

**MINUTES  
PARK TOWNSHIP  
PLANNING COMMISSION**

Park Township Hall  
52 152<sup>nd</sup> Street  
Holland, MI 49418

Special Meeting  
March 14, 2017  
6:30 P.M.

**DRAFT-APPROVED COPY**

**CALL TO ORDER:**

Chair Pfof called to order the regular meeting of the Park Township Planning Commission at 4:00 P.M., held in the Township Hall at the Park Township Office.

**ATTENDANCE:**

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

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

**APPROVAL OF AGENDA:**

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

Voice Vote:

Ayes 6, Nays 0. Motion carried.

**APPROVAL OF MINUTES:**

Johnson noted two corrections and Kleinjans pointed out two corrections for the February 14, 2017 minutes.

Motion by Eade, supported by Kleinjans, to approve the minutes of February 14, 2017 asamended.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Pfost noted one typo, Kleinjans had two corrections, and Johnson suggested one change for the February 21, 2017 minutes.

Motion by Nestel, supported by Kleinjans, to approve the minutes of February 21, 2017 as amended.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

**NEW BUSINESS:**

**A. Yacht Basin Marina – Special Use for fewer parking spaces and site plan review**

The applicant, Tom Denherder of Yacht Basin Marina, has submitted an application for approval of a site plan for the following: removal of two existing cold storage buildings, construction of one new heated storage building, and construction of an outdoor bar and restaurant space with indoor kitchen and food preparation space in an existing building.

In addition, the applicant is applying for special land use approval for a reduced number of parking spaces for joint use of facilities according to Section 38-602(b). Section 38-602 Joint Use of Facilities requires that, where a principal use and accessory uses exist on the same property, the total space requirement is the sum of the minimum individual requirements for the principal and accessory uses unless the Planning Commission authorizes as a special use a smaller number of parking spaces according to specific standards. The Community Development Director has determined that the uses that both exist and are proposed on the site are accessory uses to the principal use as a marina.

The Yacht Basin Marina is permitted as a special land use in the C-2 Resort Service District according to Section 38-452 (23). On September 18, 2007 the marina was approved as a special land use along with a mixed-use building that was permitted to include live work units, retail store, offices if permitted in the C-2 District at a later time, and a restaurant with seating for 200. At the time of the approval, the motion included the condition that all uses on the site must meet the requirements for the C-2 District as amended periodically.

The Township Community Development Director and the Township Attorney have determined that the proposed restaurant is a permitted use as part of the special land use approval in 2007, and may be approved through the site plan review.

Project Description: The applicant is proposing to remove existing Building H, which measures 60 X 120 square feet and is used for cold storage, and to remove existing cold storage Building G, which is 4,052 square feet in size, and is located to the east of Building H. A new heated storage structure, Building M, which is proposed to be 28,800 square feet in size, is proposed to be constructed in the general location of Building H. Concrete and parking spaces are proposed in the general location of Building G.

The applicant is proposing to construct an outdoor bar and restaurant space with seating for 100, with indoor kitchen and food preparation space within and adjacent to existing Building C, the Bay Building. The first floor of this building previously contained offices, restrooms, and the ship store, but is now vacant.

The indoor kitchen and restaurant spaces are proposed to consist of approximately 2,200 square feet; the outdoor bar and seating area deck is proposed to consist of approximately 2,000 square feet. The applicant should provide a scalable drawing which gives exact measurements of the size of the proposed restaurant. An existing deck currently exists in the general location of the proposed deck.

The proposed demolition of two buildings and construction of a new heated storage building are proposed to meet the bulk requirements of the C-2 District. The Planning Commission should review the standards for a marina as a special land use as required by Section 38-452 to ensure that the changes to the marina storage buildings meet the standards.

The applicant has provided a table with proposed parking based on current and proposed uses (restaurant) on the marina site. The table states that 721 parking spaces are needed and that 609 are shown on the site plan (the site plan provided shows 623 parking spaces). The Director of Community Development has determined that 750 parking spaces are required.

Additionally, the applicant is proposing to provide two parking spaces for each weekly rental unit. Section 38-601 requires parking spaces based on square footage of the unit. For each unit 650 square feet or greater, three parking spaces are required. Each of the 112 rental units is greater than 650 square feet. One space is also required for each employee.

de Vries asked if everyone received a copy of the e-mail letter from Joe Zobkiw regarding the DenHerder request. Mr. Zobkiw had seven concerns and asked that his letter be included in the minutes. Members of the Planning Commission read the letter and agreed to add it to the record.

