

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
June 20, 2017
6:30 P.M.

DRAFT COPY

CALL TO ORDER:

Chair Pfost 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 Pfost, Eric DeBoer, Dennis Eade, Rosemary Ervine, David Kleinjans, Denise Nestel, Tom Vanderkolk

Staff: Howard Fink, Manager, Ed de Vries, Community Planning Director, Dan Martin, Legal Counsel

APPROVAL OF AGENDA:

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

Voice Vote:

Ayes 7, Nays 0. Motion carried.

Chair Pfost introduced the new member to the Planning Commission, Rosemary Ervine, and thanked Linda Dykert for her service.

NEW BUSINESS

A. Election of Officers

The Planning Commission agreed to continue the terms of the Chair, Jeff Pfost; Vice Chair, Tom Vanderkolk, Secretary and Representative to the Zoning Board of Appeals, Dennis Eade, for another year.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

B. Ventura Baptist Church, 16240 Quincy – Special Use and Site Plan for Addition

de Vries provided the background for this item. Ventura Baptist Church is planning a 4,886 square foot worship space addition on the north side of the existing building at 16240 Quincy St., and an addition to the parking lot to the south and slight addition to the west. The church has been at this site since 1955, prior to current Zoning and Special Land Use requirements. The existing structure is essentially in its current configuration since 1965. The lot is approximately 6.5 acres and contains the church building, a parsonage to the east, and parking area on the west. They plan to add a new worship center space on the north side of the building, increasing the current capacity from around 230 up to 277 seats. They will remodel the existing worship space for a gathering room and possibly more classrooms. This also results in the need for more parking.

Although the use is “grandfathered” as a church, as in the past we also reviewed it as a special use together with the site plan review. The special use approval triggers the need for a Public Hearing for which the notices have been mailed.

Special Use:

Churches are allowed in the R-1 zoning district as a special use per Section 38-214 (11). The ordinance lists six standards to consider in allowing the special use. Special use authorization is governed by Section 38-36 of the Zoning Ordinance.

Jeff Brinks with Venture Engineering spoke to the application. He said he would be happy to answer questions.

PUBLIC HEARING

Chair Pfost opened the Public Hearing at 6:38 P.M.

John Barwis owns property south of the church. He noted the church is a perfect neighbor once a week. He understands the church needs the space and the design is beautiful. He supports what they want to do. He had two recommendations: 1) the lighting plan for the parking lot should use down lighting and 2) the south rain gardens should retain the drainage ditch that is there for storm runoff.

Chair Pfost closed the Public Hearing at 6:40 P.M.

The Planning Commission discussed the six standards for special use required for approval of this application. All concurred there were no issues.

Kleinjans suggested approval of the special use request followed by the site plan discussion.

Vanderkolk moved, supported by Nestel, to approve the special use request and confirm the six standards, as defined in the June 13, 2017 Staff Memo, have been met by the applicant.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

De Vries asked if the findings should be included in the special use motion.

Martin agreed and said, for the record, the approval should include that the six standards have been met as defined in the June 13, 2017 Staff Memo for Special Use.

de Vries addressed the site plan. Division 3 states a site plan shall be submitted for approval by the Planning Commission. This is a requirement not an option. The site plan has been submitted on behalf of the church. The requirements are cited in Section 38-102. Water and sewer plans are not on the plan; the church property is not on municipal sewer and water. The church uses a septic system and well. Regarding storm drainage, the rain gardens are intended to serve as storm water detention. The direction of water flow along the ground is not indicated on the plan. The Planning Commission may ask about a plan for direction of water flow. Refuse and service areas were not indicated so the Planning Commission may want to ask for the plan to dispose of garbage. With regard to screening and buffering, the Planning Commission may want to ask for conditions if additional screening is required. Loading and unloading are not indicated. If the Planning Commission deems that unnecessary it could be waived. De Vries requested additional information for the lighting plan which was submitted. It shows a down lighting plan. Under Section 38-103, two standards have been covered. The parking lot and driveways in the site plan appear to provide what is required. Bumper guards were not indicated on the plan for the parking lot. The Planning Commission may want to address that.

