

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
February 14, 2018
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, Terry DeHaan, Dennis Eade, Rosemary Ervine, David Kleinjans, Denise Nestel, Tom VanderKolk

Staff: Ed de Vries, Community Development Director, Gregory Ransford, Staff Planner, Dan Martin, Legal Counsel

APPROVAL OF AGENDA:

Motion by Ervine, supported by Eade, to approve the agenda as presented.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

APPROVAL OF MINUTES:

None, postponed until March 14, 2018.

BUSINESS ITEMS:

A. Final Plat Approval for Timberline Acres West #5

Ransford explained that Exxel Engineering, on behalf of Steden Properties LLC, submitted an application for Final Plat Approval for Timberline West #5. The Planning Commission is to make a recommendation to the Township Board to approve, or not approve, the final plat.

As background, the Planning Commission and Township Board gave prior approvals for the Preliminary Plat, and Final Preliminary Plat. A public hearing was held during that time. After construction of phase 4, a problem developed with the storm water retention pond allowing water onto adjacent property. The storm water system has been redesigned and reconstructed, and has the approval of both MDEQ and the OCWRC. This was a requirement prior to allowing the application for the final plat submission.

The subdivider presented plans and a title insurance document to show ownership as required by the Ordinance. As the plat is served by municipal water and sewer the letter from the Health Department is not required. They also supplied a draft copy of restrictions and covenants.

The plans submitted are the construction engineering plans. The Ordinance does allow for either construction engineering plans, or as-built plans. Staff reviewed the plans and found they were unchanged from the Final Preliminary plat.

VanderKolk moved, supported by Eade, to approve the final plat for Timberline Acres #5.

Kleinjans asked about the storm water retention pond.

de Vries said that it was reconfigured and it flows toward the creek. It was approved by MDEQ and OCWRC. The developer submitted the engineer's drawing for the storm water system.

VanderKolk noted that the developer is waiting on the utilities until the final plat is approved.

Roll Call Vote:

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

Ayes 7, Nays 0. Motion carried to approve.

B. Ottawa County Parks and Recreation – site plan and special use for fewer parking spaces than required.

Pfost explained that parking is the only issue for discussion.

Attached to the Staff Memo of February 4, 2018 is a Site Plan Application from the Ottawa County Parks and Recreation Commission (Ottawa County) to redevelop the existing Parkside Marina located at 2282 Ottawa Beach Road, parcel number 70-15-33-428-001, which is located in the R-4 Medium Density Single and Two-Family Residence Zoning District (R-4). Ottawa

County seeks to construct a waterfront walkway, a kayak and canoe launch, 46 new boat slips (replacing the existing 80 boat slips), a public restroom and marina services building, parking, and other related amenities. We have reviewed the application and found it complete, pending your review of our Considerations section of this memorandum further below. Pending comments received at the public hearing, staff members believe approval is appropriate.

While the property is owned by Ottawa County, the existing marina is privately operated. As previously mentioned, the property is located in the R-4 Zoning District. Said District does not allow for marinas. As a result, the existing marina is a legal non-conforming use. Pursuant to Section 38-632(b) of the Park Township Zoning Ordinance (PTZO), Ottawa County can seek expansion of the use not exceeding fifty percent (50%) of the area of the original nonconforming use. This expansion may only be approved by the Planning Commission as a special use through certain standards as outlined in the Staff Memo. The Planning Commission considerations on page 4 of the Staff Memo are listed for review.

Ransford mentioned the dumpster enclosure and lighting compliance must meet Township requirements.

Curt Terhaar of Ottawa County Parks and Greg Weykamp of Edgewater Resources, LLC presented the proposal on behalf of the Ottawa County Parks and Recreation Commission. The marina will have 5 buoy moorings, 15 seasonal slips, and 26 transient slips that can be used for up to two weeks. Terhaar noted all of these considerations are in review by the permitting agencies.

The plan is to improve the shoreline, stabilize the slope, and connect trails for public walkways. The emphasis is to preserve greenway space and respect the riparian area.

There will be 40 spaces for parking, a building to house an office, laundry and marina services, as well as public restroom facilities.

They have also looked at the storm water issues with an infiltration system.

(Fink reported that Commissioner Nestel left the meeting at 6:45 P.M. due to illness.)

DeHaan asked about cooking facilities (grills) for the public and observed the seasonal slips could be closer to the parking area.

Terhaar said they haven't considered those details at the present time but will look at it.

Ervine suggested moving the restroom facilities closer to the ~~transient~~ seasonal slips for convenience.

Kleinjans asked about the boat slips for the West Michigan Park Association.

Terhaar said they need to make these available for the West Michigan Park Association residents under an earlier agreement.

Weykamp said a kayak launch will also be available.

Ervine asked about Parkside Marina and about arrangements to accommodate them. Are they comfortable with this proposal?

Weykamp said they run the marina. A fence will be constructed, 6'.5" high, so they are not disturbed by this area.

Kleinjans asked why they are decreasing the original number of 80 slips.

Weykamp said it would be too expensive and would impact parking accommodations. To retain green space and preserve the riparian area means a high number of slips would not be feasible. Also ADA compliance dictates certain standards so 80 slips aren't feasible. He added that the transient slips are intended to last for the life of the facility.

Kleinjans recalled that marinas are required to have 5% transient slips.

Weykamp said they have made that commitment for public access.

Kleinjans asked who will use the facility.

Weykamp facility users will be boat campers, visitors who stay in the State Park, and people who rent cottages.

Kleinjans asked if there will be a launch ramp.

The answer was negative.

Weykamp added there will be no room for boat trailers, however, Tunnel Park has extra space for trailer parking.

PUBLIC HEARING

Pfost opened the Public Hearing at 7:03 P.M.

Cheryl Elenbaas said she was disappointed with the public notice. She noted the Sentinel said there was to be another follow-up meeting. She noted there was a lot of opposition to this plan. She was concerned about parking availability and suggested a different location for the kayak launch. Boat slips could be built there. She asked why seasonal boaters are going to be to the north east of the facility. She thought it would be better to decrease the size and number of transient slips and increase the seasonal slips to 30. It would generate more money. In her opinion it would be a better use of the development.

Ron Elenbaas was disappointed with the plan although he conceded the area needs to be cleaned up. In his judgment the proposal is forcing Park Township and Ottawa County residents out of the area. This has been his home for 12 years and his money supports the property. Why open it up to more transients? Open it up to seasonal boaters. Private business is turned into government business. He questioned if government is good at managing a marina.

Tom Anderson is a 40 year resident of Park Township. He walks in this area every day and is a bird watcher. He met with the county about this proposal. He is a civil engineer and has participated in marine construction. He is happy with the project for the Township. Change is

always difficult but it is his opinion this is a positive one for the Township. The county has done the best they can do with the plan and hopes the Planning Commission approves it.

A letter was submitted to the Township that expressed concern about the parking.

Pfost closed the Public Hearing at 7:15 P.M.

Ransford reviewed the necessary elements. He noted the design for the trash enclosure hasn't been finalized. He anticipates the dumpster enclosure will blend in with the property.

The 38-632 zoning expansion has two standards to consider.

Pfost asked the commissioners if they have any problem with this section.

There was consensus on this.

38-602 – Joint Use of Facilities has three standards to consider.

de Vries said the ordinance requires 46 parking spaces.

Ransford said the question for the Planning Commission is granting less parking than required.

Terhaar said 35 spaces would be controlled access for seasonal visitors. He added that the kayak launch will be monitored via a permit system and the parking lot will have a code.

Pfost asked if this requires a variance.

Martin said the Planning Commission has the authority to allow lesser parking. He noted the County has adjacent parking unlike other areas.

Ervine asked if the majority of slips have been rented out in the past and if parking has ever been an issue.

Weykamp said 80% of the seasonal slips are the approximate number for rentals.

Ransford said parking spaces would be available.

Eade said he was comfortable with the number of parking spaces. They have planned a control element -it won't be like a public marina.

VanderKolk said the decrease is 50% and the change of use will drastically affect the number of cars impacting the marina.

Kleinjans said he doesn't see a reason to reduce the number of parking spaces.

VanderKolk and DeHaan were comfortable with it.

Pfost asked Ransford if he had questions. Ransford said he was okay with the discussion points.

38-605 – Requirements for Parking Areas

Pfost said the Planning Commission could make the review of the lighting and dumpster conditions part of the overall package that is delegated to staff.

38-103 – Site Plan Standards

All commissioners agreed the two standards were adequately addressed.

Financial Guarantees

The County has partnered with Park Township to secure financial surety.

Martin said he didn't believe anything special was necessary in this requirement.

Ransford added this is standard with any site plan.

Pfost reviewed the Considerations which staff will ensure all are met. Instead of 46 parking spaces we will consider 40; the lighting fixtures are a condition; and we have affirmative findings for the standards: 38-632, 602 and 103.

de Vries said we need separate motions for the site plan and special use for parking.

Motions:

1 – VanderKolk moved, supported by Eade, to approve the special condition for the 40 parking spaces as proposed for Project #E-4-1-9-34, Rev. #2, 1/29/2017 pursuant to Sec. 38-602 standards.

Roll Call Vote:

DeHaans, aye; Kleinjans, nay; Ervine, aye; Pfost, aye; VanderKolk, aye; Eade, aye.

5 Ayes, 1 nay. Motion carried.

2 - Eade moved, supported by Ervine, to accept the site plan for Project #E-4-1-9-34, Rev. #2, 1/29/2017 as presented, conditional on staff review and approval of the building plan, dumpster enclosure, and lighting plan for the site

Roll Call Vote:

6 Ayes, 0 Nays. Motion carried.

C. Lolo's Restaurant – site plan and special use for fewer parking spaces than required (continued from November 14, 2017)

As background, Lolo's Restaurant recently submitted a site plan application to operate an indoor restaurant located at 1862 Ottawa Beach Road. Following the Planning Commission's review of the application at your November 14, 2017 meeting, you directed the applicant to provide staff with a complete application before the Planning Commission would consider the

site plan any further. Attached is an updated site plan including those items specifically sought by the Planning Commission which included but were not necessarily limited to:

- Days of operation for the existing outdoor restaurant and the proposed indoor restaurant
- Areas for snow storage
- Dedicated parking for the restaurant and boat storage

The November submission sought operation of an indoor restaurant from approximately Labor Day to Memorial Day, as well as a special use permit to allow for less parking than the minimum amount of parking spaces required by the Park Township Zoning Ordinance (PTZO). Since November, the applicant has revised the site plan and now seeks the same, but to also use the indoor space during the remainder of the year in the event of inclement weather.

After staff review, the application appears complete, pending the Planning Commission's review of staff considerations listed on page 4 of the February 5, 2018 Staff Memo. Planning Commission approval is appropriate.

Recent Special Use Permit

In the Spring of this year the Yacht Basin Marina (which includes Lolo's Restaurant) was provided special use approval to reduce the amount of parking spaces below the minimum required. During said approval it was determined that the Park Township Zoning Ordinance required at least 750 parking spaces. The Planning Commission authorized 610 parking spaces which accommodate the 100-seat outdoor restaurant and marina. Following construction, the site now contains 614 parking spaces.

Modified Special Use Permit Request

Even though the indoor restaurant space will supplement the outdoor restaurant space during inclement weather, the existing special use permit did not include the indoor restaurant and must be modified to accommodate, if deemed appropriate. According to the Park Township Zoning Ordinance, the indoor restaurant would necessitate fifteen (15) more parking spaces. Given that the site was overbuilt by four (4) parking spaces, the special use request is to reduce the overall required amount of parking spaces by eleven (11) to maintain the 614 spaces.

Matt DenHerder spoke to the request. He introduced Tina LaFave, manager of the restaurant. DenHerder explained this request is for the off-season space which can be used in inclement weather.

LaFave confirmed the time period would be after Labor Day to Memorial Day with 25-30 seats and a 14-16 seat bar. She mentioned it is easier to keep good help in a year-round setting.

DenHerder said there are advantages to being open year-round. The liquor license doesn't have to be placed in escrow, the inventory can be maintained, and there is also the opportunity for catering business on the side.

Pfost asked if there would be any overlap in inside and outside service.

DenHerder said there would not be overlap. Service will be either outside or inside.

Ervine asked for clarification of when service is inside vs. outside.

DenHerder said only the outside would be available for restaurant patrons. In inclement weather only the inside space of the restaurant would be open.

VanderKolk said his concern was how the Township would monitor any overflow in this situation. He asked if the Township has to impose an occupancy limit that covers both.

Martin said the fire code will deal with the occupancy permits. Enforcing parking is another problem. If a condition is imposed the Township has the responsibility to police it. The Fire Department can shut things down. Through zoning, if there is a complaint, the Township can revoke the special use permit. It can be done, but how do you enforce it.

DenHerder said the Township shouldn't have to police the restaurant situation.

de Vries said we will rely on the owner to self-police the overflow. The practicality of the Township enforcing it would be difficult.

Eade asked if servers have to access the inside space to serve guests outside.

LaFave said yes.

Pfost said 15 more parking spaces are deemed necessary for the indoor restaurant. de Vries said the site plan approval from last year stated a requirement for ~~614~~610. The agreement was for 610.

DenHerder said he isn't trying to add 30 more people.

Ransford said they show 55 around the building.

Pfost asked Martin, since this is an amendment, are we opening it up as a new site plan.

Martin said the Planning Commission would approve this current site plan. The remainder of the previous site plan remains in effect. You are amending that plan to allow this request.

de Vries said if you approve 614 it supercedes the previous agreement. This is for all the uses on the property to approve 614 spaces.

DeHaan asked why the 30 additional spaces are necessary.

de Vries said we are relying on the applicant not to open up the outside and inside at the same time. It will self-regulate.

de Vries noted the site plan includes requirements for lighting and dumpsters.

Kleinjans didn't see how we can rely on the fact that the exterior and interior will be opened separately. We can't police it and it is possible that a new owner might change it.

VanderKolk concurred and asked if it is appropriate to approve this given the fact the Township can't regulate it.

Ransford said he understood the burden. The applicant needs to understand clearly it is an inside or outside proposition. In his opinion, it is not too hard to prove violations and, if there's a history that develops with problems, the Township would find out if there's any violation.

Martin said the potential problem is it will be the Township's burden of proof. If photos are taken to prove violations then you have to know who took the photo, when and where. It can be done, but it won't be easy.

Ervine asked if it is the long range intention to accommodate 130 people in the restaurant.

LaFave said it is their intent to control the traffic of people for the convenience of the servers and management of the restaurant. They want to retain the staff all year.

Kleinjans asked if the space inside the restaurant is the same space in the old drawings.

DenHerder said it is the same space - there have been no changes.

Consideration of standards for special use:

Pfost said the Planning Commission needs an affirmative finding that the parking spaces are okay and the special use is okay.

Ransford said the alternative is reduced indoor space off-season.

Sec. 38-602 – Joint Use of Facilities

There was consensus for this request.

38-605 – Requirement for Parking Areas

There was consensus.

38-103 – Site Plan Standards

There was consensus on (1) and (2).

38-105 – Conditions of Approval

This was acceptable. Ransford said his preference was for a letter of credit.

Martin said a letter of credit is typically required.

The conditions on the last page are acceptable with the seating plan, floor plan, dumpsters, lighting and fixtures.

Pfost asked about the Commission's opinions regarding the parking issue.

Kleinjans said it would be better to allow less.

DeHaan felt the parking can be managed by the facility.

Eade, Ervine and VanderKolk concurred.

Motions:

1 – VanderKolk moved, supported by Eade, to approve the special use to add 30 indoor seats without improving the parking according to Sec. 38-602.

Roll Call Vote:

DeHaan, aye; Kleinjans, nay; Ervine, aye; Pfost, aye; VanderKolk, aye; Eade, aye.

Ayes 5, Nays 1. Motion carried.

2 – Kleinjans moved, supported by DeHaan, to approve the special use for the site plan as presented with the addition that staff will verify lighting is in compliance, and the dumpster is enclosed per Sec.b38-603.

de Vries noted the restaurant currently does not have an occupancy permit.

VanderKolk suggested that in the future the Township will want to have a letter of credit – that's why that provision is there. It places an additional burden on the staff to be certain it doesn't expire.

Roll Call Vote:

DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; VanderKolk, aye; Eade, aye.

Ayes 6, Nays 0. Motion carried.

D. Brett Bolt – special use request to allow an expansion of under 50% on a non-conforming structure

Ransford introduced the item. The applicant is asking for a special use to increase the area of a second single ~~of a~~ family dwelling on his property located at 3015 Lakeshore Drive, parcel number 70-15-16-150-018, which is located within the R-2 Lakeshore Residence Zoning District (R-2). Pursuant to Section 38-493 – Principal Building on a Lot of the Park Township Zoning Ordinance (PTZO), only one (1) single-family dwelling is permitted on a lot. Consequently, the second single family dwelling is a legal non-conforming use.

The applicant proposes to increase the living area of the existing dwelling from approximately 1,668 square feet to approximately 1,956 square feet within the same building footprint. Additionally, the applicant proposes to construct an additional porch ~~as well as enclose the existing~~ and proposed porch with a roof which would increase the area of the dwelling to approximately 2,376 square feet.

Pursuant to Section 38-632(b) of the PTZO, the applicant can seek expansion of the use not exceeding fifty percent (50%) of the area of the original nonconforming use. This expansion may only be approved by the Planning Commission as a special use through certain standards listed in the February 5, 2018 Staff Memo.

On review, the application is complete, pending review of staff's considerations on page 4 of the Staff Memo. While we typically prefer a site plan that addresses every requirement of Section 38-102 – Content of the Park Township Zoning Ordinance, the site plan that has been provided includes a sufficient amount of detail that will enable the Planning Commission to render a decision. Pursuant to said section, the Planning Commission possesses the authority to waive site plan provisions and/or require additional information. Given this and coupled with the typical residential nature of the proposed use, staff agreed the application was ready for the Planning Commission to review.

Brett Bolt said he thought the house would be a simple cleanup, but it needs some improvement. The house has a footprint with a second floor with a pitched roof over the deck. The plan is no enclosure - just a roof for the porch. There will be no new footers, and the pitch will extend a little to provide a 12"-16" dormer overhang. He noted the neighbors support the proposal. Two e-mails were received by the Township.

Kleinjans asked if the deck wraps around the south and west side.

Bolt said there are two sliding doors open to the deck – that deck will be replaced. On the south side there is a deck and steps which will be connected.

Pfost asked what the nature of the nonconformity was.

De Vries explained it is a separate residence on the same parcel.

Pfost asked if the foundations are affected by the project.

Ransford said no.

PUBLIC HEARING

Pfost opened the Public Hearing at 8:44 P.M.

There was no comment.

Pfost closed the Public Hearing at 8:45 P.M.

Kleinjans moved, supported by VanderKolk, to approve the site plan as proposed for the special use less than 50% per Sec. 38-632.

Section 38-103 Standards:

- (1) The adequacy of streets, alleys, parking areas, loading zones, sidewalks, drainage, water and sewer lines, and traffic control for the proposed use, building, or structure; and,

The requirements of this standard are provided for with the proposed use.

- (2) The adequacy of protection afforded lands and the surrounding neighborhood from adverse impact.

There is no adverse impact on the surrounding neighborhood per neighbor support.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

PUBLIC COMMENT

Pfost opened Public Comment at 8:50 P.M.

There was no comment.

Pfost closed Public Comment at 8:51 P.M.

ANNOUNCEMENTS

The next meeting is March 14, 2018. DeHaan said he will be unable to attend.

Status of NHP Overlay for the Macatawa Area:

Pfost there is nothing new to report at this time.

ADJOURNMENT

VanderKolk moved, supported by Eade, to adjourn the meeting at 9:15 P.M.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
February 18, 2018

APPROVED: March 14, 2014