

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
October 10, 2017
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, Rosemary Ervine, David Kleinjans, Denise Nestel, Tom VanderKolk

Absent: Dennis Eade

Staff: Ed de Vries, Community Development Director, Gregory Ransford, Staff Planner, Dan Martin, Legal Counsel

Pfof announced that Eric DeBoer has resigned from the Planning Commission due to a job promotion and increased responsibilities. He thanked DeBoer for his service to the Township – he will be missed.

APPROVAL OF AGENDA:

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

Voice Vote:

Ayes 5, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Kleinjans noted one correction on page 3 of the September 12 minutes. The fifth paragraph from the bottom of the page should have a reference to the “horse paddock” in addition to the open space issue since it is referenced later in the minutes.

Motion by Ervine, supported by Kleinjans, to approve the September 12, 2017 Regular Meeting Minutes as corrected.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

NEW BUSINESS

A. Randy Bouwkamp Request - Beach House on Lake Street , PUD Condition Amendment

Nestel asked to recuse herself from this agenda item.

Vanderkolk moved, supported by Ervine, to accept Nestel's request.

Voice Vote:

Ayes 4, Nays 0. Motion carried. Nestel left the room.

Ransford introduced the application request. The Beach House Planned Unit Development is located at 2047-2061 Lake Street, Parcel # 70-15-27-364-001-008. The applicant seeks to eliminate a provision within the Park Township Board PUD Report that prohibits lease or rental of any unit for a term of less than seven days. He noted that this report was adopted on December 20, 2005, about two years after the original approval of this PUD. The report was subsequently revised in November of 2008 to permit fractional shares.

The applicant has asked for the revision without seeking a minor or major amendment. This will require a change in the conditions of the PUD from the Park Township Board of Trustees rather than a change in the entirety of the development plan through the minor or major PUD process. Manager Fink has requested a preliminary review and recommendation of this request by the Planning Commission.

A public hearing is not required by the Planning Commission, however, a public hearing will be held by the Board of Trustees.

Pfost asked if it is possible that there may be a change in use with regard to this PUD.

de Vries said it is just a change in the condition which requires a recommendation by the Planning Commission. No amendment change is indicated.

Attorney Bill Sikkel spoke for the applicant. The property has eight condominium resort-type units. Bouwkamp owns five of the eight units. One is privately owned and the remaining two units are fractional ownership shares. Most of the rentals are two week rentals during the summer. The rental time minimum was designated as seven days in the original PUD, but in recent years there has been a demand for rentals for less than a week, such as a weekend, especially in the off-season. This issue has driven the applicant's request.

Looking at the surrounding neighborhood in this C-2 resort district it accommodates less than weekly rentals. The campground to the north and many of the cottages are leased for less than a weekly time period. He considers this request to be consistent for this use in the community.

Pfost asked for clarification: is the request to strike the last paragraph or just the last sentence on page 3 of the PUD agreement.

Sikkel said the request is to delete the last sentence to allow less than seven days for a rental (page 3 of the PUD agreement).

VanderKolk asked what the reasoning was in the original requirement.

Ransford said there was probably concern about short term rentals. Usually the longer clientele stay at a rental the more responsible they are for the property. It's not the typical residential neighborhood.

Ervine asked about rentals near this property.

de Vries said there are rentals near this area.

Pfost asked about potential problems with younger all-night, partying groups that might rent.

Kleinjans noted in the Macatawa area there was recently concerns expressed with rentals.

Sikkel said the units are generally small with two bedrooms. They are narrow and multi-story so they don't accommodate a large number of people.

Ervine asked about the requested time frame for rental.

Sikkel said the applicant is looking primarily at weekend stays. He noted there are no restrictions elsewhere in the neighborhood. Bouwkamp has talked with other owners in the community and they support this request.

Martin said at the time this PUD was approved the concern was fractional ownership. He pointed out that the Township does not control ownership, only use. The campgrounds were not approved as part of a PUD so had no limitations. Modifying the PUD requirements is giving

the benefit to the property owner. The requirement was imposed as a condition of the agreement. With regard to short term rentals, the Township wanted to ensure the property was taken care of.

Kleinjans asked why the time share ownership was not allowed.

