

**MINUTES  
PARK TOWNSHIP  
PLANNING COMMISSION**

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

Regular Meeting  
October 18, 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, Eric DeBoer, Linda Dykert, Dennis Eade, Denise Nestel, Tom Vanderkolk

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

Pfof asked for a show of hands from the audience who are interested in the public hearing for Timberline North. This is postponed until the November Planning Commission meeting at the request of the developer.

Legal Counsel Martin advised the public hearing for Timberline North should be opened per the agenda but not closed.

**APPROVAL OF AGENDA:**

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

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

**APPROVAL OF MINUTES:**

DeBoer noted that the date for the next meeting was incorrect. It should be October 18 instead of October 25.

Nestel requested a copy of her memo to the Planning Commission referenced on page 5 and 6 be attached to the official copy of the minutes for clarification.

Motion by Eade, supported by Nestel, to approve the Special Meeting Minutes of September 28, 2016 as corrected.

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

**NEW BUSINESS:**

**A. Timberline Acres West #4 – Final Plat Review Public Hearing**

de Vries said there was an oversight in not scheduling a public hearing for the Timberline West extension at the preliminary plat stage so that will be included in the discussion during this evening's public hearing.

Todd Stuive, representing the developer, said this is the third and final approval phase of the development. This is the final step for plat approval. The streets are paved and grading has been done.

Johnson reviewed the application for final plat approval for Timberline Acres West #4, located in the zoned AGR Agricultural and Permanent Open Space district. She pointed out the building setbacks comply with what is allowed in R-3. The applicant should clarify compliance with the Section 38-499 requirement of a minimum of 85' of frontage at the street. Lots on a curve or cul-de-sac may have less than 85' provided the lot has a width of 85' at a distance of 35' from the front lot line. Currently the lot dimensions on the plat drawing *do not* show whether this width is reached for those lots.

Dykert arrived at 6:40 P.M.

Pfost opened the Public Hearing at 6:45 P.M.

Tom Bouman said he lives on 152<sup>nd</sup> Street. He received a letter saying his property is adjacent to the development property. He was confused as to the reference to what has already been developed or what will be in the future.

de Vries explained that the property adjacent to Bouman is scheduled to be developed later. It is not the subject of the public hearing for this meeting.

Rich Spencer asked if there will be another 44 lots built behind his property on the west side of the pond. Is it correct that a total of 89 units, including the 45 that are already there, will be built on that parcel and will there be a public hearing at a later date.

De Vries confirmed there will be a public hearing when the developer is ready with that plan.

Brent Dreyer, owner of the neighboring farm that backs up to the Timberline development, recalled that when this development was proposed in 2000 there was discussion on a buffer zone at his property line. Did that not get added to the final approval? He is very concerned about the live trees that have been cut down at his property line near the fence. He sees wide open space areas next to his farm property that didn't have to be there. He has observed the road construction right next to his property line and is nervous about this unexpected change. Dreyer said it was clear cut at his fence line and asked for discussion on this point.

Pfost closed the Public Hearing at 6:52 P.M.

Arendshorst asked about the buffer area provision that Dreyer referred to.

de Vries said there was no reference to a buffer area in the final PUD document. He was not part of the discussion so doesn't know what the final resolution was regarding a tree buffer.

Arendshorst said she thought the Township requires a buffer and asked Stuive if he had recollection about this.

Stuive said the reserve area has a buffer and the plan identifies that area.

The Planning Commission asked Dreyer to clarify the location of his property on the plat map.

Dreyer pointed out the location of his farm and said the line of trees was cut down this summer.

Johnson suggested one remedy would be for the developer to install trees, although they will not be a replacement for mature trees that have already been cut down.

Pfost asked Martin, as a procedural issue, what can be done now that the PUD process is in state of suspension, the original plat has been preapproved, and this will be developed as a plat. Does the Planning Commission have the latitude regarding conditional approval of this PUD?

Martin said the Planning Commission can impose reasonable conditions. We don't have quite as much leeway to modify plat requirements the way we would have with the zoning ordinance. Although there is a moratorium on the PUD revision, as long as the plat is consistent with the PUD requirements, the developer would have to agree with any amendments to the PUD.

Martin added the PUD is similar to a special land use approval.

Nestel asked about the original document with regard to the farm property.

Johnson said it is not verbally spelled out on the original site plan.

Nestel wanted clarification regarding the buffer zone.

Johnson said the site plan shows the reserve but there is no specific identification.

Johnson said if the developer would agree, if it's reasonable, there could be a planting of a landscape buffer zone. In the new PUD agreement there will be an open space maintenance agreement.

Nestel asked what would be appropriate for the property owner who is concerned about the trees.

Pfost asked for a motion to recommend approval to the Township Board.

DeBoer moved, supported by Arendshorst, to recommend the Township Board approve this request.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

Pfost suggested Stuve share the Planning Commission's concern about the removal of the trees and provision of a buffer zone with his client for consideration.

## **B. D & K Investments – Subdivision Preliminary for Timberline North Public Hearing**

Pfost opened the Public Hearing at 7:12 P.M.

Jack Barr of Nederveld referred to the discussion at the last meeting of the Planning Commission regarding the acquisition of additional five acres to extend the road on the plan. They are working with the property owner and a revised plan will be submitted next week. The north cul-de-sac will go away with the proposed change.

Michael Pietrangelo said he had 30 petitions from homeowners of adjacent properties opposing the development and the use of our road.

de Vries said there will be another public hearing and an opportunity for residents to speak.

Pfost explained that the Township had notice just last week that there were changes. This will be on the agenda next month.

Martin advised to keep the Public Hearing open, postponed until the next meeting in November.

de Vries said if the application is submitted we will continue with this public hearing in November. de Vries said all property owners will be notified whose property is adjacent to the development.

## **C. Deitz House Movers for Brian and Angel Hagood**

deVries introduced the application. The Township received a building permit application to move a house from 3360 N. 168<sup>th</sup> Ave. to 3334 Hollywood Avenue. Upon checking the ordinances this is regulated by Section 38-500 of the Park Township Zoning Ordinances.

It is considered a special use which is why this is before the Planning Commission.

De Vries explained the house has to meet all the standards of the existing ordinance. Hollywood Avenue is an area of nonconforming lots, zoned R-1 which requires lots of two acre minimum. The house will conform to all setbacks.

Because this is listed as a Special Use, Section 38-36 requires a “public hearing with notice thereon as required by the Zoning Act.” The Zoning Administrator has elected to refer the decision to the Planning Commission.

The Staff Memo of October 11, 2016 shows a picture of the current to proposed location of the existing home. Only the home is being moved, the garage will remain. There is a plan to build a home on the lot on 168th, but one condition should be a bond to cover demolition should the new home not materialize as the zoning ordinance does not allow an accessory building without a principal building on a lot.

Assessing records reflect a 4 bedroom, single bath 1 1/4 story home with a total of 1,168 square feet. The house is estimated to have been built in 1958.

Moving a house to the lot will make the lot more conforming in that there will now be a principal building on the lot with the accessory building. Although the lot is non-conforming, per Sec. 38-483(b) a house is permitted on a non-conforming lot of record without authorization from the Zoning Board of Appeals if the lot is at least 6,500 sq. feet in area, and the structure meets all the setback requirements for the R-3 zoning district, which it does.

If the move is permitted there should be several conditions attached.

1. No attached garage due to the size of the existing accessory building, or if an attached garage were to be added later the existing accessory building would have to be reduced to 264 sq. feet. Without an attached garage they would be permitted 840 sq. feet total for one or two accessory buildings.
2. There should be a deadline and bond posted for removal of the accessory building on 168th Ave. if another residence is not erected.

A site plan, prepared according to the requirements of Section 38-102, is required unless the Planning Commission determines that all of the information required by this section is not reasonably necessary. The minutes of the Planning Commission meeting should state whether the Planning Commission has determined that the site plan submitted by the applicant is sufficient for their review.

Brian Hagood, applicant, addressed his application.

Nestel asked the applicant if the mover is insured.

Hagood confirmed the mover is bonded.

de Vries said we should have a condition requiring another building be built or the accessory building should be removed.

The applicant said the move is for making the new house planned for 168<sup>th</sup> Avenue livable for disability use and his son will live in the old house.

de Vries said a time line could be stated and suggested six months. Otherwise the accessory building has to be removed at the owner's cost.

DeBoer asked the applicant if he plans to build a new home on the property in the near future.

The applicant said the spring of 2017 is his goal if finances work out.

Nestel suggested the minutes should state a timeline for the applicant to meet.

Johnson explained you could require a timeline.

de Vries said site plan would be sufficient to obtain a building permit in most cases.

Nestel asked about the ordinance requirement for a permit.

de Vries said six months to a year is reasonable. The building permit demonstrates intent. The permit conditions state the applicant must begin building in six months and complete within one year's time. If the permit expires then often an extension can be obtained.

Pfost asked Hagood if his move depends on finances.

Hagood said the move is financed, however, building the house will require additional financial planning. The house is ready to be moved.

Pfost opened the Public Hearing at 7:28 P.M.

Bill Ringler lives across the street from the applicant. His concern is what it will do to the asphalt surface of the street when the house is moved.

Mike Olson lives next door to Ringler and is concerned about the power lines during the house move. The lines cross Hollywood twice.

(Name unknown) is also a neighbor and wondered if the power lines have to come down during the move and how long the power will be off.

Pfost closed the Public Hearing at 7:30 P.M.

Board Discussion:

Pfost asked de Vries about the road condition problem and how that is handled.

de Vries said the moving company has to get a permit from the Ottawa County Road Commission and the power company has to be present during the move. Often wires can be

lifted as the house moves underneath the lines. A sheriff escort is another requirement. All of these are in the permit process.

The applicant said he has discussed this with the moving company. He added that the house is only 25' high so the power lines should not be a factor.

Pfost asked about weather delays affecting construction and should this affect the timeline.

Nestel asked Martin about the bond insurance.

Martin replies the Ottawa County Road Commission will look at the bond.

DeBoer asked if it would be realistic to allow one year once the home is taken from the property for the construction process. With winter weather approaching six months may not be realistic. He also asked what would be considered for a bond amount to remove the accessory building if that would be necessary.

de Vries said a bond for \$2500 would cover removal of the accessory building.

Johnson asked if the house will have a basement on the new lot.

The applicant said there is a basement planned for the new location.

Pfost said we have two elements for consideration: 1) the move of the house on the site plan which requires special use approval; and, 2) the accessory building on the nonconforming property. Does this require a single action?

Martin said by granting special use approval in moving the house, then specifying a certain period of time to removal the accessory building to make that property conforming, can be part of the same condition.

DeBoer asked if this fits the special use requirements as developed by Johnson.

The Planning Commission looked at the special use ordinance 38-102. Vanderkolk read the requirements as provided in the Staff Memo of October 11, 2016.

The applicant said water and septic are already on the property.

Johnson said for a single family construction the Planning Commission could waive the requirement for a site plan ~~is not required~~ in this case.

de Vries said the building permit requires septic, well and driveway permits - all are required as part of the process. A demo permit has also been obtained for a house move. The applicant has applied and the requirements will be met if we approve the special use requirements.

DeBoer moved, and Eade supported, to approve the special use request with the following conditions: 1) a \$2500 bond be obtained to ensure the accessory building is removed if new construction does not occur within one year after the house is moved; and, 2) the building permit is final within the next week.

Pfost suggested an amendment to the motion to begin the timeline from today's date, and a second amendment that any request for an extension would be referred to the Zoning Administrator to rule in his discretion.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

Pfost suggested a break at 7:50 P.M.

The meeting reconvened at 8:00 P.M.

**OLD BUSINESS:**

**A. Proposed PUD Ordinance**

Continuing with discussion of the PUD ordinance, the Planning Commission reviewed the Dedicated Open Space section on page 9 of Johnson's draft proposal.

3-671 - Guarantee of Dedicated Open Space

Nestel asked about the reference to transfer of property. Johnson said it refers to ownership within the PUD.

Pfost asked Martin if the language should be more prescriptive.

Martin noted it is advisable to not be too prescriptive and allow some flexibility in the use of language.

3-672 – Public and private street connections to adjacent property

Nestel asked if it was necessary to mention Ottawa County Road Commission. All agreed it was not necessary.

Johnson asked about the term "criteria."

Martin suggested the word "standards" is a preferred word choice.

It was agreed to use the word "standards" to replace the word "criteria" in the first paragraph under the title of this section.

3-673 - Procedures

Johnson suggested (1) and (2) on page 11 could be made available as separate pages to interested parties.

Under (3) Preliminary PUD Development Plan on page 12 – Johnson added items a-e which were not included in the original document.



Discussion included concern about special consideration regarding environmental impact, i.e., sensitive areas and wildlife protection. Pfof asked if special language should be added in this section.

Martin advised the Planning Commission to consider the Federal Government regulations, which are already in place, regarding environmental issues. From a political standpoint, do you want to impose more regulation as a Township than the Federal Government does. Federal law will take priority so it may be a practical matter to accede to the Federal Government.

Pfof asked should we codify the introductory presentation by the developer. This would be prior to the formal presentation of the preliminary plan.

Johnson said the pre-application process could be held with the Zoning Administrator or with the Planning Commission.

Vanderkolk supported this idea.

de Vries said the prior PUD ordinance required a public hearing right away once a developer presented a plan. For the public and the Planning Commission it was the first exposure to the plan which, in his opinion, has often been a disadvantage for the Planning Commission.

Everyone agreed that a preliminary conceptual discussion prior to the public hearing phase would be a positive step in considering all the PUD requirements.

Johnson will add language regarding a preliminary PUD conference for a conceptual presentation on page 13. This will provide an intermediate step prior to a public hearing.

Because of time constraints at this point in the meeting, all agreed to continue the discussion at the next meeting in November.

## **B. Ordinance Amendment for Special Use**

Regarding the Recommendations for Amendments to the Regulations for Special Land Uses Johnson reviewed her proposed language. She explained it hasn't been written in ordinance language but she will change that.

Authorization section (p.2): the word "may" has to be replaced by "shall" according to the Zoning Enabling Act.

Johnson noted, according to the Zoning Enabling Act, this paragraph should state the Planning Commission should have a public hearing for a special use. As it reads now, the language doesn't give direction so it needs to be more clearly stated. Also, the approving body (Planning Commission) needs to be named.

Martin said in the past it has been the determination of the Zoning Administrator whether it is a special use.

de Vries said it still requires a public hearing as a special use.

Nestel noted it is a critical issue what is determined to be a special use.

Martin said with special land use the Planning Commission can impose certain conditions.

All agreed with the recommended changes on pages 2 and 3.

Pfost suggested Martin, Johnson and de Vries scan the document for focus on special use cleanup in ordinances, such as fences.

Johnson said a clear statement should determine what is considered as a special use and what is not.

All agreed to delete (d) on page 3.

Johnson asked Martin if the word “substantial” was acceptable as a legal term. She referenced (e) on page 3.

Martin explained “substantial” allows flexibility over, for example, the word choice of “majority.”

Pfost asked if after the expiration of the period of one year and extension is the agreement over with the Township.

Johnson said that would be the termination of the agreement.

Johnson reviewed the major change regarding hours of operation, outdoor activity, traffic and storage on the special use storage. She noted these are discretionary.

On page 4, at the end of the bolded section before DIVISION 2, Johnson asked if we should have specific language regarding minor and major amendments to a site plan.

Pfost asked about the pending special use applications. Where do we have to go with this package to make an amendment to deal with those pending?

Martin said you could amend the ordinance reflecting the zoning area. If there is an amendment regarding an existing ordinance to allow special use then you would have to have a public hearing for the ordinance amendment. The special use application would also require a public hearing.

Martin added there have to be 15 days public notice for the public hearing.

Johnson said the Planning Commission could have a public hearing next month on the language on pages 8 and 9 to expedite consideration of the waiting special use requests.

de Vries asked if it will take one more meeting to finish this ordinance review. The applicants for special use consideration have been patiently waiting for a decision.

de Vries suggested continued discussion on both issues so we can address them at the same time. He would like to schedule a public hearing on both at the same meeting.

Johnson included a special use list in the draft, although she didn't include standards for them.

All agreed to consider the special use package at the November meeting.

Vanderkolk asked Johnson if she could complete the Special Use draft prior to the November meeting and distribute copies to the Planning Commission for review before the meeting.

Johnson said she will share the revised draft with the Planning Commission in advance of the meeting.

### **C. Master Plan**

- Martin reviewed his draft paragraph with proposed language on the Macatawa Park area exception.

With the exception of the Macatawa Park area, the Master Plan does not propose or specify density limitations for the areas identified as unique neighborhoods. The Master Plan contemplates that further studies and analysis of these neighborhoods may involve addressing those neighborhoods more directly. When considering the future development of each of these neighborhoods, the effect the proposed future development will have on the health, safety and public welfare of each neighborhood will be of primary importance. The Macatawa Park area is located on a peninsula between Lake Michigan and Lake Macatawa, with only one small, narrow road providing access to more than 220 existing homes. Therefore, in order to protect the health, safety and public welfare of residents of the Macatawa Park area, the Master Plan proposes that new land divisions in Macatawa Park should not result in a density of more than three units per developable acre.

- Johnson referred to the draft for the proposed language for the airport. She suggested the language in bold on the draft document be placed in the Master Plan. She added that this could be an amendment as a zoning ordinance, although not required, regarding the airport nonconformity.

Discussion of this draft will be continued in November.

### **D. Discussion on Other Ordinance Amendments**

This was postponed until November.

## **PUBLIC COMMENT**

Pfost opened public comment at 9:25 P.M.

Peter Leemputte, a resident in Pointe West, purchased his property in July 2016. He is concerned about the density problem since one road goes past his home and there is a lot of traffic. He hopes the density is limited in the area to 3 units per acre. Residents don't want higher density.

Shirley Swaney said she has waited a long time for the final Master Plan. There is a lot of tension among the residents waiting for the Master Plan to be approved.

Pfost closed public comment at 9:31 P.M.

## **ANNOUNCEMENTS**

Pfost and Vanderkolk had conflicts with the regularly scheduled November meeting on the 15<sup>th</sup>. Pfost asked if the 22<sup>nd</sup> would be acceptable to everyone. All agreed to meet on November 22.

Johnson will distribute the Special Use ordinance language prior to the meeting.

## **ADJOURNMENT**

Nestel moved, supported by DeBoer, to adjourn the meeting at 9:35 P.M.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
October 20, 2016

Approved: November 22, 2016