

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
February 13, 2019
6:30 P.M.

CALL TO ORDER:

Vice-Chair Ervine 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: Terry DeHaan, Dennis Eade, Rosemary Ervine, David Kleinjans, Denise Nestel

Absent: Diana Garlinghouse, Jeff Pfost

Staff: Greg Ransford, Planner, Dan Martin, Legal Counsel

APPROVAL OF AGENDA:

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

Voice Vote:

Ayes 5, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Kleinjans had two corrections in the minutes on pages 5 and 8.

Motion by Eade, supported by DeHaan, to approve the January 9, 2019 Regular Meeting Minutes as corrected.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

New Business

Public Hearings

A – Master Plan Amendment – Chapter 4 - Community Agenda (Macatawa Park)...

Ransford gave a brief history behind this proposal. The Master Plan has identified several environmental needs for this area. The Township has conducted the process of public workshops regarding adoption of language for the Macatawa Park area and, as a result, an overlay for Macatawa Park was recently approved. The goal was to address future improvements without compromising what is already there. The language in the Master Plan is specific to these developments which are consistent with the existing density. We identified how components in the language can be regulated going forward. This is the final step in the process. Modifications can be made based on public comment. The Township received two letters: one from the Ottawa County Planning Department and the Macatawa Area Coordinating Council.

PUBLIC HEARING

Ervine opened the Public Hearing at 6:35 P.M.

There was no comment.

Ervine closed the Public Hearing at 6:35 P.M.

Ransford noted that Martin had prepared a resolution which was copied to the Planning Commission in the meeting packet. The motion should reference the resolution.

Kleinjans moved, supported by Eade, to adopt the Master Plan amendment that pertains to the Macatawa Park NHP area, as presented to the public on February 13, 2019.

Roll Call Vote:

Eade, aye; Kleinjans, aye; Ervine, aye; DeHaan, aye; Nestel, aye.

Ayes 5, Nays 0. Resolution approved.

(A copy of the Resolution is attached to the minutes for the record.)

B – Zoning Map Amendment (rezoning) Request – Steve Grassmid seeks to rezone the 1.24 acre property at the corner of Butternut Drive and 148th Avenue, parcel #70-15-12-300-010 from R-4 Medium Density One and Two Family Residence District to R-5 Low Density Multiple Family Residence District

Ransford explained the applicant is requesting to rezone the property. In terms of future construction on the property the Planning Commission should look at what is possible in the R-5 district including consideration of land use, traffic impact, the zoning plan and Master Plan guidelines.

Grassmid explained his plans. He has no definitive site plan yet. He and his partner have constructed other projects with the objective of building townhouse rentals to look like upper end condos. The units are usually 2-3 bedrooms in size. He would prefer to build the townhomes rather than duplexes, therefore, the reason for the zoning change request.

PUBLIC COMMENT

Ervine opened Public Comment at 6:40 P.M.

Suzanne DeVries-Zimmerman submitted a letter to the Planning Commission from her and Jean DeVries outlining their reasons for opposition to the proposed zoning change. She noted the proposed building of multiple family housing is directly abutted on three sides by single family homes. It is her opinion that this request is inconsistent with the Master Plan and fails to meet the criteria and standards set by the Township's Code of Ordinances.

Ervine closed Public Comment at 6:50 P.M.

Nestel asked Ransford if 11 units had been originally proposed for this proposal.

Ransford said that was correct.

Grassmid said he submitted a footprint that replicated what he and his partner built in Zeeland.

Martin cautioned that with regard to conditional rezoning there is no guarantee that would be done.

Ransford said the only difference in the application is the request for multi-family use. He pointed out that R-4 allows single family and duplex development and R-5 adds multiple family use.

Kleinjans asked about language on page 65 in the Master Plan. There is a note about "several lots have been added." Is this one of those lots? Is this referring to a multi-family designation?

Ransford said the reference is to the land south of Butternut Drive. This property is north.

Kleinjans said he recalled the Planning Commission said it would benefit the developer but it didn't fit in with the development plans of the Township.

Nestel said if we rezone this property this would not limit the developer with regard to his plans.

DeHaan asked the applicant if he would be able to reduce the number of driveways accessing the main roadway on Butternut.

Grassmid said he would plan on one driveway going onto Butternut and one to the left off 148th.

DeHaan asked about the number of units on this size of property.

Ransford said according to R-5 regulations, the rule is one unit per 4500 square feet.

Dehaan said he didn't think density is the issue in this case.

Kleinjans said if we rezone it the developer can do what he wants. They will put in 11 because the zoning allows that.

Nestel would like to review the Planning Commission's reasoning when this rule was adopted.

Dan Treffers, Grassmid's partner, said they are at the proposal stage. He understands Park Township needs affordable townhouse housing. He could build two duplexes since he and his partner want to play by the rules. They want to build what will fit into the Township. He asked why the Master Plan says it should be zoned R-5.

