

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49424

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

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: Dennis Eade, Rosemary Ervine, Diana Garlinghouse, David Kleinjans, Denise Nestel, Jeff Pfof

Absent: Terry DeHaan

Staff: Greg Ransford, Planner, Dan Martin, Legal Counsel, Ken Bosman, Township Engineer

APPROVAL OF AGENDA:

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

Voice Vote:

Ayes 6, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Pfof had two corrections on pages 6 and 10. Kleinjans also had two corrections on pages 12 and 15.

Motion by Ervine, supported by Nestel, to approve the February 25, 2019 Special Meeting Minutes as corrected.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

New Business

Pfost explained the meeting will include the official Public Hearing for The Reserve PUD Final Plan agenda item. Because the notification was not complete for the Public Hearing in February, the Township re-noticed a Public Hearing for this meeting.

He reminded everyone that those who wish to comment will be limited to three minutes. Greg Ransford served as the timekeeper.

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

The applicant originally requested 46 single family condominium units and 20 duplex condominium units, for a total of 86 units, at 186 South Division Avenue, 168 Division Avenue, and 679 Wisteria Drive.

Ransford provided the background for the agenda item. He noted the applicant was asked to revise the PUD during the November 14, 2018 meeting when the preliminary PUD was first proposed. The Planning Commission concluded the proposed density and open space was acceptable but recommended several changes, including the following. Removing a proposed pathway along the northern part of the property, installing a pathway along Wisteria Drive, providing tree preservation and landscaping plans; an environmental impact assessment was found not to be necessary at that time. The site plan was consistent with the Master Plan. Also, obtaining approval by the Ottawa County Water Resource Commissioner for the site drainage was necessary. The applicant addressed each of these items and has since modified the plan. The bottomlands have been removed, a stairway will be constructed to access the waterfront, an internal drive near Division Avenue, the 1.2 acre park remains in the plan, and the exterior light fixtures have been proposed which are similar to those in the Villas.

At the February 25 meeting of the Planning Commission the applicant offered to reduce the proposed density from 86 units to 85, to save additional trees near the waterfront, limit the boat slips to no more than 48, provide building heights, and prepare a clearer delineation of the floodplain and wetland area related to impact areas of construction. Prior to this meeting, Ransford shared several documents with the members of the Planning Commission, which were received yesterday and this morning from the applicant with changes based on that meeting's suggestions.

Nestel clarified she had asked for further information at the February 25 meeting. Her comments may reflect the missing changes she had requested. She was told that information would be provided.

Peter Engles of Covenant reviewed the details that have been completed including the changes as recommended by the Planning Commission during the February 25, meeting. He showed a brief video of how Covenant developments have improved residents' lives.

Jason Vander Kodde, Civil Engineer for the PUD, reviewed the original plan citing its location and features. He described the existing road system and public utilities. He then presented the revised updated plan. The Planning Commission asked for clarification of the location of the floodplain and wetland area as they relate to the homesites. He explained the proposal for the PUD doesn't include any fill within the 100 year flood plain, including the wetlands. The Reserve offers to provide additional open space and canopy of trees along the lakeshore. They will move the homes further from the water's edge which will delete one single-family unit. He clarified the planned grading design for the single level and multi-story design condo units. He provided an illustration showing the existing topography and the proposed grade of the condos. This illustration included the proposed roadway. Additional fill will build up the roadway to allow daylight for lower level basements. This is required by an R-3 design. They have tried to follow the natural topography of the land in this PUD. By moving the homes further from the water's edge they allowed 4.2 acres of open space for the pool, clubhouse, patio and docks, allowing better views of the lakeshore frontage.

He summarized the revised PUD site plan noting the amenities and reduced density of 85 units are the result of collaboration with neighbors, Township staff, Planning Commission, and governmental agencies.

Dave Caldon, Legal Counsel for the Developer, reviewed the benefits of the setbacks, landscape plans and buffering, and the guarantee to preserve lakeshore trees which exceed the requirements of existing zoning ordinances. Some of the highlighted benefits include a storm water system which will be underground filtration. The Reserve will construct a public pedestrian pathway with access to the Township trail system allowing easier access to the lakeshore. All services will be coordinated with one provider which includes a guarantee that landscaping and maintenance will be year-round, and that garbage will be collected only one day of the week. The Reserve has eliminated the traffic connection on Hazelwood and Old Town Road which avoids additional traffic connections. This was suggested by the residents in the neighborhood to the north. The density of 85 units is less than what is allowed on the property based upon the calculation of the formula in the Zoning Ordinance. The Reserve will have 1.6 persons per household, compared to the 2.7 persons average currently in the Township. The development will have 41% less density than development in similar existing zoning. There will be less traffic due to residents' retired status. The zero step and barrier-free accessible housing design in addition to the recreational amenities, lower density planning, and creation of community open space contribute to the Township's Master Plan goals.