Dykert joined the meeting at 4:15 P.M.

DenHerder addressed his application.

He spoke to the parking issue he has had for a long time. They did an analysis some time ago and came up with a need for 750 spaces. These spaces will accommodate people who use the many entities on the property which include the boat slips, party store, the proposed restaurant and conference center, and visitors. With the new building he wants to address the need for more parking without sacrificing green space. He has planned a 300 maximum capacity conference center on the second floor with 37 spots for employees. During the summer months the employees park in one of the storage buildings. He noted the maximum attendance is rarely over 250 people who attend a conference center event. The events are typically when the retail stores are closed. The new restaurant will include boaters so a parking area will be allocated for them. Typically, the maximum number of people using the facilities is during July and August in the summer on weekends. He is now asking for 610 spaces in his revised request.

DeBoer asked how many social members of the Yacht Club are not boat owners.

DenHerder said about half of the members do not have boats. The membership is about 100 members.

## **PUBLIC HEARING**

Chair Pfof opened the Public Hearing at 4:22 P.M.

There was no comment.

Chair Pfof closed the Public Hearing at 4:22 P.M.

DeBoer asked for clarification on the applicant's request. Is it for a site plan and special use for the parking?

Martin confirmed there are two separate questions. The application requires a site plan review approval for the modifications which include the conference center and restaurant. The parking spaces are for requirements as a result of the modifications on the property.

Nestel asked Martin what is "principal use" as it relates to the ordinance requiring a minimum number of parking spaces.

de Vries said unlike residential where you allow one principal use, in commercial there are a number of principal uses.

Dykert asked if the Planning Commission has the authority to override this.

Martin explained you have the authority to interpret the ordinance based on the situation. You have some leeway in your interpretation as to what is a principal use such as the restaurant or the conference center.

Nestel asked Johnson what she considers to be an accessory use as opposed to a principal use.

Johnson reviewed 38-452 in her Staff Memo in answer to Nestel's question. She listed several in her memo that could be considered accessory use. For a marina there are other land use examples. It should be clear what is designated as a principal land use. We need to look at the entire site. There have been changes since the original approval.

Dykert left the meeting at 4:30 P.M.

Nestel noted on page 3 of Johnson's memo the marina is stated as a principal use allowed as a special land use in the C-2 Resort Service District.

de Vries confirmed there have been several changes since the original application.

Pfof explained that the applicant is moving the marina in the right direction and wants to comply with the Township ordinances. In fairness to the applicant we are fortunate to have viable marinas in the Township and should make an effort to be amenable to this type of business. It is unique and the parking demand goes along with that uniqueness with all the

different entities on the property. There is a need to review all the elements and be sure they are in compliance.

Johnson said the discussion must include what is a principal use and what is an accessory use.

Nestel asked for the number of parking spaces posted in the public notice.

de Vries said 750 was mentioned in the public notice for parking spaces.

DeBoer suggested the Planning Commission determine what is a principal use as opposed to an accessory use then we can move forward with the discussion.

Martin explained that a *principal* use is defined as also *primary or predominant*. *Accessory* use is *incidental or subordinate* to the principal uses. It could be a secondary use but not necessarily incidental to a principal use.

Nestel asked about the wording regarding principal use in 38-632 (b) regarding use of parking spaces in Johnson's Staff Memo.

Martin said you might find the conference center is incidental to a principal use of the restaurant because the conference center is rented out when no retail stores are open. If this is not a principal use then the same parking spaces could be used for both the principal and incidental use. Therefore it would meet the need to fit that circumstance. You need to determine what are the principal uses, then decide what are the accessory uses. Once you determine the number permitted it could be less than 750, if you find the uses are accessory uses.

What you are looking at it is whether the principal number is sufficient for the need for both. You can make a finding less than 750 to be sufficient to meet the need for all, but it should not be less than what is needed for the principal uses.

Johnson clarified that the accessory use should not conflict with the principal use. The hours of operation come into play.

de Vries said he and Johnson calculated the numbers for all of the uses.

Johnson said de Vries has a chart and she has a separate list that can be shared with the Planning Commission.

Pfost excused himself to take a call at 4:45 P.M. Vanderkolk presided as Acting Chair until Pfost returned at 4:50 P.M.

Dykert returned at 4:50 P.M.

Vanderkolk suggested determining whether the uses are principal or accessory on the list prepared by de Vries.

Vanderkolk asked if the number of employees is necessary. Can we just consider the number of parking spaces?

