

**MINUTES  
PARK TOWNSHIP  
PLANNING COMMISSION**

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

Regular Meeting  
February 16, 2016  
6:30 P.M.

**DRAFT-APPROVED COPY**

**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: Jeff Pfost, Nicki Arendshorst, Linda Dykert, Dennis Eade

Absent: Eric DeBoer, Denise Nestel, Tom Vanderkolk

Staff: Andy Bowman, Staff Planner

**APPROVAL OF AGENDA:**

Eade moved, supported by Dykert, to approve the agenda as submitted.

Voice Vote:

Ayes 4, Nays 0. Motion carried.

**APPROVAL OF MINUTES:**

Arendshorst moved, supported by Eade, to approve the minutes of the January 19, 2016 Regular Meeting as submitted.

Voice Vote:

Ayes 4, Nays 0. Motion carried.

## **A. Blackberry Estates PUD Amendment – Jerry Nienhuis**

Jerry Nienhuis of Old Oak Partners has applied for a PUD amendment to shift a lot line between two of the “metes & bounds” parcels on the west side of the development.

As background, Bowman recited information from the staff memo. Blackberry Estates was approved as a PUD project in July of 2014. The project consists of a 17 unit single family condominium project together with 3 metes-and-bounds parcels, and a private road between the condominium property and the individual lots. In January 2015 they received an amendment from the Township Board to allow construction of the units along Post Ave. prior to completion of construction of the private road. During the PUD approval process a site plan was submitted showing the boundaries of the 3 parcels (A,B & C), the road, the condominium area, and related improvements. The Ottawa County Health Department required that the three metes-and-bounds parcels each needed a minimum of one acre for the septic system due to water table elevations.

There is currently a buyer for Parcel B, however, that buyer would like the parcel to contain more land to allow for an accessory building large enough for his needs.

Parcel A currently has 1.26 acres, Parcel B 1.13 acres, and Parcel C 1.02 acres. The boundary between parcels A and B runs from the NW corner of the property across the retention/detention storm water pond. The proposed lot line shift would result in Parcel A becoming 1 acre, and Parcel B becoming 1.39 acres in size.

Because this request alters the site plan for the project, the PUD language under Part 4. Conditions of Approval states, in part:

“No other change shall be made in the Final Development Plan unless the Planned Unit Development approval is first amended by the Township Board following the procedures then provided by State law and the Zoning Ordinance for approval of a planned unit development project.”

The Park Township Zoning Ordinance does not have a process for amendments to a PUD, therefore, it must go through the PUD process similar to the original. The exception is because the PUD has been approved, it was determined that a Preliminary PUD application and process would not be necessary. This comes to the Planning Commission as a Final PUD submission. Once the Planning Commission reviews and makes a recommendation to the Township Board, the Township Board will hold a public hearing and consider the request.

In this case, it's a review of the site plan to see if the Planning Commission needs to make any recommendations prior to sending it on to the Township Board.

Pfost asked if a simple majority for approval of this request is all that is necessary. Bowman confirmed that was the case.

Pfost asked if approval of a PUD amendment is required since this request seems reasonable.

Bowman said the only thing the State Zoning Enabling statute says if conditions remain as they were except upon mutual agreement of the governing body. Therefore if they propose it, and we agree, it can happen. If it's a substantial enough change it is advisable that the Planning Commission consider a more formal amendment to the PUD. Usually when dealing deal with minor setback adjustments it's advisable to conduct a site plan review process.

Arendshorst asked, since this is the applicant's third amendment, if there is a limit to such requests from the developer. Bowman said he didn't think there is a limit other than changing so much that it becomes necessary to entertain a new PUD request. As to conditions in this case, he recommended the Planning Commission should ensure that the required screening and buffering for the detention pond adjacent to the bend in the road becomes a requirement for Parcel B to construct and/or maintain, unless the condominium association agrees to fulfill this required feature of the PUD.

Pfost asked the applicant's representative to comment on the application.

Ed Tervoort spoke to the request in Jerry Nienhuis' absence. He explained that Ed de Vries told him an accessory building would be limited to 965 square feet. The owner wanted to have a larger storage building so Nienhuis and the owner negotiated purchase of part of Parcel B to accommodate the building. The accessory building size could be increased to 1210 square feet.

Bowman asked if the building will remain in the same envelope. Tervoort said it would and added that the owner will put in more spruce trees as a buffer on the west side of the property. More trees will be added to the north side of the condo property.

Bowman asked when the building will be built. Tervoort said the owner has the permit and is ready to proceed.

Arendshorst asked how the request for a tree buffer can be added to the approval for this amendment. Bowman said it's still part of the PUD that was approved. Screening and stabilization on that corner were already approved and are now required.

Pfost called for a motion on this request.

Eade moved, and Dykert supported, to recommend to the Township Board approval of this amendment to the Final PUD site plan.

Voice Vote:

Ayes 4, Nays 0. Motion carried.

## **B. Ordinance Amendments**

De Vries prepared language for possible changes in the following four ordinance amendments. Bowman guided the Planning Commission in the review of these proposals.

1. Additional Language on a Lot of Record – Bowman said this deals with existing lots of record (Sec. 38-483). As currently, it allows the use of lots of record that 6500 s.f. or larger for a single family dwelling. It also gives authorization to the Zoning Board of Appeals, if the lot is

less than 6500 square feet, for the owner to build a single family dwelling on such a lot. There would be a set of standards for the Zoning Board of Appeals process for approving the smaller lots. He reviewed the standards proposed, which would be used in a more evaluative process than the variance standards required by the state.

de Vries further recommended for building height, reducing it by the same percentage the total area of the lot or parcel of land bears to 6500 square feet, or 20 feet, whichever is greater.

Bowman explained that the size of the lot, relative to the 6500 square footage, would be reflected in the height of any building. It's allowing you to build on a lot with further restrictions on height. This would help scale it back if someone wanted to build the highest building allowed in that zone, but on a lot much smaller than anticipated. Side yards may be reduced by the same percentage as well. de Vries included that language. In other words, it is taking the standards and adding a couple of requirements to assist the Zoning Board of Appeals in its decision-making.

Arendshorst suggested illustrations would be helpful.

Pfost also suggested a graduated scale, i.e., a schedule of height allowances, to assist in analysis. Square footage requirements should be precise to avoid confusion.

Bowman pointed out suggested language also included in de Vries' proposal where contiguous lots under common ownership can be combined to resolve nonconformity problems with small properties. He noted that in the case of two nonconforming lots the lot line could be moved to provide conformity.

Also, what is considered to be a "buildable lot" needs to be clarified.

Bowman referred to some suggested language to apply for reassembling lot configurations when involving several such nonconforming lots. His opinion is that using a neighborhood approach to confirming lot sizes can be tricky and should probably be guided by a review process such as PUD where neighborhood types and characteristics could be preserved. A single unified approach is not a recommended for neighborhoods with so many nonconformities.

## 2. Private Roads and Road Easements

Bowman said he was somewhat concerned about maintaining requirements for emergency vehicles. We haven't really discussed what would constitute a congested drive. He has seen five homes precipitating the need for private drives. There is also the question about strange lot shapes such as flag lots. There is a requirement in the ordinance but it needs to be further reviewed. The 85' frontage requirement helps avoid a flag lot but causes other difficulties.

Pfost asked why put the burden on the homeowner when there is no public interest. Pfost said there is a gray area in what constitutes a private road; maybe some work needs to be done to clarify this.

Dykert asked if there are a lot of private roads that don't meet the 66' width requirement.

Bowman said the township needs to consider if a private drive is located and configured so as to become a major county road in the future. This would have to be identified on the master plan and the long term intentions of the county.

Bowman suggested language for long term maintenance and provision for emergency vehicles. The Township may not want to assume responsibility for taking over problem drives in the future.

Dykert wondered about the safety ramifications if the private drive width would be narrowed. Arendshorst asked if the Zoning Board of Appeals could handle this in a variance request for a width reduction. Bowman didn't advise it. Arendshorst recommended leaving the width requirement as it is stated.

Bowman found in the zoning ordinance PUD rules that road width for private drives serving 6 or more, a public road standard is required and if less than 6 it could be 22'.

Pfost asked what the public interest is in maintenance of a private drive. Bowman pointed out in #7 – Access Agreement, the Township has specifications for maintenance.

Bowman said if one property owner fails in maintenance responsibility, the problem arises with other homeowners appealing to the Township or County Road Commission. Roads must meet county standards when built in that case. He added that the private road regulations in Park Township are quite detailed compared to most townships.

Pfost suggested the Planning Commission should review this information as homework for future discussion. The Planning Commission asked how important this is for the Township. Do we just need to streamline the issue or is it more substantive?

Bowman said it has been a problem in the past. We need to ask if it is in the Township's interest to maintain private drive specifications as we see the future of residential development continue into the future.

Pfost said private drives vs. PUD drives require two sets of rules. This is his observation in moving forward with ordinance changes.

### 3. Fences

Bowman noted that de Vries would like to remove the permit requirement related to fences. Pfost said this is quite a bold change to have no permit requirement.

Bowman said in the past there has been issues with particular permits that were required for fencing. The Zoning Board of Appeals has also had issues with fencing. It is possible there could be a generic accessory use permit where fences could be coupled with other site elements such as walls, decks, patios, etc.

The Planning Commission decided to postpone this category for clarification.

### 4. Glare from Outdoor Lighting

De Vries has asked the Planning Commission to consider the addition of some language to Sec. 38-488 to make a stronger statement about glare or lights shining or spilling onto other properties. Shields and direction of light requirements to avoid “spillover” need to be definitively stated in an ordinance. This should be a general requirement.

**PUBLIC COMMENT:**

Pfost opened Public Comment at 8:00 P.M.

Dean Achterhof noted lights were recently installed on Waukazoo Drive which are not shielded so the light shines on his property. He also pointed out that he recently received a variance for an addition to the front of his house. His nonconforming lot was the issue. He understood an ordinance change may be considered by the Township regarding extension of nonconforming elements and wondered about the status of this consideration. He wondered about the time involved not wanting to pay \$350 for an appeal of his variance. He now would like to add an addition to the back of his house.

Bowman said changes in setbacks and projections are being considered but the process will take some time. Bowman referred to the language regarding setbacks and projections that de Vries included for the Planning Commission to review. He also pointed out that the issue being discussed by Mr. Achterhof may not be applicable.

Pfost recommended Achterhof ask de Vries about the time line for any changes on this subject.

Pfost closed Public Comment at 8:10 P.M.

**ANNOUNCEMENTS:**

The next meeting of the Planning Commission will be March 15.

Arendshorst said the PUD for Covenant was approved by the Township Board.

**ADJOURNMENT:**

Eade moved, and Dykert supported, to adjourn the meeting at 8:25 P.M.

Voice vote:

Ayes 4, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
February 18, 2016

Approved: March 15, 2016