The applicant is voluntarily offering a limit on the number of boat slips. If it were to be developed with R-3 zoning, with nine frontage lots and a community dock, each lot would be permitted to have four boat slips with a total of 40. The PUD now proposes a maximum of 32 boat slips

With not more than three docks. The Reserve restricts boat size to 30'. They will also prohibit personal watercraft. This would be less impactful than a typical R-3 development.

PUBLIC HEARING

Chair Pfost opened the Public Hearing at 7:23 P.M.

Diane Riemersma asked if this PUD will be governed by its own condominium board. Will the Township have input regarding the rules for this board?

David Young wanted to make sure The Reserve will monitor the rules that it promises. Will the developer comply with the issues of dogs, density, boats and slips? Will there be covenants? Is there a restriction for those younger with children moving into this development? The area has had so many beautiful trees and so many have been cut down. What will be the guarantee for preserving old growth trees? He noted that planting trees along 144th will be limited by a gas line that has restrictions about height of trees.

Bill Van Nynhuis lives along Wisteria Drive. This development will have a serious impact of density in this area. When the Villas were built the developer promised they would put in berms for privacy. Some of that was done but not in every area.

Tessa Mills said since the last Planning Commission meeting she has looked out her window at this area. 4.2 acres with a lot of trees is the promise. She would like to know how many trees that are old growth will remain on this acreage. She and her husband saved a huge tree and built their deck around it. As she looks across the bay, on the left, there are huge trees behind the homes there. At the Villas there is a forest behind the homes. Looking at these plans, she can't visualize what trees will be there. She urged the Township to vote against this development.

Mark Mills enjoys his home in the area. How much of the natural beauty can be preserved? How much of the shoreline will preserve more of the trees? Can we find a balance regarding the number of condos, the size of the marina and number of docks? Their proposal is larger than it needs to be since there isn't too much space in that bay. He was also concerned about the traffic impact. He referenced a paper that Ted Vogel published about the shoreline.

Bonnie Gronberg asked for consideration regarding the trees and the woods. She is concerned about the clearcutting of the trees. She has lived all her life in Waukazoo Woods and loves the area. Boating safety is also a concern.

John Gronberg was concerned with old growth tree preservation on this property.

Alice Ward lives in the neighborhood and expressed concern for the wetlands and the impact of the proposed marina in this development. Water quality and wildlife are so important in this

area. She was concerned about the increasing levels of phosphorous and chlorophyll in Lake Macatawa. She mentioned how the Villas destroyed the wetland area. The Pine Creek Bay area is one of the top areas for bird species according to the Audobon Society with 178 species living in this area. It is important to preserve this area and protect the wetlands and not dredge the lake bottom

George Ward was concerned about the number of boat slips and the size of boats allowed. A boat slip area would extend 300' into the bay. A limit of 20 boats no longer than 28' would be better. He is concerned about the loss of water quality and loss of wetland area. How much dredging will the marina require? Can it be restricted to where the seawall is already located? Does the Township have the authority and will to monitor this?

Tom DeVries used to live in this area. He's caretaker of the development now. He thinks the setbacks are adequate, and a lot of the trees are being saved by the developer.

Tim Gerrits lives near this property. He hoped the development retains the natural features of the surrounding property. His concern is the density and the number of docks. Isn't this maximizing the number of units the property can bear? He is concerned about the marina size. The PC should ask for the grading for the 500' from the lake and the number of trees to be removed, limit the density and the number of docks. He suggested less than 20' for the size of boats.

Jody Gerrits lives across from this development. For the past four years she and her husband have lived there in the summer and there has been nothing but noise and clearcutting. Can the Township restrict construction during the summer?

Ted Dozeman has worked with Covenant for three years, the most professional group he has worked with. He encouraged a yes vote to the development.

John Einberger noted that his neighbor did a study on the sediments in Pine Creek Bay. A high level of a carcinogen was found there, dichlorobenzidene. He asked about the result if the bay will be dredged for the boat slips for this development. He submitted a letter about the carcinogen study for the Planning Commission's review.

