AGENDA

Park Township
Planning Commission Regular Meeting

December 11, 2019
6:30 p.m.

(Please turn off or set to silent mode all cellphones and other electronic devices)

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes: Regular meeting November 13, 2019
4. New Business:
   a. Public Hearings

      Anticipated Action: Approve the special use with conditions, deny the application, or postpone the application to allow for the submission of a revised plan.

   b. Discuss joint meeting between Planning Commission, Township Board, and Zoning Board of Appeals regarding affordable housing in Park Township

      Anticipated Action: Consider potential dates in early 2020 for joint meeting

   c. 2020 Proposed Meeting Schedule

      Anticipated Action: Adopt 2020 meeting schedule as proposed, or as modified

5. Old Business:
   a. Text Amendment
      - Proposed Section 38-516 of the Park Township Zoning Ordinance – Campfire Wood Sales

      Anticipated Action: Discuss next steps for proposed text amendment

6. Public Comments

7. Announcements
   a. Next meeting date January 8, 2020

8. Adjourn
CALL TO ORDER:

Chair Pfost called to order the regular meeting of the Park Township Planning Commission at 6:30 P.M., held in the Township Hall at the Park Township Office.

ATTENDANCE:

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

Staff: Greg Ransford, Planner, Howard Fink, Township Manager

APPROVAL OF AGENDA:

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

Voice Vote:

Ayes 6, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Kleinjans noted an omission on page 2 for the sentence ending with “plumbers, electricians and…”. Pfost suggested adding “other fire prevention agencies.”.

Motion by Erwine , supported by Kleinjans, to approve the October 9, 2019 Regular Meeting Minutes as amended.
Voice Vote:

Ayes 6, Nays 0. Motion carried.

Garlinghouse joined the meeting at this time.

NEW BUSINESS:

Pfost suggested a note of thanks be sent to Chief Gamby for his October presentation. All concurred. He will write the note.

A. PUBLIC HEARING – Text Amendments

Ransford provided an overview of the PC’s review of the text amendments. Revised language was shared with the Planning Commission in the Staff Memo of November 6, 2019. He highlighted the changes based on the Planning Commission’s recommendations in the October meeting. He pointed out that the language for outdoor ponds includes the change from a building permit to a zoning permit. He also noted that Manager Fink will address his concerns about firewood sales.

PUBLIC HEARING

Chair Pfost opened the Public Hearing at 6:40 P.M.

Kurt Lower is a zoning compliance officer. He is a 40 year Park Township resident. He has been selling firewood from his property for 38 years. He has 13 acres of land where he harvests the wood. He is a non-compliant business since he began selling firewood before the Township ordinance. He noted he stores the wood behind a fence at the rear of his home. He had no complaint about the amendment and has no problem with his neighbors. He added he has a large entryway at the front of his property so he doesn’t block traffic with the sales of his firewood.

Chair Pfost closed the Public Hearing at 6:45 P.M.

Kleinjans asked Lower how many face cords he sells each year.

He replied that he sells about four full cords of wood in a year’s time.

Garlinghouse asked if it is documented with the Township when a grandfathering situation occurs.
Lower said he talked with Emma Posillico and she assured him he was on the record as a firewood seller.

Fink explained when the ordinance was written, going into the township BS&A property records program, Emma called Ed deVries to verify that Lower was operating his business before the ordinance was created. His property is not zoned commercially but because the ordinance was written his firewood sales are grandfathered. He has a legal nonconforming use. Posillico discussed this situation with him and he confirmed Lower is allowed to operate as a firewood seller. A new seller would have to apply and comply with the ordinance.

Fink said the ordinance began at the Board level. He has concerns about three specific items in the language of the ordinance as it is currently stated:

1- The Board agreed the wood didn't have to be harvested from the seller’s property.

Kleinjans asked if Lower was monitored by any oversight agency.

Lower said there is a concern about ash wood because of the emerald ash borer. He doesn’t handle that wood. Most wood comes from Muskegon and the northern part of Michigan. There is also a restriction in hauling oak in the spring. There is an oak fungus to be aware of and it can't be cut in spring. Most wood is harvested in the fall.

Kleinjans asked if there is any inspection process.

Lower said there was not. There are no other restrictions that he is aware of.

Pfost asked about the differentiation between campfire wood vs. home use.

Fink said the Board was concerned about this because of policy issues regarding ordinances not being enforceable.

2 – The Board wanted smaller firewood sales. Having a face cord of wood for sale in front of a resident’s property is considered commercial. Selling small amounts of wood is preferable. Sales of a face cord would be too large.

3- The Board said we can’t monitor traffic safety. Fink said he would be reticent to allow Township staff get in the middle of a safety concern unless it is clearly defined.

Fink said he was told to enforce firewood sales. This came to the Board as a policy issue. It was under the home occupation ordinance previously. There has been some confusion regarding enforcement.

Eade advised, for clarification, to require in the firewood sales ordinance that sales are limited to campfire wood only.

DeHaan said we should address how much wood is allowed to be sold on a residential lot.
The Planning Commission agreed to return the language to staff for further clarification.

**Section 38-516 – Firewood Sales**

Kleinjans moved, supported by Ervine, to request Staff to rewrite the ordinance section for firewood sales and characterize it as sales of campfire wood only, and for staff to return with new language to address the issues discussed and agreed upon by the Planning Commission.

**Roll Call Vote:**

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

Ayes 7, Nays 0. Motion carried.

Kleinjans said we want the ordinance enforceable to include smaller size for front yards of what is displayed, how much wood can be stored on a property, and to simplify the language. Kleinjans also asked if possible traffic hazards can be enforced.

Fink said the traffic hazard issue is difficult to enforce, however, the Township has the ability to enforce safety infractions.

**Section 38-517 - Garage Sales**

The Planning Commission concurred with the requirement that the garage sale should be at a minimum of 18’ from the street.

