

**MINUTES  
PARK TOWNSHIP  
PLANNING COMMISSION**

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

Regular Meeting  
November 22, 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, Dennis Eade, Denise Nestel, Tom Vanderkolk

Absent: Eric DeBoer, Linda Dykert

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

Chair Pfof congratulated Denise Nestel on her election to the Township Board.

Martin clarified that Nestel will continue to serve on the Planning Commission pending her appointment as Township Board liaison.

**APPROVAL OF AGENDA:**

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

Voice Vote: Ayes 4, Nays 0. Motion carried.

**APPROVAL OF MINUTES:**

Johnson requested a change in the wording on page 7 of the minutes. The sentence should read "Johnson said for a single family construction, the Planning Commission could justify waiving the requirement for a site plan per Section 38-102."

Motion by Eade, supported by Vanderkolk, to approve the Regular Meeting Minutes of October 18, 2016 as amended.

Vanderkolk asked about Nestel's request for an attachment of her letter to the September minutes.

de Vries confirmed the letter had been included as an addendum to the minutes for that meeting.

**NEW BUSINESS:**

**A. D&K Investments – Preliminary Subdivision for Timberline North. Public Hearing (continued from October 18, 2016)**

Chair Pfof explained the public hearing will continue this evening. Planning Commission discussion will commence following the public hearing.

de Vries said he received a petition from several residents and four e-mails were sent to the Township regarding this proposal. He shared the copies with the Commissioners for their reference.

Jack Barr of Nederveld, representing the applicant, spoke to the proposed plan and changes. He also submitted new drawings. He explained that the project has expanded with the addition of property to the north now totaling just over 18.4 acres. The developer will connect road systems with this extension of the property. There are now 35 lots planned with the additional 5 acres, which are zoned R-3, with full utilities and a public road.

Regarding the Township requirement for a one foot easement at the road ends, he talked with the Road Commission. They require a ten foot strip at the ends of the right-of-way, and the Road Commission will not accept the roads if the Township requires the one foot easement. .

On the 1,000 maximum block length he indicated that the distance between the connecting streets required the length they propose.

The last item regarding the lot depth he has observed in researching the record that there are several plats that exceed that depth ratio.

The proposal will comply with all R-3 zoning requirements.

**PUBLIC HEARING:**

Chair Pfof opened the Public Hearing at 6:42 P.M.

J. C. Shaver – is Board President of the Timberline Acres Homeowners Association. His property abuts the southwest corner of the proposed development. He shared copies of his comments. He gave de Vries a resolution opposed to this proposed development. His concerns: 1) From the residents' perspective, it appears traffic and safety have not been

considered. Currently 45 lots are under development in the area and this proposed development will significantly affect traffic in his community. Most travel is on Woodpine rather than on 152<sup>nd</sup>. There is also the possibility that construction traffic will also impact the neighborhood; 2) The proposed name of this development is similar to his development but this has not been published to his community. The developer didn't notify the Association which would have been a courtesy. The developer will trade on the Timberline name and we know nothing about these plans. It would be nice to have consistency. The current neighborhood has the desirability of valuable marketing by realtors; 3) Environmental concerns are significant and the Township should require an environmental study. The storm water pond is located on the back corner of his lot. He wonders about a pumping station to lift water up over the dune or if a pond will be built. And he asked about a buffer zone to provide privacy; and, 4) He asked that the homeowners' association be able to provide input on the developer's plans.

Bob Rydell – is Secretary of the Homeowners' Association. No mail went to residents other than the few whose property is contiguous to the proposed development. Timberline Acres has no sidewalks in their neighborhood. The streets curve so it's difficult to watch for traffic. The increase in traffic is a safety concern. He asked if Timberline North will put in a sign for their neighborhood. He suggested the Planning Commission look at an access road off 144<sup>th</sup> to serve as the main entrance for this subdivision to avoid confusion and traffic problems.