Martin recommended a review of the list of uses that was prepared by de Vries then determine the number of principal uses.

List Results for Principal Use:

Marina – Principal  
Hotel Resort – Principal  
Penthouse/Bay Building - Principal  
Conference Center – TBD  
Retail party store – Principal  
Ship's store – Accessory  
Salon – Principal  
Offices – Principal  
Yacht Club Restaurant – Accessory  
New Restaurant – Accessory  
Bay Building vacant offices – Accessory  
Charter – Accessory  
Marina (electrical and chemical services) - Accessory  
All other offices including laundry - Accessory

Martin reminded everyone that the Township ordinance requires that the authorized minimum number of spaces is necessary for the principal uses of the property.

Pfost said he came up with a total of 636 for those categories identified as principal use on the list. Johnson and de Vries had a number of 469 without counting employees. After review of the numbers the Planning Commission agreed to use 469 as the official number for principal use on the property.

Pfost asked about numbers for the restaurant and the conference center.

Johnson suggested 150 for the restaurant seating area.

Dykert asked if it would be advisable to include conference center space as part of the ordinance for special use in the Township. For the future this would be a good idea.

DeBoer asked the applicant if he could adjust the number for the conference center. If the restaurant seating was used the number would increase in addition to the 200-250 for the conference center. He suggested 125 for the conference center.

DenHerder said he would have no problem lowering the number.

DeBoer said the new restaurant requires 50 spaces which totals 644.

Martin noted if the Planning Commission determined the new restaurant is a principal use the number is at 519 (adding 469 + 50) without adding 125 spaces for the conference center. This

is the absolute minimum for where you are at for required spaces. Shared use can go from there if the Planning Commission finds the conference center is considered subordinate.

Johnson said the conference center wasn't approved for special use as part of the Plaza building.

Martin asked if conference centers are allowed anywhere in the Township.

Johnson said the present language alludes to it under the definition of a hotel. A hotel was not specifically allowed in 2007 when the language was included.

Nestel asked if this property could be referred to as a resort.

Johnson said the Planning Commission would have to determine it as a resort.

Martin advised the Planning Commission could approve the application with a condition for approval of the special use. Alternatively, postpone action and request an amended application to include the conference center as part of an additional special use. He didn't think this was referred to in the minutes in the original application consideration.

Johnson said it would have to be mentioned in the ordinance and it ~~doesn't~~ isn't right now. You would have to amend the ordinance to allow a conference center in the C-2 commercial district as part of the hotel.

Dykert left at 5:25 P.M.

Martin said we are looking at special land uses. A conference event center is not specifically listed as a principal land use or a special land use in the ordinance right now. It could potentially cause ramifications of your interpretation. If the Planning Commission interprets it as an accessory use it doesn't need a special land use. It would be secondary to a permitted principal use.

Johnson said another route is to amend the definition of hotel, although the applicant never asked for a hotel – it was never part of the original land use approval.

Johnson said we don't want to make this 11 acre property a non-conforming parcel.

Martin asked if the Planning Commission wants to change the commercial property ordinance for multi- purpose use.

Johnson shared lot and lot width language regarding accessory uses.

De Boer asked if the applicant asked for a site review of the hotel, could the conference center be an accessory to hotel.

Johnson said it's a principal use. It wouldn't solve the problem of the conference center. Could the hotel be an accessory to the marina? Could parking be shared as part of the principal use parking?

Pfost said could it be considered a resort service. Most of the use would be in the summer which speaks to the resort support category. Several of the businesses would not exist without the marina, which makes them an accessory use.

Pfost asked if the commissioners agreed with 519 parking spaces for the principal uses including the new restaurant, but not the conference center. What is the finding for all principal uses?

Martin noted this number does not include employees.

Following calculations among the commissioners, for the record, including employees, the number is 521.

Pfost asked if there was a consensus that the identification of the principal uses had been met for parking. There was consensus.

Martin asked whether the proposed parking would be sufficient to meet the need for all other/accessory uses.

Johnson will determine the balance for other uses.

Dykert returned at 5:50 P.M.

In summary, Martin said the proposed number is now at 610. The original number was 750. The Planning Commission must decide if this number is sufficient to meet the need for parking on that property for all principal and accessory structures. He asked: Does it meet the need for the uses? For accessory uses, what would be required across the board looking at additional accessory uses? Is there sufficient overlay for the conference center which doesn't account for the laundry and offices? In approving the special use, did the Planning Commission want to include conditions: when the conference center is operational should it function after the operation hours of the retail store use?

