

MINUTES

PARK TOWNSHIP PLANNING COMMISSION

Park Township Hall
52 152nd Street
Holland, MI 49418
Regular Meeting
November 14, 2018
6:30 P.M.

CALL TO ORDER:

Vice Chair Ervine 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, Diana Garlinghouse, David Kleinjans, Denise Nestel

Staff: Howard Fink, Manager; Dan Martin, Legal Counsel; Gregory Ransford, Staff Planner

Absent: Jeff Pfof

APPROVAL OF AGENDA:

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

Voice Vote:

Ayes 6, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Garlinghouse noted corrections on pages 5 and 8.

Motion by Kleinjans, supported by Eade, to approve the October 25, 2018 Special Meeting Minutes as corrected.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

New Business

1 – The Reserve on Lake Macatawa – Preliminary PUD Development Plan of 86 unit residential condominiums

This is a Planned Unit Development (PUD) application from Covenant Five, LLC (“Covenant” or “Developer”) to seek Preliminary PUD Development Plan approval for forty-six (46) single-family condominiums and twenty (20) duplex condominiums for a total of 86 residential units, as well as a swimming pool, club house, pathways, open space, and related site improvements located at 186 South Division, parcel numbers 70-15-25-280-012 and 70-15-25-280-013, which are located in the R-3 Low Density Single-Family Residence District (R-3).

Peter Engles, President of Covenant, introduced Jason Vander Kodde, civil engineer for the project, and David Caldon, Legal Counsel. Engles said this will be the first entire zero step condominium development on Lake Macatawa in Park Township. He reviewed the amenities of the proposal for the senior community and noted that 40% of Park Township residents are over 55 (based on the Township Master Plan’s data) so Covenant believes there is a market for this type of development. A survey conducted by his firm revealed that over 50% of prospective owners would prefer detached housing. The Reserve would include a clubhouse, fitness center, patio, outdoor heated pool, and community living room.

Vander Kodde, civil engineer for the project, reviewed the preliminary PUD plan objectives. The property is on three parcels totaling 41.1 acres. He noted it has public water and public sanitary sewer. The Township engineer, Mr. Burd, has confirmed the public utilities have adequate capacity to serve this PUD. The site allows for 119 units, however, The Reserve proposes only 86 units which is below density and compatible with the Master Plan and zoning ordinance. All would be detached units. He said the Township encourages clustering of homes to maintain density providing screening and buffering. Following collaboration with staff the plan will allow for some attached homes with adequate screening, buffering, and density requirements. This community will be conventional condominiums with an association and will have public utilities and private driveways. He outlined the benefits of the PUD: existing R-3 zoning requires 0% open space and the Township requires 20% open space; the plan is to allow 43% more than the 20% required by the ordinance; driveways will be reduced from four to one; there will be a landscaped entrance; the PUD will preserve the mature trees along Wisteria Drive, and there will be connectivity with bike paths and pedestrian pathways. The developer also offers a public park at the corner of 144th and Wisteria Drive. The Developer is willing to donate this park to the Township. The Developer will preserve the existing mature trees in this area.

Vander Kodde pointed out that the setbacks are the R-3 requirements. Vander Kodde stated that preserving the perimeter of trees is a substantial benefit to the residents and surrounding community. There will be a mix of housing types, attached and detached units in the plan. A park will be central to the development and the clubhouse near the lake will provide a pool, patio and fitness center.

Vander Kodde stated there will be zero step access to the waterfront. The plan also provides an underground storm water management system. Vander Kodde stated the Township engineer has recommended approval of the proposed drainage system. No additional tree removal will be necessary in the drainage areas. In summary, he added that this proposal will be completed in one phase.

Ransford said staff had requested the developer provide several equations regarding density. It is his opinion that the proposed plan meets Township requirements regarding the base density permitted however it is calculated, even with taking out the bottom lands and the approximate five acres not subject to the PUD along Wisteria. The Planning Commission has two options: ask the Developer to revise the preliminary PUD plan or make recommendations and ask the Developer to return with a final PUD plan. At that point a public hearing will be held. We need to know the details on what trees will be preserved and what will be removed. The applicant has said they will formally provide this with the final PUD site plan.

Martin noted that the Township Manager recused himself from any discussion since he is a resident in the area within the 300' notice range. Fink left the meeting but returned following the discussion.

Garlinghouse asked how the applicant prevents water from entering the house in a zero step plan. Also, she asked how the builder provides protection from melting runoff and salt from chemicals during the winter so they do not affect the roadway surface.