Marcel Vandentop - lives on Jamesway on the north side of Timberline Acres. He is concerned this development will lower the real estate value of his home and others in the community. It is his finding that the value of homes that are adjacent to smaller subdivision lots lowers the market value. Another concern is he is next to a subdivision that will look different from his community. Timberline West has parkland which creates a distinct look and a buffer. Why can't the developer plat the development similar to what is there now. Additionally, the area high school impacts traffic in the morning and the backup extends to Timberline Acres. Obviously this development will increase this traffic problem. Another concern are the small cul-de-sacs where snowplows and trash trucks can't navigate.

Lee Schopp – has lived in Timberline Acres since 1999. He has seen an increase in traffic as the neighborhood has expanded. Lot sizes commensurate in value of Timberline West would be appreciated. Traffic is a concern and he supports the view the main entrance should be a separate entry for this proposed development.

Nick Hobson – lives in a home that abuts this development. He would like clarification on the retention area. If it's dry, what would the ownership rights be; if it's to have water what would it look like and will it comply with the ordinance.

Paul Olesh – has lived in Timberline Acres for 20 years. The natural waterways have always been preserved in the area. Will they continue to be respected and preserved with this new development? They have enjoyed these waterways for years.

Joseph Leonard – spoke on his mother's behalf who has lived in the community for 12 years. His mother is concerned about the value of her home and property. He has witnessed

expansion of Timberline Acres and doesn't see sustainable growth with this project. If the properties are smaller it will affect the value of the neighborhood.

Dave Curtin – expressed concern regarding speed of vehicles and the lack of transparency with this development. Notification by e-mail doesn't have much detail. The residents are proud of the Timberline name and the covenants should be respected.

Ryan Prescott – lives between Division and Stanwood and is concerned about the impact of additional traffic. An entrance off 144<sup>th</sup> could be an option to alleviate traffic impact. Property values are also a concern.

Mike Pietrangelo – has lived in Timberline Acres for eight years. He shared 60 signatures on a petition by neighbors who oppose this development. Traffic and safety are a real concern. He shared pictures of traffic in the morning when children are walking to the bus. He has clocked cars when school gets out and some travel at 40 mph through the area. Home values are also a concern.

Cindy Minnich – has lived in Timberline Acres almost 20 years. She expressed disappointment the residents weren't notified by the Township.

Chris Cannon – has been a nine year resident in Timberline Acres. His property is on the south side of the proposed development. They weren't notified about this proposed development. Children have almost been hit by cars. The police have had to monitor traffic because of the problems in the area. Motorists use the subdivision to circumvent traffic congestion. There is an option to create an entrance off 144<sup>th</sup> St. Property values are also a concern.

Chair Pfof closed the public hearing at 7:16 P.M.

#### **DISCUSSION:**

Chair Pfof thanked the audience members for their civility and conciseness in their comments. The Planning Commission endeavors to balance landowner rights and the Township ordinances.

Johnson spoke to her November 22, 2016 review of the Application for Preliminary Plat Approval for Timberline Acres North. She noted that the Township land division and regulations have a variance procedure which does not have to go to Zoning Board of Appeals. It does require an additional public hearing.

As background, per the application review by the Planning Consultant, this plat was previously submitted to the Township and then withdrawn so additional land could be added to the application.

A public hearing was noticed and opened on October 18, 2016. Since the applicant wished to significantly amend the application the public hearing was held open and resumed at the regular Planning Commission meeting of this date.

The proposed plat is located in the northeast portion of Section 13. No address is available for the site. The total land area is 18.92 acres; the legal description describes two parcels at 13.82 and 5.12 acres respectively. The north side is adjacent to Essenburg Subdivision No. 4 and is adjacent to the Timberline Acres Subdivision on the west and south, and on the east fronting 144<sup>th</sup> Avenue. The applicant should clarify if this land area will remain under control of the applicant and whether this area will be divided from the proposed plat and the resulting lot dimensions of the remaining parcel.