Brinks addressed the water and sewer requirements. The church is working with the County Water Department regarding updating and adequacy of drainage. He explained the swale in the parking lot – the idea behind the rain garden is to take care of water infiltration. Water overflow would go to the north on Quincy Street. The neighboring properties would not be affected. With regard to refuse removal, trash is taken care of by residential wheeled carts for trash pickup. Screening and buffering will be provided by additional planting of ornamental trees. Loading and Unloading is not applicable to a church property. For lighting he has submitted a photometric layout showing no light spill on the property. Downward directed light fixtures will be put in place. Construction time will begin in the fall finishing in the spring.

Pfost asked if staging materials would affect the parking lot.

Brinks said there won't be a problem with this size of a project and it won't impact the property significantly.

Pfost also asked about bumper guards in the parking lot.

Brinks said no issues have been expressed about bumper guards. The church's preference is to not use them. The driveways will not change.

Eade asked about the direction of the water.

Kleinjans asked if the Drain Commissioner should be contacted about this concern.

Nestel asked Martin if a motion should include itemization of the waivers.

Martin said a formal motion to waive them would be the best approach. The Planning Commission should take the action in the event of any questions in the future.

Kleinjans moved, supported by Eade, to approve the site plan.

Kleinjans reviewed the requirements listed under Section 38-102:

1. Location of water and sewer lines

The County Water and Health Department should review this requirement.

2. Storm Drainage

The County Drain Commissioner should review this requirement.

3. Refuse and Service Areas

Recommend waiver for the refuse and service areas.

4. Screening and Buffering

Recommend waiver for screening and buffering.

5. Loading and Unloading of Facilities

Recommend waiver for loading and unloading.

6. Exterior Lighting and Signs

The revised plan for lighting is acceptable.

7. Period of Time for Completion

Recommend waiver for completion time.

Requirement for Section 38-103:

1. **Adequacy of Streets, Parking areas, loading zones, sidewalks, drainage, water and sewer lines, traffic control, and building.**
2. **Adequacy of protection afforded lands and surrounding neighborhood from adverse impact.**

Both requirements are adequate and acceptable.

Requirement for Section 38-605:

1. **The parking lot shall be provided with wheel or bumper guards so located that no part of a parked vehicle will extend beyond the parking area (6).**

Bumper Guards in the parking lot are required by ordinance so the applicant is obligated to provide bumper guards unless a variance is provided by the Zoning Board of Appeals.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

C. William Sikkel for Neal King – Special Use to authorize the split of a parcel at 1671 South Shore Drive into non-conforming lots

This is a request to allow a split into two parcels that do not meet the minimum width requirement of 90 feet for the R-3 zoning district. The current parcel consists of three “lots of record,” and approximately 6.5 feet of a fourth lot of what was the Macatawa Park Grove plat, which was platted in 1883. There is currently a home on this Lake Macatawa waterfront parcel which was estimated to have been built in 1940. It was remodeled in 1992, and a small addition was added in 1995. The applicant has a contingent offer to buy the property subject to being allowed the split.

The ordinances were addressed in the Staff Memo. De Vries noted the four standards regarding this application on page 2 of the memo.

Sikkel addressed the application. He observed there is enough room to form two residential lots. He noted the Township requires 180' of frontage. The two lots have 156' so they are slightly less than the requirement. One parcel would be 20,908 square feet and one would be 11,761 square feet.

Since submission of the request the applicant offers another alternative. Taking the lot line and moving it to the west would allow the lot to the east to meet the 15,000 square footage

requirement. The frontage for the lot to the east would be approximately 97 feet on South Shore Drive and the lot to the west would be about 57' wide.

The property consists of three platted lots of record. Sikkel noted with the amendment of the ordinance last year (Section 38-483) it is now allowed to use contiguous lots of record even if they don't meet the minimum requirements so long as a special use approval is requested.

He reviewed the four criteria for the special use requirement: 1) size of building – he does not have a plan at this time; 2) effect on adjoining properties – sees no adverse effects except for additional traffic with two home sites but it would be negligible; 3) available parking – this is not a problem since both lots have space for off street parking; 4) proposed lot width comparable to lots in neighborhood – he counted 70 lots in the neighborhood that would be smaller in frontage and/or square footage compared to the lots in question on the application. If you look at lakefront lots there are 28 lots – half to the west are less in frontage. To the east there are three condo projects so it becomes more difficult to compute lot size for single dwellings.

PUBLIC HEARING

Chair Pfof opened the Public Hearing at 7:16 P.M.