Vander Kodde said floor drains and internal connections in the home are connected to the sanitary sewer which is required by the Michigan Building Code. The landscape contractors must follow State law so contamination is managed by them. He noted that phosphorous is no longer in fertilizers.

DeHaan asked if the garage has a 4" rise.

Engles said this is no longer required. It is a zero step entrance into the home from the garage. The garage floor is sloped away from the interior access to the home.

DeHaan asked about multiple floor plans and price points. He observed that the plan does not give details regarding duplexes that are to be built. He wants to know what actual housing units are going into the development.

Engles explained his understanding of the PUD requirements. They provide zero step homes and within the project there will be a mix of housing types.

David Caldon confirmed they are promoting zero step along with different housing types – buyers want different floor plans because of particular needs.

DeHaan asked about the various price points at the front and rear of the development. Ervine asked about square footage.

Engles said the different layout sizes will be from approximately 1500 to 3200 square feet. This depends on the choice of floor plans and options of additional space such as sunrooms and storage areas.

Ervine also asked about price points.

Engles said they are looking at material costs which is an important factor right now, but the range will probably be half million to one and a half million for the units.

Kleinjans asked about a kayak launch and marina.

Engles said boat slips are in a future plan and they are working on that with MDEQ and the Army Corps of Engineers. This will take a long time to work out the details.

Garlinghouse asked if the kayak launch and boat slips would be private.

Engles said they would be available only to the owners of the condominium association.

Nestel said the Planning Commission will want specific information about the inventory of trees and what will be cut down and what will remain. This is to avoid confusion in the event the situation should change. She asked about storm water management.

Vander Kodde provided an update. The drilling has occurred at ten different sites for perk tests and the information has been provided to the Water Resources Commissioner ("WRC"). The WRC has reviewed the documents and approved the system which will be under the road. This will not affect any trees for infiltration of storm water.

Nestel asked for the storm water plan.

Vander Kodde pointed out the green lines on the plan for storm sewer infiltration. He will delineate a line where they will eliminate only diseased or dead trees, and on the other side of the line where they can develop. The line will be shared with the Township engineer to be sure it is in compliance for building homes.

Caldon clarified with regard to the previously approved Villas PUD that only an estimate was made about the trees. In this case what would make more sense is to establish a definitive line for tree preservation areas and stay within that line, as that was how the Villas PUD dispute was resolved. Caldon stated this will be part of the final development plan.

Nestel asked for this plan ahead of time. She said the Township Board wants more engineering done on the tree issue. She added that something more definitive would be preferable to avoid any repeat problem of the loss of trees.

Martin said the Planning Commission can make recommendations for the developer to return with a revised preliminary plan or make recommendations for the final plan. Approval of the drainage by the WRC was a condition regarding the Beachwalk Condos in that final plan, and there was a major change to the approved Beachwalk Condos Plan due to the WRC requiring modification of the drainage plan, which resulted in the elimination of many trees along Ottawa Beach Road. What the Planning Commissioners can do is to make recommendations for The Reserve to identify trees or tree areas that are going to be preserved, and make that a condition to approval, or to require review and approval of the WRC before approving the final PUD site plan.

Kleinjans asked if we are to require WRC approval first. Ransford said this will be part of the final plan.

Martin said there is still time to make these adjustments before the final plan.

Ransford added this level of detail will be provided before the submission of the final plan. Martin said the preliminary plan will never go before the Township Board. The goal of the preliminary phase is to get to the final phase. The Planning Commission can make recommendations for the preliminary plan. The final plan will show the detailed landscaping plan according to the Planning Commission's recommendations or requirements. This is the purpose of the preliminary plan submittal - to discuss and recommend modifications and to suggest terms and conditions that for example show what the tree preservation plan will be. The Planning Commission will likely want to ask for the details in the horizontal landscape plan as well as the canopy view to avoid the confusion that occurred in the Beachwalk Condos PUD plan.

Nestel asked if the 4½ acres is part of the PUD.

DeHaan asked if this was part of the buffer zone along Wisteria Drive.

Engles said that property is part of the Villas PUD but it is owned by The Reserve association. There is a no-build restriction on this property already from the Villas PUD approval. They are proposing to add this portion of the parcel to the Reserve's tree preservation property so that in addition to the no-build restriction from the Villas PUD, there will also be a required preservation of the trees.

Caldon said this will be included in the declaration of restrictions.

Kleinjans asked if the 4½ acres is part of the calculation for density purposes.

Ransford said it was not.

Kleinjans said he was concerned about providing tree preservation protection along the shoreline. He has observed a barren area on the hill side where the Villas is located.