Martin said the Township wanted the property owner to be the title holder, not the temporary renter or time share holder for just a week.

de Vries said originally it was approved as fractional ownership of 1/10 shares. This was later amended to bi-annual 1/10 shares.

Pfost reminded the Planning Commission that they only have to make a recommendation.

Kleinjans said if the other C-2 properties do not have restrictions he has no problem with the request.

VanderKolk said the marketing of these units would have a lot to do with how the rental time is advertised.

Pfost observed there is a hesitation to change a PUD. Given the use in the area and its consistency, is there a reason to reject the applicant's request?

Ransford asked about the character of the neighborhood when the PUD was originally approved.

Everyone agreed there has been no substantive change in the past ten years.

Pfost suggested conditional approval based on maintenance and oversight of the property.

de Vries noted the applicant owns five of these units so he has a vested ownership and responsibility in maintaining oversight of the properties.

VanderKolk also pointed out that the condominium association will have some input from interested parties with effective oversight.

Sikkel added there are restrictions regarding noise and nuisance violations.

Kleinjans moved, supported by Ervine, to recommend to the Township Board the change from a seven day rental period to one day as referenced in paragraph e in the PUD agreement.

Martin said from a legal perspective it is permissible to do what you are intending to do.

Voice Vote:

Ayes 4, Nays 0. Motion carried.

Pfost added that the Planning Commission recommends to the Township Board the above change to the PUD agreement since it does not represent any adverse effect on the property.

Nestel returned to the meeting at 7:00 P.M.

B. Discussion on Ordinance Amendments

1. Special Use –

de Vries said most of the proposed changes are straightforward. However, there are some areas to address:

- We have approved two storage buildings so the Planning Commission should decide if that is a special use or continue as a “use similar to” allowed uses.
- Shared use for residential/commercial has been a concern since we have had a request for this. In a C-2 district we allow multi-family but no single family or two-family. Should this also be allowed for the C-1 district? A mixed use in the same building is not atypical. It used to be this way.
- Another question is the Yacht Basin where they have a banquet facility or rental hall which is not listed as an allowed use.

There were some proposed changes in the Special Use proposal drafted in the fall of 2016. de Vries and Ransford concur that some of the changes were unnecessary. Shall we have a Public Hearing for special use requests? Shall the Zoning Administrator make the decisions regarding special use requests? He said he was uncomfortable with that so it would be helpful to have some objective criteria to aid in making decisions.

Nestel supported the Public Hearing for special use requests.

Pfost asked Ransford to review his observations and make any necessary recommendations:

He had the following observations:

- 1 – All special uses do not have to be listed.
- 2 - He concurred with holding a Public Hearing on requests.
- 3 - Regarding “Statement of Findings” – He suggested the Planning Commission decide if this should be included in the minutes as reference, approved as a formal resolution, or append his memo to the minutes which addresses this.

4 – He recommended a year with one year extension for the length of a special use permit. The original recommendation is too open-ended.

5 - He questioned the use of the word “substantial” as too subjective.

Pfost asked if we can review the major elements with language that covers what we want for our next discussion.

Nestel asked if special land use runs with the land and what is the result if the zoning changes.

Martin said it would be like any other nonconforming situation whether it is a matter of right or a matter of special use. If you have a special use in a commercial district and it is later changed so that use is not permitted it would continue as a nonconforming use.

Nestel asked if the Planning Commission has the final say on special use.

Martin said the Planning Commission has the final decision on special use. The law allows the Zoning Board of Appeals to approve some uses but not special land use. We might want to move away from this and have the Board of Appeals decide on variances and interpretations.

Nestel said she is also concerned about conditions.

Martin said the Planning Commission can impose “reasonable” conditions.

Nestel asked about precedent, e.g., storage approval for the C-2 district.

Martin said when you create a record for a special land use you can identify what supports your decision that meets the standard.

Nestel asked what would be reasonable, especially with regard to aesthetics such as exterior conditions related to a storage unit.

Martin said the Planning Commission can consider aesthetics. The character of the neighborhood and the Township can be considered. It could be a reasonable condition.

Ransford said the important exercise here is agreeing to a list of special uses in general practice, but the Planning Commission is not obligated to list every single special use.

VanderKolk agreed that a long, too specific list of uses is not what we want.

