

**MINUTES  
PARK TOWNSHIP  
PLANNING COMMISSION**

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

Regular Meeting  
September 20, 2016  
6:30 P.M.

**DRAFT-APPROVED 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, Nicki Arendshorst, Eric DeBoer, Linda Dykert, Dennis Eade, Denise Nestel

Absent: Tom Vanderkolk

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

**APPROVAL OF AGENDA:**

Motion by Eade, supported by DeBoer, to approve the agenda.

Voice Vote: Ayes 6, Nays 0. Motion carried.

**APPROVAL OF MINUTES:**

Pfost noted two strikeouts on page six that should be deleted.

Motion by Dykert, supported by Eade, to approve the minutes of August 16, 2016 as corrected.

Voice Vote: Ayes 6, Nays 0. Motion carried.

**NEW BUSINESS:**

Pfost asked de Vries to explain the reasons for the revised agenda reflecting the postponement of the Timberline Acres West #4 – Final Plat Review application and the Jane Meyering Site Plan Review for a storage building.

De Vries said a recent change in the Zoning Enabling Act requires a public hearing for the preliminary approval of a plat. It was agreed to hold the public hearing in October. D & K Investments will present its plan at this meeting and will have the public hearing in October.

Pfost asked about the time deadline for approving a plat as stated in the Ordinance and whether it would be an issue.

De Vries said he and Johnson discussed this. Johnson looked at the calendar and explained after the preliminary plan there is a year allowed before the final plat approval.

Pfost asked for a review of the subdivision regulations changes in light of any ordinance revisions that may be needed.

Johnson said she will look at the ordinance to see what needs to be reviewed. In the event of any amendments there will be a technical review by the Planning Commission.

Nestel emphasized this will be important so everyone has a clear understanding of the changes when future decisions have to be made by the Planning Commission.

Pfost noted that Timberline Acres West will be on the October agenda.

**A. Timberline Acres North Preliminary Subdivision Application**

De Vries said this is an application for a new subdivision. It will be located on a 13.3 acre parcel lying just north of Woodpine Dr. and west of 144<sup>th</sup> Ave. adjacent to Timberline Acres. The developers have named it Timberline North, and are proposing 23 lots, a public road with access off Stanwood Dr., and detention pond. They plan to connect to municipal water and sewer. The property is zoned R-3 Low Density One Family Residence District.

There was an initial review by staff which resulted in a revision of the design due to a private road section which would have required a PUD.

Jack Barr of Nederveld presented the concept design of the plat for Timberline West. He explained the change which eliminated the private road. It will be a straight plat compliant with R3 zoning and Master Planned use. The property is 13 acres with 23 lots. He is working with the Ottawa County Road Commission and the Water Resource Commission. There are full utilities, storm sewer, water, and public roads which are compliant. Once he receives the agency approval letter the final plat plan will be presented to the Planning Commission.

Nestel asked about the road connection to the north of the plat.

Barr explained that the Road Commission required the road must extend north to the property line. Both roads have to be brought to the line for possible future development.

Pfost asked if the road will extend to Riley Street. The applicant said there is development to Riley so it may connect to Division Avenue rather than Riley Street.

Dykert asked about the name of the connecting street for Timberline.

Barr explained that Stanwood is the connecting street.

Martin asked if lot 14 has frontage as on the site plan appears there is none.

Barr replied that he is working with the Road Commission to be fully compliant. There are a couple of options for that lot. The lot may be a park type lot or they may acquire a 50' strip to allow the road to be extended or purchase a lot in that area. He hopes to have clarity on this by the October meeting.

Arendshorst asked about the Timberline subdivision development in 2000 and if it was related to this proposal.

Barr said the Timberline West platted section is not associated with Timberline Acres.

Pfost asked Johnson if she had any comments on the plat design.

Johnson noted with regard to lot 14 that the Township ordinance states you can't have a lot without frontage. If the County says this is allowed then the Township will need clarification on this point.

Martin explained the more strenuous standard would apply in a situation that would evolve between the Township and the County Road Commission. Ordinarily it is the County standard that would take preference.