Engles said that area Kleinjans was referring to in the Villas PUD has since been improved with grass plantings approved by MDEQ for wildlife and soil preservation. It is now 3' mature. Kleinjans asked how close will the units be to the bluff.

Vander Kodde said the minimum setback is 30 feet.

Garlinghouse asked if arborists are included in the determination of what trees are to remain and to be removed - Who identifies the trees?

Martin said this request for an arborist can be included as a condition of approval recommended by the Planning Commission and approved by the Board.

Engles said the arborists give recommendations on the trees.

Nestel wanted to establish what is *not* in the preservation plan and asked about the setbacks.

Ransford said Section 38-56 states what the setbacks are.

Vander Kodde said they have provided setbacks on the drawings. The dimensions are: 40' front yard on Wisteria Drive, 40' front yard on Division, 50' along Lake Macatawa, and a 10' setback along the property line.

Engles clarified that 20' will be the minimum between units but it will vary between 20' and 30' depending on the floor plan.

Ransford confirmed this is required for the R3 zone.

PUBLIC COMMENT

Ervine opened Public Comment at 7:45 P.M.

Eliza Bivins-Fink lives on the north side of the wooded area under consideration. Her house is near this development. The woods create a nice buffer for the residents and she would like to see as much of the woods preserved as much as possible. She does not support the purpose of the proposed path next to her property line. She was also concerned about clearing dead materials in the woods which would impact the small critters who use it for their habitat.

Laura Johnson was concerned about tree preservation and would like to see an arborist identify the trees. She does not want this area cleared and would like the developer to leave the natural woods alone.

There were no other individuals present who wished to address the Planning Commission on this application.

Ervine closed Public Comment at 7:50 P.M.

Ervine suggested discussion of the Considerations as outlined by Ransford in the Staff Memo. *Considerations*

- Whether the density and open space equations are appropriate

Ransford said these have been addressed and are in compliance. However, the Planning Commission needs to determine if a lesser density and or greater open space is appropriate. The Planning Commission concluded that the proposed density and open space are appropriate.

- Whether the optional pedestrian pathways should be constructed

Ransford said two pathways have been considered. The developer is adding walkways internally.

DeHaan noted that the north walkway provides access into the development. He asked: Would residents like that? If we eliminated that pathway does this impact any of our goals?

Ransford said it would not in his opinion. The internal pathway connects to Division. With or without Wisteria it would eliminate the north pathway. Wisteria is okay and you could keep the path along Division.

Engles observed the wishes of the Planning Commission: the Wisteria pathway makes sense, the pathway to the north should be eliminated, and keep internal pathway to Division. He asked about the park. He said it could be donated to the Township or could be maintained by the condo association.

* Whether the northern optional pathway should be redesigned along the public water line to the internal drive and connect to the proposed sidewalk termination at the driveway intersection.

Vander Kodde said as a private PUD the Road Commission does not have jurisdiction on the private roads included in the plan. The Road Commission will issue a commercial driveway permit for the private road but they can't force the developer to build a public road through the property.

Martin concurred the Developer doesn't have to put in a public road because this will not be a platted subdivision. The Road Commission doesn't require a public road for a PUD.

The Planning Commission concluded that the proposed northern pathway should be removed, but construction of the Wisteria pathway and the corner park shall be provided.

- Submission of a tree preservation plan related to permanent open space, public water and sanitary sewer construction, storm water construction, Fire Department access, etc.

DeHaan said what is missing is the number of trees.

Vander Kodde said they would submit this. The applicant will include the number of trees, size at planting, and species.

The Planning Commission concluded that a tree preservation and landscaping plan should be provided as a condition with the final site plan.

- Seek additional details regarding the proposed underground storm water system related to the Michigan Lakefront Residential Classification provision to prevent runoff of chemicals and decrease flooding

The Planning Commission agreed to wait on WRC approval.

- Whether the proposed meets the goals, objectives, and vision of the Master Plan

The Planning Commission agreed that it does.

- Whether an Environmental Impact Assessment is necessary

Engles said they are not proposing to put in a wetland.

The Planning Commission concluded that an Environmental Impact Assessment is not necessary at this time.

- A condition that the open space preservation and maintenance agreement is reviewed by the Township legal counsel and found to his satisfaction prior to final plan public hearing. The Planning Commission agreed. .

- Review of the Master Deed and Bylaws by the Township legal counsel
The Planning Commission agreed.

- Review and approval by the Ottawa County Water Resources Commissioner's office
The Planning Commission agreed.

Garlinghouse asked about signage and lighting.

Martin said this is considered later in the PUD process. Conditions specific to the lighting and signage could be made at a later point as part of the final PUD approval.

