

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
September 12, 2018
6:30 P.M.

DRAFT 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, Terry DeHaan, Rosemary Ervine, David Kleinjans, Denise Nestel

Absent: Dennis Eade, Diana Garlinghouse

Staff: Gregory Ransford, Staff Planner; Dan Martin, Legal Counsel

Ervine moved, supported by Kleinjans, to approve the agenda as presented.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Kleinjans noted two corrections on page 5 and page 8.

Ervine moved, supported by Nestel, to approve the Regular Meeting Minutes of July 11, 2018 as corrected.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

BUSINESS ITEMS:

A. Coastal Condos – Planned Unit Development

Preliminary Plan: Commercial storage units and four residential lots

As background, this is an application from Facility Management Services, LLC on behalf of Dirkse Capital Management, LLC for a mixed-use PUD consisting of two (2) storage buildings containing ten (10) storage units, four (4) private single-family homes, a private road, sidewalks, gazebo, open space, and related site improvements, which are proposed to be developed as a condominium. The project is located on three (3) vacant parcels on Ottawa Beach Road, east of 152nd Avenue. Pursuant to Division 8 – Planned Unit Development of the Park Township Zoning Ordinance (PTZO), the Preliminary PUD Development Plan has been submitted for consideration by the Planning Commission.

The site is comprised of three (3) separate parcels (70-15-25-160-029, 70-15-25-160-049, and 70-15-25-160-051). Parcels -049 and -029 are located within the Neighborhood Business District (C-1). Parcel -051 is located within the Low Density Residential District (R-3). The proposed storage units are planned to be located within the properties zoned C-1 and the residential units are proposed to be located within the property zoned R-3.

Ransford introduced the agenda item. He reminded the Planning Commission this was an agenda item in 2017 for commercial-storage condos. He noted the previous problem was compatibility with the residential area so it was recommended for denial. The applicant withdrew the application and has returned with a different plan that has fewer storage units and four residential condo units to create a buffer to the residential area. He explained the ultimate plan is to review the preliminary plan to provide the applicant feedback. The Planning Commission will give the applicant direction to return with a final plan. At the final plan presentation there will be a public hearing.

Todd Sneller, representing Dirkse Capital Management, said the original proposal was redesigned to include 10 private storage units for purchase with four stand-alone residential condominium units to be built on the lot behind which an R3 designation. The condo units will have their own association, self-governed with dues and fees. All 14 owners will share in the cost of the maintenance. The exterior plan has not changed. The design of the residential condos will be compatible with that of the storage units. There will be a shingled roof on all units to blend with the adjacent condos to the east. They are trying to keep a tree buffer to the south as a border around the property. A gazebo in front has been included to meet PUD requirements. They have tried to comply with Park Township PUD requirements.

Ervine asked Sneller if he planned to describe the layout of the development.

Sneller said there are some visuals available to the members of the Planning Commission. He referred to the visual of the private storage units and the stand alone condo units. The floor plans are included and the exterior foot-lighting is described. The sign in front will be compatible with the appearance of the units.

Pfost said the staff identified previous issues. He asked Ransford about the design plan modifications for meeting the PUD requirements. A public hearing was previously held on the storage parcel but this is now a different application. Pfost asked if the Planning Commission can move forward with these conditions.

Nestel referred to Ransford's staff memo and asked if he had any issues with this plan.

Ransford said, historically, Park Township would put storage units in a commercial district but he has no problems at this point. He will address special use standards.

Pfost said it appears Sneller included the residential element with screening and thanked Sneller for that consideration. The other elements are noteworthy.

De Haan asked about the disparity in the square footage reference – one was 6,000 and the other was 9,000.

Sneller said there are four units that total square feet is 6,000 and six units that total 9,000 square feet for a total of 15,000 sq. feet of storage facilities.

DeHaan asked about the drive being the main access to residential areas. He was concerned about the amount of traffic. He was also concerned about the lack of landscaping on the west side. He asked whether landscaping could be included on that side of the development.