Martin clarified the Master Plan does not say it should be zoned R-4 or R-5. The Master Plan states High Density Residential which could refer to either zoning district. In this case, the property is currently zoned R-4.

Nestel suggested the applicant might want to contact Ryan Kirkpatrick, Director of State Housing Planning, who is charged with affordable housing plans.

Ervin asked about the reference in the 2017 minutes regarding a zoning request.

Martin said the Township Board minutes in 2017 reflect that the Planning Commission determined the request did not meet the standards and voted 10/0 to decline the zoning request.

Ransford said in the Master Plan, eight units are allowed per 4500 square feet.

Kleinjans said we don't want to set a precedent for the rezoning in this particular case.

DeHaan said six units are better than four since we are trying to provide affordable housing in the Township. In his opinion, it's a positive move for the Township.

Nestel asked Martin if it was a good idea to request more information on the past decision by the Planning Commission.

Martin recommended postponing action until we can research the rationale in the past minutes. We can look at it and decide if it still makes sense. This was two years ago, closer to deliberations and approval of the Master Plan. For future decision-making, the Planning Commission will make a recommendation to the Township Board. The Township Board may agree or disagree with the Planning Commission.

Ervine said this could be postponed until the second meeting this month of the Planning Commission, or it could be placed on the March agenda of the Planning Commission.

Eade moved, supported by Kleinjans, to postpone action on this request.

Roll Call Vote:

Eade, aye; Kleinjans, aye; Ervine, aye; DeHaan, aye; Nestel, aye.

Ayes, 5; Nays, 0. Motion carried.

The applicant asked if he could submit a specific number of units.

Martin said the Township cannot require this, however, if the applicant wants to submit a condition in writing the Planning Commission will consider it.

Site Plans

- A. Kin Coffee and Craft House** – 1200 Ottawa Beach Road. Applicant seeks site plan approval for a coffee shop and upstairs apartment within the C-1 Neighborhood Business District

Ransford said the applicant has submitted the request for site plan approval. The Township recently adopted language amending permitted uses in the C-1 district to allow a second story apartment use. The site plan outlines parking and loading areas. There are a number of items for the Planning Commission to deliberate. There are questions regarding the lack of greenbelt on the west side of property, snow removal, elevations for the proposed renovated deck, dumpster location, signage, and easements.

He added that this is a proposal to be conditionally approved or denied by the Planning Commission. The Planning Commission can grant approval or advise postponement until certain items are addressed. He noted that the fire chief didn't receive a copy of the plans. Ransford said this would be a condition until the fire chief could review the plans.

Rob Postema, representing the applicant, shared a handout of the site plan with the Planning Commission. He understood the nonconformities on the site would be grandfathered. One

concern was the location of the dumpster and the other is the loading space. These proposed locations are noted on the site plan he shared with the Commissioners. He addressed the reference to the snow storage area. It doesn't have to be stored on the west property line as there is other space on the property for this.

They intend to repair the existing deck so it's accessible to wheel chair clients. The restoration will be in place.

The bike path has been completed up to the driveway. The easement is non-exclusive which allows the owner to use the easement. The former property owner was granted the easement for the sign and the Township agreed to build the bike path. The permit was issued. The existing parking space will remain although it is in the easement. It is a site with a nonconforming structure. The applicant will correct the parking space problem.

Ervine asked Ransford if the Planning Commission should look at anything specific.

Ransford said the dumpster accessibility issue is solved with the new proposal. No parking space is in front of it with the new change. The loading area is resolved. There may be a problem with some variances but that's not the purview of the Planning Commission.

Kleinjans observed that some questions might have to go to the Zoning Board of Appeals.

Ransford asked for the intended opening time for operation.

The applicant said 6:30 A.M. After hours the loading zone may not be a problem.

Ransford deferred to Martin for his advice about the easement and the construction of the bike path.

Kleinjans asked if Martin can review the application.

Martin said he will be happy to look at the nonconforming use. The applicant is changing the use. What is permitted by right in the existing zoning district the applicant is changing the use of the nonconforming structure. When reviewing the site plan there are some things that can be done to bring it in conformity. Regarding the bike path, the owner can use the easement within reason. It gives the Township the right to have the easement for the purpose intended, but the Township doesn't have to build the path. The Township has the authority but not the obligation to build the bike path.

Kleinjans noted there are several questions that need answers. He wanted the staff to review it now that they have a copy of the site plan. He doesn't want to have a list of conditions.

Kleinjans moved, supported by DeHaan, to postpone this request until the staff can review the new site plan information.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Nestel asked that Martin be part of the review regarding the legal questions on the site plan.

Ervine said this will be a March agenda item.

B. S-2 Yachts Planned Unit Development Language Inquiry – Applicant seeks understanding of intent of the two (2) acre contiguous minimum for a PUD.

Ervine noted that this request is for clarification of a definition. It is not a PUD.