The site of the proposed plat is tree-covered with some clearing. In several areas, notably in the southern and western portions of the site, slopes reach 20% or greater. Wetlands are on the site, and while the notes state that 11,000 square feet of wetlands will be impacted, the area of the wetlands appears to be larger than 11,000 square feet. This estimate may include only that area inside the plat since wetlands extend outside the boundaries of the proposed plat. The wetlands are proposed to be filled in in those areas where construction of a road and individual parcels are proposed; wetlands are proposed to constitute a drainage easement where not filled. The applicant should clarify whether the drainage easement will extend to the adjoining parcel in the vicinity of proposed lots numbered 10-14 and, if so, should provide documentation as to the formal arrangement with the neighboring parcel for storm drainage. Additional wetlands or a drainage-way may be located on the adjacent parcel and should be shown on the plan.

Items missing from the Preliminary Plat drawing, and required by Section 18-61(1) include:

1. Names of abutting subdivisions
2. Statement of intended use of the proposed plat, such as residential single family
3. A location map showing the relationship of the proposed plat to the surrounding area including subdivisions and existing parcels rather than just road lines.
4. Adjacent land use and existing zoning – those parcels that are not within existing plats should be labeled as to land use such as residential or vacant.
5. The plan states that no deed restrictions are proposed for this plat, however, those lots that contain portions of drainage easements and/or storm water detention will contain deed restrictions that must be recorded with the Ottawa County Register of Deeds and the Water Resources Commissioner's Office.
6. While sidewalks are not required the plans show sufficient right-of-way so that they may be installed on both sides of all streets.
7. The setbacks from the cul-de-sac on lots 6 and 7 are shown to be 25' from the temporary right-of-way easement and are shown to be 40' from the future right-of-way if the street should, at some point, continue through to the adjacent parcel to the north. The required front setback in the R3 district is 40'.
8. Trees with a trunk of over six inches in diameter when required by the Planning Commission should be shown and preserved.

The proposed preliminary plat drawing is missing several items or is in need of several corrections which should be provided prior to submitting the plan to the Township Board. These

items could be reviewed by the Community Development Director and/or the Planning Commission.

The Planning Commission should discuss items such as preservation of wetlands and woodlands, need for sidewalks, need for a pedestrian connection to the north, and the need for a permanent, compared to a temporary, turnaround at Turnberry Lane since the cul-de-sac may be in place for an extended period of time.

Right of way is required – sidewalks can be discussed although not required.

With regard to the temporary cul-de-sac – currently the setback is 25' in the area of Turnberry. These cul-de-sacs may or may not be extended. This is something that should be discussed. There is no clear statement in the subdivision ordinance regarding this.

She reviewed design standards highlighting several points:

- \* Cul-de-sac design – what will happen should they be extended
- \* Right-of-way for crosswalks – there is a mid-block crossing possibility that might be considered
- \* Length of residential block – The maximum length of a residential block is 1,000'.
- \* Depth of lot ratio – Park Township requires the ratio is 1:3. This may require a variance.
- \* Planting Strips – Pfast asked if we can set aside the one foot reserve strip. Do we need a variance if the Road Commission requirement exceeds our ordinance.

Martin said it's still an ordinance requirement. If it's a waiver you will need to amend it.

- \* Natural Features – consideration of preservation of tree stands in addition to wetlands
- \* Density - The proposed plat meets R-3 requirements.
- \* Frontage and Lot width -The building envelope must meet the required front setback of 40'.
- \* Procedures – Important note: the Planning Commission, following review and public hearing, shall provide the Township Board with a report and recommendation within 60 days after submission of the plat.

Board Discussion:

Nestel asked about the use of the Timberline name since it is an important concern to the Timberline Acres residents.

Martin said the Township does not have a standard for trademark names. It's a trademark issue for the developers of old and new subdivisions. To avoid confusion, it's for the private entities to negotiate - not for the Township.

Nestel asked if the Township has a requirement for a traffic study.