Sneller said they added stone on the back side of the building to improve the appearance.

Jim VanderMeulen, architect for the project, noted there is only five feet on that side. It's a vacant lot there which creates a potential problem. There are some restrictions with parking and the building so there is not much room on that side. It was more important to keep the buffer on the front side rather than the back side.

Kleinjans asked if some high windows could be added to break up the high wall. Sneller said there are windows on the north side.

Sneller said there was no problem to add more windows – it would give the units more light. Security is an issue too so that's why the windows are high.

Pfost observed it is unique to drive through the storage units to get to the condo units. He asked whether the Planning Commission was okay with this kind of access.

Ervine asked if there is another option for a drive.

Sneller said there is no room on the east side.

Ervine asked what do you see when driving by the development.

Sneller said the northwest unit will catch the eye going east past the corner. Once you pass the stone veneer is apparent which offers curb appeal. Going west you will see a sign, a gazebo, and well-manicured grass.

Nestel asked if everyone will have an equal vote in the condos.

Sneller noted that the residents in the condo units will have more square footage so they will have a bigger vote.

DeHaan asked about the bylaws and whether the association overwrite a bylaw rule.

Martin said the bylaws are like a constitution. They would have to amend them to allow an overwrite as part of the bylaws. The PUD approval will be the law imposed by the Township – the condo association won't have the authority to change the PUD conditions without coming back to the Township.

Pfost asked if the PUD ordinance requires public access to private property.

Martin said it is open to interpretation. Property owners generally have the right to exclude people from their private property. Allowing public access to private property arguably takes away that "stick" from the "bundle of sticks" a property owner has. But there may be situations where there is a legitimate governmental reason for allowing general public access to certain parts of real property. The PUD ordinance talks about allowing public access in a commercial PUD. That's typically true and necessary when the general public is going to a commercial establishment, like a store or restaurant. But here, the plan is for privately owned storage units, which are only allowed in commercial districts. So the general public isn't expected to come to this commercial property the way it would to a typical commercial use. And there may be legitimate reasons to not want the general public hanging out around the privately owned and used storage units.

Nestel said if it's private storage you should have the right to keep public out.

Pfost asked for the review of the Points for Consideration.

Ransford led the review of points for consideration:

1 - Open space Requirement– The applicant provided only 14% of open space. The plan includes the cul-de-sac island to meet the open space requirement of 20%. Pfost asked about the private road meeting the right-of-way. Ransford cited item 2 of Section 38-368 regarding open space, which excludes the right-of-way from open space calculations

VanderMeulen said he applied Subsection B of private roads for PUD requirements regarding the plan for the cul-de-sac. He asked whether he should use the Subdivision rule or the PUD rule. He asked whether he needed to design a cul-de-sac.

Martin explained that Subsection A deals with location of roads and Subsection B deals with the construction and application, so both are applicable. Any conflict between them requires interpretation by the Planning Commission. Private roads are allowed in both subdivisions and site condominiums. This development is commercial and private residential, so it's a mixed use. The Planning Commission can waive some of this requirement wording as part of the PUD approval. He explained the difference between subdivisions, site condominiums and PUDs.

VanderMeulen said the other option is to consider if the property is considered one parcel with the condominiums as in a Subdivision rather in a PUD.

Martin said it is one lot for the general area of the condominium.

Ransford said Section 38-366 allows flexibility in building height and setbacks so that provides an option. It could be done.

Martin agreed with Ransford that we can. The dedicated open space states 20% open space. For land that is zoned commercial like this property you can be flexible, if there is a way to meet it. If we can meet it at the preliminary stage then it is recommended to do it.

VanderMeulen said R3 requires 15,000 sq. feet per unit. Site calculations for R3 state you don't have to subtract land for green space or a private road if it is deeded into.

DeHaan asked if there will be green space inside the cul-de-sac.

VanderMeulen confirmed it would.

2 – Dedicated Open Space for Non-resident Use Meets Intent of Zoning Ordinance -

Ransford said this is met. All agreed.