Pfost asked Martin about the use of roadside stands and ordinances limiting their use.

Martin said the Right to Farm Act permits roadside stands. There is the potential situation where the Township is preempted by State law which regulates this and it would be null and void.

Nestel asked about #4 on the first page of the Special Land Use proposal and the three standards listed below this item stating we can make discretionary decisions.

Martin said the Planning Commission can impose reasonable conditions. The perspective in this document was that every single special use should be listed or you don't have the authority to grant it. Martin suggested this was "overreach."

Kleinjans cautioned about getting too specific. Ervine agreed.

Martin said there are situations when you have to be specific, especially regarding businesses where you have to be very specific.

Martin said the three general requirements on the first page should be part of the *guidelines* for special use language.

Nestel said we need something to give us direction but not get mired down in too many specifics. We need guidance in looking for standards to legitimize. Provide some options and what will work for us.

Ransford said the Planning Commission could add more standards. He agreed to give the Planning Commission something substantial to review. He will make the new proposal cleaner and bring it back to the next meeting with newer language on special use.

de Vries said special uses can be listed. He felt that some of the changes in the proposal by Johnson are satisfactory. He reviewed the recommendations on pages 2 and 3. It was agreed to delete (d) on page 3.

Ransford also suggested the laundry list in special use section on major and minor changes should be in the site plan section. All concurred with this.

2. Lakefront Lot Amendments –

de Vries said the former sight line ordinance was problematic so we no longer use the sight line as a guide. We have now gone with 50' from the 100 year flood elevation at the sea wall. Many of the sea walls are built at the lot line. Most lots have a rear lot line. The lake fluctuates however. Ransford suggested we use the ordinary high water mark which is typically more static. de Vries said this can be discussed.

Ransford read from MDEQ regulations the definition of the high water mark to assist with the understanding of this term.

VanderKolk sees this as problematic. Kleinjans concurred.

de Vries is comfortable using 50' from the rear lot line and recommends this approach. A number of the ordinances he has researched use the rear lot line.

VanderKolk said if there isn't a rear lot line you could use the ordinary high water mark.

Pfost suggested if this is acceptable to everyone de Vries should proceed and write the amendment accordingly.

de Vries reminded the Planning Commission that a Public Hearing on the language changes is required before they are approved.

3. Single Family Dwelling Amendments –

de Vries said some minor changes were sent to the Planning Commission that showed a red line copy. The major issue is the language on changing the use of the term mobile home to manufactured home. The single family dwelling ordinance was originally called the mobile home ordinance. He asked if the Planning Commission wants to keep this ordinance.

Kleinjans asked who has jurisdiction over manufactured homes – the State of Michigan or the Manufactured Housing Commission.

VanderKolk said he thought there had been jurisdictional changes.

Pfost asked if we need this ordinance.

de Vries said we have it because Park Township didn't have a desire to have people own a lot and place a manufactured house on it. The ordinance required the owner to have a continuous foundation and the dwelling had to be securely anchored.

Pfost asked if there is any language that is problematic with this issue.

de Vries asked about the requirement for a minimum of 120 square feet for storage areas. Do we keep this?

All concurred the language could be deleted.

PUBLIC COMMENT

Chair Pfost opened Public Comment at 8:15 P.M.

There was no comment

Chair Pfost closed Public Comment at 8:15 P.M.

ANNOUNCEMENTS

Nestel said a representative from the Farmland Preservation Trust, Linda Falstead, has requested to meet with the Planning Commission. Hunsberger suggested a special joint meeting with the Township Board and Planning Commission in November. Pfost said this has to do with farmland awareness and supported the joint meeting. Nestel noted that Falstead is a Farmland Preservation Analyst and works for Ottawa County.

Ervine asked for some background information. Nestel said she could forward information via e-mail.

Status of NHP Overlay for Macatawa area:

de Vries, Ransford, Martin and Fink have met and will meet again next week to work on a rough draft of the language for the overlay.

The next meeting will be November 14, 2017. De Vries said there are two applications scheduled for the agenda: A new PUD for a storage area, and a site plan approval for the yacht basin regarding indoor seating.

ADJOURNMENT

Nestel moved, supported by Kleinjans, to adjourn the meeting at 8:25 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
October 12, 2017

APPROVED: November 14, 2017