Martin said for the platting process, if it meets our zoning requirement, the Township does not require it.

Pfost explained for the audience that the PUD ordinance is in suspension while the Planning Commission works on language. We will report back to the Township Board.

Pfost asked Barr if there is an intent to locate signage on the property to the north.

Barr said signage will be at the south end at end of Stanwood – not on 144<sup>th</sup>.

Nestel asked about the transparency issue and late notice by the Township. Were all the technical requirements noticed, and since the Planning Commission has 60 days does that time period allow for further comment.

Martin said it will be subject for open meeting standards. What was sent out is required by law.

de Vries said the notice requirement for a subdivision was mailing a notice to all properties adjacent to the property, not all within 300' as is common for other required notices.

Nestel asked if there are more than 70+ signatures on the petitions.

De Vries said there are about 73 that have signed the petitions.

Nestel asked if the corrected plan covered what was necessary.

Johnson said some of the smaller issues were covered such as setback measurements, however, there are still many items to be discussed.

Nestel asked for clarification about the wetlands regulating authority and if a permit has been applied for by the developer.

de Vries said the wetlands are regulated by the MDEQ.

Martin clarified that Ottawa County now refers to the Drain Commission as the Water Resources Commission.

Pfost asked Barr for the plan regarding the wetlands.

Barr said the area is less than 1/3 of an acre and the permit has not been applied for to date.

Pfost asked what would happen with the lots where the building envelope encroaches on the wetlands area.

Barr replies they have designed the lots so the ravine doesn't affect the building site.

Nestel asked if the developer could present a resolution of some of the residents' concerns.

Pfost agreed it would be appropriate.

Eade asked about the access on 144<sup>th</sup> Street.

Vanderkolk asked for clarification about the traffic impact and the requirements of the Road Commission.

de Vries referred to the map he printed for review by the Planning Commission. The line drawn in red is the approximate proposed road for the development. The line in green refers to future development on the remaining parcel to the north. He asked the Road Commission if they have a standard or requirement regarding access to 144<sup>th</sup>. This drawing was what the Road Commission presented as its master plan for the entire area once it is developed.

Barr said the Road Commission required connection with Jamesway and Stanwood. Sherwood St. will eventually extend completing the loop.

Nestel asked if the Road Commission is allowing ingress and egress to connect at those two points.

Pfost asked five years into future how we make sure it happens that at some point in time Sherwood would be connected.

Vanderkolk said the Road Commission will determine that at that time. They dictate how these sub streets get linked. In the future it will connect to 144<sup>th</sup>. It won't be an asset to require it now because the more connections on 144<sup>th</sup> the more impact the traffic will have in this area.

Barr noted the developer has hired an environmental consultant. A survey has been done. The State looks at the flags from the survey, they get a wetland assessment with an impact on the wetlands, and then issue a permit. He pointed out they have not received approval yet.

Johnson asked if the MDEQ has delineated the wetlands at this date in time.

Barr said they had not.

She also asked how it is regulated. She added that if the wetlands designation changes from the proposed plan the Planning Commission can ask for a revision. Is it hydraulically connected and does it extend to the parcel north of the development?

Barr said it is hydraulically connected and extends to the north parcel.

Nestel asked about regulation of wetlands.

Johnson said by State law regulation of wetlands is dictated if it's usually over 5 acres or hydraulically connected to a body of water. It might help to put it on this plan then it will be ready for the next phase.

Pfost asked when DEQ plans its visit to investigate the wetlands area of the property.

Barr said they anticipate this will happen in December.

Barr responded to questions about the storm water. There is a nob on the southwest corner of the property which is clear of trees. The plan is to build a road for utilities. There will be an emergency overflow into the ravine. It is sandy soil so it has a low retention rate which is good

for drainage of water. The property line rolls up to a dune feature. There will be a berm before they excavate for the storm water basin.

They aren't proposing sidewalks.