3 – Whether Bylaw Provisions Restricting Public Use of Pathways, Benches and Gazebo is Removed –

Ransford said the PUD will confirm this.

Martin said Section 38-358 states regarding the open space requirement that the Planning Commission can recommend *more* than the requirement, but not less than the requirement. It could be challenged. This is a stronger reason to confirm the 20% figure. The bylaws will supersede.

4 – Whether Public Amenity with Open Space is Acceptable –

De Haan asked is the sidewalk could be curved to exit the development.

Sneller asked if the plan should cancel the gazebo.

Martin said it is a commercial use that is privately owned and privately used, where the general public is not invited to the commercial activity on the property – it is unique.

Kleinjans said the gazebo is an amenity.

VanderMeulen noted the gazebo has to meet the setback requirement.

Sneller said he does not support it because it will invite public problems.

Ransford asked what is appropriate – it doesn't have to be a gazebo. There are options.

Pfost asked about a bench as an option.

5 – Whether the Greenspace Requirement is Met

All agreed this is met.

6 – Whether Width of Pavement at Cul-de-Sac Should Be 22’–

Ransford asked Martin to recommend conditions for this.

Martin said the cul-de-sac is more specific than the private road. You can be more flexible. If challenged the ordinance would be interpreted against that. However, with regard to the cul-de-sac 20’ is okay for the width of the pavement.

7 – Condition Open Space Preservation and Maintenance Agreement Reviewed by Township Legal counsel –

All agreed.

8 – Whether Material for Dumpster enclosure is Appropriate –

Sneller said it’s cedar.

All agreed it is appropriate

9 – Whether Parking for Storage Units is Adequate -

All agreed it is appropriate.

10 – Whether Parking Area is Screening is Adequate –

All agreed it is appropriate.

11 - Is Environmental Impact Assessment Necessary –

Ransford said this is standard. All agreed.

12 – Ottawa County Water Resources Commissioner Review and Approval –

Pending approval would be a contingency of Planning Commission approval.

Pfost asked for a motion to approve the preliminary site plan for the applicant.

Nestel moved, supported by Ervine, to approve the Preliminary Site Plan for the Coastal Condos PUD

Ransford reviewed the agreed upon conditions following discussion on the 12 Points of Considerations:

- 1– The west elevation will have windows or trees or a combination thereof.
- 2 – The condo lots will be smaller to increase the open space to at least the 20% requirement.
- 3 - Reexamine the gazebo option with a bench or other public amenity.
- 4 - The open space document is reviewed by Legal Counsel
- 4 – Approval from the Ottawa County Water Resources Commission Office

Kleinjans asked about rear yard calculations for the PUD. He didn’t see the reference on the drawing.

Ransford said he will review them and confirmed they were okay.

Nestel asked Sneller if he has talked with the residents in the surrounding neighborhood.

Sneller said he had not.

Pfost asked about the process from this point in time.

Ransford said the staff will review the application. The applicant will address the conditional items. It is possible it could be ready for the Planning Commission's review in October, perhaps November. A public hearing notice will be necessary.

Pfost advised an updated narrative from the applicant before the next meeting.

Kleinjans, aye; DeHaan, aye; Ervine, aye; Pfost, aye; Nestel, aye

Roll Call Vote:

Ayes 5, Nays 0. Motion carried to approve.

B. Condominium Language

Ransford described the two means of dividing land, through either the Michigan Land Division Act or the Condominium Act. He noted most communities have a subdivision ordinance to outline the process for sidewalks, lighting, trees and utilities. Typically when someone wants to do these back to back they go through the PUD process. In Park Township currently there is no site condo process to come to the Planning Commission without a PUD. Recently, the Township received an inquiry to propose a condominium project without a concurrent Planned Unit Development (PUD) application, which revealed that the Township does not possess a means for application before the Planning Commission without a PUD. This language is based on language from Allendale Charter Township, but it has been crafted to be consistent with Park Township regulations for subdivision ordinances, so now the Planning Commission has a review process.