There was no comment.

Chair Pfof closed the Public Hearing at 7:16 P.M.

de Vries noted there was one email submitted on this application that was not in favor.

Kleinjans asked if Section 38-483 allows breaking this property into two lots.

Legal Counsel Martin said Subsection 4 allows the merger of contiguous lots of record. He noted all three lots have been combined into one. A strong argument could be made that the lots (7, 8 and 9) have been merged into one. It has one parcel number that says they have been merged so they can't be divided again. Martin says it is *one parcel* with one home built on two *lots* (7 and 8).

Kleinjans argued they are no longer lots of record based on his understanding of the ordinance.

Nestel asked if it is correct that once lots have been merged they cannot be split.

Martin said the courts have said that common contiguous lots with common ownership being combined are enforceable so long as it has been done in the area. It appears these three lots have been combined into one given the tax parcel identification number, and lots 7 and 8 have been combined by putting a house over both of them.

Martin said the question is can lot 9 be considered an existing lot of record since it has the same parcel identification number.

Sikkel said, regarding distinction between lot of record and tax parcel, the lots of record are platted lots. The plat has not been amended to eliminate the lot of record.

Martin said it could be argued that lot 9 could be split off as an existing lot of record that hasn't been combined through a lot merger agreement with 7 and 8. But with lots 7 and 8 combined, in fact, with a house being built on them to allow a re-split, would be a violation of the Township ordinance. Historically we did not require lot merger.

Martin said the idea of the proposal is take lot 8 and add it to lot 9, dividing a lot that has been created by two lots.

Howard Fink asked Martin regarding the parcel lineage if this is what we use for identification – they are not lots of record. Is this accurate?

Martin said that was correct.

Fink observed then that, in terms of these three lots, they had to have been voluntarily combined by this property owner or previous property owners to be identified as parcels. Otherwise, they would be individual lots so each would be its own nonconforming parcel.

Martin said sometimes the assessor has assigned a parcel number to lots under common ownership. At some point, lots 7 and 8 were combined by one of the property owners by building on them.

Martin said historically we have not had a lot merger requirement in our zoning ordinance records. That is what has been added, but we have left in wording to say if they have not been combined, they should not be split. Right now lots 7 and 8 should not be split – it is a violation of our ordinance. There is a potential for a variance to be handled by the Zoning Board of Appeals.

Fink said it would be a dimensional variance.

Nestel asked Sikkel for the location of lot 10. Is it owned by the same property owner?

Sikkel said no. It is part of the deed.

Sikkel suggested further discussion on the issue with Legal Counsel Martin and asked to table the matter until a future date.

Martin said 7, 8 and 9 are lots of record. The sliver to the west of lot 9 is not a lot of record. He said his opinion won't change. Those are lots of record. However, he is willing to discuss the issue with Sikkel.

Kleinjans moved, supported by Ervine, to postpone this item for a future date.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

D. Harderwyk Ministries, 1627 W. Lakewood Blvd. – Site Plan approval for picnic shelter

De Boer said he is a member of the church and asked to recuse himself from this agenda item.

de Vries introduced the item. Harderwyk Christian Reformed Church, 1627 W. Lakewood Blvd. is requesting site plan approval for the addition of a 24' x 40' picnic shelter. The proposed location is southeast of the Anchor Youth building, approximately 20 feet north of the parking lot.

The approximate 26 acre campus on the northeast corner of Lakewood Blvd. and 160th Ave. currently has 8 buildings. The church has been at the location since 1906. The current buildings are:

1. Main worship and office building, referred to as the "red brick building."
2. "The Anchor" youth building erected in 1998,
3. "Little Peoples Place" daycare in the former youth building.
4. Three residences used to house persons in an outreach program of Neighbors Plus
5. Two storage buildings, one in the north part that was pre-existing when the property was added to the church, the second built in 2015 just north of The Anchor building.

On July 15, 1998 Special Use approval and site plan was approved to erect the Anchor. On December 2, 2014 Site Plan approval was given to erect the storage building adjacent to the Anchor building.

Nestel noted lighting and utilities are the only unanswered items with this request.

Darwin Glassford, Executive Pastor of Harderwyk Church, addressed the question regarding the utilities and lighting. They are not planning on adding water but do want to add electricity. He will ensure there is downward lighting. There will be no walls on the gazebo.

