

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49424

Special Meeting
February 25, 2019
6:30 P.M.

CALL TO ORDER:

Chair Pfof called to order the special 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, Dennis Eade, Rosemary Ervine, David Kleinjans, Denise Nestel,

Absent: Diana Garlinghouse, Terry DeHaan

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

APPROVAL OF AGENDA:

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

Voice Vote:

Ayes 5, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Kleinjans noted two corrections on pages 8 and 10 respectively.

Motion by Ervine, supported by Kleinjans, to approve the February 13, 2019 Regular Meeting Minutes as corrected.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Chairperson Pfof noted that the first order of business is the Reserve on Lake Macatawa Planned Unit Development Final Plan. Chairperson Pfof asked Dan Martin to explain the need for a formal public hearing at the regular meeting of the Planning Commission in March.

Legal Counsel Dan Martin explained that the notice for the public hearing for The Reserve PUD agenda item for this meeting did not include all of the existing street addresses for the property subject to the PUD, which is required for the notice as mandated by the Zoning Enabling Act. Therefore, the notice has been republished and mailed for the public hearing will be held on March 13, 2019. The Planning Commission can take public comment on the PUD at tonight's meeting with an informal public hearing, and it will be considered part of the record for the PUD, but the official public hearing before the Planning Commission will be held next month at the Planning Commission's regular meeting.

New Business

Public Hearings

A – The Reserve on Lake Macatawa – Planned Unit Development Final Plan

The applicant seeks to build 86 residential units consisting of 46 single-family condominium units and 20 duplex condominium units at 186 South Division Avenue. The proposed project will include a pool, clubhouse, pathways, open space and related site improvements.

Ransford introduced the item. The applicant appeared before the Planning Commission on November 14, 2018 for a preliminary plan review and has returned with the final PUD. The applicant has addressed the items the Planning Commission had concerns about. They have removed the bottom lands from the final development plan. It doesn't affect the overall density permitted by the zoning ordinance. A stairway access to the water has been included. The original entry drive islands, one on the east side and one on the west side of the 1.2 acre park, have been removed. The cul-de-sac at units 47 and 48 has been removed to provide more open space. The proposed exterior light fixtures will contain light within the site but are identified as "conceptual." No action is necessary at this meeting but a list of conditions is included in the agenda packet for the Planning Commission's review and consideration.

The applicant, Peter Engles, President of Covenant Development, provided an overview of the proposed PUD. He noted they have reached out to over 90 residents in the community and, as a result, have addressed some concerns based on their feedback. He described the plan for a zero step design for the development and provided the rationale for the need for additional quality senior housing in Park Township. The PUD will have a clubhouse, fitness center, pool and community living room with fireplace.

Jason Vander Kodde of Fishbeck, engineer for the development, reviewed the engineering components of the preliminary PUD plan, the revisions that have been made, and the existing features of the final plan. It is a 39 acre site. It has over 2800 feet of road frontage and 1235

feet along Division Avenue, 1520 along Wisteria Road, and 86' along Hazelwood Street. The site has full public utility service and access from three public streets. The public utility system has adequate capacity for this development.

Mr. VanderKodde stated that the Township confirmed that the zoning ordinance formula for density allows 99 units. The proposed 86 units are well below the permitted density number. As allowed by the Master Plan, the Master Plan provided guidelines for clustered homes and open space. As requested by the Planning Commission, the developer has made the following changes to the preliminary design: 1) The public pathway previously proposed along the northern boundary in the old town area has been removed from the PUD plan and will be left as a tree preservation area; 2) The tree preservation areas have been better defined with clear delineation and they submitted a survey document describing the 7.9 acres of tree preservation which was approved by the Township Engineer; 3) They have included a legal declaration of restricted covenants regarding the tree preservation areas. This document prohibits tree removal in these areas without prior Township written consent; 4) Comprehensive plans have been provided describing the landscaped areas and materials for the homes, clubhouse, entry and the parks; 5) The landscape design drawings have been revised; 6) There is a more detailed engineering design for the storm water management system including details for the catch systems and pipe trenches. The system exceeds R-3 subdivision design requirements and eliminates unfiltered storm water runoff from discharging into Lake Macatawa. It provides a high quality of water provided by an underground filtering system; and, 7) The Ottawa County Water Resources Commissioner has reviewed and approved the proposed storm water system to ensure compliance with their standards and that tree removal won't be required for the excavation of a storm basin. Thus, the final PUD development plan is presented for review by the Planning Commission.

