

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49418

Special Meeting
May 2, 2018
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, 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, Howard Fink, Township Manager

APPROVAL OF AGENDA:

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

Voice Vote:

Ayes 7, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Motion by Eade, supported by Kleinjans, to approve the Regular Meeting Minutes of March 14, 2018 as presented.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

BUSINESS ITEMS:

- A. NHP Areas** – Fink noted the NHP areas are displayed on easels for the Planning Commission’s reference. He suggested de Vries provide a brief overview of each of the areas.

Pfost recommended a motion for staff preparation of the final draft following discussion by the Planning Commission.

Vander Kolk moved, supported by DeHaan, to recommend the staff prepare a final draft of the NHP language and schedule a public hearing for that draft.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

De Vries presented a description of the six NHP areas:

1 – Macatawa Park and its unique area has already been discussed by the Planning Commission and is the first to undergo overlay analysis.

2 – Eagle Crest is in the critical dune area with few vacant land lots left for development. The area began as an historic cottage area with mostly summer homes. The private roads are narrow and single lane in width. Only a short portion of Crest Dr. has public water, the rest is well and septic systems.

3 – Edgewood Beach has few vacant lots. It has no public water or sewer. The area consists of cottage homes on small lots in a high risk erosion area with relatively flat topography. About 30% of its population are full time, year-round residents.

4 – West Michigan Park is also known as the boardwalk area along Ottawa Beach Road. Some of the homes are accessible only by foot. There are few developable lots and no water access for these lots. Water and sewer are available along the boardwalk area.

5 – Idlewood Beach has a one-way road system and narrow streets with few vacant lots. It is in a critical dune area with very small lot sizes. No public water or sewer.

6 - Maple Beach is a row of cottages up the hill on Lake Street with no vacant lots. There is no public water or sewer. The lots are larger and the area is in a high risk erosion area.

Eade noted most Zoning Board of Appeals requests are from Idlewood and Eagle Crest because of the small nonconforming lots.

Pfost said we need to update the Master Plan for these areas and look at ordinance changes related to Macatawa Park. We should prioritize for staff what we want to include in the Master Plan for Macatawa Park.

Pfost recommended at the end of the discussion the Planning Commission should reach consensus for the proposed language. Fink suggested beginning the discussion with the ordinance language.

PUD Development - In Macatawa Park no PUD will be allowed for new development. Ransford explained that the subject of PUDs was an important concern to residents. Martin confirmed Macatawa Park's underlying zoning is for residential use only.

Pfost took a straw poll regarding the PUD language. There was general consensus for no new PUD development.

Martin explained because this area is so unique we are allowing flexibility to preserve the area's character.

Averaging language should indicate averaging for front, rear or side setbacks at 75% of the average depth. This is for existing developed lots. Fink noted there is no provision for special use in this case. It was agreed that fire safety is an important consideration in determining setbacks.

Street Safety language reflects current standards. Martin noted most of the roads in this area are private. Governmental immunity applies here since there are few public roads. Given the involvement of the Township and the County there should not be "wanton disregard" of safety requirements. The Zoning Administrator will be in touch with all consulting agencies. Should the wording be "shall" instead of "may" in the last line? Staff will consider the best language for this section.

Viewsheds language states that the maximum height of the principal building shall be no more than 75% of the height of the principal building located on closest upgradient improved property measured from the medial grade. Ransford pointed out the language was for unimproved lots. Following discussion there was consensus to delete this section.

Fire Safety – Martin said the fire chief determines the conditions regarding fire hazards and has the authority to require additional safeguards such as sprinkling (Section 901.4.4 of the International Fire Code). With access by only one road in the community it is a difficult situation. With remodeling of a home it may be required to have a sprinkling system. The upper level of the community on the hill has no access to water except for private wells.

Parking Area – If a property is improved or expanded additional parking will be required, although the additional space does not have to be on site. Some homes in this area have no driveways so a special rule may have to be written for Macatawa Park. Martin reminded the Planning Commission that once a building permit is issued the owner has to provide the minimal number of parking space (Article VII).

Pfost asked staff to provide some calculations on required parking spaces with increased square footage.

Fink recommended a specific ordinance for Macatawa Park parking.

Non-Conforming Structures – Sprinkling should be required if a home burns down and is rebuilt. There was consensus the ordinance should state this clearly so new residences meet the current standards and codes. Also, the home should be built on its former footprint.

New Construction – This changes the allowance of variances. The lot must meet the minimum lot area and width of the zoning district.

Pfost recommended moving Public Comment forward for the benefit of one audience member waiting to be heard.

PUBLIC COMMENT

Pfost opened Public Comment at 8:38 P.M.

Tom Burgess, Byron Center resident and owner of beach property in Park Township, said he has three lots in West Michigan Park. The property has been in his family for several years. The lots measure 40' wide x 80' deep – to build a house its dimensions would be 15' wide by 100' long. He has a total of 9600 square feet and understands the minimum is 8500 square feet. He is concerned about setback requirements. He has talked with MDEQ and the Road Commission. He would like to build a home during the winter but would like to put the driveway in this summer and begin the foundation in October.

de Vries noted this is an unimproved lot.

VanderKolk observed that this request would probably be scheduled for consideration by the Zoning Board of Appeals.

Fink pointed out the ordinance was crafted for Macatawa Park.

Burgess said he would submit a proposal to de Vries.

Pfost closed Public Comment at 8:52 P.M.

Pfost called for a recess at 8:52 P.M.

The meeting reconvened at 9:04 P.M.

B. Ordinances – Lot Width and Signs

de Vries and Ransford brought this language forward for consideration for an amendment. A public hearing will be held on the final draft following discussion with the Planning Commission.

Vanderkolk moved, supported by De Haan, to have staff prepare a final draft for Lot Width and Signs ordinances for a future Public Hearing and consideration by the Planning Commission.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

LOT and LOT WIDTH (Current language)

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this chapter. Lot width shall be measured at the front building line. In determining lot area, land located within a public street right-of-way and/or a private road easement shall not be considered.

LOT AREA

The total horizontal area within the lot lines of a lot. In the case of a waterfront lot, the lot area shall be measured to the 100-year floodplain elevation as depicted in the December 2011 Flood Insurance Rate Map (FIRM), as amended, issued by the United States Federal Emergency Management Agency. In determining lot area, land located within a public street right-of-way and/or a private road easement shall not be considered.

Discussion on removing the reference to measuring to the floodplain elevation.

LOT

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this chapter.

LOT AREA

The total horizontal area within the lot lines of a lot. In the case of a waterfront lot, the lot area shall be measured to the 100-year floodplain elevation as depicted in the December 2011 Flood Insurance Rate Map (FIRM), as amended, issued by the United States Federal Emergency Management Agency. In determining lot area, land located within a public street right-of-way and/or a private road easement shall not be considered.

Same discussion regarding the reference to the 100 year floodplain elevation.

LOT WIDTH

The horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line. Lot width shall be measured at the front lot line

and shall not be less than the minimum width required within the zoning district in which it is located for the minimum depth necessary to meet the minimum lot area of the zoning district in which it is located.

Discussion on using perpendicular vs. parallel.

As a result of the definition of Lot Area and Lot Width, it is also necessary to define the front, side, and rear lot lines of a parcel since these definitions do not exist within the Park Township Zoning Ordinance. Consequently, below are proposed definitions for Lot Line, Front; Lot Line, Side; and Lot Line, Rear.

LOT LINE, FRONT

In the case of a lot not located on a corner, the line separating said lot from the street right-of-way. In the case of a Corner Lot, the Front Lot Line shall be that line that separates said lot from the street which is designated as the front street on the site plan, or which is designated as the front street on the site plan review application or request for a building permit.

LOT LINE, REAR

Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.

LOT LINE, SIDE

This is any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. It is important to note the optional language within the definition of Lot Line, Front, which is afforded to the property owner. As proposed, a property owner of a corner lot would possess the option to choose which frontage is subject to the front yard setback and which frontage is subject to the side yard setback, based on the location of their access (driveway). While we have found this language to be preferred in some municipalities, the Planning Commission should consider whether it is appropriate in Park Township.

In addition, in the instance the Planning Commission prefers the definition of Lot Line, Front as we have proposed, it is important to highlight the current provision for Double Frontage Lots provided by Section 38-496 of the Park Township Zoning Ordinance.

Sec. 38-496 Double frontage lots.

Buildings on lots having frontage on two intersecting or nonintersecting streets or private roads, or combination of streets and private roads, shall comply with front yard requirements on both such streets or roads.

Said section requires a front yard setback for each street abutting the parcel. This would not be consistent with the definition of Lot Line, Front, if double frontage lots were included in said

definition. In the instance the Planning Commission concludes the same should apply to double frontage lots as is applied to Corner Lots, Section 38-496 will need to be revised accordingly. To ensure consistency for lots on a public or private street, the definition of Street should be revised as provided below.

STREET

A publicly or privately owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road or other thoroughfare, except an alley. The street right-of-way shall include all land deeded or dedicated for street purposes or, in the absence of a deed or dedication for street purposes, the street right-of-way shall be considered 66 feet in width.

SIGNS

Martin explained the update on signage. Based on a recent case ruled on by the U.S. Supreme Court, the Township can regulate size, time and place, not content, for signage. First amendment rights have changed the requirements for signs.

Fink added the courts have gone beyond the content neutral issue. The Township can no longer say political signs have to be a certain size. If a sign is allowed under a commercial standard so does a political sign.

Pfost asked if staff can monitor this issue. Martin suggested if the Township is faced with an issue we can then address it.

Nestel moved to allow a study before determining the language for an ordinance.

After discussion, Nestel withdrew the motion.

Kleinjans moved, supported by Nestel, to take no action at this time pending future court decisions and study.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

ANNOUNCEMENTS

Upcoming ordinance amendments will be subdivisions, corner lots, non-pet animals in residential zones, and the Airport overlay.

The next meeting is May 9, 2018.

Vander Kolk said he will be retiring after 2 1/2 terms. He has one more meeting to attend.

De Vries said he will retire in September 2018.

ADJOURNMENT

Eade moved, supported by Nestel, to adjourn the meeting at 9:30 P.M.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

Respectfully submitted,

Judith Hemwall
Recording Secretary
May 5, 2018

APPROVED: May 9, 2018