Nestel moved, supported by Eade, to approve the site plan approval contingent on compliance with the Township ordinance for lighting.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

Kleinjans moved, supported by Nestel, to re-admit DeBoer to the meeting.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

DeBoer rejoined the meeting.

E. Scott Geerlings, 2233 Ottawa Beach Road, LLC

- 1. Amendment to conditional rezoning**
- 2. Site Plan approval for addition**

Pfost asked de Vries to review the public notice on this item following a concern that had been expressed to the Township. Holiday Haven is one tax identification so one notice is sent to that development.

de Vries said the amendment was properly noticed. The site plan is not required to be noticed.

The notice meets requirements by the Michigan Zoning and Enabling Act.

Scott Geerlings, on behalf of Dune Dogz, is requesting an amendment to the Conditional Zoning for the business pertaining to hours of operation. Dune Dogz wishes to open earlier in the morning at 7:00 A.M. to serve breakfast items, stating they have had a number of requests for this service. An amendment to the Conditional Zoning is treated as a rezoning of the property. The Planning Commission will make a recommendation to the Township Board. There will be a public hearing for this request.

There is also a request for a site plan review for an 8'8" x 18 addition to the existing building which is unrelated to the rezoning request. As the building size was not one of the conditions for the Conditional Zoning, this can be processed as a site plan review with the Planning Commission making the final determination.

For clarification Scott Geerlings is the owner of the building. Dune Dogz is operated by Dan Ross and Kim Wojan.

The request is to allow the restaurant to open at 7:00 a.m. instead of 10:30 a.m. The owners state they have had requests from customers for this service, and it would help the viability of the business during the limited season they are open. They also advocate that it could reduce traffic in the mornings by eliminating the need for people to leave and return to get breakfast using their vehicles.

The criteria for the conditional rezoning were listed in the Staff Memo of June 14, 2017. The conditions have to be voluntarily offered by the applicant. The Planning Commission makes a recommendation to the Township Board.

Conditional Rezoning was approved by the Township Board in 2008 to allow a walkup restaurant with restrictions regarding time of year and time of day operation. The restrictions were offered by the applicant as stated in the Michigan Zoning and Enabling Act and the Township ordinance. At the time of the request there was vocal opposition to the agreement. Problems and complaints continued for a time involving the original operator of the business, neighbors and the Township.

In 2009 the operator requested an amendment to the conditions to allow for an expanded menu, longer season, and additional hours. Due to the request being somewhat open ended and past complaints with the operation the request was denied by both the Planning Commission and Township Board.

In 2011 Scott Geerlings presented a request to amend the conditions to eliminate the menu restrictions to stating only that it would be a walkup restaurant, to eliminate the seasonal restriction, and to be allowed to open at 8:00 a.m. rather than 10:30 a.m. per the current agreement. The Planning Commission recommended, and the Township Board concurred, to allow the first two requests, but not the earlier opening time due to potential noise concerns.

Four conditions for rezoning were listed in the Staff Memo on pages 5 and 6.

For clarification, Pfof confirmed the Planning Commission is to consider amending the hours of operation.

Nestel asked about the menu.

Martin said it was part of the application process.

The applicant, Scott Geerlings, spoke on behalf of Kim Wojan and Dan Ross. He said they have been excellent proprietors of the Dune Dogz business. Adding a couple of hours in the morning has been a popular request by customers. He was aware of seven letters of support for this request.

PUBLIC HEARING

Chair Pfof opened the Public Hearing at 7:58 P.M.

Joel Welch spoke to the original intent of conditional rezoning. He expressed concern about the potential for negative impact by conditional rezoning of Dune Dogz. He said he wasn't properly informed by notice and added that he considered this application request "spot rezoning" which is illegal. He asked why the residents have to keep protecting their neighborhood. He also expressed a concern that customer's voices would be an issue at this time of the morning.

Diane Walters did not understand why this request change is part of conditional rezoning. The general store was not conditionally rezoned. She also noted that traffic is a big issue in conditional rezoning.

Skip Nagelvoort said he was against the proposal. A few years ago 1817 signatures were obtained on a petition for a referendum to give the community a vote on spot zoning which failed on a legal error. There are better solutions regarding this request and he thinks conditional rezoning is a pejorative term. He suggested allowing the community to decide on conditional rezoning.