Dave Caldon of Varnum Law Firm and Legal Counsel for Covenant described the key benefits of The Reserve. 1) The Reserve will provide setbacks from adjacent homes that are more than required by current zoning; 2) The Reserve provides sufficient vegetative screening and buffering along the property boundaries to ensure privacy; 3) The Reserve provides clustering to ensure tree preservation along the perimeter of the property; 4) The Reserve creates use restrictions on boats with ownership restrictions. There will be no boat ownership by a non-occupant of the PUD. No jet skis will be allowed; 5) There will be public access to the lake as provided by the Master Plan and the developer will construct a public walkway along Wisteria Drive to allow public access; 6) The Reserve will provide one service provider for trash service, snow removal and general maintenance which will reduce traffic in the neighborhood; 7) A related benefit ensures professional landscaping is maintained year-round; 8) The Reserve has eliminated one additional public street connection to adjacent neighborhoods; 9) The Reserve will meet zero step design and will average 1.6 persons per household 10) With less demographic and fewer residents there will be less traffic – most residents are retired, which reduces traffic during peak hours; 11) Consistent with the Master Plan The Reserve will create a 1.2 acre park, pool, fitness center, zero step and handicap access to the water; 12) The public park at the corner of Wisteria Drive and Division Avenue will feature a pocket park with benches, will be maintained by the association, and allow residents a non-motorized accessible

place for rest and relaxation; 13) The developer has removed three existing drives from Division Avenue to reduce traffic; 14) The Reserve proposes deed restrictions such as preventing short term rentals and the numbers and types of pets allowed; 15) The Reserve offers a broad range of price points and appealing home designs; 16) The Reserve provides a single story design that blend in with environment; 17) The Reserve ensures noise impact will be lessened with restrictions on certain recreational items; 18) The Reserve creates recreational amenities to meet Master Plan goals.

Covenant has solicited public comment and requests discussion with the Planning Commission regarding alternatives. These include the following: Hazelwood Drive shoreline conditions; Covenant intends to preserve trees, enhance the use of the lake and has studied tree preservation and developed a plan working with an arborist. They determined guaranteed tree preservation to remove homes and place the drive back from the lake. This will result in a larger setback from the lake. The trees that will be preserved are mature and average 24". Regarding boating and water sports on Pine Creek Bay, they agree they won't apply for more than 48 boat slips. He described the rationale for the number. This is in alignment with other communities on the lake. They looked at Baywoodlands which allowed 48 slips, and Count's Cove which also allowed 48 slips. This is the same or better than other communities. This can be a condition of approval for a maximum of 48 boat slips. This includes deletion of one unit and the preservation of trees along the lakefront.

Pfost asked if, with the alternative site plan, The Reserve would be reduced from 86 to 85 units.

Engles said it would.

Kleinjans asked about the size of boat slips.

Engles replied the size will be from 30' to 36'.

PUBLIC HEARING

Pfost opened the Public Hearing at 7:12 P.M. Pfost asked residents to keep comments to a maximum of three minutes. Ransford served as the timekeeper.

Brad Wagner said the development doesn't affect him, however the 48 boat slips at 30-36' does bother him. Every boat has to go past his property. He has to tolerate that boat traffic and, considering the lake level, with that excessive traffic this will create more erosion.

Mary Mooi lives across from the proposed development and has concern about the impact on the seawalls, lake, lights from the development, traffic, and the land. She added that no one asked for her input. She has received no letters until a month ago.

Ivan Wickens questioned the size of the boat slips since the average depth of the lake is 5-6' - how can you accommodate a 35-36' boat? They will be dredging in that area which is a concern.

Tyson DeJonge has lived on Wisteria Road for a number of years. His grandparents lived there for 50 years. He showed pictures where trees have been removed. He took pictures before they were removed. The neighbors were shocked at the number of the trees removed. He is concerned for the turtles and ducks not to mention the cattails and other vegetation natural to the area. He has a problem when the developer says one thing and does another. He urged the Township to mark every tree and get it nailed down as to what happens! This is the most quiet part of the lake. Another marina and the additional number of boats will ruin this bay.

Alice Ward and her husband have lived in the community for 12 years and spend a lot of time on the water. Blue heron and eagles are a concern. This will mean a lot of lake traffic and will impact shoreline habitat for birds and other animals. The water is shallow in this area with no room for a 30' or 36' boat. The depth varies but is usually very shallow and there is no room for the draft from these boats.

George Ward expanded on his wife's comments. He can't imagine getting a 36' boat into that area because of the shallow water when the level goes down. There is an issue of shoreline erosion. The wakes of boats have already created a negative impact. The development as pictured will negatively affect wildlife.

Karen Kohlrus is a resident of the Villas and has been a Park Township resident for 25 years. There were not many options when she and her husband considered a move a year ago. She encouraged people to look at the Villas. They kayak on the lake. They have never been part of a PUD but she said Covenant is an organization of integrity. Her experience with this developer has been positive.

Chuck Kohlrus downsized from a home to a condo and moved to the Villas. The move has met his and his wife's expectations. Covenant research what they are doing. The Villas sold out so quickly they are trying to meet demand.

Jon Einberger said he is probably the oldest resident in neighborhood. He has lived there over 30 years at the north side of development. Who will maintain the tree area near his property?

John Karsten lives on Division Avenue and is impressed with the Villas. He pointed out it is not Division Street.

Dave Barnett lives on South Division and has been there for 34 years. He would like to see a greater setback from the road in this development.

Terry Gruppen said The Reserve presentation is not based on fact. Where he lives there will be a significant negative impact of more boat traffic on Pine Creek Bay. In fact the residents had a

meeting with DNR last year regarding the wake problems from boats. There is an impact with recent development and adding 48 more boats will make it the wake problems even worse.

Martha Van Nyhuis lives on Wisteria Drive and asked for clarification from the developers. When they first built the Villas, to get capacity, they added the 5 acres. Is it dual ownership? She is concerned about the trees in that section since it is the view from her home.

Stephen Kryzonsen said this development will be in his backyard. What will happen to that 5 acres of land?

Jeff Whitcomb said his property abuts the Villas. They have been good neighbors but it has been a change for the neighborhood. This new development will be more change. The development offers amenities but looking at Pine Creek Bay, one of few parts of the lake allowing water sports, wildlife is a major concern going forward. He is concerned for the homeowners in that area because of the impact of this development.

Denny Owen said this project is in his back yard. The property has a colorful history. He reviewed the density options and understood the five acres were designated not to be disturbed. 86 units are too dense for that area. They say the natural area is part of the plan so he hopes it's not like the formerly designated area that was supposed to be natural. He is concerned with Ottawa Beach Road and Division which is a dangerous intersection in the area. Site visibility is poor looking to the west. Adding more vehicles will make it worse. He has observed that density on OBR is increasing with condo projects which add to more traffic.

John Frenndt lives in the first house near this development. He sent a letter to the Township opposing this project. Is increasing the buffer zone the best that can be done? It's a dense development – 72 units might be doable but 86 is too dense. Why should that neighborhood of single homes be changed for this dense development?

Bill Hoekstra lives about three houses from development. He has a problem with this site. The character of that land will not be maintained. His greatest concern is with the boat slip area and the impact on the water. The density is far in excess than what should be tolerated. The tiered plan of the units will be similar to a Spyglass look. This will change the character of Pine Creek Bay because it is so unique.

Tressa Mills lives in Baywoodlands. Boat density is a concern. She lived in Count's Cove for 27 years. Now she lives across from this development. It is a nice area for kayakers but not boats of the proposed size.

Ted Vogel wrote a letter. He is 500-700' across the Bay. The boat docks at the Villas are too many, and this marina will be beyond that. Big Bay is zoned commercial but Pine Creek Bay is a small private bay. It can't accommodate this size of marina. The real driver here is what's going on with the way this property will be developed which will impact the natural contour of the

land because there is a massive earth-moving operation. From the current bank, 350' out, they will fill in to create tiers of condos. The developer is selling the view.

Bethany Vogel said she feels as if there is some deception going on. It was clear cut of trees at the Villas and she is concerned the same thing is going on with this development. To use that 5 acre parcel again as part of the developer's tree preservation plan is disingenuous. The residents in the area will be looking at a wall of houses. That shouldn't happen to the people who have lived there for 20-30 years.

Jeff Meyer said he is President of the Baywoodlands Association. He submitted a petition from 32 of the 44 Association residents. There are four points on the petition. The major concern is in regard to the proposed marina by the developer. The Association proposes 20 slips which is reasonable - 48 is unreasonable. 20 slips should be a condition. The typical number of boats for their association is about 12 boats. Putting 48 boats on a smaller lake frontage is unrealistic.