With regard to home values and lot sizes, the lots are meeting 85' frontage and square footage. The lots are smaller than Timberline Acres. He does not know if home values will be affected.

The natural waterways will be preserved except for road crossings.

To the concern about the use of the Timberline name, the original proprietor has the rights. The developer talked with the original developer about variations on the name. The State has accepted the name as a variation on the original.

The developer is not proposing deed restrictions other than what the Water Resource Commission requires.

The setback on the cul-de-sac is temporary. It will be larger than 66'. It's an easement for a turnaround. It's not a right-of-way.

Johnson clarified that the paved area of the temporary cul-de-sac is 30'. There is only a 30' setback instead of 40' on that cul-de-sac. The two homes on the cul-de-sac will only require 30' from the right-of-way.

Martin said the ordinance requires the measurement is to be from the right-of-way, not from the pavement.

Nestel asked if there was consideration about what trees are to be cut down.

Barr said there was.

Johnson asked to note the trees that are present - it would be helpful – because it is important we know they will be preserved. We will want to know the developer isn't clearing out trees.

Pfost said the Township Board considers this to be an important factor.

Pfost asked if in a typical plat can we require a drainage plan.

Johnson said yes.

Barr said he can't get this until he has preliminary plat approval.

Regarding the extension on 146<sup>th</sup> if a crosswalk is built there it might be objectionable.

Johnson said it could be developed as a walkway for pedestrians.

Barr noted that although the Township ordinance is 1000' for the length of a residential block, the developer has provided for 1,176' on the revised plan. He provided the rationale for this.

Johnson said there is an option. Another connectivity plan to the east is possible.

Pfost said we will have to hold an additional public hearing for the variance.

Barr said their intention is to apply for that variance.

Regarding lots 31 and 32 he explained what they would have to do to comply with a public right-of-way.

Pfost asked if we will need variances for the 1000' block requirement and the right-of-way easement for lots 31 and 32.

Johnson said a storm water easement can't be done if it is located on its own parcel.

Martin said the idea is there is an easement over another parcel. You can have a storm water detention parcel if it complies with the ordinance requirement. The issue is who owns it, who maintains it, how is it taxed – those are key questions. When you plat this it has to be an actual lot.

At this point, Pfost asked Martin for a recommended time frame on the report.

Martin said if the preliminary plat meets the requirements then you make the recommendation to the Township Board. If it does not you are to notify the developer by letter what needs to be changed. The developer will then need to seek a variance in order to comply or make the changes that will be necessary. de Vries would notify the developer by letter. Barr would apply for the variances and then the Planning Commission will hold the public hearing.

Vanderkolk clarified that the Planning Commission sends its recommendations to the Township Board regarding the variance.

de Vries said it is the Township Board that decides on the variance. It is the Planning Commission that holds the public hearing.

Vanderkolk asked if all the requirements are met is the Planning Commission obligated to approve the application.

Martin said yes.

Nestel asked about discretion regarding the wetlands.

Johnson said there is some back and forth on a few items. The Township Board has the authority to grant approval following the Planning Commission recommendation.

Martin said unless there is a written agreement between the developer and the Planning Commission changing the time period the recommended time period of 60 days moves forward.

Vanderkolk said there are a lot of concerns. We are bound to approve providing the developer meets the standards of the ordinance.

A member of audience asked about the pole with a red flag on the berm behind his property. What does that mean?

Barr replies by saying that is the area with rolling dunes and woods. The surveyor set stakes with ribbons. This is the area not to be cleared. They will be left there. It will be 50' from property line that is to be preserved.

Pfost summarized the charge to the Planning Commission: We face the need for variances, the 60 day clock, the application to meet ordinance requirements, and submission to the Township Board. He asked Legal Counsel for his suggestion.

Martin suggested the Planning Commission extend the time frame agreement with the developer with specific dates in order for the Planning Commission to hold a public hearing on the variances. This is necessary to make a recommendation to the Township Board whether this plat meets requirements.