Phil Cappello said that Dune Dogz, on the positive side, has done a wonderful job but didn't like the public notice about the time of opening with no mention of an additional structure. The rezoning issue is a sore spot for the residents in the area.

Dave Lind has observed this business keeps coming to the Township on issues of conditional rezoning and exceptions. They continue to ask for more exceptions. The Township should consider other business property owners who will want the same thing. How do you keep the historical neighborhood when you continue to abuse it? The Township did not get approval of the West Michigan Park Association and there is a reason. The area should be kept historical and felt it is unreasonable to continue to allow exceptions.

Ruth DeYoung said she wasn't notified by public notice. She has a vacation home across the street and is concerned about the additional noise and traffic that granting this request would create. She sent an e-mail and letter to the Township stating she was not in favor of this request.

Kim Wojan said she and Dan Ross have operated the Dune Dogz business for six years. They have been pleased with their results until last year when revenue declined. They have had a lot of bad weather days and want to make up for the lost business. She understands the concern about opening earlier and is willing to work with the residents and respond to their requests. She said they do not plan to turn on the radio, and currently the earliest delivery is at 10:00 a.m. She asked for the Township to take a chance on the request and assured the Planning Commission that no additional deliveries will be for this proposal.

Minerva DeVries said she didn't receive a public notice. She confirmed that the owner of the mobile home park received the notice but he admitted he didn't notify the residents in the park. She lives across the street from the business. The noise from the loud music is annoying. She has asked the operators to turn the volume down on the music more than once. She wants her early mornings to remain quiet - the noise is an intrusion on the neighborhood.

Pfost closed the Public Hearing at 8:22 P.M.

de Vries said he had received one phone call which was in favor of the request.

Pfost requested the written comments to be entered in the record.

Kleinjans asked what the zoning was prior to conditional rezoning.

De Vries said it was R4. The parking lot on the north is C2.

Nestel asked Martin regarding the legal issue amending conditional zoning.

Martin noted the statute says local government cannot alter conditions of zoning. The Township can only accept what the property owner offers. A Michigan planner in 2015 received a letter of explanation stating that after approval if applicant seeks to change the rezoning conditions the applicant can do so but has to go through the application process. The property owner can ask and voluntarily offer conditions. We can accept or reject.

Martin said that this is not a negotiation process. For example, in 2011, expanded hours were rejected upon request of this business.

Nestel asked if increasing profit is acceptable for consideration of approval.

Martin said the Planning Commission is not obligated to make a decision based on revenue. You simply have to have a rationale for a decision. The decision just can't be arbitrary or capricious.

Pfost said he is concerned about the impact of noise, traffic, etc. Conditional rezoning is a bad form of public policy. We have a business that needs to alleviate financial stress. Is breakfast that much of a detriment to the neighborhood? The concern is what's best for our community.

Nestel said it seems the objection to earlier hours has been consistent in the history of this business.

Martin confirmed that the hours have been an issue from the history of this business. And regarding a referendum, Martin said there were enough signatures but some were thrown out not only because of the form that was used, but also the improper circulation to obtain signatures.

Nestel asked for an explanation of the lawsuit regarding this business.

Martin explained that any time the Township rezones a property or does a rezoning ordinance amendment it could be subject to a referendum. If the public doesn't like it they can circulate a petition for signatures, it goes on the ballot, and the ordinance doesn't take effect unless the voters approve it. The Township does not put a referendum on a ballot.

Eade agreed with Pfost and observed that the Planning Commission is being placed under a restraint. It is up to the applicant to propose conditions for Planning Commission approval. The noise is obviously an issue. Personally, he would love to have the early opening but is sympathetic to the neighbors who desire to have a normal morning life. We need to feel

confident that the applicant has presented conditions that are appropriate to the area before we submit anything to the Township Board.

Kleinjans said the complaints about noise are a justifiable issue. He visited the area and could hear the music from where he was at Holiday Haven. It appears to him that the original restrictions keep getting reduced over time and that is a “slippery slope” to him. He asked if the side yard setback would have to be changed.

Nestel asked if the variances were necessary.

de Vries said no variance was needed for the side yard. He had asked Martin if the site plan was part of the condition.

