These park areas comprise 3.4 acres. There is a 7' access into the parks. All the lots comply with the original PUD.

Nestel asked if there is anything that requires a variance, such as block size.

Johnson said a variance is necessary.

Martin explained that the PUD design is for the zoning ordinance. The platting process is for the subdivision of the land. The PUD is for the design and zoning restrictions. Lot sizes come through the zoning ordinance. The block size is not zoning - it is under subdivision rules.

PUBLIC HEARING

Pfost opened the Public Hearing at 9:40 P.M.

Travis Chambers – He spoke to the concerns with water impacting his property and the drainage problems. Where is the water being directed?

Pfost closed the Public Hearing at 9:42 P.M.

Johnson reviewed her memo regarding the Preliminary Plat requirements (1-16). She noted the missing items from the Preliminary Plat drawing and referred to the building setbacks. The minimum side yard setback is 10’.

Stuive noted an error regarding lot #~~195-179~~ references on page 2, #5.

The width of drainage easements should be noted.

With regard to #9, the plan cannot be approved unless a variance from the Subdivision Ordinance is obtained.

Martin noted that requiring a new street would mean a revision of the PUD, a new public hearing, and approval by the Township Board.

In #11, under Public Sites and Open Spaces on page 4, Johnson noted there are no access points to the park/reserve areas are provided for the lot owners.

Stuive noted the developer’s 101.5’ average width regarding the sidewalk requirement on one side. Regarding the street curve, on p. 5, the developer has to show a width of 85’. Stuive said he will confirm this. Anything less than 85” ’ has to be shown.

Martin reminded the Commissioners that the plat and variances go to the Township Board for approval. He suggested postponement for Planning Commission recommendations at this time.

DeBoer asked if the developer can fix the items and come back in February. Does the Planning Commission have to approve the plat now?

Martin said, with regard to the plat, the Planning Commission recommends, the Township approves. The Planning Commission recommends to grant any variances and approve the plat. In his opinion, any action should be postponed until the next regular meeting in February.

The Planning Commission discussed a delay of 30 days. There will also be a public hearing so with the required public notice the time period could extend to 60 days.

Stuive agreed to the delay.

Martin noted the applicant has agreed for an extension of 30 days up to 90 days. There should be a motion for postponement on the Preliminary Plat until the next regular meeting.

DeBoer moved, supported by Eade, to postpone action on the plat request until the next regular meeting.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

Stuive asked about variances being heard by the Planning Commission and not the Zoning Board of Appeals.

Martin said the Zoning Board of Appeals deals with the zoning ordinance. This is a subdivision ordinance so this is an exception.

Pfost asked that a copy of Joan Steinhoff's comment letter be a part of the record.

ANNOUNCEMENTS

The Planning Commission's Special Meeting will be February 14, 2017.

The meeting will cover the PUD ordinance and the Special Use ordinance.

Martin noted that it will be necessary to have a public hearing on the PUD ordinance with 15 days advance publication.

PUBLIC COMMENT

Pfost opened Public Comment at 10:00 P.M.

There was none.

Pfost closed Public Comment at 10:01 P.M.

ADJOURNMENT

Nestel moved, supported by Eade, to adjourn the meeting at 10:04 P.M.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
January 19, 2017

Approved: February 14, 2017