

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
July 19, 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, Linda Dykert, Dennis Eade, Denise Nestel, Tom Vanderkolk

Absent: Eric DeBoer

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

Chair Pfof introduced the new Staff Planner, Janis Johnson.

APPROVAL OF AGENDA:

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

Voice Vote:

Ayes 6, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Eade moved, supported by Nestel, to approve the minutes of the June 21, 2016 Regular Meeting as submitted.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

A. Master Plan Public Hearing

Pfost explained the Public Hearing is being held to address proposed changes in the Neighborhood Heritage Preservation classification in the Master Plan despite the September 2015 hearing and for transparency to include public input. The change is noted in paragraphs on pages 54 and 76 of the Master Plan to include safety elements for the areas under this designation and to replace the density provisions of the previous discussion.

Pfost requested that comments should be limited to five minutes.

The Public Hearing was opened at 6:36 P.M.

Herb Eldean, owner of the Eldean Shipyard on South Shore Drive, provided a brief history of the shipyard. He purchased the Jessup Brothers Shipyard in 1973 which was founded in 1903. The shipyard has been in business on a continual basis since that time. He noted the shipyard has received many awards including Marina of the Year and Boat Builder of the Year. His concern is that he doesn't see the provision for future potential expansions on his property in the proposed Master Plan. He reviewed the operations at the shipyard on his property in light of the implied interpretation of the term "seasonal" in the Master Plan. He asked the Planning Commission to reconsider the wording in the Master Plan for this area of the west end of South Shore Drive. The business is not seasonal; the business goes on all year long. He referred to the provision in the Master Plan stating multiple family housing is to be a minimum four acres. The current acreage for his home is 2.93 acres. Given the proposed wording he could not expand in the future. He has never been consulted about these changes that will impact his property, and feels that the Township thinks his business doesn't count.

Matt Eldean assists in the year-round operation of the shipyard with family. He reviewed the off-season activities during the winter months which is the busiest season. Seven buildings on the property are involved in servicing boats in the off-season. His point is the business is not seasonal – operations are ongoing all year.

Pat Eldean operated the Piper Restaurant until her recent retirement and the closure of the restaurant after 31 years. The restaurant was part of the Eldean Shipyard property. She employed between 60 and 80 people at the restaurant and provided first time jobs for many young people in Park Township. The family hopes to have a year-round business with the proposed loft business. Green space has been included in the area as recommended in the Master Plan. She has worked with Project Clarity for green additions on the property. She would like to have the option of changing their home area in the future but this Master Plan proposal will limit them since the acreage does not meet the four acres requirement of the Master Plan.

Ryan Eldean is the fourth generation in the Eldean family. He emphasized that the Eldean Shipyard does not want to turn away future customers. If it cannot expand it cannot compete and jobs will be lost. Restricting the land use in the area will jeopardize jobs, services and opportunities. He asked that a revision be made in the Master Plan to make it correct.

Wade Eldean has worked for 30 years at the shipyard. He quoted from the conclusion of the 1998 Comprehensive Plan: “The Planning Commission will always be available to help and guide any person or group who needs advice or who wishes to have a part in the Comprehensive Plan acted upon.” He said he contacted all members of the Planning Commission and received only one response.

He questioned the accuracy of the commercial section of the Master Plan given the potential problems it presents for the shipyard area. In his opinion, the information in the public notice for this Public Hearing was incorrect. He said he has had problems accessing the Master Plan document on line and locating a map at the Township office. He discussed the classifications for the NHP district with Ed de Vries who could not give him specific information about the proposed classifications of the shipyard property. Requiring the minimum four acre restriction for multi-family designation is a taking in his opinion. This invites a lawsuit because the Eldean properties will be unable to support multi-family housing under this new proposed standard. The boathouse at 2335 South Shore Drive is a half-acre in size.

He noted that the shipyard has operated for over 40 years under his family’s ownership and in an efficient and productive manner with no problems with law and order unlike some other areas of Park Township. It has made a substantial contribution to the Township’s commercial endeavors employing Township residents and promoting the tourist business. The family is proud of the Township and feels the Township should be proud of them.

He proposed the solution by considering the shipyard’s commercial business is seasonal and year-round, serves the visitors and community, and the day to day needs of boating interests and the local residents. He requested the language be changed.

Merle Ringwold has been a Township resident for several years and has been a year-round subcontractor for Eldean Shipyard for 22 years. He supports the efforts of the family business and their contribution to the Township.

Jeff Brady is a yard man at Eldean Shipyard, having worked there for nine years. He has never been laid off for shortage of work. He and his coworkers depend on the winter work for overtime income.

