MINUTES
PARK TOWNSHIP
PLANNING COMMISSION
Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
October 9, 2019
6:30 P.M.

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: Terry DeHaan, Dennis Eade, Rosemary Ervine, David Kleinjans, Denise Nestel, Jeff Pfost

Absent: Diana Garlinghouse

Staff: Greg Ransford, Planner, Dan Martin, Legal Counsel, Emma Posillico, Zoning Administrator, Howard Fink, Township Manager

APPROVAL OF AGENDA:

Motion by Ervine, supported by Kleinjans, to approve the agenda as submitted.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Pfost noted on page 2 that “recused” should be replaced with “excused.” On page 4 he had a concern about the reference to the local sign ordinance and recent changes by GAAMPS (Generally Accepted Agricultural Management Practices). He asked Martin for clarification for the record.

Martin recommended the following change to clarify the paragraph in the minutes:
“Pfost said in the past the Right to Farm Act stated so long as you follow generally accepted agricultural management practices with respect to marketing roadside stands, including signs, the local sign ordinance was preempted by the Right To Farm Act. The GAAMPS were amended recently so that language regarding signs was deleted and it now specifically provides that the agricultural use must follow what the local community requires by ordinance, giving the Township the ability to regulate signs for agricultural uses.”

Martin noted that the corrected minutes need to show the changes made, including the deletions and additions to the minutes.

Motion by Kleinjans, supported by Ervine, to approve the September 11, 2019 Regular Meeting Minutes as amended.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

NEW BUSINESS:

A. Chief Scott Gamby Fire Department Presentation

Gamby has been with the Park Township Fire Department for 32 years. He provided some highlights from his agenda submitted to the Planning Commission ahead of time. He noted that it is not required to have a fire company by law. Those services can be contracted.

He reviewed the six types of fire departments. 1) Career, an example is Grand Rapids; 2) Combination, an example is the City of Holland which hires full time and part time firemen; 3) Part-paid, Park Township and other townships are examples of this type. It is not a 24/7 station. The firemen carry pagers because they have other jobs. The response time is 8-12 minutes for Park Township; 4) Volunteer, for this type no stipend is given to firemen. An example is the Upper Peninsula where there is no tax basis for stipends; 5) Tribal, these fire companies are well funded and operated by casinos; and, 6) State and Federal, examples are state departments of natural resources, and national forest fire fighters.

He explained that the legal authority to operate fire department is through Public Acts of 1951 and 1941. The State of Michigan Fire Code 101 Life Safety gives the Fire Department a seat at the table for towns, cities and townships. In 2010 he realized Park Township did not have in place the State Fire Code and asked the Board of Trustees to adopt Fire Code 101. The fire code is a maintenance code which needs to be addressed by the State, similar to the Building Code for plumbers, electricians and other fire prevention agencies.
Funding is through the Part Township General Fund. Millage is another method for funding in some areas, private funding is through the tribal casinos, and for higher governmental authorities such as State and Federal funding for fire safety in the state and national forests.

Park Township established the Fire Department in 1947. Currently the Township has two stations. Staffing level is 32 firefighters, office staff and a chaplain. The department rents equipment on a 20 year replacement cycle for vehicles. The Board of Trustees covers replacement costs. The ISO gives the department an annual report card on central dispatching, water supply, and fire department operations. Flow tests on hydrants are part of this ISO review.

Pfost asked how the Planning Commission can assist his department in ensuring the safety of the community with fire safety oversight and interaction with the Fire Department.

Gamby said he works with the Township Planner and is available to do site planning when a new development comes in and he receives a copy of the plan. The intent of his site plan review is to answer two questions: Does it meet current standards and does it meet the fire code? He gets more involved in commercial and apartment buildings rather than subdivisions. He looks at infrastructure, i.e., are the fire hydrants large enough to provide water for the size of the project. He would like to see in the PUDs stricter compliance with guidelines of the fire code. Often follow-up field inspections reveal changes that have been made since the initial inspections.

Kleinjans asked about requirements for subdivisions.

Gamby said he looks at road systems. Fire trucks are 8’ wide and need 4’ clearance which means 12’ minimum distance. Often ambulances need 20’ with 4’ clearance so for these vehicles 24’ is usually the rule.

Pfost asked about numbering systems on buildings which can present a problem for firemen. Gamby said he is working on improving this. He has made sure every fireman has an app on phones and pagers. It is so important to identify quickly and accurately the source of a problem when a call comes in. Medical services are also provided by the Fire Department so an accurate address is necessary. On private drives each house should have a number.

Fink said many communities have ordinances requiring private drives to have addresses. The Township Planner should work with the Fire Department on this matter.

DeHaan asked for the timetable to update the 20 year plan for the Fire Department.

Gamby said there are a few changes in the new code. However, many requirements in the new code do not apply to Park Township because we don’t have large industrial parks and tank farms. We need to keep updating the code. He is preparing a proposal to give to the Township Manager next year.
DeHaan asked if the Fire Department is current on the new building codes. Gamby said yes.

Nestel asked about the sprinkling requirement for historic preservation areas such as Macatawa Park. This was not required for this community. It is often not requested by the residents in older historic neighborhoods.

Gamby said most Fire Departments would support residential sprinkling.

Fink asked when this will be state code.

Gamby said there is a resistant strong lobby from the builders’ association because of the high cost which averages between $2500 and $8000. It could be ten years before it is required. He added that if there is only one way into a development he can require residential sprinkling.

Ervine thanked Gamby for the information and for his years of service to the Township.

Gamby noted that the new upgrading code is due to be published in 2020. His long term goal is annual inspection.

Ervine asked how the Fire Department pays for a new vehicle that is more than budget.

Gamby explained that the Township adds $100K into the Fire Department’s budget each year. Fire trucks last about 20 years. A new tanker truck will cost about a half million today.

Fink said the Fire Department is a line item each year of the budget.

Ervine asked how many calls are received year.

Gamby said the average is about 800-900 a year. This includes medical service calls.

Pfost asked Ransford to be sure to communicate with Gamby on new housing developments in the future with a check list appropriate for the Fire Department to review.

B. Text Amendments

1. Section 38-33(e) – Expiration of Permits

Posillico noted that the Staff Memo of October 2 summarized the provisions for the rear yard retaining wall which will be addressed under Old Business, as it was discussed initially at the September meeting.

With regard to the proposal to modify Section 38-33(e) Expiration of Permits of the Zoning Ordinance, it is Staff’s recommendation that a fee structure be administered through resolutions
passed by the Township Board. The language in this section that describes the fee structure for renewing building permits should be removed. The suggested modifications and proposed additions were provided in the October 2 Staff Memo.

Eade asked what was the motivation for this change and will this penalize homeowners.

Posillico said it will not penalize anyone but will continue the existing process. She explained that when a building permit needs to be renewed, the current Zoning Ordinance language requires that half of the original permit fee be paid. However, often times when a permit is set to be renewed, a very small amount of work remains. The previous Building Inspector interpreted the Ordinance language to charge applicants a permit renewal fee based upon half of the value of the remaining work (as opposed to half of the original permit fee, for the entirety of the work). Posillico noted that applicants are accustomed to the procedure that the previous Building Inspector implemented, so removing the permit fee language from the Ordinance would allow for the continued implementation of the current fee schedule, which is adopted by Board resolution.

DeHaan asked if the Township is eliminating all fees.

Pfost said no. This is recommended language for the Township Board to consider. They will make the decision.

Posillico said it is eliminating the details on building permit fees from the Zoning Ordinance, to ensure that permit fees are determined through Township Board resolution.

Nestel asked what the follow-up mechanism was for tracking these permits.

Posillico said the process is computerized. When a permit is set to expire, the Building & Zoning Assistant receives an electronic reminder. She then coordinates with the Building Inspector to estimate how much work is remaining on a project. Permit renewal fees are then based on the Building Inspector’s estimate and the applicant’s permit renewal request.

Kleinjans asked if we should state “fees as required by the Board of Trustees” within the Zoning Ordinance.

Ransford said typically we don’t reference fees in the Zoning Ordinance. It is the policy that is adopted through resolution of the Board of Trustees.

Martin said the Board establishes fee by resolution. It’s not necessary to state this in the Zoning Ordinance but it could provide clarity.

Posillico said a statement could be added regarding the fee process.

Eade suggested printed information should be provided to the homeowner outlining the process for obtaining a building permit.
Posillico said this information is posted on the website along with all forms. Pamphlets have been prepared and are available at the desk at the Township office.

Pfost asked Martin if a vote was required.

Martin said a Public Hearing should be held on all amendment changes. This can be done next month.

Kleinjans moved, supported by Ervine, to request Staff to move forward with the amendment changes for Expiration of Permits to present to the Planning Commission for a Public Hearing.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

OLD BUSINESS:

A. Text Amendments

Posillico introduced the first item, retaining walls for in-ground pools in the rear yards of waterfront lots, this item and provided the background information from the Planning Commission’s September 11, 2019 meeting. The ordinance language is highlighted by the following summary of the three key points followed by the recommended wording:

- To include a specific provision for retaining walls to be used as support walls for in-ground pools in rear yards of waterfront lots;

- Retaining walls shall be considered in the same manner as existing in-ground pool walls in rear yards of waterfront lots, and shall be no greater than 30 inches above grade; and

- Staff is proposing to add language that directly addresses the fact that retaining walls shall not create visual obstructions when utilized to support in-ground pools in the rear yards of waterfront lots.