Karen Kohlruss downsized to the Villas last year. She has lived in the area for the past 25 years. Covenant is a quality builder and she supports this development.

John Frendt worked for a lot of developers and was a contractor during his career. He has submitted two e-mails to the Township. It is his opinion the PUD overstates the density formula by 50%. 72 houses could be built on that property under R-3 zoning. It's a mistake to build under a PUD and ignore the density regulations. The builder wants waterfront property. He would prefer single family development in this area - not multi-family.

Brittany Garvelink lives on Wisteria Drive. Her main concern is the property that is part of the Villas. Will that property be part of the new PUD? The road has been destroyed and wondered if it would be repaired.

Denny Owen sent a letter to the Township and would like to have the opportunity to ask for clarification on certain points made by the developer. He has a lot of concerns regarding the wildlife habitat as a result of the clearcutting. How many trees will be removed? There's a lot of blacktop in the Villas – the 15 acres of woods is no longer there. And what will happen to the five acres designated as a non-use zone? He's been a marine contractor for several years and would like to submit a report of his observations.

Barb Francis shared photos of the tree preservation plan by Covenant. The most important photo which is her concern is the huge stand of about 200 old growth trees - all those trees from the water's edge back into the building area will be clear cut. They are huge giant trees – and only 20 trees will be preserved. It should be 150!

Gail Berner lives in Holland Township and is Vice President of the local Audubon Club. Preserving the trees in this area is important. She was so disappointed at the number of the trees that were removed at the Villas. She has the same concern regarding this development. There are great horned owls in those trees. The planned marina is in a shallow area of the lake. Why aren't environmental impact studies required for this property? For any change on the waterfront the MDEQ should be involved to protect the natural resources.

Tom Henderson doesn't live near this development but he is very concerned about tree preservation. Park Township is synonymous with trees. And he is also concerned about the marina. He was a contractor for 60 years. He asked if there is a detailed sketch of the proposed marina, do they have MDEQ approval, do they ACE approval, and an environmental assessment. He advised the Planning Commission to require these before approving anything.

Ted Vogel shared his concerns about the property. He asked for detailed drawings of what is proposed on the marina, clearcutting from the waterfront, how many trees will be cut down – we need a canopy – and how many trees will be kept along the shoreline, and said the units should be built further back from the water.

Vicki Myer is part of the Baywoodlands Association. She asked the Planning Commission to reconsider this development. Adding a marina across the bay from her threatens her safety as a kayaker.

Bethany Vogel bought a house on the lake ten years ago. The Villas changed the area and this new development will do the same thing. She isn't certain if she would buy the house if she had known what is happening today. The developer is cramming units onto this beautiful property. There is something wrong with Park Township allowing the developer to do the same thing twice.

Liza Barry said her concern is in regard to excavation and the fill to create a berm. This will create an unnatural area along the shoreline. From her perspective she will look at an unattractive berm. The units should be moved back to preserve the natural shoreline.

Jeff Myer is president of the Baywoodlands Association on the west side of Pine Creek Bay. He said the past behavior of the Villas on the part of Covenant is indicative of what will happen with this new development. The property was deforested. He has no faith the experience will be no different. The wetlands were destroyed and he understood the developer was cited by MDEQ for doing that. The character of Park Township is changing. The integration of woods and living space should be a principal goal of the Township.

Bill Hoekstra wanted to go on record with the residents' concerns and share their perspective. He encouraged the Planning Commission to give weight to all the residents' comments. This PUD plan is a much better project than it could be otherwise. This development should be looked at in terms of what it does for Park Township.

Dirk Van Putten doesn't live near the proposed development. However, he wanted to share his thoughts. He can't equate a zero step community with boating. Looking at the Park Township website and the pictures that advertise the community there are no condos in that marketing. We need to look at this with regard to the future. You can't just count trees, you have to look at the benefit of all trees to the entire ecosystem. A sapling doesn't equate to old growth trees but it is still important. Look at the value of all the trees. There is more than the human part of this – it's flora and fauna from an ecosystem standpoint. Think algorithmically and don't continue to consider this as a single event.

Arnie Suigussar grew up in Waukazoo Woods. This area has character – let's keep it. Ask for the layout of the proposed dock before you make a decision. This bay is an important resource. In his opinion, the fewer the number of boats the better.

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Jeff Groth arrived in Park Township a couple of years ago. There has been incredible stewardship - keep it. Waukazoo Woods is unique and he is concerned about the density and maintaining the quality of the environment. What are you setting up as a legal precedent? We haven't seen a good marina layout for this development. The Planning Commission should make that incumbent on the developer.