Pfost asked Barr if he will accept an extended time frame. He advised 120 days by adding 60 days.

Barr said that was acceptable. He asked if the public hearing would be in January.

Johnson clarified the report would be in February.

Martin said we opened the public hearing 30 days ago. He recommends we extend this, holding the public hearing in December to make certain we have a quorum.

Pfost suggested a submission date to the Township Board by February 21, 2017 with a public hearing on the requested variances to be held no later than January 17.

Martin said an agreement to extend is a cushion given the approaching holidays. An agreement does not have to be formalized at this meeting.

Vanderkolk said we can move to deny, approve, or postpone.

Eade moved, supported by Vanderkolk, to postpone action on the preliminary plat application pending submission of a letter to the developer requesting an additional 60 day extension to allow a public hearing on the required variances in January 2017. If this is agreed to by the developer, this will facilitate recommendation to the Township Board on February 21. An amendment was added to deny the application if the variances are not approved.

Johnson requested the Township mail more letters of notice to the residents adding the 300' rule.

Voice Vote:

Ayes 4, Nays 0. Motion carried.

Pfost said several issues are on the table and the time is getting late. He suggested postponing the Old Business items and move forward to the Public Comment section.

Nestel asked Martin to review for everyone what the Planning Commission can rule on.

Martin said with regard to the plat, as indicated by Johnson, we have certain issues in the ordinance regarding sidewalks, although the ordinance doesn't require them. What the ordinance doesn't address concerns traffic, name identity, and density. Some things in the Preliminary Plat didn't meet Township requirements so the developer needs to address them before the Planning Commission's approval. If the developer can't make the changes or meet the variance requirement, then the Planning Commission can recommend denial. Ultimately the Township Board approves the preliminary plat. If the standards are in the ordinance they will grant approval. The Master Plan has decided density, lot size, distance from right-of-way, and building envelopes.

## **PUBLIC COMMENT**

Chair Pfof opened Public Comment at 8:50 P.M.

A member of the audience asked for the name of the person from the Road Commission who denied access at 144<sup>th</sup> Street.

Barr said it was John Gutierrez.

Another member of the audience said the original owner had covenants but the developer is not providing that for this new development. He asked if the Planning Commission requires covenants.

Martin said the Township doesn't require restrictive covenants. Establishment of covenants is strictly between the developer and the residents.

J.C. Shaver asked if there is public input at the time the Planning Commission's recommendation goes to the Township Board.

Martin commented that the Township Board does not hold the public hearing – the Planning Commission does. However, there is an opportunity for residents to address the Township Board during public comment at its meeting.

de Vries noted that the Township Board agenda is posted on the Township website a week ahead of the meeting.

Shaver said he has observed that excavation in the new development is back from the Timberline Acres property line 5'. He asked for the developer to clarify this.

Barr said they are starting excavation 5' from the hill, not the property line.

Bob Rydell asked the Planning Commission if the Homeowners' Association can appeal to the Road Commission for a traffic study.

Pfof confirmed the Association can make an appeal.

Chair Pfof closed Public Comment at 9:04 P.M.

## **ANNOUNCEMENTS**

Pfost said the Macatawa Area Coordinating Council has approached Park Township regarding coordination of storm water ordinances for Ottawa County and several of the local governmental bodies. The Council has received a grant to do this. He and Ed de Vries are meeting with the MACC representative regarding the storm water ordinance in December. He will report to Planning Commission members on the progress of this collaborative effort.

The next Planning Commission meeting will be held December 20, 2016.

Pfost asked Martin if he could attend the Planning Commission meeting in December.

Martin said he would be able to attend.

De Vries anticipates a planning work session for new Planning Commission and Zoning Board of Appeals members after the first of the year. He invited everyone to participate.

### **ADJOURNMENT**

Pfost moved, supported by Eade, to adjourn the meeting at 9:12 P.M.

Voice Vote:

Ayes 4, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
November 25, 2016

Approved: December 20, 2016