

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49418

Regular Meeting
February 21, 2017
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, Eric DeBoer, David Kleinjans, Denise Nestel, Tom Vanderkolk

Absent: Linda Dykert, Dennis Eade

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

APPROVAL OF AGENDA:

Motion by DeBoer, supported by Vanderkolk, to approve the agenda as presented.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

The February 14, 2017 Special Meeting Minutes will be reviewed at the March 14, 2017 meeting.

NEW BUSINESS:

A. ICK Properties, LLC – Timberline West #6 Subdivision Variance

As background, the tentative Preliminary Plat for Timberline Acres West #6 was previously reviewed by the Planning Commission at a public hearing held on January 17, 2017. At that

time action regarding the plat was postponed to the next regular meeting of the Planning Commission, with the conditions that revisions be made to the plan based upon Planning Commission comments, and that a variance from the Subdivision Regulations be obtained. The public hearing for the variance was scheduled for February 21, 2017.

PUBLIC HEARING

Chair Pfost opened the Public Hearing at 6:34 P.M.

There was no comment.

Chair Pfost closed the Public Hearing at 6:35 P.M.

The variance request from Timberline Acres West #6 is for a variance of 850' of *additional* block length. Section 18-87 of Division 3 (Design Standards) of Article II regulates block length. The maximum length allowed for residential blocks shall be 1,000 feet from the center of the street to the center of street. The proposed plat has a block length of approximately 1,850 feet on the proposed Red Alder Drive between the proposed Alder View Lane and the existing Silver Fir Drive.

Todd Stuive of Ick Properties, LLC spoke to the variance request for Timberline Acres West #6. He explained that the variance is for a block length at 1850' from Silver Fir Drive to the stub road Red Alder Drive. He noted the curve in the road will help to slow traffic. He didn't think the density of the development will cause a traffic problem. All things being equal, if you have the width to provide the area, the width of the lot is more the determining factor rather than the total area and number of lots. He didn't think a cul-de-sac would help so this connection should provide the right solution.

Pfost asked the staff, regarding the 1000' block length, if the purpose is for traffic flow considerations. If that's the case, there are different ways to slow traffic. Perhaps, in the future, should this block ordinance be reconsidered given this current variance request.

Johnson agreed the block issue could be revisited.

de Vries said Timberline Acres had instances of block length over 1000'. He has looked at the record and no variances were requested. The variance in length apparently was allowed.

Johnson reviewed the four standards for this variance.

1 – That there are such special circumstances or conditions affecting the property in question such that strict application of the provisions or requirements of this article would clearly be impracticable or unreasonable.

It is her opinion that no special circumstances exist on this site that require a block length longer than 1000 square feet with the exception that the original plat was approved with block lengths that were not in compliance with the Park Township Subdivision Regulations.

Kleinjans said, for the record, that the Planning Commission should not approve this variance again, otherwise we should change the ordinance. He pointed out the impracticability is that the lake is already on the property.

Vanderkolk concurred and noted that the problem precedes the current Planning Commission. In his opinion, it is justifiable to find that strict adherence to the requirements is impractical and unreasonable.

Nestel said it is obviously too late for a change since it has been previously approved this way.

There was consensus for support of the #1 standard.

2 – *The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the subdivision is situated.*

The requirement for block length is based upon safety of traffic circulation, primarily the speed of vehicles, which tends to rise where fewer cross streets are present, and for minimizing traffic loads on streets where multiple places of ingress and egress exist. Public safety access is also a function of block length.

An additional function of block length is for non-motoring users, such as pedestrians and cyclists, where access to various locations is provided without long lengths of roadway prohibiting such access.

The granting of the variance may be detrimental to other properties in the area, as more traffic will circulate on those streets without a second means of access for this number of lots. A lesser number of lots that would exist on 1000 feet of roadway, or a second means of access to the west, or a redesign with cul-de-sacs, would help ensure the public welfare.

Vanderkolk agreed that granting the variance will not be injurious.

DeBoer said the only option at this point would be a redesign to include a cul-de-sac from both north and south. From a public safety standpoint he felt this could delay emergency responders vs. having a through street.

Kleinjans noted that a cul-de-sac wouldn't lessen the traffic, but he suggested the addition of a bike path to 152nd Ave. would provide a nice feature to the street.

Pfost observed that everyone seemed to be in agreement with the second standard.

3 – *That the variance will not violate the provisions of the Land Division Act.*

The Land Division Act does not regulate block length, but requires that all plats comply with any local subdivision control regulations adopted by a local municipality.

4 – *That the variance will not have the effect of nullifying the interest and purpose of this article and the Master Plan.*

Johnson reviewed two of the five purposes of the Subdivision Control Ordinance in Section 18-21 that pertain to this variance request. These provide for orderly growth and harmonious development in the Township and secure adequate traffic circulation with coordinated street systems.