Martin explained that the condition that was voluntarily offered wasn't that the applicant would do the conceptual plan, rather the applicant developed the property consistent with the conceptual plan. Their condition was they would get variances if necessary and submit a site plan which was approved. So long as the addition: 1) meets the variance established by the Zoning Board of Appeals there is no change necessary, and 2) any revised site plan has to be approved by the Planning Commission, the condition itself does not need to be changed. If the addition goes beyond the setback, as established by the Zoning Board of Appeals, the applicant would have to apply for a variance.

Nestel asked, as presented, is this to be extended for the setback.

Martin replied that this condition occurred when the owner, Mark Smith, originally offered that condition. We pointed out to his attorney that the Planning Commission and Township Board can't waive it. Conditional zoning was new at that time and it wasn't very clear. The Township said they would probably need a variance. They then proposed as a condition

their conceptual plan, showing it would be outside the building envelope based on the setback so “we will and shall apply for a variance and we will and shall submit a site plan for your review.”

The conditional rezoning did not guarantee that they would get a variance and, likewise, it did not guarantee that the Planning Commission would approve it.

Martin added it was his understanding that the addition does not encroach upon the setback as established by the Zoning Board of Appeals.

Ervine observed that we have to be respectful of the time of morning and the noise generated by the business.

Vanderkolk said the business is an asset to the community, but it is his opinion that the noise issue hasn't been adequately addressed.

DeBoer agreed with all the comments. He loves the area and it is a good offering but he is not comfortable with operator statements of compliance. He needs more than this as a rationale for approving the request to change the hours.

Pfost suggested looking at the standards under Section 38-129 related to Conditional Rezoning:

1 – Bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning.

All agreed with this.

2 – Are necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impact to adjacent properties.

There is sufficient evidence, based on the residents' complaints that the noise level is of concern.

3 – Will lead to a development that is more compatible with abutting or surrounding uses than would have been likely if the property had been rezoned without the proposed voluntarily offered conditional zoning agreement, or if the property were left to develop under the existing zoning classification.

Kleinjans asked if this is a reapplication and will this plan be more compatible than it was. He didn't think it would be more compatible.

4 – Meet the basic requirement of the requested zoning district.

At this point there is an issue with the noise and the related request to open early at 7:00 A.M.

Pfost called for a motion.

Nestel moved, supported by Kleinjans, to deny the request because the conditions have not been met for the extended hours.

Roll Call Vote:

DeBoer, aye; Nestel, aye; Kleinjans, aye; Pfost, aye; Vanderkolk, aye; Ervine, aye; Eade, aye

Ayes 7, Nays 0. Motion carried.

Geerlings asked if he could table the request and return with revised conditions.

Martin said the request could be postponed. It would be re-noticed to the public.

de Vries asked if the applicant can attend the next Board meeting and offer their conditions.

Martin recommended the Planning Commission should hear what the proposed conditions are. He recommended a new motion for postponement and resubmission by the applicant. There would also be another public hearing.

Nestel withdrew her motion, supported by DeBoer.

Eade moved, supported by DeBoer, to postpone action on the amendment request and allow the applicant to resubmit new conditions.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

de Vries noted action was needed on the site plan request.

Geerlings said he was not in a hurry to move forward with the site plan.

Eade moved, supported by DeBoer, to postpone action on the site plan.

Eade asked if the site plan was contingent upon any change in the hours.

Geerling said it was not.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

F. Staff Report on a Minor Amendment to the Villas on Lake Macatawa PUD Development Plan

de Vries explained that Covenant Development requested two amendments to the plan for the development, both involving sidewalks on the property.

Applicable Ordinances: The request can be considered *without* a formal amendment to the PUD agreement for two reasons:

1. In the approved PUD agreement, under conditions of approval section 3. A) states:

“Except as expressly modified or revised by these conditions, the Developer shall comply with all of the agreements, plans, representations and warranties included in the Final Development Plan. Except for minor modifications as described below, no change shall be made in the Final Development plan unless the Planned Unit Development approval is first amended by the Township Board following the procedures then provided by State law and the Zoning Ordinance for approval of a planned unit development project. *The Planning Commission or Zoning Administrator may determine that some proposed changes are minor modifications*

(e.g., changes in design, materials, and minimal positioning of certain improvements within the Project) and may approve such minor changes without having to amend the Planned Unit Development Approval only if the Planning Commission determines that the proposed changes do not adversely affect the intent, character, or substance of the Project.