Marco Rios lives in the community and he is surprised at this development and the lack of communication from the developer. He got a letter but no dialogue regarding what was happening in his backyard. He wants to see more details on how the finished product will look. Density will be too high with 86 units. He is concerned about the impact on the beauty and value of the area.

Barbara Francis was concerned about the boat traffic on the Bay, the wetlands at the north end of the Bay, the runoff into the Bay, no collection pond for salt from the roads, the upset of balance in the lake, algae runoff, grasses being undermined along the shoreline, the loss of natural shoreline, and the egrets, eagles, and herons which will be seriously affected.

David Bean mailed a letter and an e-mail to the Township detailing additional concerns. The density of this project is much more than what should be. There is concern for the waterfront trees. Retaining these trees needs to be a priority. At the very least, 40% of the old growth trees along the waterfront should be kept and a 50 yard area retained between the water and where the development begins. And, 20% of the smaller trees should be kept for continued growth. Finally, the developer should post a bond so any excess trees that are removed will be paid for by a fine, e.g. \$1500 per tree. The 48 slip marina is excessive and poses a danger to kayakers and rafters. He recommended the Planning Commission deny the PUD site plan until all these concerns are addressed.

Mike Ward is part of the Baywoodlands Association. He supports the residents in this area. supports other residents. With regard to the nature of this development, this is a tree laden wooded park-like and welcoming atmosphere. This development is over dense and doesn't fit the criteria of the population there. He makes his living by boat and has worked for 40 years. This bay is 500'-700' feet across and a dock will extend to about 200" which will allow little room for recreation. He is concerned about the seawall and wave abatement, effects on recreation, the wave impact of too many boats, and how will this development negatively impact this bay.

Deb Kiekoover lives in Baywoodlands and sent an e-mail to the Township. She has lived in Park Township for 50 years. They will sell the view of the Bay and what will the current residents look at? The residents appreciate the view and the wildlife and hope the developer appreciates the residents' point of view – those who have lived there for years.

Deborah Vliet grew up near Gull lake and watched how it changed. It was a quiet and peaceful lake with a lot of wildlife. Once there was a public access allowed it changed the lake. The developers said there would little impact. That wasn't what happened. This little bay is too small to accommodate all this development. She definitely is against this proposal!

Mary Hemenway's home borders this property. She sent a letter expressing her concerns. She is concerned about what will happen to the wetlands and the negative impact by additional boats and the subsequent erosion. There is already erosion occurring. This means a lot more traffic. There is 20' between her property and this project. It will affect the resale value of her property. She noted she has not talked with the developer.

Caldon addressed the residents' comments. He said Covenant will own the 5 acres and the condo association will manage it. It's not used for density as part of this project. He has worked with Covenant for 15 years and the developer works hard to provide buffering and landscape needs. With regard to the development resembling Spyglass which is a 4 story building, the proposed units are 1 to 1 ½ story buildings with low density. Regarding the wetlands, he clarified the concerns about drainage. They aren't proposing retention basins since they require the additional loss of trees. They use a storm water percolation filtering system. Regarding the density concerns: it is the zoning ordinance which dictates this. If the Planning Commission likes the proposal the units are clustered to provide open space. Regarding docks being too long, he noted the Army Corps of Engineers makes sure there is no negative impact so the developer will abide by their decision. The developer will agree to a limit. They have a right to use the lake and feel it's a reasonable number. The number of 20 is too low in their opinion.

Pfost closed the Public Hearing at 8:35 P.M.

Pfost said there will not be deliberation tonight on this topic and asked for the Commissioners' comments.

Martin noted the applicant will be returning to the Planning Commission for a public hearing at the March meeting so discussion of the proposed modifications could be held at the next meeting, or it's possible the developer would incorporate some of the concerns raised by the Planning Commission tonight into a revised final plan that would be considered at the next meeting.

Eade said moving the units back from the waterfront will be of benefit along with deleting one unit.

Kleinjans said this proposed change will be an improvement. He asked what will be gained by moving the setback.

Caldon said it would be about 70'-190' overall along the lakeshore.

Vander Kodde said there will be two banks so there is a secondary shelf above the flood plain so it will take place outside of the flood plain.

Nestel asked for clarification: what is the building height? How much will the existing grade be changed? Will there be fill?

Engles said the height will be a story and a half.

Vander Kodde said each unit has a different grade, but on the average it will be 3'-5' along the waterfront.

Nestel asked if the buildings will be terraced.

Vander Kodde said the lower level on the waterfront and the secondary bank will be higher. Building on the second and third rows will be engineered to be positioned between homes on lower levels rather than above them.

Nestel asked about raising the grade levels. She also asked about the wetlands. She saw no map showing their location.

Vander Kodde said there will be a terraced level. He said a biologist evaluated the wetland line which is essentially the same as the 100 year flood plain line.

Nestel asked about the corner park that is proposed as a public amenity.

Caldon said there are two public amenities that are proposed. The connection to the Township trail system at the end of Wisteria, and the public park connecting the trail system and the new walkway to be constructed. He said the residents in the area walk a lot and now there is no walkway from Division to the road end zone. The developer proposes to build the pathway.

Kleinjans said his major concern is about the trees. His second concern is whether changes to the topography are consistent with the Master Plan goals and the PUD ordinance. Are we fulfilling our goals in this plan? A further concern is with fill at the NW corner and South corner on raising the property in relation to a neighboring property. There are still issues with the number of boats and the impact on the bay.

Ervine had concerns regarding the terracing of units. She wanted clarification about the ownership and restrictions on the five acres within The Reserve that was included within the Villas PUD.

Caldon said it will be zoned in the Villas PUD with the restriction as a no-build area, but is considered property of the Reserve with additional restrictions in the Reserve PUD, in particular as a tree preservation area. As part of The Reserve it will be owned, subject to the restrictions proposed, and will be reserved as part of the Association.

Nestel said Legal Counsel should look into this. This property has too many questions associated with it.

Caldon said this was never owned by the Villas, rather it will be part of the condo project of The Reserve.

Martin explained that the 5 acre parcel in question, which was included within the Villas PUD, is owned by Holly Cheff or her trust. The Cheff Trust owned the land that was sold to Covenant Development for the Villas PUD, and when the 5 acres was added to the Villas PUD, all of the property was under common ownership by the Cheff Trust, and the Cheff Trust did not sell that 5 acre parcel to Covenant at that time. Now, the Cheff Trust is seeking to sell the property north of Wisteria, including the 5 acre portion that was included in the Villas PUD, to Covenant Development, under a new LLC, for The Reserve. Title to the 5-acre parcel was not previously sold or granted to the Covenant Development LLC for the Villas, but will be sold and granted to the new Covenant Development LLC for The Reserve.

Ervine emphasized the importance of the trees and mentioned the work the Planning Commission is doing on tree preservation. She also has a concern regarding boating traffic which is an important consideration. The density of the property is another concern.

Engles asked for help from the Planning Commission on what the appropriate number of boat slips should be. It is apparent the residents feel that 48 is too high. However, he feels that 20 is too low. He stated there is no ordinance provision that helps him figure this out. He asked, what is a fair amount for the number of boat slips?

Pfost said the Planning Commission must consider the impact on Pine Creek Bay, but ~~declined to give him an exact number~~ suggested the number of 20 for their consideration.

Ervine said the size of the boats and the length of the docks in that section of the lake are concerning because it is so shallow.

Pfost said he appreciated the applicant's willingness to consider negotiating these important points.

Kleinjans asked about the calculations regarding the number of boat slips.

Caldon noted the number 48 is the number allowed by the Township zoning ordinance. He explained how he came up with 48, which is the proposed maximum allowed on the property.

He looked at what was permitted across the bay. He added that MDEQ may not agree with this number.

Nestel said when the Planning Commission worked on the Master Plan there was a density number determined for Macatawa Bay. She asked to speak with the Staff Planner regarding this.

Engles said they will submit a new proposal regarding a new boat slip number.

Pfost said they like the proposal to preserve the trees.

Engles said they will provide the landscaping plan in detail and added the height of the first row is the same as the homes to the north.

Kleinjans asked for the buffering plan for the home to the north of the Reserve property.

Ervine asked about the density because of the traffic concerns. She encouraged the developer to look at this because of the concerns of the residents.

Pfost asked the applicant to discuss with staff the calculations regarding the number of units. The Planning Commission will make a recommendation to the Township Board. The Township Board will make the final decision.

Pfost requested a brief recess.

Nestel moved, supported by Kleinjans, to recess the meeting at 9:10 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Ervine moved, supported by Kleinjans, to reconvene at 9:27 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

B – Coastal Condominiums – Planned Unit Development Final Plan

The applicant seeks to build two self-storage condominium buildings containing 10 units and four single-family residential condominium units. The project is located on Ottawa Beach Road, east of 152nd Avenue within parcel numbers 70-15-25-160-049, 70-15-25-160- 029, and 70-15-25-160-051.

Parcels -049 and -029 are located within the Neighborhood Business District (C-1). Parcel -051 is located within the Low Density Residential District (R-3). The proposed storage units are planned to be located within the properties zoned C-1 and the residential units are proposed to be located within the property zoned R-3. The Preliminary Plan review was in September 2018.

Ransford introduced the item. The applicant has addressed the five items proposed by the Planning Commission after the Preliminary Plan review.

Todd Sneller, applicant, representing Dirkse Capital Management, spoke to his request. He said he implemented the Planning Commission's recommendations regarding the windows, green space, open space, and fire approval from the Ottawa County Water Resource Commission. He emphasized these are private units. There will be more of a buffer from the neighboring properties and there will be bylaws governed by a condo association.

PUBLIC HEARING

Pfost opened the Public Hearing at 9:33 P.M.

Ivan Wickens agreed with the improvements. This will be a positive improvement for the commercial and residential zoning of this property. He asked if the road coming off Ottawa Beach Road that will be shared. What's to stop someone clearing the green space. He would like to see restrictions established ahead of time so the trees won't be clear cut.

Deborah Vliet was also concerned about the preservation of the trees, the quietness for the neighborhood, and asked if more storage units were necessary on Ottawa Beach Road. Waukazoo Woods is a quiet residential neighborhood and this development will change it.

Marjo Petroelje said this development will be in her backyard. She disagreed with the rezoning. She is concerned about chemicals used to clean boats and the resulting polluted water runoff. The residential units and boat storage are a strange combination. Couldn't it be either/or but not both. She is concerned about partying in ~~storageresidential~~ units. She asked that the bylaws be specific to prevent this.

David Bean said this arrangement with both residential and commercial units is an odd situation. If this is to move forward he would like to see additional screening between Ottawa Beach Road and the units as a natural barrier to hide the storage units from the road.

Sneller addressed the bylaws concern. There is language in the bylaws that state no work is to be done outside. Everything is run through a grease interceptor according to Township rules. There isn't too much room for landscaping because of the retention pond. Landscaping will be in front of the buildings.

Pfost closed the Public Hearing at 9:44 P.M.

The Planning Commission reviewed the Considerations and Recommendations:

Ervine asked about the type of housing.

Sneller said they will be 2400 square foot condos. The design will be a natural design with stone. Neither the storage units or condos are entry level.

Nestel asked if ownership of the storage units will be by the owners of condos.

Sneller said it can be both but it is not necessary.

Nestel asked if it can be a restricted covenant for tree protection.

Martin said tree preservation could be a condition of approval.

The applicant said he wants to preserve as many trees as possible and preserve the buffer on the south end for the residents who live there and market the condos as private units.

Kleinjans asked why the trees couldn't be on the north side. They are on the south side on the site plan. His concern is the storage units in the area. It would look nicer to have a screen from the road.

Pfost said there were general questions about the Standards of Approval. Staff had questions regarding some of the provisions.

Ransford noted the replacement of trees at 25' of property line. This is an issue of concern.

Ransford stated in the Staff Memo the Preliminary Planned Unit Development Plan Narrative indicated that, "in order to maintain the natural state of the property, Coastal Condo will replace any tree within the 25' setback on the east boundary if the construction of the private storage building damages the root system of a tree within this area." This narrative was part of the preliminary plan approval provided by the Planning Commission on September 12, 2018. It is important to note that the Final Planned Unit Development Plan narrative excludes this statement. While we inquired with the applicant why this statement was removed, the Planning Commission should inquire regarding the same, since we did not receive an answer.

There was a modification of the windows as documented by Ransford. This can be a condition of approval. All agreed. He added that no tree removal and limits of construction should be a condition of approval.

Nestel said unless we impose Conditions of Approval, it could change. It's in our best interests to include this. Sneller agreed to this.

Pfost asked about the bike path.

Since the Preliminary Planned Unit Development Plan approval, the applicant relocated the pathway within the Ottawa Beach Road right-of-way too close to the roadway curb. After consultation with the Ottawa County Road Commission, the applicant will be required to relocate the pathway at least ten (10) feet from the roadway curb. As a result, the Planning Commission should condition its relocation accordingly.

Kleinjans said he would like more plantings on the north end of the property such as evergreens.

Ransford said we need to be specific about this.

Kleinjans suggested evergreens would be a good choice such as Norway Spruce..