Block length is tied primarily to orderly growth and traffic circulation, including non-motorized traffic. Therefore, allowing block lengths longer than 1,000 feet may nullify the purpose of the article.

Johnson also noted that 17 of the 41 proposed lots (41%) are less than 15,000 square feet. Smaller lots on blocks greater than 1000 feet in length contribute to higher density than that anticipated by the Master Plan. However, many of the lots in the approved phases of this development are less than 15,000 square feet. Approval of the variance for block length may nullify the purposes of the Master Plan by allowing a higher density than that anticipated by the Master Plan along a street length longer than that permitted by the Subdivision Regulations.

Martin commented with regard to the Master Plan that the provisions of the proposed Master Plan on which Johnson based her analysis are substantially similar to the current Master Plan. Martin noted the Master Plan was last updated in 2004, based on the document that was approved in 1998.

de Vries stated the density met the requirements of the Master Plan in effect at the time of the PUD approval.

Nestel suggested in the future the lesson is to consider the ordinance more closely.

Pfost requested a motion following the discussion.

DeBoer moved, supported by Vanderkolk, to recommend the Township Board approve the variance.

Martin advised the review of the four standards should be included in the motion.

DeBoer amended his motion to read - Having reviewed the four standards, followed by discussion, the Planning Commission recommends the following findings:

Standard #1 – there are special circumstances that would be impracticable and unreasonable;

Standard #2 – there will be no detriment to the public welfare;

Standard #3 - the variance does not violate the Land Division Act; and,

Standard #4 - the variance will not nullify the interest and purpose of the Master Plan.

Therefore, the Planning Commission recommends approval of this request to the Township Board.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Johnson noted there should be recommendation to the Township Board for the approval of the plat.

Vanderkolk noted in reference to Johnson's bullet points in the Required Revisions to the Plan that reviews and approvals for drainage easements, sewer lines, and other engineering plans in Park Township are traditionally done prior to construction and not until after the projects are approved.

Johnson said that is something in the ordinance that the Planning Commission may want to look at for future change.

Johnson reviewed the Required Revisions to the Plan as outlined in her February 21, 2017 memo.

She asked Stuive if the developer can satisfy the deed restrictions statement in the first bulleted point regarding drainage easements and/or stormwater detention.

Stuive said he was fine with the request.

Nestel asked Stuive if the developer would accomplish the bulleted points before construction begins. She asked de Vries if the Township has the authority to halt construction if the developer fails to meet the required obligations.

de Vries said the developer has to submit drawings and engineering approval first.

Johnson noted the requirement that the width of the drainage easement (fourth bullet) at the rear of the lots that back up to South Timberline should be labeled.

Pfost asked Stuive to comment on the suggestion for a bike path.

Stuive said they could put an easement on the lot line. It would be an issue on how to do that.

de Vries asked Martin if that would require a change on the site plan and a new approval.

Martin said it would. The procedure is to approve the plan as part of the PUD, so changing that plan would require an amendment to the PUD.

de Vries said it could be a minor amendment_ which could be handled administratively in the proposed PUD ordinance.

Vanderkolk moved, DeBoer supported, subject to a note to be added to the site plan regarding deed restrictions, and that the width of the drainage easement be labeled, that the Planning Commission forward the site plan to the Township Board for final approval.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

B. Yacht Basin Marina

de Vries introduced this item. The owners of the Yacht Basin Marina are interested in constructing a new storage building to replace an old building. A restaurant has also been proposed. They submitted a site plan for the entire operation, however they have to include additional information unless the Planning Commission would waive the requirement for the missing items, and submit a request for approval for fewer than required number of parking spaces, which will require a public hearing.

The applicants are interested in removing and replacing an old storage building as part of the site plan. The total increase in storage will be 7 ½% over what has been historically present.

Johnson said she has begun a review of the site plan.

Pfost was concerned the request appears to be piecemeal. He wants to accommodate Township interests but, if the applicant can wait until the March meeting to submit a request that is complete, the Planning Commission will proceed with its review.

Nestel asked if the restaurant will have one owner.

Applicant Tom DenHerder said he is the owner and the restaurant will be leased.

Nestel asked the purpose of not indicating loading and unloading areas on the site plan.

DenHerder said the storage building is for boats, they use forklifts and a hoist.

Kleinjans said he would like to see seawall dimensions included on the drawing. He asked about the date of the drawing. There are two and they don't match.

DenHerder said he used an old drawing.

de Vries said the applicant is looking for a relaxation from the required number of parking spaces. He asked Martin about the public hearing notice.

Martin suggested having the specific number of parking spaces for the public hearing notice. The notice could state the request is for a smaller number of spaces if the actual number isn't available. More information in the notice is best.

de Vries said he would have to find out how many spaces will be required.

Pfost said if this request can't be scheduled by March 14th we will put it on the agenda for the 21st.

The meeting recessed at 7:37 P.M.

The meeting reconvened at 7:42 P.M.

PUBLIC COMMENT

Pfost opened Public Comment at 7:43 P.M.

Todd Sneller, representing Dirkse Capital Management regarding a special use application that was submitted in July for storage units, said he has not received an answer about the scheduling of this request.

Pfost said all special use applications have been delayed because the Planning Commission is revising the special use ordinance. A special use application on the south side of the lake had a tight time frame that expired and Sneller's application was submitted since that time. In the meantime we have a moratorium to finish the revision of the PUD ordinance. He explained if the applicant is willing to wait until the special use ordinance is reviewed the Planning Commission can look at his application which will require special consideration.

Nestel asked if Sneller's request is still intended for storage.

Sneller said he is open to another use but his first choice is for executive storage.

Nestel asked if he would use the space for retail.

Sneller said he could.

de Vries said the question is for the site plan for building on that space. It's difficult to consider a site plan approval without defining the ~~intending~~intended uses. A change of use in a commercial zone would trigger a site plan review.

Pfost closed Public Comment at 7:55 P.M.

(Dykert arrived)

OLD BUSINESS:

A. Proposed PUD Ordinance

Johnson shared copies of the 38-367 Development Requirements for PUDs with residential uses. She explained this is relevant to Page 7 (4) c - Mixed use developments of the proposed PUD ordinance. She reviewed the key points.

Martin said the density is currently determined by Subsection 2 so the language will have to be adjusted for the correct reference.

Johnson suggested adding a new subsection 4 c. It was her opinion that this is necessary for density of residential uses within mixed use developments where existing zoning is designated C-1 or C-2 zoning.

Kleinjans said "b" looks identical to c 2. All agreed to make the reference to residential and commercial clear under c.

de Vries pointed out regarding C-1 zoning that it needs to be clear if we want mixed use to be both residential and commercial.

Nestel confirmed that C-1 zoning indicates there is no residential.

Martin explained that in a mixed use situation, e.g., the residential property is on the second and third floors, and the first floor is commercial use, the integrity of the property counts, for density purposes, for residential.

Martin said this is new language which we should review first before considering it as an addition to the proposed draft. He will discuss this with the chair and the planner and then we could include it at a later time. He would like to continue with the review of the draft to save time.

The review continued on Page 8 (2) (Areas not Considered Dedicated Open Space).

Review points:

Page 8 – (2) Johnson asked if “considered” should be changed to “approved.”

Nestel thought “considered” was the better choice. Pfof suggested we defer to Legal Counsel for his judgment.

Page 8 e.- Should the last line be included?

Page 8 i. – DeBoer suggested adding “as required by ordinance.”

Johnson asked about 38-379. She thought there was some redundancy in this section.

Martin did not make any changes to 38-379 other than correcting the reference to the section number. 38-380 doesn't reference 38-379. We need to make it clear that 38-379 refers to existing approved PUDs that were given approval prior to the effective date of this ordinance. A new subsection to 38-379 could be made referring to major amendments. Rather than having a separate subsection that parallels 38-375, we should include these major amendments within 38-379.

Johnson asked that language be included that apply to PUDs that were previously approved and may come back for changes. She wanted two issues clarified: PUDS approved under this one that may come back for major or minor changes, and PUDS that were approved before this ordinance that may come back for changes.

Martin explained the reason he deleted 38-380 was because it resembled 38-375 and didn't reference pre-existing PUDs but rather an approved PUD. A separate subsection (3) could be added to address major amendments to pre-existing PUDS.

Martin will make the necessary changes to make it clear.

Pfost asked, with reference to (2) h, if there was consensus that golf courses are not open spaces. There was consensus they are not.

Pfost asked if there were any important elements that necessitate discussion between pages 8 and 21. He wanted to be sure elemental content is discussed. It is apparent that another public hearing will be required because of substantial changes to the ordinance.

Johnson shared copies of some definitions with the Planning Commission.

Page 11 - 38-372 – Pfost asked if there is a cross reference to financial elements.

Johnson said there was.

Page 11 – The added sentence was approved at the bottom of page 11 and the top of page 12.

Page 12 (1) e. - Replace “may” with “shall” then retain the crossed out section in the first sentence. Delete “by the applicant.”

Nestel asked about page 18 under 38-377 – Is one year acceptable? There was consensus.

Pfost suggested de Vries, Johnson, Martin and he will review and clean up the PUD language so a clean version can be prepared for the next meeting.

Martin said the Planning Commission needs to deliberate a new revised version in March.

Martin said the new version will add definitions, provision for residential mixed uses, and a new subsection under 38-379 which will reflect the old PUD language.

ANNOUNCEMENTS

de Vries said a recent administrative decision moved the application deadlines up a week. This requires Planning Commission and ZBA applications to be submitted by the date of the current meeting, for consideration at the following months meeting.

ADJOURNMENT

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

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall, Recording Secretary, 2/23/17

Approved: March 14, 2017