2. From the PUD ordinance:

38-379 Existing approved PUD's

(1) Planned Unit Developments that were given either Preliminary or Final PUD Development Plan approval prior to May 22, 2017, shall be considered to be conforming uses and shall continue to be regulated by the approved Preliminary or Final PUD Development Plan and any conditions imposed for that particular PUD.

(2) A minor change to a Planned Unit Development that was given either Preliminary or Final PUD Development Plan approval prior to May 22, 2017, may be approved by the Zoning Administrator according to the requirements of Section 38-380 (*Note: Should have read 38-375. Section 38-380 does not exist*). Any change that is not a minor change shall be resubmitted to the Township in the same manner as the original application, and shall be subject to the requirements of Division 8 of Article III as of the effective date of May 22, 2017.

38-375 Amendments to an approved PUD

An approved Final PUD Development Plan (and any conditions imposed upon Final PUD approval) shall not be changed except upon the mutual written consent of the Township Board and the applicant as required by this section.

(1) Minor Amendments. A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and shall indicate that such change does not substantially change the basic design or alter the conditions required for the PUD.

The two changes are located by the Community Building and the pool.

1. The sidewalk on the north side of the Community Building and pool area which leads to the dock area was proposed to be immediately adjacent to the Community Building then leading to a serpentine zero-step sidewalk leading to the shoreline. The change involves moving the sidewalk approximately 5 feet from the building, and allowing for steps on the north side of the zero-step walk leading to the shoreline.

The reasoning behind this change is the assumption that persons not needing to utilize the zero-step walk will take a shortcut by walking down the embankment to get the shoreline quicker. This would eventually erode a pathway down the embankment and could possibly present a fall hazard over time. In addition the steps would also provide a shorter path for any emergency responders should the need arise.

2. The crosswalk on Janes View Drive at the entrance to the development was originally planned to cross the road just into the right-of-way of the cul-de-sac. This change moves the crosswalk south approximately 20 feet. It will be on the development property, and further from the public roadway area.

Both changes do not “substantially change the basic design or alter conditions required for the PUD,” nor do they “have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare” on either property. The changes will enhance the safety and welfare of all users of the property.

PUBLIC COMMENT

Chair Pfof opened Public Comment at 9:05 P.M.

Nikki Arendshorst supported the process of hiring a facilitator for the overview of the NHP Overlay for Macatawa Park. She thanked the Planning Commission for organizing the committee. She noted the Dune Dogz business originally was not “invited” by the Township – it just happened in that location.

J. G. of Holiday Haven commented on the Dune Dogz business. He has lived in the area since he was 18 years old. He asked how many times the law can be changed to please a business. It is the residents who live there should be accommodated. Should a business be allowed to change its method of operation every couple of years?

Joel Welch asked for clarity on the Dune Dogz issue and reiterated his premise that the change request is unclear.

Pfof closed Public Comment at 9:14 P.M.

ANNOUNCEMENTS

de Vries asked the Planning Commission to consider moving the meeting date to the second Tuesday of the month beginning July 11, 2017. This will accommodate the new Planner's schedule.

Kleinjans moved, supported by Ervine, to change the meeting date of the Planning Commission to the second Tuesday of the month.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

de Vries said four applications will be on the agenda for the July meeting. He also added that he will be on vacation during the time of the July and August meetings. The Township Board has approved hiring Gregory Ransford of Fresh Coast Planning as the new Township Planner.

OLD BUSINESS

A. Status of NHP Overlay for Macatawa NHP

Nestel reported on the progress of the NHP Overlay for Macatawa Committee. The committee has agreed on a process with a facilitator, Steven Denefeld, who has been retained. Howard Fink has developed questions to be entertained by the committee as well as a definitive procedure.

Pfost said members of the committee include Jerry Hunsberger, Denise Nestel, Ed de Vries, Howard Fink, and himself. The Township Board has authorized to organize a *charrette* with the facilitator to go through the process. The committee intends to get public input this summer.

B. Ordinance Amendments (special use additions, waterfront setback cleanup, single family dwellings, permitted uses in various zoning districts, signs, subdivisions, airport overlay)

Pfost said Greg Ransford, the new Planner, will help with these amendments.

ADJOURNMENT

Eade moved, supported by DeBoer, to adjourn the meeting at 9:22 P.M.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
June 22, 2017

APPROVED: