

**MINUTES  
PARK TOWNSHIP  
PLANNING COMMISSION**

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

Regular Meeting  
March 21, 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 6:30 P.M., held in the Township Hall at the Park Township Office.

**ATTENDANCE:**

Present: Jeff Pfof, Dennis Eade, David Kleinjans, Denise Nestel, Tom Vanderkolk

Absent: Eric DeBoer, Linda Dykert

Staff: Howard Fink, Manager, Ed de Vries, Zoning Administrator, Dan Martin, Legal Counsel

**APPROVAL OF AGENDA:**

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

Voice Vote:

Ayes 5, Nays 0. Motion carried.

**APPROVAL OF MINUTES:**

The minutes of March 14, 2017 will be submitted for approval at the April 18, 2017 meeting.

**OLD BUSINESS**

**A. Yacht Basin Marina – (Postponed from March 14, 2017) Special Use for fewer parking spaces and site plan review**

Yacht Basin Marina has submitted an application for site plan approval to remove two existing storage buildings and construction of one new heated storage facility and for approval of a restaurant with outdoor seating. The Planning Commission has previously

received extensive analysis on the Site Plan, including a full background analysis of the impacts and issues of the proposed use on the site.

Chair Pfost thanked de Vries for the Staff Memo of March 21, 2017 outlining the review of the site plan to this point which included a helpful checklist clarifying what is required

de Vries noted the Planning Commission reached consensus on the parking issue during the meeting on March 14, 2017. He and Township Manager, Howard Fink, coordinated their efforts to provide the additional information referenced in the Staff Memo for review at this meeting.

Nestel asked if the missing items on the site plan checklist are waived until the items are provided.

de Vries said the Planning Commission may waive those items that are checked IF you determine they are not applicable. The location of utilities can be waived or it can be a condition that it be displayed after construction as an “as built” part of the drawing.

Nestel asked if the water and sewer have to be done. Do these have to be identified?

de Vries noted the plaza is already served with water and sewer. The Township has drawings of the utility section. A new water line will be installed; Vanderkolk has been working with them on this item.

Vanderkolk has been working with the developer and added that they are compiling all the records. The water and sewer permits will be contingent on that.

de Vries proceeded with the site plan review:

Under the Park Township ordinances, Section 38-101 and Section 38-102, site plan review requires various items are included in a plan document and submittal to the Planning Commission. The Township has prepared a Site Plan Checklist for clarification. Under administrative direction the site plan for the Yacht Basin Marina is identified as a “Medium” site plan.

**Lighting** – The applicant is proposing to add three (the applicant corrected this number to two during the meeting) additional parking lot lighting fixtures along Ottawa Beach Road with down shielded protection. A photo of the fixture was presented. Additional building and door entrance lighting will also be included.

Fink noted these would not be permitted under Township ordinance. The applicant will have to have a down shield on the lights with protection where the light is recessed and will show downward. The current proposed lights show projection outward but the Township requires down shield lights. The Township is requesting, as a condition, a foot candle analysis and a lighting plan.

**Landscaping** – Minimal landscaping changes are being proposed. If the Site Plan is approved, Staff recommends a condition of a five foot landscaped buffer with adequate screening from the south property line adjacent to residential property.

**Garbage Enclosure** – The applicant has shown on the Site Plan drawings that all dumpsters will be enclosed as required as Section 38-486 (a). There will be three of these.

**Loading Dock** – The applicant has shown on the Site Plan drawings an existing loading dock for the proposed restaurant use in compliance with Section 38-606 (1).

**Parking** – The Zoning Administrator has determined the minimum number of parking spaces required for this Site Plan. Parking was determined using the table provided in Section 38-601. Under the strict application of the zoning ordinance, 750 parking spaces are required. Section 38-602 (b) provides the Planning Commission latitude in determining the number of parking spaces needed, providing the answers to the following conditions are acceptable:

- (1) That the proposed number of parking spaces is sufficient to meet the needs for parking facilities for both the principal and accessory uses. The number of spaces authorized by the Planning Commission shall not be less than the minimum number required for the principal uses.
- (2) Document and approve the reason for the request that the smaller number of parking spaces than that required be authorized.
- (3) The effect on adjoining property and surrounding neighborhood.