Todd Rhodes was concerned about zoning since this development will be in my backyard. With density a concern 50-60 units would be more appropriate. This PUD should be rejected because it doesn't meet standards. Less density will allow the preservation of the trees.

Leah Vondraek will see this development from her home. A lower density will help to alleviate a lot of the issues. A limit of 40-50 condos would retain a lot of the character of the neighborhood.

Sally Root owns property on Division Avenue and is concerned about the preservation of the trees on the property in addition to those located along the shoreline.

Brooke Rosendahl lives on Wisteria Drive and feels that the development has negatively impacted life on Wisteria Road. The developer didn't follow the rules the first time so why will they this time. The density is too dense. Find a different developer who will respect the Township's rules and who cares about the environment.

Caldon spoke to the public comments. The developer has done three things: The developer guarantees tree preservation. Surveys were done and trees are GPS tagged, with an average diameter of 24". There was no dredging done with the Villas and it isn't anticipated with The Reserve. The five acre strip of woods will remain as it is. With regard to moving the units back from the shoreline, he noted that some of them have more than the required R-3 setback.

Chair Pfof closed the Public Hearing at 8:47 P.M.

Pfof requested a brief recess.

Garlinghouse moved, supported by Ervine, to recess for ten minutes.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

Ervine moved, supported by Kleinjans, to reconvene the meeting at 8:54 P.M.

Ayes 6, Nays 0. Motion carried.

Pfof thanked everyone for their comments. The Planning Commission will address the application and the applicant's rights to develop that property in line with Township ordinances. All letters are entered in the record. With regard to the discussion of marinas, which is a commercial operation, he wanted to clarify that this is not a marina.

Martin said the Army Corps of Engineers (ACE) and the Michigan Department of Environmental Quality (MDEQ) will regulate the docks under state and federal law, not the Township. The issue is one of preemption.

Pfof noted that there is a balance of expectations with park areas in the Township and housing construction. How we will balance this is part of the Planning Commission's discussion. The residents' input means a lot.

Nestel asked if there were conditions imposed on The Villas.

Martin said yes, and explained that the applicant is again voluntarily offering certain restrictions to limit the impact on the bay. They will limit the number of docks and slips when they apply to the ACE and MDEQ. Once these agencies make a decision the Township works with that decision. The Township doesn't have the legal authority to regulate the number of boat slips, the locations of docks, or generally tell the applicant what they can do in the water. The ACE is involved because Lake Macatawa empties into Lake Michigan. If the applicant increases the number of boat slips in their application to the state and federal authorities above the number that they are voluntarily offering as part of the PUD, the Township could seek an injunction.

Pfost pointed out the Planning Commission makes a recommendation to the Township Board which has the ultimate decision-making authority.

Pfost asked Martin regarding the ownership of condominium law. In terms of the PUD will it have conditions which will transfer to the condominium association. How will the transition of ownership of the PUD and our provisions be followed?

Martin said there is a distinction between ownership and land use. The PUD approval is the zoning approval for the use of the property. That is separate from the ownership of the property, which is through the condominium association. Any conditions of the zoning approval will have to be followed regardless of the form of ownership. The developer has to follow the PUD approval and conditions just like a zoning ordinance. The Township would require as a condition of approval that the developer record a document with the Ottawa County Register of Deeds indicating that the condominium development is a PUD administrative approval with conditions. That protects the Township. On the condo side, it will have bylaws and rules that the private owners in the development can enforce. In the conditions that are placed on the PUD, if anyone violates any conditions of the PUD the Township can file an injunction against the condo owners who violate the condition or the condo association as a whole.

Kleinjans asked if the residents modify their condo bylaws do they have to return to the Planning Commission for approval.

Martin said, should there be any changes violating the PUD conditions by the owners and/or condominium association, they would have to come back to the Township for an amendment. Otherwise, if the changes are consistent with or do not affect the PUD conditions, no.

Regarding density, Pfost explained he had asked staff for an independent calculation of the density calculation. The calculation done by Emma Posillico shows this PUD is not too dense based on the research and formula in our ordinance, which according to the formula would allow 92 units.

Kleinjans asked about the requirement for a parallel plan for a R-3 area. Is there a reason this hasn't been done in this case?

Pfost said the reason we left the parallel plan out of the revised ordinance is that the PUD is more creative in allowing green space in the overall plan of the plat in relation to units. The parallel plan doesn't provide a density tool and it just lays out the platted area. The revised PUD ordinance reflects this so the parallel plan isn't used now. The PUD is a much more effective and comprehensive tool.