Johnson also had concern about the ordinance regarding the cul-de-sac requirement. The plat's measurement is different from the Township subdivision requirement of 42' of pavement and 60' feet radius for the cul-de-sac.

Barr said the Road Commission standard has a 40' radius. He will clarify this point.

Johnson said if the Township requirement is more rigorous then that should apply.

Johnson noted the Township one-foot reserve requirement at a dead end street to determine a subdivision boundary. Perhaps this could be labelled within the 10-foot maintenance strip easement to Ottawa County Road Commission.

Martin said there is a jurisdictional issue between the County and the Township. There are no Township roads.

Nestel said she had read that the Township and the County had made a deal regarding maintenance of roads.

Martin didn't know of a governmental agreement. There is an agreement on cost sharing, but the ordinance would trump a contract.

Pfost recommended clarity for the applicant regarding these jurisdictional requirements.

Johnson asked about requirements for sidewalks.

Barr said the ordinance doesn't require sidewalks. There are no sidewalks in Timberline.

Johnson noted the topography requirement.

Barr said there is an illustration showing contours for the plat.

Johnson noted the zoning ordinance allows the frontage road to be less than 85' on a curve. It has to be 85' at a 35' setback. At the road right-of-way the developer is allowed to have less than 85' at a curve. They have to show the width at the 35' setback to be in compliance. The lots on the curve should show both the width of 85 feet at the 35 foot setback line, and the required lot width of 90 feet at the required front yard setback of 40 feet for the R-3 District. She said it's an important measurement and both are in the ordinance.

DeBoer asked if this is just for the building envelope and if there is a minimum.

Johnson confirmed it was and there is no minimum.

She will share a list of items missing from the site plan with the applicant and de Vries.

## **OLD BUSINESS:**

### A. PUD Ordinance Review

Pfost reviewed the discussion of the proposed revision of the PUD ordinance to this point. The Township Board has extended the moratorium for six months. The intent of this part of the meeting is to continue where we left off in the August meeting.

Johnson discussed how density is calculated and its application. Typically the densities in the Master Plan are applied. She applied the densities recommended in the zoning plan to the table on page 5 of the draft. There is an opportunity for a bonus density. She used the rural district which would be more appealing to developers. This is an incentive to developers offering less than two acres. She noted the Planning Commission might want to consider using the minimum lot size as recommended by the zoning categories in the Master Plan. We would call the table a density table and take out the wording "Master Plan Category" and change RER to 1 unit per 2.0 acres.

Dykert said that was done to create a buffer to discourage development in that area and asked if it was relevant now.

Johnson said you could use land use categories and if that is the intent of the density recommended in the Master Plan.

Arendshorst noted that Laketown Township refers to 2 ½ acres. Could we use this?

Dykert asked if it would be good to push it back to 5 acres.

Johnson said R1 requires 2 acre lots. There is a disconnect in this reference in the Master Plan where it says that smaller lots may be allowed yet the density is recommended to be one unit per five acres.

Pfost reminded everyone that when we refer to density the Master Plan is used as a guide.

Martin said it was the intent at one time to not require that an applicant would have to rezone agricultural property to R3 in order to develop the agriculturally zoned property as a PUD when it was master planned for residential use.

Pfost said we were concerned about the parallel plan. If we delete the concept of the parallel plan how do we preserve the intent of density. He said open space advantages should be for the buyer not for the developer.

Martin said generally we have not allowed a bonus density and the current Master Plan says the RER is one unit for two developed acres.

DeBoer said it would make sense to tie it to the Master Plan. In theory, we decide the buffer behind agricultural and development. We won't have to rezone in future.

Pfost says we are circumventing the ordinance by using the Master Plan. He explained a developer could want a development in R3, but if utilities and infrastructure are not in place, the Township could refuse approval of the development.

Martin said this situation becomes sort of a hybrid. The purpose of a PUD is to allow people to ignore the strict letter of the ordinance. The Planning Commission might decide, although the setback is 15' for a side yard, it could tweak the requirement in a cluster development to 7'. The ordinance doesn't strictly apply but you try to figure the density according to the Master Plan and future vision. If you have an agricultural zoned area that is shown as R3 in the Master Plan that has no utilities, and a developer wants rezoning, the Planning Commission could potentially deny the rezoning request even though the Master Plan shows the property at R3 density. However, we would have to be able to come up with a legitimate reason for doing so, such as public health and safety due to lack of public utilities.