Garlinghouse moved, supported by DeHaan, to approve the ordinance for garage sales and require that the minimum distance from the sidewalk to be 18’ from the street and 15’ from the sidewalk for display of a garage sale.

**Roll Call Vote:**

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

Ayes 7, Nays 0. Motion carried.

Fink suggested clarifying the meaning of “title” for garage sales as part of this ordinance.

Pfost suggested, for the record, that the Board give the Planning Commission specific directives per their agreement and recommendation to address future changes in ordinance language.
Section 38-33 (e) – Expiration of Permits

Eade commented, from the perspective of the Zoning Board of Appeals, an applicant for a building permit has two opportunities to fulfill the timeline requirements of that permit. What happens if the building process is not completed in that period?

Pfost said the resident would have to go through the application process again for a new building permit.

Kleinjans moved, supported by Nestel, to approve the ordinance amendment for Section 38-33(e) – Expiration of Permits.

Roll Call Vote:

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

Ayes 7, Nays 0. Motion carried.

Section 38-575(a)(5) and (b)(b) – Permitted signs in AG and Open Space Districts

DeHaan moved, supported by Ervine, to approve the ordinance amendment for Section 38-575(a)(5) and (b)(b).

Roll Call Vote:

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

Ayes 7, Nays 0. Motion carried.

Section 38-575(c)(1) – Permitted signs in C Districts

Kleinjans moved, supported by Eade, to approve the ordinance amendment for Section 38-575(c)(1)

Roll Call Vote:

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

Ayes 7, Nays 0. Motion carried.
Section 38-367 – Development requirements for PUDS with residential uses

Ervine moved, supported by Kleinjans, to approve the ordinance amendment for Section 38-367.

Roll Call Vote:

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

Ayes 7, Nays 0. Motion carried.

Section 38-504 – Outdoor Ponds with zoning permit requirement

Ervine moved, supported by Kleinjans, to approve the ordinance amendment for Section 38-504.

Roll Call Vote:

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

Ayes 7, Nays 0. Motion carried.

38-505 – Earth Change Regulations and Permits

DeHaan moved, supported by Ervine, to approve the ordinance amendment for Section 38-505.

Roll Call Vote:

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

Ayes 7, Nays 0. Motion carried.

Section 38-368 – Dedicated open space requirements for PUDS

Kleinjans moved, supported by Garlinghouse, to approve the ordinance amendment for Section 38-368. All

Roll Call Vote:
Ayes 7, Nays 0. Motion carried.

**Section 38-184(8) – Use Regulations**

Kleinjans moved, supported by DeHaan, to approve the ordinance amendment for Section 38-184(8)

**Roll Call Vote:**

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

Ayes 7, Nays 0. Motion carried.

**Section 38-214(6) – Use Regulations**

Kleinjans moved, supported by Garlinghouse, to approve the ordinance amendment for Section 38-214(6).

**Roll Call Vote:**

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

Ayes 7, Nays 0. Motion carried.

Pfost noted that all amendments will be forwarded to the Township Board except for the firewood amendment which is to be rewritten by Staff.

**PUBLIC COMMENT**

Chair Pfost opened Public Comment at 7:55 P.M.

Karen Padnos spoke to the building development plan near her property. When will the residents be notified when this will be discussed?

Ransford said the public hearing notification must be issued 15 days before the meeting when it is scheduled for the agenda. Residents can see the documentation at any time. All materials are at the Township office.

Padnos asked when Ransford's comments would be available.

Ransford said his Staff Memo is usually available a week before the meeting.
Padnos also mentioned her concern about the size of a PUD. She suggested increased size of a PUD application. A larger size benefits the Township and the developer. A PUD of only two acres requires a lot of staff time. A minimum requirement of five acres would make it much more worthwhile.

Chair Pfost closed Public Comment at 8:00 P.M.

**ANNOUNCEMENTS**

The next meeting date is December 11, 2019.

Ransford said there are potentially three items for the agenda.

DeHaan said affordable housing is being discussed in the Township. He suggested we need to be proactive in our definition of affordable housing for the Township, restriction guidelines and our responsibility for affordable housing. He recommended that Staff organize an educational program for the benefit of the Planning Commission. Going forward we need to know what we are going to do.

Pfost said he would discuss it with Jerry Hunsburger. We have to look at this from a zoning and planning standpoint.

**ADJOURNMENT**

Nestel moved, supported by Ervine, to adjourn the Regular Meeting at 8:10 P.M.

**Voice Vote:**

Ayes 7, Nays 0. Motion carried.

Respectfully submitted,

Judith R. Hemwall
Recording Secretary
November 15, 2019

Approved:
Executive Summary

Pursuant to the Michigan Planning Enabling Act, Act 33 of 2008, as amended, the Park Township Planning Commission (PTPC) was formed to review land use proposals and provide approval, denial, or recommendation to the Park Township Board of Trustees regarding the same; draft and maintain the Park Township Master Plan; conduct revisions to the Park Township Zoning Ordinance and provide recommendation and; conduct review and analysis of other related land use matters as requested by the Park Township Board of Trustees.

As a result of the responsibility of the PTPC, the Department of Community Development provides this monthly activity report as a synopsis of the land use planning efforts of the PTPC.

Current Land Use Proposals

Timberline Woods Tentative Preliminary Plat

The proposed single-family residential development consisting of 51 lots within the R-3 Low Density Single-Family Residence Zoning District located on the south side of Riley Street was recommended for approval to the Board of Trustees on August 13, 2019. The Timberline Woods tentative preliminary plat was approved by the Board of Trustees at their November 14, 2019 meeting.