Sally Pollock said the Eldean Shipyard is one of the finest boatyards on the Great Lakes. Many Chicago people come to Eldean’s for winter service - it is definitely a year-round business.

Joyce Flipse Smith has lived across the street from the Eldean Shipyard for 45 years. She has used many marina facilities over the years in her sailing experience so knows about the business. She supports the Eldean family and the business and the family’s support for the community and their civic involvement. She cited a personal experience about her family boat being saved from damage after losing its mooring at the shipyard. This occurred off-season but people were available to recover the boat.

Pfost closed the Public Hearing at 7:00 P.M.

Board Discussion:

Pfost said the Planning Commission has discussed the need for commercial development in Park Township. He apologized if the perception was that Park Township has not supported their interests. Perhaps this has been miscommunicated because the Commission appreciates their contribution as an important anchor in the community.

Martin clarified the point about the term “seasonal use.” He noted that on page 52 of the Master Plan, the seasonal use on the south side is in the C2 commercial land use area. The shipyard is specifically referenced under Resort Commercial where the term “seasonal” is not included. It is his interpretation there is no intent in the language that the Eldean Shipyard cannot operate year-round.

Pfost said the Master Plan is a vision document, not a zoning document. The Master Plan cannot change the zoning as it currently exists for any property. Rather, it is the document the Township refers to as an eventual plan for rezoning in the future.

Martin said the concern is if this is the Plan and we start updating the ordinances based on the Plan in a few years, there might be a different Township Board in place. The Eldean family may need to expand in the future. Referring to page 53, Resort Commercial includes the Eldean Shipyard so the Plan does not discourage its expansion.

Arendshorst noted the term “GC General Commercial” on page 53 and asked if that is correct.

Dykert said it means the same thing. In this definition the distinction is poorly drawn. We need to better address this, especially in reference to Resort Commercial.

Martin said the Master Plan has two different designations: a C Commercial and RC Resort Commercial. The Eldean Shipyard is identified as RC Resort Commercial.

Nestel asked when this change was made.

Martin said the current Master Plan, from 2004, has similar language. It doesn't seem to break it out between Commercial and Resort Commercial. The map would have to be revised to make the distinction. General Commercial seems to be more year-round rather than Resort Commercial. The language references GC for General Commercial, but there is no GC.

Pfost asked if there could be a regulatory overlay to allow a certain type of commercial activity.

Nestel asked if the Eldean properties are contiguous and which of their properties are designated in the Master Plan.

De Vries said the properties are contiguous on both sides of South Shore Drive.

De Vries said some of the difficulty is where the neighborhood preservation area begins. The boundaries are unclear.

Martin said there are two things at issue: the vision for the future in the Master Plan and the zoning which is based on the Master Plan. The ordinance allows expansion of nonconforming uses but limits the expansion to 50% of the property area of current nonconforming needs.

Arendshorst asked if we leave it as is can the family rezone. Martin said the family would have to apply to the Township for approval to expand.

Dykert observed that the language is nebulous.

Nestel asked why this issue is now being presented to the Planning Commission when a previous public hearing has been held.

Dykert said a public hearing was not held.

Martin said a public hearing has been held.

Planner Johnson asked if a map of the area could project a better picture of this particular area, parcel by parcel.

Nestel observed that the discussion appeared to be about apples and oranges. On one hand, we are discussing land use and on the other we are discussing the designation of Neighborhood Heritage Preservation which doesn't include a reference to commercial use.

Johnson noted that there could be a commercial component to the NHP classification. It is not exclusively residential. She advised caution to avoid a lot of revisions to the document at this point. You could look at this without making too many revisions at this point.

Pfost said the question is distinguishing the use of "seasonal."

Nestel asked if the shipyard can be called Commercial rather than Resort Commercial on page 53.

Pfost supported striking it from the document. However, we shouldn't allow it to be interpreted as restricting the business.

Dykert was concerned about the definitions in the language and future interpretations by administrators and planners.

Arendshorst said as it reads now future expansion is not desirable in both designations.

Martin clarified that C2 refers to Eldean Shipyard. The Master Plan tried to parallel C1 and C2.

Nestel asked if we could remove Eldean Shipyard out of Resort Commercial on page 53 and would that place it in the commercial area.

Martin advised against doing that. Eldean Shipyard is currently in Resort Commercial. If you take it out on p.53 and not 52 it would fall into a seasonal business reference.

Vanderkolk understands Eldean Shipyard is a year-round operation but the impact regarding traffic is much more seasonal. If Eldean should submit a request for expansion that is in keeping with its business that would be appropriate; however, if they should want to include a fast food business, for example, that would not be approved based on the NHP designation of the area.

Arendshorst suggested adding the language: “we will carefully consider future suggestions if they are desirable.”

Johnson noted the term “seasonal” is a character description and does not refer to zoning. There would not be a seasonal restriction in a zoning ordinance. She agreed expansion should be carefully considered. Also, she advised deleting the reference to General Commercial.

Nestel asked if we would have to have a new public hearing for this consideration.

Martin said that would not be necessary.

Arendshorst supported making a correction in the wording.

Nestel suggested we should follow Johnson’s advice and proceed with the change to the language.

Martin concurred with Johnson regarding correction of the GC reference and added that the concern over the term “seasonal” is warranted. The number of housing units in the ordinance is a legitimate concern.

Johnson suggested the following language for C Commercial on page 52:

“The C Commercial land use category primarily serves the day to day service and retail needs of nearby residents.” The second sentence should be deleted beginning with “The latter...” The rest of the paragraph remains intact.

Nestel asked if this is a satisfactory solution.

Martin confirmed it was.

Pfost asked if everyone on the Commission supported the fact that the NHP designation captures the Macatawa Resort area and not the commercial aspects.

Everyone concurred.

Pfost asked if the description on pages 54 and 76 for the NHP designation was acceptable.

De Vries asked if the paragraph on page 54 was the accepted language as intended by the Planning Commission. The new language is what was agreed on in last month’s meeting.

Arendshorst said the Township Board asked why density is listed in every other land use designation but not here.

Dykert said the Planning Commission was being capricious with a particular area regarding undeveloped land.

Pfost said there has been confusion regarding density controlled by ordinance and the purpose of the Master Plan.

Dykert asked why there can't be a specific reference to 3 units per acre. She recalled that the Township Board asked for a reference to 3 units per acre on page 76.

Nestel said the Master Plan is the vision. To put 3 units per acre density in an R4 area could be considered problematic and a taking by some residents. It was her understanding the Township Board's position has changed as of its meeting last week, and in an informal poll unanimously agreed. We should not specify it in the Master Plan. Did we not agree this is a unique area. The language we agreed on says "...this Master Plan does not propose or specify density limitations...[it] contemplates that further analysis of these neighborhoods may involve addressing the density of those neighborhoods more directly." She reminded the Planning Commission that she and Arendshorst worked on this language.

Martin said it doesn't mean they have to have different densities but they might have different densities. One neighborhood might have been historically developed at a higher density than another neighborhood. From a zoning perspective we have to ask what do we want the law to be. Often you are looking at more development, agricultural or properties that might be zoned at one or two acres and zoned later at a higher density, for example. If it has already been developed and there is a nonconforming status and there is some land not developed the Township could get involved into litigation over a constitutional taking.

Johnson said it is acceptable the way it is written now. It does not have to be spelled out in the zoning plan. You could say you are going to look at this and plan for the future. A future rezoning request usually takes place when there is a request for a development. In zoning language you could have a density range. You then wait to see if a proposal is submitted and there could be an overlay district with a discussion of a range of density.

Nestel said density is believed to be protection but it is not.

Arendshorst said we need to answer the question when it's been 3 units per acre for years. What would the range be?

Johnson suggested that the language could say "this area is proposed for a range of density" but it is acceptable the way it is written.

Martin advised you will have to consider individual neighborhoods for appropriate density. What you can't do is say this particular space can't be developed. The Township will buy that property as a taking in that case.

Nestel said the Township wants the Master Plan to go forward. This paragraph addresses the problem and this language is considered appropriate. She questioned the need to revisit changing the language again.

Arendshorst said if this language protects the neighborhood then she supports it.

Pfost reiterated this process must go forward. The Township Board is waiting for the document. The Planning Commission has tried to address the issue of nonconformity with the NHP areas because of their uniqueness. We have gotten this far, it is not a perfect document, but it never will be. Let us agree on what is acceptable based on the dialogue we have had and return it to the Township Board.

Arendshorst asked what happens if new land division occurs in this area.

Johnson said you use the guidelines based on what is there but you could remove density level references.

Dykert asked if it isn't our goal to consider the residents and the infrastructure in that area and say after we study it that we don't want greater density in the area.

Vanderkolk disagreed because you say you are going to study it and you already know the result.

Johnson said you could add language such as "...with broad neighborhood input" and include plans to address the issue at a future point.

Nestel said the reference to R4 is in the language already.

Martin said it is fair the property will be developed as zoned.

Arendshorst asked about an overlay.

Johnson said there is always the question if you have an overlay available for this area. In the event a developer proposes a plan for development, they can ask for the overlay.

Pfost sees three issues on the table: Eldean property, map designation, and final NHP language. He asked the Planning Commission if there is consensus the NHP area doesn't encompass commercial areas in the South end. The Commissioners indicated their general agreement regarding the separation between the NHP and commercial activities at Eldeans.

Pfost asked the Eldean family if the Planning Commission has addressed their concerns.

Herb Eldean asked about the zoning change.

Pfost said the Planning Commission is not changing the zoning. The Master Plan doesn't deal with zoning.

Herb Eldean said he is zoned C2 Commercial.

Pfost said Eldean can expand within the confines of C2 Commercial. The Master Plan doesn't limit the operation of the Eldean business.

De Vries said the current requirement for residential use is less than 4 acres. This proposal is inconsistent with the zoning ordinance. Multi-family residential use is five acres or less.

Martin said the recommendation from the Public Hearing is to put it back for multi-family on ½ acre lots or more. The zoning ordinance says no more than five acres. The range is ½ acre to 5 acres for multi-family ordinance. Section 38-452, Subsection 16, multi-family dwellings, says 5 acres or less. Martin noted that the ordinance would have to be changed in order to make it a minimum of 4 acres.

Arendshorst said we should be consistent.

Pfost asked if striking 4 acres takes this issue out of play.

Martin said it would address the concerns that have been raised.

Nestel asked Martin to recommend language to resolve the Eldean issue.

Martin suggested, on page 76, to say “multi-family uses are permitted.” Page 75 will necessitate a correction. The last part on page 76 would be deleted. “In addition, multiple family uses should not be allowed.”

Also the GC designation on p. 75 should be corrected.

Pfost asked Martin if the GC designation can be considered a typographical correction performed as a global edit.

Martin indicated it can since its use and designation is from the previous and not this version of the MP.

Johnson suggested the overlay reference should not be added right now.

Pfost called for a draft motion to address these issues as a package.

Arendshorst and Dykert disagreed on doing it as a package and suggested handling the issues on an individual basis.

Board Motions:

#1- Nestel moved, supported by Eade, to adopt the NHP language presented for consideration with changes to pages 54 and 76, cross references and the table of contents in the Master Plan.

Voice Vote:

Ayes 4, Nays 2 (Arendshorst and Dykert opposed). Motion carried.

For the next motion, Johnson restated her recommended change on page 52: “The C Commercial land use category within the Township is that which serves the day-to-day service and retail needs of nearby residents.” The balance of that sentence is deleted as is the following sentence. The paragraph continues with “Neighborhood shopping uses...” to the end.

Martin advised deleting the sentence stating lots of four acres or more. “Multiple family uses are permitted” is allowed. “Multiple family uses should not be allowed” will be deleted.

#2- Vanderkolk moved, supported by Nestel, to approve the changes on pages 52 and 76 including the revised sentence by the Staff Planner with adjustments from Martin.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

#3 –Eade moved, supported by Arendshorst, to approve the revision of the map of the west end of South Shore Drive for the NHP area.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

#4 – Eade moved, supported by Vanderkolk, to the refer the Master Plan to the Township Board

Voice Vote:

Ayes 6, Nays 0. Motion carried.

B. Update on PUD Ordinance

Vanderkolk reported from the PUD Ordinance Subcommittee. The Committee has compiled a list of recommendations for the proposed PUD ordinance. Staff Planner Johnson will produce an organized document based on these recommendations which will be submitted to the Planning Commission during its August meeting for subsequent review. With the appropriate consensus the document will then be remanded to the Township Board for review during its September meeting. The Subcommittee would like to see the proposed language from the Planner and will advise the PC regarding the roll out of the PUD ordinance draft language at that time. An extension of the moratorium on the PUD ordinance is likely but we are uncertain at this point how long the extension may entail.

C. Other Business

De Vries said one application has been received for the August meeting.

PUBLIC COMMENT:

Joyce Flipse Smith referred to a handout that she shared with the Planning Commission regarding density of light for bird migration protection. The Township Board has reviewed the proposal for reduction of night light during the migratory season. The proposal is in conjunction with the Dark Sky Project of the Audubon Society and the Nature Conservancy

for raising awareness for the necessity to have dim light at night in the Western Michigan area which is an important migration flyway for birds. The flyway through the Great Lakes area is a “hot spot.” She has observed a change already in the night sky thanks to the cooperation of the Township and County governments and the residents.

ANNOUNCEMENTS:

The next Planning Commission meeting will be August 16, 2016.

Arendshorst announced that the Ottawa County Fair starts next week.

She asked about the status of the medical marijuana issue in Park Township.

Johnson will share the information that she has with the Planning Commission.

ADJOURNMENT

Arendshorst moved, and Eade supported, to adjourn the meeting at 8:43 P.M.

Voice vote:

Ayes 6, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
July 21, 2016

Approved: August 16, 2016