Martin said historically Park Township has required to have site condos come before the Planning Commission for the review process and be approved as a PUD. The Park Township ordinance says you can build a house on a lot or a parcel. There will be a separate tax parcel ID numbers for each unit in a site condo. Having the ordinance gives the Planning Commission and Township more review over it to avoid a situation where someone builds a development that is not attractive, yet complies with the zoning regulations.

Ransford said the Township requires a public hearing for a subdivision. However, in the condo act there is not a provision for a public hearing.

Pfost had one comment on page 2 under 514, paragraph c, "prior to recording the master deed," and "the condo project will undergo site plan approval." Who approves? This should be clear.

Ransford said it is the Planning Commission – it states this on page 1.

Nestel asked if developers have to provide a master deed. Should we look at this?

Martin said we may not want to enforce it by ordinance.

Nestel suggested to add anything that is inconsistent is still bound by a master deed. We need a safety provision the developer has to comply.

Pfost asked for the schedule for review by the Planning Commission.

Ransford said we can finalize the text, then have a public hearing, then acquire approval.

Nestel asked about the convertible process.

Martin said it is State law – it's in the Condo Act. Approval by the Planning Commission should be added regarding the convertible process.

Martin clarified that regardless of what the Zoning Administrator says the developers have to comply with the ordinance.

Kleinjans asked if the site condo is different from a traditional condo.

Martin said site condos can have land included and limited common elements. The subdivision has to have infrastructure in before the plat is approved. With a site condo you buy the parcel but there can be covenants.

Martin suggested replacing the term “mobile home” with “manufactured house” to update reference.

DeHaan asked if use of the term “approximate” is the appropriate word in reference to the number of parcels.

Nestel asked if the references to other ordinances can be valid and compliant.

Ransford confirmed he will check on this.

Nestel asked if information has to be kept current in the documents.

Martin said there is a statement confirming this. The Condo Act says it has to be up-to-date according to the county registrar.

Nestel asked if there a statement that says the Master Deed has to be kept up-to-date in compliance with the Park Township zoning ordinance.

Martin said a title search will trigger if amendments have been made to the Master Deed.

Pfost asked if Ransford wants a motion on the condo language to bring this back for the next meeting's deliberation.

Ransford said he will bring back a second revised and corrected draft. He asked if the Planning Commission wants a public hearing to be required within the language.

Pfost confirmed a public hearing would be appropriate.

Ransford asked if the Planning Commission wants site condo approvals to go to the Township Board.

Martin said ultimately it will be the Township Board's decision.

The Planning Commission members agreed that the Township Board should be involved in the approval process.

PUBLIC COMMENT

Pfost opened Public Comment at 8:45 P.M

There was no comment

Pfost closed Public Comment at 8:45 P.M.

ANNOUNCEMENTS

1 – NHP Update – Ransford said the most recent meeting was at the Pump House and went well. The Township obtained a lot of information. He has drafted a summary for Howard Fink before it will come to the Planning Commission. Traffic was the major concern. They met with the representative who manages the State Park and the Macatawa Coordinating Council. Fink will schedule a follow-up meeting. There was a suggestion regarding a mobile app for the public to improve traffic congestion at the Park.

DeHaan noted the residents don't want the added cost of fire protection.

2 – Ed de Vries – Pfost commented on de Vries' public service. He was on the Planning Commission when Pfost joined as a member. He appreciated their working relationship, Ed's kindness and respectful demeanor, and thanked him for his assistance on issues that have come before the Planning Commission. He was a gentle spirit but a strong force. He wished him well.

3 – Upcoming ordinance amendments - Airport overlay, Subdivisions, Corner Lots, Non-Pet Animals in Residential Zones. These will be considered in the near future.

The next meeting is October 10, 2018.

ADJOURNMENT

Nestel moved, supported by Ervine, to adjourn the meeting at 8:53 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
September 14, 2018
APPROVED: