

**MINUTES  
PARK TOWNSHIP  
PLANNING COMMISSION**

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

Special Meeting  
February 14, 2017  
4:00 P.M.

**DRAFT-APPROVED COPY**

**CALL TO ORDER:**

Chair Pfost called to order the special meeting of the Park Township Planning Commission at 4:00 P.M., held in the Township Hall at the Park Township Office.

**ATTENDANCE:**

Present: Jeff Pfost, Eric DeBoer, Dennis Eade, David Kleinjans, Denise Nestel

Absent: Linda Dykert, Tom Vanderkolk

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

**APPROVAL OF AGENDA:**

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

Voice Vote: Ayes 5, Nays 0. Motion carried.

**APPROVAL OF MINUTES:**

Kleinjans noted several corrections for review.

Motion by Nestel, supported by Eade, to approve the Regular Meeting Minutes of January 17, 2017 as amended.

Voice Vote: Ayes 5, Nays 0. Motion carried.

**NEW BUSINESS:**

## **A. PUD Ordinance Amendment**

Martin provided copies of his edited version of the PUD Ordinance Amendment that represent suggested changes to draft #3. The changes are noted in red.

### **PUBLIC HEARING**

Pfost opened the Public Hearing at 4:22 P.M. for comment on the PUD draft ordinance.

There was no comment.

Pfost closed the Public Hearing at 4:23 P.M.

### **DISCUSSION**

Pfost said the moratorium for the PUD ordinance revision has been extended for an additional 60 days until the end of May or, according to de Vries, until it is approved, whichever comes first.

Pfost asked Martin about the process from this point forward once the Planning Commission agrees on the final draft.

Martin said the Township Board has the authority to approve the final draft of the PUD ordinance, however, the Board can make changes from the Planning Commission's recommendation without having to send the ordinance back to the Planning Commission since it is the legislative body.

Pfost asked Nestel if she had any suggestions about the Township Board's preference regarding the language in the ordinance.

Nestel said it is her duty as liaison, once the Planning Commission's review is complete, to present it to the Township Board as accurately as she can. She agreed with Martin that the Township Board can change language in the document.

Pfost said he will make notes to identify the recommendations and changes and Nestel said she would record her notes too. Pfost asked that the Planning Commission begin its review of Martin's recommendations in the draft document.

Martin noted the Planning Commission doesn't have to accept anything he has changed in the marked up copy. He pointed out that from a legal standpoint, the Zoning and Enabling Act allows a PUD to be approved in one of two ways: 1) as a zoning ordinance amendment or 2) as an administrative review which doesn't require a rezoning. We don't require a zoning ordinance map amendment now. It's within the Planning Commission's and ultimately the Board's discretion which approach to use. It's a policy issue, not a legal issue.

Johnson said the Planning Commission can identify the approving body. She reviewed the law about adopting or enforcing a zoning ordinance. "The legislative body may refer any proposed amendment to the Zoning/Planning Commission for consideration and comment within the time specified by the legislative body."

Nestel noted we want to make our intent clear in ~~this document~~ the PUD ordinance. If we receive an application and more than one reasonable opinion would be given, and if it complies, does the Planning Commission make the call?

Pfost recalled that the Planning Commission agreed ~~it~~ the Township Board is the determining body. We would handle the review, hold the public hearing, and then send it on to the Township Board for final approval. He recalled that we are not changing the zoning and the current draft does not change the zoning. The PUD is not considered a zoning district.

Martin clarified that you could rezone a property, for example from AG district to a PUD district. The requirements in the PUD district would establish the density. Right now, the Township approves all of the requirements, including density, administratively. He explained the historic pattern of rezoning in the Township as it applies to agricultural zoning. One of the issues is whether to base the density of a PUD on the current zoning district or the Master Plan. If the Board rezones a property, it should do so consistent with the Master Plan.

Johnson confirmed zoning must match the Master Plan. The PUD can be approved only if it is in concert with the Master Plan. This includes density planning.

Pfost confirmed that this PUD document embodies our current methodology.

Review notes:

Sections 1 and 2 were moved from the draft previously provided to the Planning Commission for clarity.

Section 3 was added to specifically repeal Section 38-402, for clarity as the Code of Ordinances requires sections to be repealed.

Page 2 – Third paragraph from the bottom, change “achieve” to “substantially meet” the following objectives.

Page 3 – (1) under 38-364 Authorization and permitted uses – delete the last sentence.

Page 3 – (2) under 38-364 Authorization and permitted uses – term “reasonable” debated. No change.

The Planning Commission agreed to support the use of legal terms as recommended by Martin.

Page 3 – (1) under 38-365 Qualifying conditions - of the term “contiguous” is not defined in the Ordinance, so it would be interpreted and applied according to common usage, but there may be concerns regarding “contiguous” “adjacent” and “abut” when it comes to usage. Martin said we could add definitions to fit our intent or we could use the common usage of terms throughout the document. He recommended adding a definition of the relevant terms to be used to the document. All supported this suggestion.

Page 4 – It was agreed to add the definition for “dwelling units” and “dwelling s terms.”

Page 5 – (2) c – It was agreed to substitute “~~used by~~established” in place of “~~established~~used by.”

Page 5 – (2) f - It was agreed to add the term “dwelling” to the phrase “number of units per acre.”

Page 6 – Following discussion regarding the Master Plan, which was that density should be based on the current zoning district and not the Master Plan, and the inclusion of the recommended density of the table on page 6, there was consensus to delete the table on page 6.

There was discussion regarding the terms “additional dwellings” and “mixed use.”

Johnson suggested adding the ~~definition~~requirements for C1 property. The idea is to treat the general rule to allow additional dwellings for C1 property where we don’t allow residential dwellings.

Martin would add “only in a mixed use development.” He suggested its inclusion in (3) f on page 7. He will add the language to read: “For those commercially zoned properties that do not allow residential use in their currently zoned district they will be permitted to have three units per acre but only in an approved mixed use development.” The Planning Commission discussed alternatives. Martin and Johnson agreed to collaborate on the final wording.

There was discussion regarding the word choice of “one or more” on page 6. All agreed it should remain.

Page 7 – (4) a - Mixed use developments - it was agreed to change “mixture” to “mix” per Johnson’s suggestion.

Page 7 – Add AG, R4 and R5 to (1) b.

Page 8 - Add AG, R2 and R3 in (1) c and d.

Page 9 – Dedicated Open Space (to continue review at next meeting).

## **PUBLIC COMMENT**

Pfost opened Public Comment at 6:30 P.M.

Tom Postma, applicant for a storage unit request, asked about the pending special use amendment and clarification for what is allowed in a parking lot space according to the ordinance.

## **ANNOUNCEMENTS**

The next regular meeting is scheduled on February 21, 2017. The next special meeting is scheduled for March 14, 2017.

Pfost referred to the packets provided by de Vries. We have two applications to address at the next meeting then we will continue the review of the PUD draft. He asked that the Planning Commission plan on the extra meeting in March that is scheduled for the 14<sup>th</sup>.

de Vries explained the packet materials. For Yacht Basin marina the updated version is on the left side of the folder.

de Vries suggested applications should be required more than three weeks ahead of the meeting to give staff more time for review of applications.

## **ADJOURNMENT**

DeBoer moved, supported by Nestel, to adjourn the meeting at 6:45 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall  
Recording Secretary  
February 16, 2017

Approved: March 14, 2017