Pfost recommended at least three trees about 6' high on each side of the property in addition to what is proposed.

Martin clarified that any removal of trees in the dedicated open space where they are required to be preserved would be a violation of the PUD agreement and result in a fine of \$500 per tree. If you put a condition in the PUD approval the Township would have to enforce it. Before they cut down any trees they would have to get approval.

Kleinjans asked if this is compatible with the surrounding neighborhood based on one of the goals stated in the Master Plan. What is the Central Park plan concept as it relates to this property?

Ransford said the majority of the Central Park plan is to the west of this property.

Pfost said this is a unique parcel since we have dwindling commercial properties in the Township. What is unique is we have an orphan residential space adjoining a commercial property. This is conforming to use these properties properly in accordance with the Master Plan and is a creative solution. He added that the proposal is much more attractive than what was there.

Review of Standards of Approval: 38-373

Pfost reviewed the standards:

- a. Substantial benefit to users and to the community – all agreed.
- b. No significant increase in need for public services - all agreed
- c. Compatible with the Master Plan and consistent with objectives of Township – all agreed it is the best use of this unique property
- d. No significant adverse effects on land and compatible with surroundings – all agreed the applicant has responded to the relevant concerns
- e. Impact on floodplains and wetlands – The Water Resources Commissioner has approved the plan – all agreed
- f. Preservation and maintenance of woodlands and create buffer areas – all agreed since the applicant has agreed on placement of trees for an additional buffer

- g. The PUD will leave views unblocked as seen from public road rights-of-way – all agreed
- h. The PUD will protect rural roadside character – all agreed
- i. Pedestrian walkways provided for safety – all agreed
- j. Individual lots, buildings, roadways and open space are designed to minimize alteration of environment – all agreed
- k. The PUD will adequately served by public utilities – all agreed
- l. The PUD shall be in compliance with all applicable federal, state, county and Township laws and ordinances – all agreed
- m. If the PUD is completed in phases it shall be designed so each phase is complete in terms of services, facilities and open spaces

Pfost asked the applicant if the PUD will be ~~designed~~built in phases.

Sneller said the east storage building will be constructed first then the west building followed by the residential units.

Eade asked for the period of building time.

Sneller said the larger building will take about 3-5 months, the small one 3 months, and the condos 6 months each.

Pfost said as certain buildings have to be completed, when do the walkways have to be completed?

Ransford noted with regard to financial surety on the phasing it might be helpful to require it.

Site Plan Standards: 38-10

Ransford said these standards can be ruled collectively on these to save time. If consensus is met on all 19 that is appropriate.

There was consensus on all the Site Plan Standards.

Special Use Standards: 38-36(d)

All agreed these had been met.

Pfost asked about financial surety.

Ransford said the Planning Commission can require it and recommend to the Township Board that it be required. It might be appropriate to have some level of financial security. As long as the letter of credit is active that would be his preference.

Pfost asked about the Township's exposure.

Martin said the applicant can be required to provide a written commitment, however, the Planning Commission doesn't have to determine what that amount will be. The amount is to be determined by the Township Board.

Kleinjans asked what happens if the applicant doesn't complete the infrastructure with the first phase.

Martin explained that each phase has to be fully completed but not all infrastructure has to be completed with the first phase. Each phase has to be completed in and of itself.

Review of Recommendations:

Kleinjans asked about voting rights of owners with this mixed development of residential and commercial.

Nestel asked if each condo unit has one vote, i.e., does the owner of a condo have more value over the owner of a storage unit?

Sneller said there will be a condo board. He said voting will probably be based on square footage. There is a draft in progress but it's not complete yet.

Martin noted that the draft bylaws that were submitted for our review provided voting rights with one vote per one unit when voting by number, and a vote based on the percentage of the value of the unit when voting by value. Martin stated he had not reviewed the bylaws sufficiently to determine when a vote would be by unit and when it would be based on value. He advised that when he reviews development bylaws for PUDs, he doesn't typically get into that kind of issue that is related to voting rights in an association, but rather reviews the bylaws to ensure that the Township's interests were protected, such as with compliance with zoning, etc. Martin said that he would expect that the residential units would most likely be valued more than the storage units, but he doesn't know when the votes would be based on value.

Planning Commission members agreed approval should be on condition of the Township engineer's approval and also make sure there is no maintenance activity or storage outside buildings.