Current Ordinance Reviews

Planned Unit Developments, Expiration of Permits, Swimming Pools, Signage, Earth Changes, and Ponds

Pursuant to the direction of the PTPC, a public hearing was held at the November 13, 2019 meeting of the PTPC to consider revisions to language regulating Planned Unit Developments, expiration of building permits, swimming pools, signage, earth changes, and ponds. The PTPC recommended unanimously to adopt the proposed language, which should now be sent to the Park Township Board of Trustees for their review.

Campfire Wood Sales & Garage Sales

Pursuant to the direction of the PTPC, a public hearing was held at the November 13, 2019 meeting of the PTPC to consider language regulating firewood sales and garage sales. In regards to garage sales, the PTPC proposed new language for consideration by the Park Township Board of Trustees. In regards to campfire wood sales, the Chair of the PTPC has requested that the PTPC discuss how to move forward with the draft language at your December meeting.
Tree Preservation Committee

The second draft of a Tree Preservation chapter was sent to the township Manager and township Legal Counsel on October 18, 2019 for review and comment. Following, the draft will be scheduled before the Tree Preservation Committee.

Neighborhood Heritage Preservation (NHP)

Ottawa Beach (West Michigan Park Association)

Following a second Focus Group held with Ottawa Beach residents on September 5th to further examine structure height within the community, staff provided attendees with a copy of additional revisions to the draft language as a result of the Focus Group. Prior to incorporating attendee feedback into the language, staff intends to meet to discuss approaches to the draft.

Four Remaining NHP Areas

Following the conclusion of the Ottawa Beach NHP effort, staff intends to present their findings and recommendations regarding the subsequent NHP areas.

Construction Observation Update – Approved Land Use Projects

The Reserve on Lake Macatawa

The applicant submitted a zoning permit application for a site construction trailer and continues work on public utility lines. No permits have been sought for any residential units.

Beachwalk Condominiums – Ottawa Beach Road

NO CHANGE – Several units are under construction.

Coastal Condominiums

NO CHANGE – This project is currently inactive.

KIN Coffee – 1200 Ottawa Beach Road – Coffee Shop and Residential Use

A sign permit (and associated electrical permit) was issued on October 21, 2019. Remodel permits were issued on April 24, 2019 and have been limited to the interior. Interior work continues.

Cityside Apartments

A building permit was issued on October 8, 2019. Work continues.
Upcoming Matters

*Itty Bitty Bar Parking Lot*

NO CHANGE – The Itty Bitty Bar is seeking to construct additional parking to serve their multi-tenant building located at 1130 Ottawa Beach Road. Staff has provided review comments to the applicant but has not received a response for several months. Most recently, the applicant illegally expanded their parking area again and a Stop Work Order was posted by the Township. Depending on the response of the applicant, the PTPC may receive a site plan for review.

*Geerlings Development Company Lot Merger*

The applicant seeks to reconfigure eight (8) existing lots into nine (9) lots pursuant to Section 38-483(d)(4) of the Park Township Zoning Ordinance since the resulting lots do not meet the underlying district standards. Section 38-483(d)(4) allows this reconfiguration by special use if the newly created lot areas and widths are equal to or similar to the lots in the surrounding neighborhood, and after considering related standards. The applicant is revising the plans as a result of our review comments and is scheduled for review at your December meeting.

*Macatawa Legends Planned Unit Development Amendment*

The applicant seeks to amend the existing Planned Unit Development and establish 57 single family lots on an existing private road. The applicant is revising the plans as a result of our review comments and is anticipated to be on your January agenda.

*Anchorage Marine Planned Unit Development Amendment*

The applicant seeks to amend the existing Planned Unit Development and establish six (6) residential units in the existing second story and a proposed third story, as two (2) story units. The applicant is revising the plans as a result of our review comments and is anticipated to be on your January agenda.
MEMORANDUM

To: Park Township Planning Commission
From: Emma M. Posillico, AICP
Date: December 3, 2019
Re: Geerlings Development Company Lot Merger – Special Use

Attached is an application for a Special Use on behalf of Geerlings Development Company to merge lots of record into lots less than the minimum requirements of the zoning district, but equal to or similar to existing lots in the surrounding neighborhood. The subject properties are located between Lakeway Drive and Scotch Street, west of 53rd Avenue and east of Jenison Avenue, parcels 70-15-34-353-008, 70-15-34-353-009, 70-15-34-353-010, 70-15-34-353-011, 70-15-34-353-012, 70-15-34-353-013, 70-15-34-353-016, and 70-15-34-353-018. The applicant is proposing to create nine (9) lots from the parcels listed above.

We have reviewed the application pursuant to the provisions provided by Section 38-36(d) – Special Use Authorization of the Park Township Zoning Ordinance (PTZO) and have found the application generally complete. Below we provide our findings and observations. Pending your review of our Considerations section of this memorandum and public comment, the Planning Commission shall either approve the special use with conditions, deny the application, or postpone the application to allow for the submission of a revised plan.

Application and Ordinance Provisions

Proposed Use

In an email with Staff, the applicant stated that there are eighteen (18) “lots of record” in the Jenison’s Park Plat that are a part of the proposed area (Lots 135-145 and Lots 147-153). The applicant contends that Section 38-483(b) of the PTZO applies to platted lots of record, and while some of the lots noted above have been combined into tax parcels, they are still platted lots of record. As such, the applicant believes that the proposed Special Use would create nine (9) residential lots that are less than the minimum requirements of the zoning district, but similar to existing lots in the surrounding neighborhood. The applicant states that the nine (9) lots range in size from 6,743 square feet to 9,796 square feet, with the average lot being 7,650 square feet. As the subject area is located within the R-3 Low Density One Family Residence Zoning District, the minimum lot area is 15,000 square feet with a minimum lot width of 90 feet at the building line. As such, Geerlings Development Company has made application for a special use authorization to create nine (9) residential lots that are less than the requirements of the R-3 Zoning District.