Garlinghouse said she is concerned about preserving more trees than 20-30 along the lakeshore and protecting the wetlands. She wanted to see a schematic for a layout of the dock area. She asked if the developer doesn't get approval for the dock is the PUD null and void and the developer can walk away from the project.

Martin said with regard to water improvements, the Township won't have control. If the developer doesn't get MDEQ or ACE approval, it is unlikely they would abandon the rest of that plan. A condition could be while what is volunteered in the limit of three docks and 32 boat slips, but if the MDEQ or ACE doesn't approve the developer's dock plan they are still required to go forward with the remainder of the project. However, just because they don't receive approval for the dock and slips doesn't mean they can't be forced to follow the other conditions.

Nestel listed all the plans available to her that she had reviewed and asked for the difference between the site plan which was previously offered and the slides she saw tonight.

Vander Kodde said they have moved the cottages inland and one unit was deleted although he hasn't formally submitted it. He has a final copy of the grading plan.

Nestel asked for a copy of that plan. She added she cannot read the tree preservation plan. The legend about the trees is too small. Is this plan a guarantee of what will remain on the site?

Vander Kodde said he would provide a hard copy of the tree preservation plan. He added that 30 mature trees will be left along the shoreline. They will have an average of 24" in diameter and this is the minimum they guarantee.

Nestel asked if the applicant is using that five acre parcel with the tree preservation count.

Vander Kodde said that is correct. Engles clarified there are other preservation areas on the PUD property in addition to the five acre no-build area.

Nestel asked the applicant to provide a document of what trees will be included.

Engles said all of them are in the no-build acreage. He said they would use a certified survey in that area. Not a single tree comes out of that surveyed area without the Township's permission. The tree preservation chart reflects the trees along the lakefront.

Nestel asked about the plan for the road-end and the walkway down Wisteria – will the walkway go to the lake?

Engles said it goes to the cul-de-sac where there is an existing sidewalk. The Township's road end is gravel from that point to the lake.

Nestel said with regard to the wetlands area the Township can require the Department of Natural Resources (DNR) or MDEQ to look at this with regard to their standards. The Township has the right to have these agencies review these areas.

Vander Kodde said they have not asked the DNR or MDEQ to look at the wetlands area. Fishbeck has on staff a certified environmental scientist who identifies her delineation and then DNR looks at it. He added that for the purposes of the application all of the wetlands are within the 100 year floodplain.

Nestel said this is a major concern by the residents. What is the plan to preserve the wetlands?

Vander Kodde said they are not proposing to add fill or change the wetlands area.

Nestel asked if they have inquired about any regulations regarding the specific wetlands in this area. She doesn't see this in the plans and emphasized that the DNR should review this.

Vander Kodde said he can't ask someone to make a judgment on something that is non-existent. There is to be no change in the wetlands area.

Martin said the ordinance allows the Planning Commission or the Township Board to require a written determination of the existence of wetlands or floodplain areas on the property by the DNR, or by a professional biologist, ecologist, environmental engineer or similar professional acceptable to the Planning Commission or Board that is in compliance with the standards for wetlands or floodplains established by the DNR. This can be required as part of the Planning Commission's review.

Nestel said she hasn't seen anything by Fishbeck's environmental expert.

Vander Kodde said he can supply that information.

Engles said they aren't proposing to fill wetlands, grade, or install a seawall. He believes the PUD states that. He is offering the protection of the wetlands as part of the PUD.

Nestel asked about the 5-8' grading concern along the lakeshore, which could kill trees.

Engles said the grading plan shows how they are protecting the trees. They aren't doing berms because they are following the tiering of the land that naturally exists. That is the contour they are following.

Nestel asked for the grading plan and document the calculations regarding the dedicated open space areas in the PUD.

Kleinjans asked how many trees are being removed along the lake.

Engles said they did not have an accurate count but noted that arborist identified the species, size and location with the purpose of preserving the tree canopy.

Kleinjans thanked the audience members for their comments and ideas. He asked about the proposed 4.2 acre park – have they looked at the proposed 3 acre park by a resident.

Engles said they look similar – they want to respect that entire area.

Kleinjans asked how the developer made calculations for the boat slip area in considering respect for the wetlands in the lake as well as on the lakeshore property.

Engles said they had an aerial survey done of the slips on the opposite side of the bay. They are excluding personal watercraft. That's how they originally came up with 40 slips.

Kleinjans asked how many lots are along the lake and about the grading from the higher level lots. He asked for a plan with more detail. And with regard to the drainage how is the runoff controlled.

Engles said there will be 9 lots along the lake.

Vander Kodde said there will not be runoff toward neighboring properties. Any runoff will be infiltrated from the roadway. There will be a natural flow which is acceptable. The Township engineer will look at this.

Kleinjans noted this is the only and last remaining large acreage like this along the lakeshore. And he understood that writing rules well is difficult. The proposal checks all the boxes but it doesn't fit the goals of the Township's Master Plan. He cited language in the Master Plan regarding preservation of wetlands, wildlife, and dedicated open space within a PUD, as well as preserving natural features and resources, the natural topography, woodlands, and the landscape by minimizing alterations.

He is concerned about preserving the open space and especially the trees on this property along with the hardwoods along the shoreline. This is significant. Along a 900'+ shoreline preserving 30 trees doesn't seem like a lot. He has difficulty going forward with this plan as proposed. Upon approval by the Planning Commission, there must be a thorough set of conditions.

Caldon responded. The plan checks all the boxes. They wanted to show this is better than what the current zoning allows. They are striving to develop the property to abide by the wishes of the Township.

Pfost spoke to the Master Plan elements. Where he struggles is with the alternative. The property is zoned residential and is developable. What we can ensure is that it is developed responsibly. This may not be ideal but we have to do our part to look at this proposal and approve it or not based on the tools we have to make a recommendation to the Township Board.

Pfost asked if the Planning Commission wanted to postpone action and return for a special meeting for further discussion.

Ervine thanked the audience for their comments. She appreciated the rationale behind the density calculations for this development but she can understand the impact on traffic, the boat slips, and the environment. The boat slips and the impact on the bay area are a major concern of the residents. She would like to see an environmental study. She is concerned about tree preservation: were there rules that were broken with The Villas and were there penalties?

Engles addressed her concern. The developer didn't do anything wrong – any accusations that were made were followed up by the Township. There were no fines and no substantiation for the accusations. The MDEQ gave them a permit to go ahead.

Ervine asked the applicant what he learned from The Villas and what are he is doing differently.

Engles said he hoped there would be clarity. He feels they presented what they were going to do, it was evaluated and approved, we did it, and were excited about the clear expectations and accountability about the new density. There is nothing variable. Going through the process he has tried to be clear. They have tried to evenly distribute trees along the lakeshore and identified healthy trees to lessen confusion and satisfy everyone's desires which is difficult to do. They have tried to provide a cluster design to even out the density, provide open space, and follow the proper elevations from the lake, keep the trees following the letter of the law and follow up on feedback from the Planning Commission and the public.

Eade feels loyalty to the Master Plan and wants to be sensitive to protect the legal exposure of the Township and, at the same time, work with the developer. He feels this developer has done a lot of work for this PUD but needs to do additional accommodations - they have checked the boxes. He is willing to continue to work with the developer to seek resolution.

Nestel said, in her opinion, there are some points in the ordinance that have "come up short." She has reviewed all the applicable standards. She finds there are inconsistencies between the template and the PUD. She wants to be sure what we are doing is accurately reflected in the ordinance.

Pfost suggested postponing action on a recommendation.

Garlinghouse said she appreciated the public comments. She asked about concerns with the varying water level regarding the dock. Is there diversity in choosing the kinds of trees that are being preserved?

Engles said they have attempted to maintain some diversity in the trees they have tagged for preservation, the pine woods to the north, along the lakeshore, and on the property. There are meadows, grass, woods, and wood lots of trees. He said they are volunteering to not apply for more boat slips than are approved. They would be willing to draw an area for illustration that they would not apply for.

Martin said this if the applicant voluntarily offers a certain thing and you make it a condition of the PUD approval, the it would be a violation of the PUD if they did not follow the condition.

Pfost added for clarification that on the applicant's diagram there is a line designating the 100 year floodplain. He noted that the bottomlands are regulated by the State. The Township can't regulate location, size or numbers.

He asked if the Planning Commission wanted to consider a special meeting or wait and address this application in the April meeting. He will work with staff on the Commission's concerns.

Kleinjans requested a list of conditions from the Planning Commission.

Engles said he will submit the additional requested items to provide clarity for the Planning Commission.

Nestel asked for an ordinance check on any conditions.

Ransford asked if the Township Engineer should attend the next meeting. Does the Planning Commission have any questions for him?