Martin suggested a language change in subitems a and c: omit the word “said.”

Kleinjans asked about the term “above grade” – is grade well enough defined to be useful.

Posillico said with this language the homeowner has to show topography lines in their permit submission documents, which is not required through the current language for in-ground pools.

Kleinjans suggested a few minor editing changes.

Kleinjans moved, supported by Ervine, to request Staff to make the suggested changes to the language for In-ground pools and return it to the Planning Commission for approval and a Public Hearing.
Voice Vote:

Ayes 6, Nays 0. Motion carried.

**B. Other Text Amendments**

Following suggestions by the Planning Commission at the September 11, 2019 meeting, there have been revisions to several proposed text amendments to the Park Township Zoning Ordinance (PTZO). They include revisions to temporary agricultural signage, temporary commercial signage, Planned Unit Developments, ponds, earth changes, firewood sales, and garage sales.

1. Agricultural signage – modify “business” to “lot.” Allow a sign per lot meeting the minimum lot area but do not restrict one lot less than the minimum area.

2. Planned Unit Development – modify all open space references to “dedicated” open space. Add language to avoid exceptions such as “standard minimum lot area.”

3. Ponds – add Public Hearing language

4. Firewood sales – replace “storage of” with “structure or rack,” remove redundant language, and reference “face cord.”

5. Garage sales – change period of time to three (3) months

Ransford provided background on the remaining text amendments. It is important to note our revision to commercial signage, which was not pursuant to the Planning Commission’s direction. Following the September 11 meeting, Staff discussed the impact of the changes from the agricultural language to the commercial signage language by way of reference with the Zoning Administrator Posillico. In her opinion, given that numerous businesses exist together on small lots, the language should permit signage for each business. Given this, Staff proposed the modification.

After additional review of Section 38-367(1) – Number of Dwellings Permitted of the Park Township Zoning Ordinance, we did not include language regarding a “standard minimum lot area” because only the R-4 and R-5 Zoning Districts contain varying lot areas, but both of which are based on a lot with or without public utilities. Given this, it did not seem necessary to reference “standard minimum lot area” when each “standard” minimum exists without variance, depending on the availability of public utilities.

If the Planning Commission desires to restrict the number of dwellings permitted within a Planned Unit Development to the lot area of the underlying zoning district without public utilities, we can draft such accordingly. Otherwise, we believe the remainder of the language achieves the direction of the Planning Commission.

Martin recommended separate motions for each amendment.

1 – Signage
DeHaan moved, supported by Ervīne, to approve the amended language for Section 38-575(a)(5) and (b)(b).

**Voice Vote:**

Ayes 6, Nays 0. Motion carried.

2 – **C districts – Commercial**

Kleinjans moved, supported by Ervīne, to approve the amended language for Section 38-575(c)(1).

**Voice Vote:**

Ayes 6, Nays 0. Motion carried.

3 – **PUDs – Development Requirements for Residential and Dedicated Open Space**

Kleinjans moved, supported by Nestel, to approve the amended language for Section 38-367 and 38-368.

**Voice Vote:**

Ayes 6, Nays 0. Motion carried.

4 – **Outdoor Ponds**

Ervīne moved, supported by Kleinjans, to approve the amended language for Section 38-504.

**Voice Vote:**

Ayes 6, Nays 0. Motion carried.

5. **Earth Change Regulations**

Ervīne moved, supported by Kleinjans to approve the amended language for Section 38-505.

**Voice Vote:**

Ayes 6, Nays 0. Motion carried.

6. **Use Regulations**
Kleinjans moved, supported by Ervine, to approve the amended language for Sections 38-184(8) and 38-214(6)

Voice Vote:

Ayes 6, Nays 0. Motion carried.

7. Firewood Sales

Voice Vote:

Kleinjans moved, supported by DeHaan, to approve the amended language for Firewood Sales (Section TBD)

Voice Vote:

Ayes 6, Nays 0. Motion carried.

8 – Garage Sales

Kleinjans moved, supported by Nestel, to approve the amended language for Garage Sales (Section TBD).

Voice Vote:

Ayes 6, Nays 0. Motion carried.

Pfost said a Public Hearing will be held for these amendments at the November meeting.

PUBLIC COMMENT

Pfost opened Public Comment at 8:16 P.M.

There was no comment.

Pfost closed Public Comment at 8:16 P.M.

ANNOUNCEMENTS

The next meeting will be on November 13, 2019.

ADJOURNMENT

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

Ayes 6, Nays 0. Motion carried.

Respectfully submitted,

Judith R. Hemwall
Recording Secretary
October 11, 2019

Approved: November 13, 2019