Ransford introduced the item. There is no application yet or a formal process. The applicant is asking what is the intent of the PUD when the language was drafted. As the language requirement states currently, these two properties are not contiguous so they do not qualify for a PUD application. Is this what was intended is the question for the Planning Commission.

Nestel said it is more complicated in her opinion.

Martin said the issue is: can the applicant amend the existing PUD of S-2 Yachts to add the property to the south that is or is not contiguous. When a property does not have a common boundary line because a street separates the two properties and they do not have the center line of the road where they touch - is that contiguous, which would allow them to apply for an amendment or not, or in which case they cannot have the amendment in the PUD.

Nestel said the PUD ordinance specifically says it would have to be resubmitted as a PUD.

Martin said what the applicant is asking is different compared to the former discussion about a minor amendment. In this case the applicant would have to amend the PUD. In order to have the eligibility for a PUD we need two contiguous acres. The S-2 Yachts is not two acres. The property to the south is not. They are asking if they can bring in the property to the south to the S-2 Yachts property. The ordinance says they have to be contiguous. The bigger issue is: is that property contiguous? The ordinance defines contiguous as “to abut or adjoin another property by sharing a portion....

Because the way the road is platted in this case, there is not a common boundary line.

Martin explained that the ordinance says the properties must touch and have a common boundary line. If it is the intent to allow properties in a PUD, even if they are bifurcated by a road, then you would have to amend the language to clarify the definition. Now, as defined, they have to touch.

In private subdivisions lots and roads are platted. You could own property to the center line of the street. There is a public easement that goes over the road even though there is a road there. Because this is a platted subdivision there is no common boundary line.

Bill Sikkel spoke to the request as attorney for the client. He described the two properties in question: $\frac{3}{4}$ of acre to the north and the $1\frac{1}{4}$ acre property to the south. To add these two properties to the PUD would make the minimal requirement of two acres. In this example you have properties across the street from one another. He is looking for guidance if they are allowed to add the additional land. This is the first step. The existing property is 1 acre – they would be adding another 1 acre.

Nestel recalled that the Planning Commission was clear that any PUD change would have to have an amendment.

Ervine said we have to determine if the language is what we intended, or do we consider the need for an amendment in this case.

Nestel said the Planning Commission should consider the language “as written.”

Kleinjans asked documentation can be located on the past decision. It was his opinion that if we allow this we are opening doors that we don’t want to open.

Nestel asked what was the intent of the statute.

DeHaan said we could modify it – we have the option.

Nestel agreed that the Planning Commission has to discuss this, otherwise we are opening the door.

Eade said the PUD was approved with the requirement that the parcels must be contiguous. However, although we approved the PUD ordinance, do we deny an opportunity in adding a property separated by a road?

Martin noted after Covenant was approved we put a moratorium on PUDs to consider this because of the situation on Wisteria Road in that PUD. That’s why we have the continuity piece now. If the Planning Commission wants to change it you have the authority to do it. The future process is to draft a change if you want it, schedule a public hearing, and then submit a recommendation to the Township Board for its approval or denial.

Nestel recommended denial of the request.

Kleinjans requested additional information.

Ransford recalled the intent in the PUD ordinance was that properties must be contiguous, so we need to verify that was how we interpreted it.

Ervine said the question is: What did we intend? We need to look at this again.

Martin said that makes sense. If the applicant wants to appeal, they could do so at a future date based on our review and interpretation of the PUD ordinance requirement.

Nestel moved, supported by DeHaan, that the Planning Commission agreed to not change the intent of the PUD requirement for contiguous property at this time.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

PUBLIC COMMENT

Ervine opened Public Comment at 8:24 P.M.

Suzanne DeVries-Zimmerman responded to Grassmid's request. She said the Planning Commission is obligated by its ordinance regarding zoning. It is not obligated to rely on promises by a developer. It's about the Planning Commission following the law.

Grassmid asked to meet with Ransford and Martin after the meeting to set up a meeting regarding his request.

Karen Padnos asked about the time frame for posting the agenda information for Planning Commission meeting. She observed that the information items were late for this meeting.

Martin said there is no legal requirement for provision of agenda information. It is a courtesy practice of the Township to try to accommodate the meeting deadline for public information. Notice of the meeting, however, has to be posted.

Fink said by general practice the Township tries to post the agenda a week ahead of the meeting.

Ervine closed Public Comment at 8:34 P.M.

ANNOUNCEMENTS

Kleinjans provided an update on the special committee for the tree preservation ordinance. – The committee has formulated a vision statement with goals and specific steps for consideration. These include the trees, new building developments, the tree canopy and number of trees, and establishing a non-Board committee with public representation. The final outcome will be a Planning Commission decision.

The next meeting date is February 25, 2019.

ADJOURNMENT

Ervine moved, supported by Eade, to adjourn the Regular Meeting at 8:36 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith R. Hemwall
Recording Secretary
February 15, 2019

Approved: February 25, 2019