Nestel moved, supported by Eade, to recommend approval to the Township Board and provide the related Report of the Planning Commission, with the following conditions: 1) the applicant must maintain and preserve trees and obtain prior

Township permission for any removal; 2) ensure bond surety; 3) Six Norway spruce trees will be added on the north side in place of the two (2) deciduous trees; 4) there is to be no activity or storage outside of the units; and, 5) agree to acceptable language regarding phasing that is compatible with the PUD agreement.

Roll Call Vote:

Ayes 4, Nays 1 with Kleinjans denying. Motion carried.

Old Business

A - Zoning Map Amendment (Rezoning) Request

The applicant, Steve Grassmid, seeks to rezone 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 said the main issue with the request is the concern regarding rezoning. As an outcome of the February 13, 2019 meeting, the 2017 decision from the minutes of that meeting was shared with the Planning Commission.

Bill Sikkell spoke for the applicant who is asking for a change from R4-to R-5 zoning. The reason is it will provide a lower price point per unit. The applicant has built a similar product in Zeeland. As a compromise, he submitted a letter proposing to limit the number of units to 6. With the intent of complying with the Master Plan, this area is one of the last areas in the Township that is targeted for High Density Residential. Any new multi-family development will happen in this area. Looking at that direction, these units will be in a nice location. This is a volunteer restriction. They have not submitted a site plan but if the Planning Commission wants it the applicant will do so.

Martin added on a conditional rezoning the Planning Commission would generally want a site plan. The condition the applicant is voluntarily offering here is to limit the development of the property to 6 units within the setback requirement. If the developer builds a multi-family building, such as one 6-unit building or two 3-unit buildings, then a site plan would be provided and reviewed at that time. The limitation of the number of units is the only consideration at this point. It's not a deeded restriction. If the Township Board accepts it they are required by

ordinance to record a document with the Ottawa County Register of Deeds / County Clerk, which would show up in a title search.

Sikkel pointed out to build more than 6 units the applicant would have to come in for a building permit. The Planning Commission could deny that request.

Martin said the applicant would have to return to ask for an amendment to the conditional rezoning in that event. You can put a time frame on it. If they don't meet the time frame the property will revert back to R-4.

The conditional rezoning is a different factor now than what came before the Planning Commission the last time. That proposal was 11 units. The Planning Commission thought it too dense. For the conditional rezoning the standards you are looking at are whether there is consistency in the Master Plan. Going from R-4 to R-5 wasn't in the Master Plan. By requiring the number at 6 it's keeping it at a low density which is more consistent with the Master Plan.

The applicant has voluntarily offered the condition in writing so the Planning Commission should distinguish this request as different from the prior request since the number has changed from 11 to 6.

Pfost asked what time frame would be reasonable if the Planning Commission should apply that condition.

Sikkel said two years would be acceptable.

Pfost asked if this would be considered spot planning.

Martin said it is not. The Legislature has granted townships the authority to accept conditions voluntarily offered in writing by the applicant/owner seeking to rezone property.

He said the Planning Commission recommends to the Township Board to approve or reject the conditions they offer. The recommendation is density for the units for this proposal.

If the Township Board approves R-5 with 6 units the applicant will have to submit a site plan to the Planning Commission when they are ready to build. The Planning Commission can attach reasonable conditions when you review the site plan.

Kleinjans moved, supported by Eade, to recommend approval to the Township Board rezoning to R-5 of this property with the conditions voluntarily offered by the property owner.

Roll Call Vote:

Ayes 5, Nays 0. Motion carried.

PUBLIC COMMENT

Pfost opened Public Comment at 11:02 P.M.

There was not comment.

Pfost closed Public Comment at 11:02 P.M.

ANNOUNCEMENTS

Kleinjans said there was a Tree Preservation Committee meeting at 1:00 on February 26.

He said the committee looked at a lot of possibilities. A couple of areas to consider will be if it is a residential property there should be a buffer; in a large development there should be a buffer around it; and a buffer of tree lined streets. There should be some kind of committee to make decisions and administer the recommendation – what trees, distance from road, etc. Another consideration is what should be a tree line preservation in the Township.

Pfost met with the Fire Department and the fire chief has offered to make a presentation to the Planning Commission about prevention. One issue to consider is in regard to the use of street addresses to make it easier to respond to an emergency. Individual units should have unit numbers as well as street addresses.

The next meeting date is March 13, 2019.

ADJOURNMENT

Nestel moved, supported by Ervine, to adjourn the Regular Meeting at 11:10 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith R. Hemwall
Recording Secretary
February 27, 2019

Approved: March 13, 2019