Staff recommends two motions. The first would be a motion to approve a special use allowing 610 parking spaces for the Yacht Basin Marina property where 750 spaces are required (Public Hearing was held on March 14, 2017) with the findings of fact that accompany the required three standards in Section 38-602 (b). The second motion would approve the marina and heated storage building and restaurant with two conditions according to Section 38-103: 1) the Site Plan does not create any adverse impact to the surrounding neighborhood; and, 2) the Site Plan has required all the protections afforded in the Township ordinances for this application.

Pfost asked if the applicant wanted to respond.

DenHerder thanked de Vries and Fink for their help on the site plan and noted that the Zoning Board of Appeals will be considering the request for the 39' building on the site at its meeting on March 27, 2017.

Nestel asked where the conference center is located.

DenHerder said it has been in use since 2009 and is in Building B.

Nestel asked about the probationary period of six months.

de Vries said this came to light in the past week as part of his research in the record. It may have been approved in the past but may now be an unlawful use. He will look at the history and seek Legal Counsel's advice. de Vries explained we may provide the applicant a window to apply in order to make it a conforming use.

Nestel said she recalled that the parking analysis was based on the fact that Building B would be considered an accessory use.

Martin explained that if it continues to be used as a conference center and the motion is approved the parking will be adequate. If it's not a lawful use and the permit hadn't been granted and the applicant will have to request approval there will be more parking than is necessary.

Nestel asked what the use for the building would be if not for events.

Martin believed a permit was issued but he is looking into it. Six months will give the Township an opportunity to determine if a permit was lawfully issued. If not, the applicant will have to ask for it in six months.

Nestel asked the applicant if more money will be invested in the building in the next six months.

DenHerder said they hope to install carpet in the building. He said he understands the situation and is willing to cooperate with whatever the Township wants to do.

Pfost said the Township is not sure about the legal use of the property. The extension of six months provides the applicant and the Township a window during which we can come back to it for consideration if we find out something different.

Nestel asked if another Public Hearing will be required. Is it just a matter of getting the paperwork in proper order?

Martin said we have the ability to enforce our ordinance. If a building permit was issued without a proper permit then we could require it. However, it was his understanding a building permit was issued so no action is required.

Fink noted there may not be an issue. With regard to this site plan application, this is an ancillary issue that is not part of the application. Given the ambiguity we have an obligation to deal with it independently of the site plan.

Nestel asked if this is setting precedent.

Martin said we want to clear up the ambiguity. If it isn't properly permitted for the applicable use the applicant will have to get permission.

Pfost said the Staff just needs more time to address the issue.

Kleinjans considered no precedent would be set given the six month period that has been allotted. He also asked for confirmation that the daily rentals were not conforming.

de Vries said they were not determined to be nonconforming. They were different than what was proposed in 2007. They intended to rent them as live-work units as documented in the minutes. Because of low demand they were rented on a weekend basis.

Kleinjans asked if we determined it was a motel use.

Pfost said we did not.

Martin clarified that if it's permitted it's not nonconforming.

Fink said given that it's in the same building as the conference center, and it was addressed in 2007, we can address it at a later date in line with the ordinances that are in place today.

Motion #1

Vanderkolk moved, supported by Eade, to allow the Marina the 610 parking spaces instead of 750 required with the following conditions according to Section 38-602(b) of the ordinance standards:

1. ***Whether the proposed number of parking spaces is sufficient to meet the needs for parking facilities for both the principal and accessory uses. The number of spaces authorized by the Planning Commission shall not be less than the minimum number required for the principal use.***

Findings of Fact: The 610 parking spaces are sufficient to meet the needs of this facility. The site is mixed use and most of the uses do not require large amounts of parking at the same time. Therefore, the 610 parking spaces are more than adequate given the shared use environment.

2. ***The reason for the request that the smaller number of parking spaces than that required be authorized.***

Findings of Fact: The current site layout does not allow for additional parking spaces to be added without substantial parking lot realignment and significant additional cost that is unnecessary.

3. ***The effect on adjoining property and the surrounding neighborhood.***

Findings of Fact: There is a substantial number of parking spaces provided on this site. Given that many of the uses/times do not overlap regarding the need for parking, there is more than adequate parking on the site. We do not expect any overflow parking to spill out into the surrounding community as a result of the uses on this site.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Motion #2 –

Vanderkolk moved, supported by Kleinjans, to approve the site plan with the following conditions:

1. That the Zoning Board of Appeals grants a height variance for the proposed height of 39' for the storage building (application has been filed for the March 27, 2017 ZBA meeting).
2. That no parking will exist along Ottawa Beach Road in the county right-of-way, and a 5' landscaped buffer with adequate screening is provided along the south parking area adjacent to the residential use, and that a new site plan showing as such is submitted.

3. That all lighting, refuse enclosures, signage and fencing comply with the Zoning Ordinance and any improvements be included on the site plan.
4. That a lighting plan be completed for the entire site, providing a foot candle analysis and if any lighting is required, that all lighting be down shielded in accordance with Section 38-488 and Section 38-453(b).
5. The Park Township Fire Chief approves the internal driveway layout, especially the area around the proposed deck for the outdoor restaurant, to ensure adequate clearance for fire equipment.
6. That the Conference Center use application is submitted and either approved or discontinued in (6) six months from the date of this motion (September 21, 2017).
7. That all required documentation and notations are included on the site plan according to Park Township's Site Plan Approval and Zoning Ordinances, including those that may not have been addressed at this meeting.
8. The Zoning Administrator sign off on a final site plan approval once all the following conditions are met and that any documentation or notation required on the Site Plan is provided.

Findings of Fact: The Site Plan does not create any adverse impact to the surrounding neighborhood and;

The Site Plan has required all the protections afforded in the Township's Ordinances for this application

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Pfost thanked de Vries and Fink for facilitating the information on this item on behalf of the Planning Commission.

Fink noted that the site plan analysis should be done on Staff level prior to referral to the Planning Commission for its review. The Planning Commission can delegate to the Zoning Administrator any action until all issues are resolved.

**B. Proposed PUD Ordinance**

Martin reviewed the language changes he made in the PUD ordinance document.

He referred to the new revised copy on page 6. He asked the Planning Commission if there was consensus to allow the language on the golf course. No area on a golf course will count as Dedicated Open Space. There was consensus.

The next issue was capitalization of dedicated open space terminology as opposed to general references to open space. It should be used consistently as Dedicated Open Space. From his perspective, when the document is dealing with standards Dedicated Open Space should be capitalized and should be determined as such.

Kleinjans requested the definitions of open space and Dedicated Open Space.

He asked if Dedicated Open Space is required only for a PUD. Martin confirmed it was.

Subsection 2 – he changed “shall” to “may,” meaning you may require Dedicated Open Space to be located along road frontage. It won’t be required in all instances.

For Section 38-370 – change of open space to Dedicated Open Space.

Amendments on page 17 for Sections 38-375 and 38-380. These are repetitive. Martin explained the reasons for language that clarified minor changes. All were in agreement.

Dwelling Unit – added the definition on page 18.

Nestel asked about “ownership interest.”

Martin said it’s in the requirement of Dedicated Open Space.

Martin discussed the uses of the words: abut, adjacent, or adjoining or contiguous. They are all similar in use. In the document there are four uses of the word “abut,” 13 uses of “contiguous,” 17 uses of the word “adjacent,” and two uses of “adjoining.” We can include all the definitions.

Nestel asked if there are distinctions related to the use of all these words.

Martin explained the differences – in a regulatory taking the Court looks at property as a whole with specific reference to “contiguous.”

Pfost encouraged simplifying this and use a common term we are comfortable with and try to make it uniform.

Martin said “adjacent” is an appropriate term. “Abut” and “adjacent” are much more limiting.

Martin said another draft will be submitted for the Public Hearing.

de Vries asked if these terms will be just for the PUD because other ordinances use these terms.

Martin said they are just for the PUD.

Pfost said the Planning Commission will need an additional Public Hearing. We will take legal counsel’s advice with notification for a public hearing in April and approval of language changes. Do we have consensus? The Planning Commission was in consensus.

Nestel moved, supported by Kleinjans, to approve the language changes recommended by Legal Counsel and move forward with a Public Hearing in April.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Vanderkolk asked about the northeast corner in Section 1 of the Township and the intent of the Partners for Development related to the golf course property.

Pfost said he understood the intention was that an applicant who would want to make a change in Section 1 would apply for rezoning and go forward under a PUD amendment under that new zoning.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Martin will get a clean copy of the PUD draft to Pfost and to the Recording Secretary.

Pfost said the plan is to have a working session with the Township Board prior to the Planning Commission's final recommendation.

Martin added that the Planning Commission can make changes after the Public Hearing and then send it to the Township Board following April 18.

Pfost said a meeting with the Township Board will follow the Public Hearing.

**C. Ordinance amendment for special use**

This review was postponed following initial review on January 10, 2017. That review ended on page 9. Copies were distributed to the Planning Commission.

Pfost called for a break at 7:35 P.M.

The meeting reconvened at 7:44 P.M.

Fink said he wants to institute a process that will ensure the Planning Commission will make all policy decisions. He would like to improve the process that the Staff is in agreement prior to an item going to the Planning Commission for policy review. It is beneficial to the Planning Commission if it's receiving an ordinance that is ready for review and the Staff is prepared to proceed through the policy considerations. This will help the efficiency of the process and help the Planning Commission to tackle critical issues which is its role. This process is mirrored in the Site Plan review analysis and the meeting with the applicant prior to the Planning Commission's dealing with the application. It must be a complete Site Plan with all the special use issues identified and covered by ordinances. The Planning Commission looks at the preliminary approval as well as the final approval and all policy issues or changes to a Site Plan.

Fink said no ordinances will be approved without Planning Commission review and approval. The Staff will be sure the ordinances are covered in the application. This will provide more efficiency to the process.

Pfost asked for a follow up meeting after the regular meeting in April. He suggested deferring the Special Use ordinance to Staff for further preparation in time for the April 18 meeting. We have two pending special use applications to review. An April 25 workshop will be scheduled IF an additional meeting is indicated.



**D. Master Plan –**

1. Airport Plan – de Vries said some language was drafted for the Master Plan regarding a general statement on the airport layout plan. Also, an ordinance for setbacks has to be drafted for this item.

Infrastructure – de Vries said this language will come back to the Planning Commission for review.

**E. Ordinance amendments –**

1. Sign Ordinance – de Vries said the Staff will address the sign language and bring it to the Planning Commission for review.

Martin recommended an ordinance regarding exclusionary zoning for signs in consideration the First Amendment issues.

Pfost suggested the Staff bring recommendations to the Planning Commission for licensing requirements.

Nestel said the Township Board has indicated it would like the Master Plan to be completed in 90 days.

**PUBLIC COMMENT**

Pfost opened Public Comment at 8:17 P.M.

There was no comment.

Pfost closed Public Comment at 8:17 P.M.

**ANNOUNCEMENTS**

Nestel commented on the Township Board Retreat and the recommendation for a possible discussion with a municipal planning expert, Tom Weiskopf from Michigan State University, to meet with the Township Board, Planning Commission and the Zoning Board of Appeals. It was her opinion the retreat was productive and a Strategic Plan format was developed which was very positive.

Nestel also reminded everyone of the Holland Museum fundraiser on April 27.

The next regular meeting is scheduled April 18, 2017.

**ADJOURNMENT**

Kleinjans moved, supported by Eade, to adjourn the meeting at 8:20 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
March 23, 2017

APPROVED: April 18, 2017