Dykert asked if we want this written to discourage a situation similar to the Macatawa Legends development in the northern part of the Township. It was developed in the middle of agricultural land.

Nestel asked what it is we want to avoid.

DeBoer expressed concern about including language in a PUD to avoid a situation like Macatawa Legends.

Johnson said there doesn't have to be a PUD permitted in the agricultural area. We now have a requirement of one unit per ten acres.

Martin said when Macatawa Legends was proposed Park Township would not allow a density bonus since we had one unit per ten acres. Holland Charter Township had a higher density allowance for their portion across the street. He noted the Macatawa Legends is on property belonging to both townships.

Returning to the discussion on the density table, Johnson referred to the HDR category regarding water and sewer. There is a density category related to water and sewer, and just water with no sewer, but none for sewer only. These categories should be added to the density table.

Martin clarified this refers to public water and private septic.

Dykert asked if we would allow a bonus, noting it might be attractive to a developer.

Johnson said it is an option that has been written into the proposed language.

Pfost asked what does it incentivize. Do we want to consider it?

Martin explained in the current Master Plan it is limited as to where they (open space design developments and planned residential developments) can be. They have to be in specific Master Planned areas.

Johnson says communities have to allow a zoning technique called Open Space Preservation by right in certain districts according to the Zoning Enabling Act. There is a 50% provision for open space which no developer wanted. However, you don't have to allow a density bonus in a PUD.

Nestel said, in her opinion, we are putting the cart before the horse. She asked if wetlands are a defined concept.

Johnson said they are. There has to be a technical analysis of wetlands. The DNR (Department of Natural Resources) defines these areas.

De Vries said the DNR has a recommended list of companies who conduct these analyses for wetlands determination and certification.

Pfost noted the Township Board will ask if the Planning Commission considered a density bonus. We should be able to justify it if we decide to do it, or to not do it.

Nestel says we have another layer regarding what is buildable and what is not. In her opinion there is too much discretion.

Johnson said there can be some modification – the language is based on a simple formula.

Pfost said with regard to water and sewer we don't want to compromise health and safety if we cluster too tight. There are different considerations when density changes. We will have to be sure to have a failsafe requirement.

Pfost said if we do have a bonus we should discuss provisions to use as a tool. He suggested to put a placeholder on this for right now. We can revisit this after we process the idea. The bottom line is that you don't have to allow a bonus.

Johnson noted the mixed use language on page 6; density is based upon only the residential portion of the development.

Moving forward to Dedicated Open Space Requirements, you could recommend more, not less because there are minimums.

Nestel asked for the origins of the percentages.

Johnson said they based somewhat upon the current ordinance and that which we have typically required in other communities. For example, in the agricultural areas the minimum is 40% of the gross site area. Currently the Township has 10% for manufactured housing.

Martin advised checking with the Manufactured Housing Commission on this requirement.

Johnson said at this point most of her verbiage is what has historically and traditionally been included in the language.

She reviewed setbacks and community drain field space.

DeBoer asked about the open space calculation. Are we looking at 50% consideration for open space for a development that has a golf course? He noted a 17 lot development in the Township that is a potential area that may fall into an open space ordinance consideration. There is a golf course on the property and there is revenue coming from it.

Martin commented on the open space discussion. Martin said you cannot bifurcate a PUD. The PUD would have to be amended if the golf course was not to be part of it. It changes the math regarding density on the remaining property.

#### **BOARD DISCUSSION ON OTHER SUBJECTS:**

Pfost said we have other ordinance issues yet to consider and are running out of time during this meeting. He suggested a special meeting.

The Planning Commission agreed to meet on September 28 at 6:30 P.M. for a special meeting.

Pfost requested a map of the existing water and sewer lines in the township. De Vries said he would locate this map. Pfost suggested it should be included in the Master Plan.

Regarding the Airport Plan, Johnson advised it is important to include an overlay plan. She has sample language and it should be reviewed by the Planning Commission.

Arendshorst commented that this hasn't been in any previous Master Plan.

DeVries said we cannot obtain grant funding for improvements at the airport if the Airport Plan is not included in the Master Plan.

Martin added that if we include the airport in the ordinance it provides more leverage for the protection, development and operation of the airport.

Pfost reminded the Planning Commission that we still need to come up with suitable language for the NHP designation.

Nestel also noted the issue about the trees in the Covenant development. She said we still need more information before we address this. She also asked about Macatawa Park – does it affect just two undeveloped parcels? Will this impact the owners and do we have an obligation to notify them? Do we need to come up with solutions to each of these issues?

Arendshorst said there are other parcels in Macatawa Park. An informed decision should be based on specifics.

Arendshorst said the Township Board wants specific density stated for Macatawa Park. She distributed copies of proposed language for the NHP density.

Dykert said three units per acre density is in the current Master Plan.

Martin said there are a number of vacant properties in this area and recalled there are two of the large properties that could be split.

Nestel advised to not make a blanket statement regarding the NHP designation until we know more about these properties.

Martin explained "new land divisions" in the proposed language for NHP. Existing lots less than a third of an acre could be developed. New land divisions have to be 1/3 of an acre or more.

Nestel reiterated she wants to know more about the property that is under discussion.

Johnson said if the zoning doesn't support this language it doesn't mean anything.

Pfost asked about the possibility of rezoning the area to R3.

Martin said he understands that future land use planning is how we see this property in the future. It is currently zoned R4. He reviewed the options for rezoning which could include a referendum should someone ask for this in the future. The idea of rezoning to R3 doesn't eliminate the nonconformity.

Johnson reminded the Planning Commission they have to consider the nonconformity issue.

Nestel said we can't make a blanket rule for all of these unique properties.

DeBoer said he doesn't want to do this half-way. He would prefer to know what these properties are.

Dykert said NHP was a created area.

DeBoer noted the six NHP areas are mostly nonconforming.

Pfost said we want to preserve these areas and limited development is for historical communities. We have an obligation to protect these areas that we have identified.

Nestel said the problem is that the lakeshore is unique and we want to preserve the area. In her opinion, we can't make one rule to fit across the board.

Arendshorst said these areas will never be conforming.

Martin said the Township doesn't have inherent authority for zoning. The State granted authority to Townships in the Zoning Enabling Act. However, he noted that it is State public policy to eliminate nonconforming properties over time.

Arendshorst asked Johnson for her observation.

Johnson thought the goal is preservation not conformity, and preservation is the challenge.

Arendshorst also pointed out that public safety is an important issue along with the limited accessibility of the area.

Johnson stated that accessibility can be addressed through consultation with public safety officials.

Nestel proposed to acquire additional information on this specific area.

Pfost asked Johnson and Martin to consider an alternative solution.

Johnson and Martin need clarification on what the goals are and give them the tools to develop the language toward a solution. However, Johnson reminded everyone any tools developed will need to reflect the goals of the Master Plan.

Pfost suggested discussion of this during the work session.

Dykert asked how many undeveloped parcels are in this area, especially in the NHP areas.

deVries said he would research this for the Planning Commission.

Pfost said we need to update the Master Plan in a timely fashion and we have to get it right. The ordinances are equally important. Let's come together to justify the means that can be

fruitful. He reminded the Planning Commission of the Open Meetings Act and to follow proper procedures in any e-mail follow-up with one another.

## **PUBLIC COMMENT**

Shirley Swaney said she was frustrated with the process for reaching an end to the Master Plan process. She reinforced the fact that Macatawa Park is a special area and deserves consideration.

## **ANNOUNCEMENTS**

Pfost summarized the plan for the September 28 work session:

- Continue with the PUD ordinance review
- Finalize Master Plan considerations
- De Vries will provide the number of undeveloped parcels in the Macatawa Park area.
- Johnson will visit the special areas and bring her findings to the work session
- De Vries and Pfost will develop the special meeting agenda.

## **ADJOURNMENT**

Motion by DeBoer, supported by Eade, to adjourn the meeting at 9:48 P.M.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary

9/22/16

Approved: September 28, 2016