Staff would like to provide some explanation as to the applicant’s reasoning that the proposed special use is actually creating fewer lots than what exists currently. Per emails between the applicant and Staff, while there are currently eight (8) tax parcels within the subject area, the applicant is considering all of the lots within the Jenison Park Plat that now comprise the eight (8) subject parcels. This is shown on the Concept Site Plan Page 2 of the submission. The applicant believes that since they are reducing the total number of lots from the Jenison Park Plat, they are creating nine (9) new lots that are less than the requirements of the R-3 Zoning District.

It should be noted that all of the parcels within the proposed area are currently owned by Big Sky Enterprise, LLC. Parcel 71-15-34-353-018 was conveyed from DRS LLC to Big Sky Enterprise, LLC on October 23, 2019, and recorded with the Ottawa County Register of Deeds on
November 4, 2019. The deed for this transfer of property is included in your supporting documents; while it does include a typo in the property parcel number, the legal description for the property is accurate.

Applicable Ordinance Provisions

Below are your standards for Contiguous lots under common ownership (Section 38-483(d)(4)), and Special Uses (Section 38-539), as well as references to Existing lots of record (Section 38-483(b)) and Site Plans (38-36(a)). Pursuant to said sections of the PTZO, the applicant has provided a complete application in compliance with the provisions therein, and the Planning Commission shall review the proposed in accordance with the standards provided.

Contiguous Lots of Record Standards

Pursuant to Section 38-483(d)(4) of the PTZO – Contiguous lots under common ownership, the following standards shall be considered by the Planning Commission during review of a proposed consolidation of contiguous lots of record under the same ownership into a lot less than the minimum requirement of the zoning district in which it is located, but equal to or similar to existing lots in the surrounding neighborhood. For your convenience, below we provide our comments in italic font to assist with your review.

Section 38-483(d)(4)

The Planning Commission may allow contiguous lots of record under the same ownership to be merged into a lot less than the minimum requirement of the zoning district in which it is located, but equal to or similar to existing lots in the surrounding neighborhood, as a special use. In considering this authorization, the Planning Commission shall consider the following standards, in addition to Subsection (b) of this section:

a. The size, character, and nature of any buildings to be erected and constructed on the lot;

The applicant has responded to this standard by stating that single-family dwellings are proposed to be constructed on the proposed lots, similar to those in the existing neighborhood. The applicant notes that new residences would range from 2,000 square feet to 3,500 square feet, and renderings of the proposed dwellings are included with the application materials.

Staff comments: The rendering for Shipwrights’ Village does show single-family residences with slightly varying architectural styles, set back relatively close to the roadway. The applicant states on page two (2) of their letter that, “If approved, we would at a later date seek approval from the Zoning Administrator for the proposed front and rear yard setbacks pursuant to Section 38-494.” Section 38-494 Front and rear yard averaging, states (in part) that: “In any residential zoning district where the average depth of at least two front yards of existing adjacent buildings within 300 feet of the lot in question and within the same block on the same side of the street or private road is less than the minimum front yard depth prescribed for the residence zoning district in which the lot is located, then the required front yard shall be modified to no less than the average depth of the existing adjacent buildings.” (Continued below)
Above is an aerial image of the subject area — as you can see, there are not existing adjacent buildings within the same block on the same side of the street, due to the existence of Jenison Avenue and 53rd Avenue. As such, it is Staff’s interpretation that the provisions within Section 38-494 would not be applicable to the subject properties, and the applicant would have to seek a variance for any setbacks that would not conform to the requirements of the R-3 District. While Section 38-494 of the PTZO may not be applicable to the subject property, based on the renderings provided it does appear that the size, character, and nature of the proposed structures may be comparable to some of the surrounding residences located south of Lakeway Drive.

b. The effect of the proposed use on adjoining properties and the surrounding neighborhood;

The applicant has responded to this standard by stating that the proposed use will be for single-family dwellings similar to all of the other lots in the surrounding neighborhood. They continue by noting that all lots will be served by a common alley with entrances connecting Jenison Avenue to 53rd Avenue, and that creating the nine (9) lots proposed would not have an adverse effect on the surrounding neighborhood.

Staff comments: Staff does not believe that single-family residences will have a negative effect on adjoining properties and the surrounding neighborhood. However, staff does have concerns about the additional non-conforming properties that would result from creating nine (9) lots in the subject area.

Per the PTZO, Section 38-483(b) Existing lots of record, states (in part) that “If a lot in an agricultural or residential zoning district which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived does not comply with the area and/or width requirement of its zoning district, then such lot may be used for single-family use only and then only if such single-family use is first authorized by the Zoning Board of Appeals.”

Further, Section 38-483(d) notes the following: “(d) Contiguous lots under common ownership.
(1) Subject to Subsection (d)(4) below, if two or more lots, or combination of lots or portions of lots, located adjacent to each other are at any time held in common ownership, and if all or part of such lots do not satisfy the minimum requirements for a buildable lot in the zoning district in which they are located, then all of such lots shall automatically be considered to be combined into one conforming lot, or one lot that is more nearly conforming than the individual lots.

(2) Each individual lot which has been combined under Subsection (d)(1) shall cease to be considered a separate lot of record and shall no longer be considered to be a buildable lot.

(3) Lots combined under Subsection (d)(1) shall not thereafter be split, redivided, or otherwise reduced in area unless all of the resulting lots comply with the minimum lot area requirement for a buildable lot in the district in which the land is located.

It has been Staff’s historical practice that if platted, non-conforming lots are combined into one (1) tax parcel, each “lot” that comprises the new parcel ceases to be considered a separate lot of record. As such, it is Staff’s interpretation that the subject area is currently comprised of eight (8) lots, and the proposed special use seeks to increase the number of lots within the subject area to nine (9). It is our belief that this does not comply with the intent of Township practices and policies to reduce the number of non-conforming lots, and that allowing an increase in the number of non-conforming lots may have a negative effect on adjoining properties and the surrounding neighborhood.

c. Available parking for the intended use; and

The applicant has responded to this standard by stating that off-street parking for each dwelling will consist of the garage and driveway areas, similar to other homes in the area.

Staff comments: Per Section 38-601 of the PTZO, two (2) parking spaces are required per dwelling unit. If the proposed development were approved, during permit review Staff would ensure that the required parking was provided. According to the applicant’s statement, it appears that adequate parking would be provided.

d. The size of the lot in question compared to the lots in the surrounding neighborhood.

The applicant has responded to this standard, explaining that proposed lot sizes would range from 6,743 square feet to 9,796 square feet, with the average lot size being 7,650 square feet. They state that the proposed lots would be larger than the smallest lot in the neighborhood (roughly 5,000 square feet), and smaller than the largest lot in the neighborhood (roughly 12,000 square feet).

Staff comments: As you know, many of the lots in the generalized area on the south side of Lake Macatawa do not conform to the current requirements of their zoning district, which supports the applicant’s statements regarding lots in the surrounding neighborhood. However, “neighborhood” is not a term that is defined in the PTZO, and there are nearby lots on the applicant’s concept site plan that were not included in their analysis of neighboring lot size. For instance, if one were to define “neighborhood” as the 300-foot radius associated with a public notice for a special use, it would include several properties that were not included within the applicant’s analysis. To expand, 662 Park Avenue is approximately 46,500 square feet, 2085 South Shore Drive is nearly 35,000 square feet, 2008 Scotch Street is nearly 18,000 square feet, while 2095 South Shore Drive is approximately 15,500 square feet. If one averages the lot sizes that were labeled on the concept site plan provided by the applicant (which expands beyond the 300 foot “neighborhood” area of the analysis above), there are 39 properties with an average lot size of 9,781 square feet. However, if the larger properties detailed above are included
within this average computation, the average lot size of the “neighborhood” increases to 11,545 square feet.

As aforementioned, while there are certainly many lots in the generalized area that are non-conforming, Staff does not believe that the intention of the Zoning Ordinance is to create additional non-conforming lots. Given that the proposed sizes of Lots 1-9 do not meet the requirements of the R-3 Zoning District, or arguably the average lot size in the neighborhood, it is Staff’s contention that the size of the proposed lots only create additional non-conformities within the area.

Existing Lots of Record Standards

As aforementioned, Section 38-483(d)(4) states that “the Planning Commission shall consider the following standards, in addition to Subsection (b) of this section.” While we believe that many of the standards listed in Section 38-483(b) are repetitive of those provided in Section 38-483(d)(4), they are provided below for your information. However, given the reference within the text to the Zoning Board of Appeals, we do not believe they are required for your consideration for the special use.

Section 38-483(b)

Existing lots of record. If a lot in an agricultural or residential zoning district which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived does not comply with the area and/or width requirements of its zoning district, then such lot may be used for single-family use only and then only if such single-family use is first authorized by the Zoning Board of Appeals as a matter for the Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603); provided, however, that a lot which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived which is located in an AG, R-1, R-2, R-3 or R-4 Zoning District may be used for single-family use only without authorization from the Zoning Board of Appeals if the lot has a minimum lot area of 6,500 square feet and if there is compliance with all yard requirements for the R-3 Low Density Single-Family Residence District or there is compliance with any specific exception to the area and/or width requirements of the particular zoning district in which the lot is located.

In considering such authorization, the Zoning Board of Appeals shall consider the following standards:

(1) The size, character, and nature of the residential building and accessory building to be erected and constructed on the lot:
   a. The maximum height of the residential building shall be reduced by the same percentage the total area of the lot or parcel of land bears to 6,500 square feet, or 20 feet, whichever is greater.
   b. Side yards may be reduced by the same percentage the total area of the lot or parcel of land bears to the minimum lot area requirement of the zoning district, or five feet, whichever is greater;

(2) The effect of the proposed use on adjoining properties and the surrounding neighborhood;

(3) The effect of the proposed use on light and air circulation of adjoining properties;

(4) The effect of any increased density of the intended use on the surrounding neighborhood; and

(5) All off-street parking requirements are met.

Special Use Standards

In addition to Sections 38-483(d)(4), which cross-references Section 38-483(b) of the PTZO, the Planning Commission shall also review Section 38-36(d) – Special use authorization of the PTZO, when considering a special
use request. For your convenience, below we provide our comments for each standard in italic font to assist with your review.

Section 38-36(d) – Special use authorization

The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and with respect to any additional standards set forth in the zoning districts and general provisions herein. The Planning Commission shall find adequate evidence showing that the proposed use on the proposed lot generally satisfies the following:

1. Will be harmonious, and in accordance with objectives, intent, and purposes of this chapter;

The description and purpose of the R-3 Zoning District indicates that it is, “intended for low density single-family residential uses together with required recreational, religious and educational facilities.” While “low density” is not defined in the PTZO in terms of dwelling units per acre, one could argue that increasing the number of parcels from eight (currently) to nine (proposed), with no resulting parcels meeting the lot size minimum of the R-3 Zoning District, is not in accordance with the purpose of low-density single-family residential uses. In addition to the R-3 Zoning District description and purpose, the Planning Commission should consider whether the proposed use is harmonious with the general purpose of the PTZO. A copy of Section 38-2 – Purpose of the PTZO is provided below for your convenience. Based upon Staff’s comments within standard 38-483(d)(4)b above, we find that the proposed increase in the number of lots within the subject area may be in conflict with items (2) through (5) below.

Section 38-2 – Purpose

This chapter is based upon the Township Land Use Plan and is designed to:

(1) Promote the public health, safety, morals and general welfare;
(2) Encourage the use of land in accordance with its character and adaptability and limit the improper use of land;
(3) Avoid the overcrowding of population;
(4) Provide adequate light and air;
(5) Lessen congestion on the public streets and private roads;
(6) Reduce hazards to life and property;
(7) Facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and
(8) Conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.

This chapter is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.
2. Will be compatible with the natural environment and existing and future land uses in the vicinity;

   While Staff is not aware of any potential incompatibility with the natural environment in the vicinity, our concerns with creating additional non-conforming lots has been explained above. It appears that the intention for both current and future land use in the vicinity is to remain residential; however, given the requirements of the R-3 zoning district, it may be incompatible to increase the number of allowable lots.

3. Will be compatible with the Township Master Plan;

   The subject property is located within the Southside subarea identified by the Park Township Master Plan (PTMP). The Southside subarea is the entire portion of Park Township that is located on the south shore of Lake Macatawa, and the Master Plan specifically notes that “It is a study in contrasts – from small inland neighborhoods and large homes on the Lake Macatawa shore to the historic resort cottages in Macatawa Park.” The Master Plan also notes that “Southside property owners and workshop participants expressed a desire to control and limit additional development or redevelopment in this area.”

   Further, the Future Land Use Map included within the Master Plan (partial image below) indicates the subject property as being “Low Density Residential” (LDR), which is further explained on page 50 of the PTMP as “featuring single family homes, mostly on lots between 15,000 square feet and one acre.” The description of LDR continues to state that “Existing small lot neighborhoods should be preserved for their unique character; new land divisions should not result in lots less than 15,000 square feet in area.”
The Zoning Plan on page 74 of the PTMP further states that “The LDR designation also encourages infill development, provided that lots are not less than 15,000 square feet.” Given that none of the proposed lots are 15,000 square feet, it does not appear that the proposed special use is compatible with the Park Township Master Plan.

4. Will be served adequately by essential public facilities and services, such as, but not limited to, highways, streets, police and fire protection, drainageways and structures, and refuse disposal, unless the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such service;

The subject property is served by public water and sewer, and we are unaware of any concerns regarding the availability of other public facilities and services. As such, it appears this standard may been met.

5. Will not be detrimental, hazardous, or disturbing to existing and future neighboring uses, persons, property, or the public welfare; and

As noted in our review of the standards for Contiguous lots under common ownership (Section 38-483(d)(4)), it is our belief that creating additional non-conforming lots may be disturbing to existing and future single-family neighboring properties. Further, Staff has concerns that approving such a special use may establish precedent for future proposed developments comprised of non-conforming lots, although you may wish to seek confirmation from Township Counsel.

6. Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

While there would be additional connections to public facilities, as well as additional water run-off, traffic, refuse disposal, and police and fire service calls, we do not believe that the proposed increased number of lots would be substantially detrimental to the economic welfare of the community. As a result, it appears this standard may been met.

**Site Plan Standards**

Per Section 38-36(a) of the PTZO, “Where special use authorization is required by a provision of this chapter, a site plan, which is in accordance with the requirements of Division 3 of Article II of this chapter, shall be required by the Planning Commission when reviewing the special use.” While the applicant has provided a concept site plan indicating proposed lot layout, it is our interpretation that the site plan standards of Section 38-103 are not applicable to this request. It has been standard practice that special use approvals that authorize a particular use, or a specific site layout, would be considered against the site plan standards. However, it is our interpretation that a special use authorization to merge contiguous lots of record is adequately served by the site plan as submitted.
Conditions & Financial Guarantees

Conditions

As you are likely aware, Section 38-105 – Conditions of the PTZO provides the Planning Commission with the authority to impose conditions and restrictions that are necessary to achieve the intent and purpose of the PTZO as well as the standards provided therein. In the event the Planning Commission supports authorizing a Special Use to the applicant, and deems conditions are appropriate, they must be identified as part of the approval.

Financial Guarantees

As you are likely further aware, Section 38-106 – Improvements; Financial Guarantees of the PTZO provides the Planning Commission with the authority to require a financial surety to cover the estimated cost of the proposed improvements. In the event the Planning Commission supports authorizing a Special Use to the applicant, and deems a financial surety is appropriate, the method and amount must be identified as part of the approval.

Public Hearing

As aforementioned, a public hearing has been scheduled for your December 11, 2019 meeting.

Planning Commission Considerations and Recommendation

Considerations

As the Planning Commission deliberates regarding this application, we believe the following warrant your review and consideration. They are listed in no particular order.

- Standards of Section 38-483(d)(4) Contiguous lots under common ownership
- Standards of Section 38-36(d) Special Uses

Recommendation

Based upon our interpretation that the Jenison’s Park Plat lots within the subject area are no longer considered individual lots, and the result of the proposed special use increases the number of lots within the subject area to nine (9), it is our belief that the proposed does not comply with the intent of Park Township to reduce the number of non-conforming lots. As such, we have found that the standards of Section 38-483(d)(4) and 38-36(d) have not been met, and we recommend denial of the proposed special use.

The application has been scheduled for a public hearing at your December 11, 2019 meeting. We expect the applicant to be in attendance. If you have any questions, please let us know.

EMP
Associate Planner

Attachment

Cc: Howard Fink, Manager
    William A. Sikkel, IV, Sikkel & Associates PLC
November 14, 2019

Ms. Meghann Reynolds
Zoning & Code Compliance
Park Township
52 152nd Avenue
Holland, Michigan 49424

Re: Special Use Application for Lot Mergers per 38-483(d)(4).

Dear Ms. Reynolds:

On behalf of my client, Geerlings Development Company, I am submitting the enclosed application for Special Use approval to allow contiguous lots of record to be merged into lots less than the minimum requirements, but equal to or similar to existing lots in the surrounding neighborhood.

The subject property is part of Jenison’s Park Plat and consists of Lots 134-145, and 147-153. These lots are associated with the following Parcel Nos.:

70-15-34-353-008;
70-15-34-353-009;
70-15-34-353-010;
70-15-34-353-011;
70-15-34-353-012;
70-15-34-353-013;
70-15-34-353-016;
70-15-34-353-018.
(collectively the “Property”)

The lots are owned by Big Sky Enterprises, LLC.

The Property is zoned R-3 Low Density One Family Residential. The R-3 District generally requires a minimum lot area of 15,000 sq. ft., with a minimum lot width of 90’. Very few, if any, of the lots in the surrounding area meet the current R-3 requirements, as most lots are much smaller. Surrounding lots range anywhere from approximately 5,000 sq. ft to 12,000 sq. ft, with most in the 6,000 to 8,000 sq. ft range.

The existing lots of record range in size from roughly 3,000 sq. ft. to 6,000 sq. ft. My client desires to combine the Property into 9 lots ranging in size from 6,743 sq. ft. to 9,796 sq. ft, with the average lot being 7,650 sq. ft., as shown on the attached site plan.
Ordinance Section 38-483(d)(4) allows for lots of record to be merged into lots less than the minimum requirements of the zoning ordinance if the newly merged lots are equal to or similar to lots in the surrounding neighborhood. The proposed lots here are in keeping with lot sizes in the surrounding neighborhood.

If approved, we would at a later date seek approval from the Zoning Administrator for the proposed front and rear yard setbacks pursuant to Section 38-494.

When considering this Special Use request, the following standards should be considered:

1. **The size, character, and nature of any buildings to be erected and constructed on the lot.** The applicant proposes to construct single family dwellings similar to those in the existing neighborhood. As shown on the site plan, the building envelopes range in size from 3,479 sq. ft. to 5,121 sq. ft. New homes would range from 2,000 sq. ft to 3,500 sq. ft. Elevation drawings of the proposed dwelling structures are also attached.

2. **The effect of the proposed use on adjoining properties and the surrounding neighborhood.** The proposed use will be for single family dwellings similar to all the other lots in the surrounding neighborhood. To minimize traffic on surrounding streets, all lots will be served by a common alley with entrances connecting Jenison Avenue to Third Avenue. The area is zoned residential, and the creation of these 9 lots will not have an adverse effect on the surrounding neighborhood.

3. **Available parking for the intended use.** Off street parking for each dwelling will consist of the garage and driveway areas, similar to the other homes in the area. The parking provided will comply with all codes and Township regulations.

4. **The size of the lot in question compared to lots in the surrounding neighborhood.** Proposed lot sizes would range from 6,743 sq. ft to 9,796 sq. ft, with the average lot being 7,650 sq. ft. These lots would be larger than the smallest lot in the neighborhood (roughly 5,000 sq. ft. being the smallest existing) and smaller than the largest lot in the neighborhood (roughly 12,000 sq. ft. being the largest), and very much in keeping with typical lots in the neighborhood.

Based on compliance with each of these factors we would ask that the Planning Commission approve the special use request to allow the lots to be combined as shown on the attached site plan.

Please place this matter on the agenda for the December 11, 2019 Planning Commission Meeting. Please let me know if you have any questions or need any additional information.

Very truly yours,

[Signature]

William A. Sikkel

c.c. Scott Geerlings
PARK TOWNSHIP
Ottawa County
52 – 152nd Avenue, Holland, Michigan 49424

Planning Commission
Procedures and Deadlines

Deadline: The deadline to submit materials for a Planning Commission Meeting is by 5:00 p.m., 47 days prior to the next scheduled meeting date. The materials must be dropped off at the Park Township Office, 52 S. 152nd Avenue, Holland, MI 49424.

Meeting: The Planning Commission meets the second Wednesday of the month at 6:30 p.m. at the Park Township Office Board Room. If there is no agenda by the deadline, there is no meeting that month.

Cost: Fees are listed on the application form.

Submittal: Twelve identical packets must be submitted to the Township along with the fee by the deadline. They should be folded in 8 ½” by 11” sizes. The packets should contain any supporting documents such as proof of ownership, surveys, site plans, drawings, pictures, and narratives. When the site plan reaches the Township Board, eight (8) additional packets are required to be submitted to the Township, at least one week in advance of said meeting.

Please call the Building/Zoning Department with any questions. 616-738-4244

DO NOT DISCARD THIS PAGE. YOU MUST SUBMIT THIS PAGE WITH YOUR APPLICATION

For office use

Date Received: _______ Payment of: _______ Via Check: _______ Cash: _______
PARK TOWNSHIP
Ottawa County
52 – 152nd Avenue, Holland, Michigan 49424

SPECIAL USE PERMIT APPLICATION

REQUEST FEE: $1,200.00 (+$3,000 escrow)

Name of Applicant: Geerlings Development Company, Inc.

Address of Applicant: 8516 Homestead Ste 102, Zeeland, MI 49464

Telephone: 616-772-6070 Email/Fax: sgeerlings@midwestbuilt.com

Address of Subject Property: Multiple. See attached.

Parcel Number: Multiple. See attached.

Zoning District: R-3 Low Density One Family

List the name, address and interest of every person who has a legal or an equitable interest in any property included in the special use permit application.

Big Sky Enterprise, LLC, 725 E 40th Street, Holland, MI 49423

What is the special land use requested? Lot Merger per 38-483(d)(4)

Attach a detailed site plan of the property meeting the requirements of Section 38. (see following pages)

* Escrow funds are used to reimburse planning, engineering, and legal fees incurred. If the fund drops below 10% of the deposit, an additional deposit will be required to continue. Any funds remaining will be refunded when the project is complete. Any approvals will be subject to requiring any outstanding funds due are paid in full.
PARK TOWNSHIP DEVELOPMENT APPLICATION AGREEMENT

**AFFIDAVIT:**
I agree to comply with the statements below, and if I fail to comply, this development application and subsequent decision may be voided.

The cost to the Township in reviewing applications for various development or zoning approvals differs greatly between applications, and may be significant when there are additional out-of-pocket expenses (such as professional planning consultant, engineering, and/or legal review) above and beyond what is associated with the typical zoning review of minor projects. This cost cannot always be accurately projected at the time an application is made. The Township Board has determined that it is reasonable and appropriate to pass the charges for the actual costs and expenses associated with reviewing such applications, except for the routine expenses, on to the applicant rather than having the taxpayers of the Township subsidize the application. The Township has therefore established an appropriate fee schedule, which includes an escrow account/fee in addition to the base fee for some application when deemed by Township staff to be appropriate.

The basic application fee set forth in the Township’s fee schedule covers general expenses such as the initial review of the application by the zoning administrator, and the publication and mailing of the required legal notice for a single public hearing held at a regularly scheduled meeting of the public body. Any other fees and expenses incurred by Park Township as a part of the review process (including but not limited to planning, engineering, and/or legal fees) will be transmitted and charged to the applicant for timely payment. This is a legal requirement for development review in Park Township. The Township does not fund the private development utilizing taxpayer monies. Failure to timely pay the escrow fee or escrow charges may result in the application being put on hold, no action being taken by the Township, or subsequent building or occupancy permits being denied.

I agree to comply with the conditions and regulations provided with any permit that may be issued. Further, I agree the permit that may be issued is with the understanding all applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a planning commission application, and any permit issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

**Signature of Applicant**  
7-25-17  
**Date**

**Signature of Property Owner**  
**Date**
The Surveyor's / Engineer's liability for any and all claims, including but not limited to those arising out of the Surveyor's / Engineer's professional services, negligence, gross misconduct, warranties or misrepresentations shall be deemed limited to an amount no greater than the service fee.
QUIT CLAIM DEED

The Grantor          DRS, LLC, a Michigan limited liability company, whose address is 725 E. 40th Street, Holland, Michigan 49423.

Quit claims to      BIG SKY ENTERPRISE, LLC, a Michigan limited liability company whose address is 725 E. 40th Street, Holland, Michigan 49423.

the real estate situated in the Township of Park, Ottawa County, Michigan and bearing Parcel Number 70-15-34-353-003; legally described as:

Lot 138, except the South 40 feet. Also Lot 139 and the West ½ of Lot 140, of Jenison Park, according to the recorded Plat thereof in Liber 3 of Plats on Page 11, Park Township, Ottawa County, Michigan.

Commonly known as: 2072 Lakeway Drive.

together with all improvements, fixtures, easements, and appurtenances associated with the real estate subject to easements, encumbrances and restrictions of record (the “Property”);

for the sum of for the sum of One and 00/100 Dollars ($1.00).

The Grantor intends to transfer to the Grantee the right to make all divisions, bonus divisions and re-divisions of the Property as the Grantor may have under the Land Division Act.

This conveyance is exempt from County Real Estate Transfer Tax under MCL 207.505(a) and from State Real Estate Transfer Tax under MCLA 207.526(a).
Dated: October 23, 2019

GRANTOR:

DRS, LLC, a Michigan limited liability company

By

Robert L. Slikkers
Its Member

Acknowledged before me in Ottawa County, on October 23, 2019, by Robert L. Slikkers as Member of DRS, LLC, a Michigan limited liability company, on behalf of the company.

Megan J. Kieckhafte
Notary Public, State of Michigan, County of Ottawa
Acting in the County of Ottawa
My Commission Expires: April 2, 2025

Draft by and when Recorded Return To:
William A. Sikkel (P57953)
PROPERTY LAW SOLUTIONS, PLC
42 E. Lakewood Blvd.
Holland, MI 49424
(616) 394-3025
MEMORANDUM

To: Park Township Planning Commission  
From: Emma M. Posillico, AICP  
Date: December 3, 2019  
Re: Proposed 2020 Planning Commission Meeting Schedule

As you know, during December of each year it is appropriate to set your meeting schedule for the following year. Given this, below are proposed meeting dates for the Planning Commission during the 2020 calendar year. All meeting dates occur on a Wednesday.

- January 8, 2020
- February 12, 2020
- March 11, 2020
- April 8, 2020
- May 13, 2020
- June 10, 2020
- July 8, 2020
- August 12, 2020
- September 9, 2020
- October 14, 2020
- November 11, 2020
- December 9, 2020

Planning Commission Action

The Planning Commission should adopt the 2020 meeting schedule as proposed or revise and adopt the 2020 meeting schedule.

The proposed meeting dates have been scheduled for your review at your December 11, 2019 meeting. If you have any questions, please let us know.

EMP  
Associate Planner

cc: Howard Fink, Manager
MEMORANDUM

To: Park Township Planning Commission
From: Emma M. Posillico, AICP
Date: December 3, 2019
Re: Continued Discussion Regarding Proposed Addition of Section 38-516 Campfire Wood Sales

As you may recall, at your October 9 and November 13, 2019 meetings, we discussed the matter of adding Section 38-516 to the Park Township Zoning Ordinance (PTZO) regulating Firewood Sales. At your October 9th meeting, you directed us to schedule the proposed language for public hearing; however, at your November 13th meeting you directed Staff to reconsider the proposed language.

Per the direction of the Chairperson of the Park Township Planning Commission, we have placed this item on the agenda for your December 11th meeting. However, the Chairperson requested that the Planning Commission discuss how to proceed with the proposed text amendment, rather than reviewing revised language. As such, we have not included any proposed language modifications in your meeting packet. If you have any questions, please let us know.

Emma M. Posillico
Associate Planner

cc: Howard Fink, Manager