Engles said they use minimal street lighting and minimal light pollution with landscape lighting. All of this will be provided later in the final package.

Ervine asked if the Planning Commission is ready to move this forward.

DeHaan said he would like to see more on the tree preservation plan, WRC input, and specifications on units, especially the duplexes.

Engles said he will provide what is requested and he will provide elevations and floor plans in the Final Plan.

Vander Kodde showed an illustration of the tree preservation areas in the proposed plan. This was not part of the package so this will be further delineated for those areas. He also explained that some of the dead or dying trees need to be removed as a safety factor.

All concurred to proceed with the proposed Final PUD plan for the next meeting provided the developer makes the recommended changes.

Roll Call Vote:

DeHaan, aye; Eade, aye; Ervine, aye; Garlinghouse, aye; Kleinjans, aye; Nestel, nay.

Ayes 5, Nay 1. Motion carried.

Old Business

1 – Section 38-490 Accessory Uses, Poultry Language

Ransford said the language is before the Planning Commission for review and ready for a Public Hearing at the next meeting.

Kleinjans asked in Subsection C if language should be included stating a permit is required since the language says a permit may be revoked.

Martin suggested adding language that clearly states the Zoning Administrator issues such a permit.

All concurred to move this forward.

2 – Chapter 18 – Land Divisions and Subdivisions

Ransford said the provision is included stating that a Public Hearing is required for plats and road ends shall be deeded to the Ottawa County Road Commission. He included the definition of a preliminary plat. Ransford added language regarding street trees since there are no specific provisions regarding the number of trees or location.

Martin said this street tree requirement applies to a platted subdivision.

It was suggested there should be a clarification regarding the references to the Township Clerk. The reference needs to be defined and consistent in the language.

There were some additional minor edits.

All concurred to move this forward.

3 – Condominium Language

Martin addressed the three questions asked by Nestel in her email to him:

1)What is a site condo?

Martin said this term is not defined in the Condominium Act, but that site condos have been used for development purposes for decades. Martin explained that a site condo is the analogical equivalent of a subdivision, but does not go through the platting process to transfer ownership of the parcel of property. Basically a site condo development is like a subdivision, but it is separated into individual condo units that are sites that can be built on, similar to a subdivision but not individual lots that are created through the plat process. The Township has historically required site condos to go through the PUD process. The Park Township ordinance provides, however, that a home or structure can be built on a parcel or a lot. The Attorney General issued an opinion that stated site condos do not have to go through the subdivision process because there is no land division when creating site condos. A site condo creates separate tax parcel ID number for each separate buildable parcel that is a condo unit in a site condo. Additionally, they have to meet setback requirements according to the Park Township zoning ordinance, just as any property owner building on a lot would. Because our ordinance allows houses and structures to be built on a lot or a parcel, the Township wouldn't be able to control site condos without a site condo ordinance – if a proposed site condo development met all of the requirements of the current zoning ordinance, such as setbacks, parcel/lot sizes, frontage, etc., the project would go forward with only building permit approval – in other words, no review or approval by the Planning Commission.

2) Does the Township have to address a separate ordinance to regulate site condos?

Martin said the Township could establish a site condo ordinance, it has the legal authority to do so. It's a policy issue to regulate this kind of development. The Township could choose to apply regulations that are similar to the Township's subdivision ordinance requirements and standards to site condos.

3) What are the advantages and disadvantages if the Township approves the ordinance?
Martin said the Township would have some level of control over site condo developments similar to the level of control over subdivisions, and could then insist that street trees, lighting, etc. be added to the requirements for site condos. This would ensure appropriate infrastructure or other amenities for site condos, like subdivisions.

Ransford said he will include these requirements with the language.

All concurred with Martin reviewing the revised language after Ransford submits the draft.

4 – Tree Preservation Ordinance Concept

Ransford said there are many parameters in this ordinance. He asked the Planning Commission for input. Does the Planning Commission want to consider certain streets, commercial development areas, and residential areas? He noted the Master Plan identified Ottawa Beach Road as an important corridor for developing and/or retaining a tree canopy. All agreed Ransford should begin drafting language beginning with focus on subdivision and commercial development and major corridors.

Ervine asked for draft language based on the Planning Commission discussion. Ransford said he would work on this.

The next meeting date is December 12, 2018.

ADJOURNMENT

Nestel moved, supported by Kleinjans, to adjourn the meeting at 9:15 P.M.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

Respectfully submitted,
Judith R. Hemwall
Recording Secretary
November 16, 2018
Approved: December 12, 2018