

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
March 15, 2016
6:30 P.M.

DRAFT-APPROVED COPY

CALL TO ORDER:

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

ATTENDANCE:

Present: Jeff Pfof, Nicki Arendshorst, Eric DeBoer, Dennis Eade, Denise Nestel,

Absent: Linda Dykert, Tom Vanderkolk

Staff: Ed de Vries, Zoning Administrator, Andy Bowman, Staff Planner

APPROVAL OF AGENDA:

Arendshorst moved, supported by Eade, to approve the agenda as submitted.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Arendshorst moved, supported by DeBoer, to approve the minutes of the February 16, 2016 Regular Meeting as submitted.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

DISCUSSION/ACTION ITEMS:

Ordinance Amendments (continued)

1. Additional language on a lot of record, height and side yards

De Vries asked if there were any questions following last month's discussion on the four amendments and the proposed language changes.

De Vries shared copies of an illustration developed by Bowman showing a comparison of different building envelopes. He explained that it is the nonconforming lots of record that necessitate some changes since, for the long term, we should look at making lots more conforming.

Suggestions on height requirements have also grown out of problems with nonconforming lots. We have had narrow lots with 2-1/2 story structures that neighbors didn't like. He has prepared a table illustrating what it would look like in practice. If the lot were a certain size the building would be based on a formula based on a percentage of lot area in relation to the minimum requirement, yet allowing a height of at least 20 feet.

He asked if consideration should it be tied to 8500 square feet as provided in the current R-4 zone. Additionally he described allowing a reduced side yard for narrow lots as allowed in some jurisdictions with a minimum 10' separation between structures. This would be for nonconforming areas.

Bowman described the graphic which showed different building envelopes and heights. It was his intent to show perspective in order to compare relationships. The dimension of 8500 square feet is the smallest allowed in R-4 with a current height limitation of 35'. The raw height is shown as the maximum the PC is considering for ZBA approval. He noted that 35' height with 2-1/2 stories is very common for single family developments. The usable nonconforming dimension can be as low as 6500 square feet without the required Zoning Board of Appeals approval. Using the table, a 4000 square feet lot could be approved and would only allow the height to be up to 21-1/2 feet. Another example would be a 40 x 80 lot at 3200 square feet which would allow a 20 foot height as the formula came to 17.2 feet, which is under the 20 foot allowance.

Nestel asked for the definition of the term "raw height."

De Vries said building height is defined as the top of the main foundation wall to the peak of the roof. The ordinance stipulates no building or structure shall exceed 35' or 2-1/2 stories in height. The raw height is the full height without counting stories.

Nestel asked for the rationale in restricting the number of stories.

Bowman said it is related to occupancy in the home. Another measure is called "floor area ratio" which limits the allowable floor area for the building with total square footage as related to the size of the lot. Consideration of density is part of this since we are looking at single family residential dwellings. Bowman mentioned that building height is measured in

differing ways in other jurisdictions including using the adjacent lowest grade to determine height.

Pfost said in some areas when density is important we should have a clearly defined ordinance about these dimensions.

Bowman suggested we should define exactly what a story is which would help the Zoning Administrator in making decisions.

De Vries said on lots smaller than 6500 square feet the applicant has to file an appeal with the Zoning Board of Appeals for approval. If it meets certain criteria it can be authorized for a single family building. He noted the definition of building height is the measurement of vertical distance from the top of the main or ground level foundation wall, whichever is the lowest, to the highest point of the roof.

De Vries has questioned the determination of measurements in walkout homes; there are a few that exceed 35' in the rear. The current interpretation is to measure from the front main level floor. The ordinance states "...from the main or ground level, whichever is the lowest". Past practice has been to measure from the main floor level. In his opinion it should be measured from the lowest point, main floor or not. De Vries said we need consistency in the ordinance. He sees it as the biggest problem when measuring from the back. We should make it clear so it is either measured at the lowest point or from the front.

Bowman said in most zoning regulations it is the surrounding grade not the top of the foundation wall that is the determining measurement. You could take the elevation all around and then take the average.

Pfost asked for a motion.

Eade moved, and De Boer supported, to request staff to draft the necessary language for lots of record and return to the Planning Commission for review and approval.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Bowman asked about the status of contiguous lots. de Vries reported that he had asked the township attorney to review the language for contiguous lots and he replied that the current language is satisfactory. He noted there is compelling interest to make lots more conforming. The language that was agreed to in February will be brought back for approval.

Pfost asked if this will be available for a public hearing review. Bowman said it will be submitted as a text amendment for a public hearing ordinance amendment.

De Vries will share the language for contiguous lots, setbacks, and accessory buildings with the Planning Commission in advance of its review prior to the public hearing.

2. Private roads and road easements

De Vries explained the current requirement is a 66' easement with 22' of blacktop built according to the Road Commission standards for a public road. He suggested this might be too strict a requirement for only three to five lots. In exploring what is required in other townships almost all did not require pavement until the number was three to six lots. Most allowed gravel with a width of the right-of-way from 33-66', depending on the number of units. He shared a table that may be helpful.

Nestel asked for a definition of a "cleared width". de Vries said cleared width is no trees growing too close to the road. The intent is to immediately provide and maintain sufficient width of cleared space for access, particularly for emergency vehicles. He suggested a minimum allowance of 28' cleared width in the interest of public safety.

He suggested language that a private road for two or more dwellings meeting a public road have a standard stop sign.

He also highlighted another area regarding more than six building sites which would determine a wider paved surface.

He reviewed the language regarding a PUD. Current ordinances regarding private road ordinance requirements should be the general rule for PUDs, or we could make it more restrictive.

In Section 3 he inserted a table listing road widths, number of units, type of road, and other requirements. This table was borrowed from a Zeeland Township ordinance.

Bowman advised more generic language to replace the current specific reference to PUDs. He recommended the term "development." This would avoid any future changes in the event some ordinances are amended for PUDs.

De Vries asked if we want to require all subdivisions to have a public road.

De Vries discussed time requirements for paving. The language could specify best practices for paving requirements for developers. Extensions and requirements for road coatings need to be clearly defined.

He also noted that private roads permitted for special use language outside of a PUD require oversight. He will add another column in the table to include 12 or more.

3. Fences

The Township hasn't required a fence permit for a year or more. Accessory buildings less than 200 square feet were also exempted from needing a permit. Setback requirements for accessory buildings still have to be met. Over 200 square feet comes under the building

code. The ordinance should be consistent with what the practice has been. There is also the issue of a taller fence listed as a special use request.

Bowman noted a specific term like “administrative departure” looks at staff granting of use as a kind of mini-variance. If it’s done correctly staff will approve it. He suggested a provision for how a Zoning Administrator decision should be in place in administrative portions of the zoning ordinance.

4. Glare from Outdoor Lighting

Bowman said a photometric plan can be required which shows the specific amount of glare being produced by site fixtures. Further, lighting fixture types themselves can be specified.

deVries said there was a recent complaint regarding an LED light fixtures being too bright. Glare problems from this technology may be an increasing issue. The language should be specific about shining on the owner’s property and not any adjacent property. If we use the proposed language it would make sense. The proposed language to Sec. 38-488 provides a stronger prohibition on shining lights off the property. This has been agreed to by the Planning Commission. Shields and the direction of light should be included.

Bowman said all requirements for outdoor lighting should be specific.

5. Setback and Projections

De Vries asked if there was agreement on extending the data catchment area for setback averaging from 100’ to 300’ on either side of the subject property. Bowman confirmed there was agreement. He also asked about the allowance on additions on nonconforming buildings – this could be done under the existing setback.

Bowman said they were discussed in the last meeting and there is consensus.

Everyone approved the Setbacks and Projections language.

DeBoer moved, and Nestel supported, to approve the language discussed on private roads/easements, fences, glare from outdoor lighting, and setbacks/yard projections, and that staff shall proceed with making the appropriate changes to submit to the Planning Commission for review and approval.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

ANNOUNCEMENTS:

Pfost said that receiving applications under the current PUD regulations has been suspended for a six months period of time pending a review and directive from the Planning Commission which will be sent to the Township Board for consideration of amending the zoning ordinance. Following consideration with Legal Counsel and others, Pfost will form a Special Committee which will take up the issue and report to the Planning Commission. This will provide a starting point for our recommendations going forward. This will allow us to use Legal Counsel, planning staff and other resources, so we can develop a substantive recommendation. We have a six month time period to consider the ordinance and submit it to the Township Board. There are several options, including one to eliminate PUD regulations entirely. Dan Martin said there are three elements to this issue: technical, legal and political. The Planning Commission will attempt to come back with a technical recommendation to the Township Board for their review. He would like to move swiftly on this charge from the Board.

Bowman noted that cessation of receiving applications for PUD consideration was accomplished through a moratorium adopted by the Board.

Pfost said it is possible a report from the Special Committee will be ready by next month. He reminded everyone that we must be objective in the process. The public will be part of the discussion.

Also, Pfost provided an update on the Master Planning process. It is in suspension until some of the residents return from their winter vacations.

Arendshorst asked if we can have something to present by May.

Pfost has a meeting with the Township Supervisor and the Master Planning process will be part of that meeting discussion.

PUBLIC COMMENT:

Pfost opened Public Comment at 7:58 P.M.

Joyce Smith spoke to the Ottawa Beach Gateway Project. Her concern is the dune sand and water environment of the area. She questions turf and irrigation placement on a dune which is incongruous in her opinion. This is a beach environment. She questions trees being planted. This is an area that has been cleared to allow vision of the lake. The plan should be to conform to the properties which are there now. The costs have been reduced by reconsidering the necessity of planting large trees in the area. She asks that the Township retain the natural environment including milkweed, dogwood and snake grass. A wetland is forming in the area which should be protected. She had several suggestions for plantings including smaller 8' trees and shrubs. Large trees aren't the answer. She also mentioned the problem of light pollution with large light poles. People do not visit the area for decorative medallions and elaborately lighted areas.

James Piers is a neighbor who is concerned about the area. He was not aware of the plan and learned about it at a late date. He agrees the trees and high light posts obstruct lake views. An alternative to this plan would be appreciated. He is in favor of light and safety but perhaps the changes could be more sensitively considered.

Deborah Schakel also concerned about the area and the decisions being made as part of this project. She shares her neighbors' appreciation of the area and the concerns about the proposed changes.

Smith stated not one of them in this neighborhood received a letter after the planning meeting last fall.

Pfost closed Public Comment at 8:15 P.M.

Arendshorst explained the process of the Ottawa Beach Gateway Project is still ongoing. There is still no final deliberation on several issues related to the project.

ADJOURNMENT:

Eade moved, and Nestel supported, to adjourn the meeting at 8:18 P.M.

Voice vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
March 17, 2016

Approved: May 17, 2016