Pfost asked the Township Engineer if there are any red flags.

Ken Bosma, Township Engineer, said his firm looked at the drain plan and the applicant has provided answers to concerns. The information that has been provided to the Drain Office. Is satisfactory. Everything will be infiltrated and he is satisfied with the drain plans. The applicant is following the general contours, not berming up the land or building down slope. The only issue of concern is whether to protect the lake on an outlet. The storm drainage and infiltration system show there won't be any need for any change in those plans.

Pfost asked Bosma is there an accommodation in the event of any overflow. Bosma confirmed that.

Kleinjans moved, supported by Ervine, to postpone action on recommendation for approval until the April meeting.

Ransford asked for clarification about resident notification.

Pfost confirmed that no further public notifications will have to be sent. No further public hearing will need to be held on this application.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

Pfost asked for a brief recess.

Nestel moved, supported by Eade, to recess for five minutes at 10:40 P.M.

Kleinjans moved, supported by Ervine, to reconvene at 10:45 P.M.

B – Verizon Wireless – Site Plan Review/Special Use

A Site Plan Review application from APC Towers on behalf of Verizon Wireless is submitted for the Planning Commission's review. Verizon wishes to construct a 155-foot monopole cellular tower along with a three (3) foot tall lightning rod, cabinetry, landscaping, paved drive access, security fencing, and related improvements. The monopole cellular tower is proposed to be located on property owned by Park Township located at 750 West Lakewood Boulevard, parcel number 70-15-24-400-056, more commonly known as the Stu Visser Trails.

Ransford provided an explanation for bringing this item to the Planning Commission for its review. The Park Township Board of Trustees (PTBT) has agreed to allow location of the tower on the property. In that regard, while the proposed tower is a permitted use pursuant to Section 38-538(b)(1) – Permitted Uses of the Park Township Zoning Ordinance (PTZO) because it is proposed on Township property, the PTBT has asked that the Planning Commission review the proposed as a special use through a public hearing.

Precautions for structural failure will be provided by Verizon. The Planning Commission has the option to recommend a greater setback. This is the first tower to be erected since the rules have been changed so the Planning Commission must determine the process to avoid discrimination of any future application for another tower. In other words, this is setting precedent going forward.

Leland Calloway, representative for APC Towers, spoke to the request. He has worked with Verizon for 16 years across the state. Regarding the setback issue, the company worked with the Township to provide a setback as far back as possible. Part of the issue is the park property has a wetland area. There are actually two areas to the south and the west. There is a drop-off so they had to locate the tower away from these areas.

Calloway explained that the FAA requires the tower has to be below 200'. The airport requirement was the tower could not be higher than 155' which limited the options.

Martin said the Township ordinance allows towers up to 199'.

Eade asked what the radius of the area would be that this tower would cover.

Calloway shared a distribution map with the Planning Commission and emphasized that there is a need for this tower because of the number of dropped calls in the area.

PUBLIC HEARING

Chair Pfost opened the Public Hearing at 10:56 P.M.

Norton Peet said his home is located just west of the proposed tower location. The first reason it should not be in this location is that it is a residential area with the tower between two homes. This isn't appropriate. It isn't possible to landscape around a tower this size. He understood the

height with the lightning rod will be 158'. Secondly, the area abuts the Stu Visser walkway. A tower like this doesn't belong in a nature preserve. Third,

Lakewood and Division are important conduits going to the park at the lake. This structure would be out of place.

Patricia Peet had concerns about this tower's location in her neighborhood and the possible contamination to the wetlands adjacent to the proposed location of the tower.

Calloway clarified the tower is exactly 155' with the lightning rod. The cabinet sits on a steel platform. The company is sensitive to any possible contamination to the surrounding environment. The tower is on the east side of the Stu Visser trail. On the walkway the tower isn't that obvious because it's on the other side of the trees. It will be noticeable from Division Avenue.

Chair Pfost closed the Public Hearing at 11:05 P.M.

Ransford said the tower isn't that high compared to some. For future tower applications, you will have to consider location, design and use of camouflage, so you need to consider those tonight as well.

Nestel asked if the Planning Commission has to specify what type of camouflage can be used.

Ransford said the color of the tower material can be a consideration but he has no advice. If you want camouflage, place the burden on the applicant to figure that out.

Calloway said the company has designed towers with camouflage. They can do a pine tree camouflage but this design is a problem when they are serviced.

Ransford said the Planning Commission can determine what the building material will be.