He added that the math does not have to be perfect, but the Planning Commission should agree on a minimum that is comfortable.

Pfost observed that there are extenuating circumstances for this property.

Kleinjans suggested cutting the number in half because of boaters who will be the principal users of the restaurant.

Martin asked if the reason for the request for smaller numbers is because of the possible impact on the surrounding neighborhood. Will visitors be parking in the neighborhood at overflow periods?

Pfost said, in general, knowing the high traffic period in the summer, the parking number will not adversely affect the immediate area. For the record, we want to be considerate of the neighborhood. It looks as if there are alternative parking areas. He asked for a consensus.

All were in consensus with this consideration.

Kleinjans asked if the Planning Commission wanted to reduce the 250 number for the conference center.

Pfost said we could address that later.

Nestel said there are a number of items in the application that state “not shown” or “not labeled.”

de Vries said some items don't need to be noted on the site plan. There are other issues such as utilities, location of water and sewer lines to be addressed by the contractor, exterior lighting and signage, and there is one variance for a sign on the north side that was approved. There are no landscaping issues. Loading and unloading have sufficient space. The dates for staging and project completion state “by September.”

Johnson said she wanted to see more details on the site plan. She reviewed some of the items where she wants to see improvement. With regard to the landscaping, she asked how far cars extend over the buffer grass areas when they use it for parking.

Nestel asked if there is a list. Johnson said she has one.

DeBoer asked if the green parking space is part of the buffer.

Vanderkolk said he has no problem using the buffer occasionally.

Eade said he had no problem with this.

Kleinjans said he had a problem with using buffer space for parking. If it is just a grass strip he is okay with parking on it.

Dykert said she had no problem. In her experience, there's a lot of concrete in the area and the use of the buffer is infrequent.

Pfost had no problem.

DeBoer asked for the buffer width. The applicant said there is lots of room.

Dykert left at 6:20 P.M.

Pfost found there are a few incomplete details in this application which make it incomplete. He recommended postponing further action to work out the details in order to complete the application. He asked staff and the applicant to work on this together so the Planning Commission has a concise presentation for approval or denial at the next meeting.

de Vries said the public hearing at this meeting was for the special use for parking. He asked Martin about a public hearing for the site plan.

Martin recommended postponing action on the site plan. The next meeting's agenda should include the site plan, a public hearing for the site plan, discussion of the conference center, and the joint use of parking.

DeBoer moved, supported by Eade, to postpone action on this application for special use until the March 21, 2017 meeting.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

**OLD BUSINESS:**

**A. Proposed PUD Ordinance**

Pfost asked Martin for comments on his new draft of the proposed PUD ordinance.

Martin noted on the front page of the revision the word "draft" will be deleted.

Pfost asked if the Planning Commission needs to hold another public hearing. Would it be possible for the Township Board to have an additional public hearing to give the public time for input on the ordinance.

Martin recommended the Planning Commission hold another public hearing on the changes. This is for the smaller modifications. He noted that he put back in the existing PUD language on some definitions.

Pfost suggested for the meeting on March 21 agenda items include the marina application and the PUD ordinance.

De Vries noted there are no applications for the March 21 meeting.

Pfost said we could plan a public hearing in April with the final recommendation to the Township Board for the PUD ordinance. If a special meeting is necessary for April it could not happen during the first week since that is spring break.

Martin agreed the Planning Commission could decide at the March 21 meeting if there is a need to schedule another special meeting.

Pfost asked for staff and counsel to provide the Planning Commission an informed decision to consider for deliberation on the marina application. He requested a more direct path to a decision.

de Vries said some of the parking areas in this application are non-conforming. Is it a large enough expansion that we need to make it conform to the ordinance, or do we make it a nonconforming lot.

Johnson said there is a 50% expansion in this application.

Pfost agreed we have non-conformities in the Township. However, we can't make an informed decision on an ill-prepared application. Staff shouldn't have to accommodate the applicants. In the end the Planning Commission has to live with the recommendations and ultimate decision it makes on this application.

### **PUBLIC COMMENT**

Pfost opened public comment at 6:43 P.M.

No comment

Pfost closed public comment at 6:44 P.M.

### **ANNOUNCEMENTS**

The next regular meeting will be on March 21, 2017.

### **ADJOURNMENT**

DeBoer moved, supported by Kleinjans, to adjourn the meeting at 6:45 P.M.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
March 16, 2017

APPROVED: [April 18, 2017](#)