Kleinjans asked how close to the wetlands is the tower.

Calloway said they mapped the wetlands area to determine the location.

Kleinjans asked what the tower is made from.

Calloway said it is made of steel.

The Planning Commission asked if additional trees can be planted to help with the landscaping as camouflage. A suggestion was made to plant Norway Spruce which grow tall. These could be placed near the gate area.

Calloway said that was possible.

Nestel moved, supported by Eade, to approve the request with the condition of adding two more trees on the site at the northeast corner of the fence enclosure.

Kleinjans said cell service is necessary in today's world and this is a reasonable location.

Pfost said we are hindered by the requirements of the airport and the FAA.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

Old Business

A. Site Plan – Kin Coffee and Craft House – located at 1200 Ottawa Beach Road

The applicant seeks site plan approval for a coffee shop and upstairs apartment within the C-1 Neighborhood Business District

Pfost asked for a motion to go into closed session regarding a confidential memo from Township Legal Counsel regarding this request.

Kleinjans moved, supported by Ervine, to go into closed session at 11:25 P.M.

Roll Call Vote:

Garlinghouse, aye; Kleijans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Eade, aye.

Ayes 6, Nays 0. Motion carried.

Voice Vote:

Kleijans moved, supported by Garlinghouse, to return to open session at 11:35 P.M.

Matt Zimmerman, Legal Counsel for the applicant, spoke to the Kin Coffee and Craft House request.

This project has been in the planning stage since August 2018. There is permitted use here with some nonconformities. Ransford identified a few problems and the owner has addressed them on the site plan. Given what needs to be discussed and the lateness of the hour he asked to be placed first on next month's agenda if that would be acceptable.

Rob Postema, representing Kin Coffee, said the applicant is agreeable to provide screening along the property line such as trees. Also, the parking poses a problem. They have two spaces and are willing to drop a space if that is a condition. The other parking space off the right-of-way could be a condition and the applicant will remove paving to make the space conforming. The final item is what to do regarding the loading space. Ransford said placing it in the center of the property as a condition is possible if it was used during non-working hours. Lastly, confusion about the access to the dumpster can be corrected by returning it to its original location which is barrier-free for easy access.

Zimmerman addressed other questions raised by the Township: 1st item: the sign in the middle of the easement that the prior owner granted to the Township for a bike path. It was permitted by the Township in 2012. It's a legal issue. He feels the Township has granted a permit for the sign in that location. The purpose of the easement was to create a pedestrian trail. The applicant would cooperate in granting a temporary easement. The easement says if structures within 10' need to be moved the Township would pay for it. Would the Township be willing to do this? The applicant is willing to work with the Township on this. This could be a condition of approval.

2nd item: the reciprocal easement regarding the properties on either side and the driveway. A perfect solution would be to combine the east entrance to the site and that easement. The property owner isn't interested in reciprocating on this since it won't work. On the other side the dog park has an easement. That could be combined on the west side but that isn't workable since it would involve a third party.

3rd item: In regard to the two entrance roadways, it is his legal opinion the site plan standards don't deal with this. The Road Commission says they can't require applicant to change the designs since it is a nonconforming use - it's a vested right. They can't require the applicant to

change the design because it's a nonconforming use. Zimmerman will share a copy of the letter from the Road Commission regarding this. So, the argument is they would like to see one of the access points eliminated.

Pfost said these details can be worked out and the April meeting will address the request at the front of the agenda. The Planning Commission agreed to postpone this request until April.

Kleinjans reviewed the considerations offered by Ransford and agreed that the attorneys work out the remaining considerations.

Nestel excused herself at 11:52 P.M.

Kleinjans moved, supported by Ervine, to postpone consideration of this request until the April meeting. Legal Counsel for the Township and Legal Counsel for the applicant will work on the legal issues for consideration at the next Planning Commission meeting.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Zimmerman asked to consider an additional item. He will work with Martin regarding the legal issues.

B. Condominium Project Approval Section 38-515

Pfost said the public hearing has already been held regarding the condo language. The Planning Commission can recommend action by the Township Board.

Ervine moved, supported by Eade, to move forward with a recommendation of the condominium language to the Township Board.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

ANNOUNCEMENTS

The next meeting date is April 10, 2019.

Ransford will present the land use report at the April meeting.

ADJOURNMENT

Kleinjans moved, supported by Ervine, to adjourn the Regular Meeting at 11:59 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith R. Hemwall
Recording Secretary
March 16, 2019

Approved: April 10, 2019