

January 13, 2021

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Via Zoom conferencing
Holland, MI 49424

Regular Meeting
January 13, 2021
6:30 P.M.

DRAFT COPY

CALL TO ORDER:

Chair Pfost called to order the regular meeting of the Park Township Planning Commission at 6:31 P.M., held electronically via Zoom with meeting Identification Number: 840 5817 9764 per Emergency Order.

ATTENDANCE:

Terry DeHaan, Dennis Eade, Rosemary Ervine, Diana Garlinghouse, David Kleinjans, Dave Koppenaal, Jeff Pfost, (Diana Garlinghouse and David Koppenaal both arrived later after the meeting was called to order)

Staff: Dan Martin, Legal Counsel, Julie Lovelace, Zoning Administrator, Greg Ransford, Planner

APPROVAL OF AGENDA:

Pfost ensured Commissioners and the public in attendance that the PC would be working with the same agenda and that the Commission had 3 items to discuss under item 7.

Motion by Ervine, supported by Kleinjans, to approve the agenda as submitted.

Roll Call Vote:

Ayes: Eade, DeHaan, Kleinjans, Ervine, Pfost Nays: none

Ayes 5, Nays 0. Motion carried.

Garlinghouse joined the meeting after her computer issues were resolved.

APPROVAL OF MINUTES:

Kleinjans stated on page 7, largest paragraph, "Planning Commission has more distraction" – requested "distraction" be changed to "discretion."

Motion by Ervine, supported by Kleinjans, to approve the December 9, 2020 Regular Meeting Minutes as amended.

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Roll Call Vote:

Ayes: Eade, DeHaan, Kleinjans, Ervine, Garlinghouse, Pfost

Nays: none

Ayes 6, Nays 0. Motion carried.

NEW BUSINESS:

A. Public Hearings

1. Macatawa Legends Planned Unit Development Major Amendment– Final PUD Development Plan – New Holland Street & 144th Ave.

Planner Ransford introduced the topic. Ransford explained the proposed amendment to the existing Macatawa Legends PUD, which was approved in 2004. He described the current situation on the site. The applicant, Signature Land Development Company, is proposing a major amendment increasing the initially approved 19 single-family parcels to 58 single-family residential site condominiums. An additional private street cul-de-sac serving 4 lots coming off from New Holland would make the total 58 lots. Commission reviewed the preliminary plan for the amendment a few months ago, provided the applicant with some direction and the applicant responded with this final development plan. A few items noted for particular review as suggested by Ransford are:

- In lieu of a Pedestrian crosswalk, a proposed pathway to the bridge crossing 144th Ave normally utilized by golfers
- a mix of evergreen and deciduous trees in lieu of a berm along New Holland St.
- a proposed pocket park along New Holland St.
- appropriate general plan approvals from the Ottawa County Road Commission, Holland Department of Public works and the Ottawa County Water Resources Commission have been received
- a sidewalk internally along 144th Ave. and a pathway between the existing and proposed private road aprons at New Holland Street
- no pathway is proposed along the remainder of New Holland Street or 144th Street frontage
- significant pathway is located on the east side of 144th Ave. beginning across from their road apron south of Georgian Bay Dr. on the Holland Charter Township side of the development
- no streetlights are proposed for the new private road consisting of 4 parcels off New Holland
- the amendment submission includes a Maintenance Building and a Chemical Building related to golf course operations adjacent to 144th Ave.

Dave Koppenaal joined the meeting at 6:42pm.

Mike McGraw, Signature Land Development Company, represented the applicant. He

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highlighted the proposed changes in the PUD Amendment, including the 58 homes proposed on gross acreage of 155.88 acres, for 3.7 units per developable acre as 47.8 acres of the total acreage is considered as developable area. The balance of the space is open space including ponds, wetlands, tree protection area and the golf course. The required area for open space for this project is 31.1 acres, and the proposal provides for around 35 acres of open space. They have voluntarily included the tree protection area in the plan submitted. The amendment clarifies the tree protection area further to restrict removal of any trees larger than 6" in diameter. The Commission asked to add landscaping west of the entry off 144th. Natural native grasses are already present and the applicant would like the area to remain in a fairly natural state. He added the area naturally has a slight berm as well. The plan added 41 trees to the area with a minimum size of 8'-10' height and minimum of 3' diameter. He expressed a desire to leave the west entrance more natural due to the manicured lawns already prevalent on the property. Regarding to the pedestrian crossing, the cart bridge is accessible to the residents due to the HOA fees paid by all homeowners for the maintenance of the bridge. They have proposed a path separate from the cart path, leading pedestrians to the bridge from the development. The path will be located on the front side of the landscaping east of the #2 tee box of the golf course providing pedestrians a means of accessing the bridge separate from golfers. He stated Holland Charter Township has a plan of extending the bike path on the east side of 144th north to New Holland in the next few years. The applicant is not opposed to the pedestrian crosswalk but thinks the bridge is the safest route. He noted the pocket park at the north end of the project providing access to the open space. Lots will be the largest lots and highest price points in the Macatawa project. Homes will range in price from \$500,000 to \$800,000+.

Pfost opened the floor to questions/comments from Commissioners.

Garlinghouse noted agreement with using the cart bridge for pedestrians but would like to see a crosswalk. One does not negate the other in her opinion.

McGraw stated that would be no problem and they are not opposed to having both the pedestrian crosswalk and utilization of the cart bridge.

DeHaan asked where the cross walk would go should one be placed on 144th.

McGraw stated it would be across from the entrance to the development by Georgian Bay Dr.

Ervine asked what type of crosswalk would be placed.

The County would regulate the type of crosswalk (flashing beacons vs. striped crosswalk).

DeHaan questioned the safety of pedestrians mixing with golf carts on the bridge.

McGraw stated there should be no safety issues and pedestrians can quickly connect to other paths to travel to the clubhouse, pool or other amenities on the Holland Township side.

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PUBLIC HEARING

Pfost opened the Public Hearing at 6:50 P.M.

Kevin McVay lives on Harrington Landing on HCT side. Bridge sees significant golfers either carrying bags or pushing carts. He is concerned about safety as well. He stated once a pedestrian has crossed the bridge, there is no place to go. He was concerned pedestrians will interfere with the golf process. He stated Mic McGraw informed him there will be expansion of the area to the east side of the 144th corridor and maybe a path constructed there to separate pedestrians with golf activities.

Maureen Smith lives at Macatawa Legends and is the area sales representative. Sales perspectives find there is high demand for the Park Township side of the development.

McGraw stated there is a connecting path to the road by the condominiums after crossing the bridge to take pedestrians away from golf activities. The sidewalk path pedestrians would use to go to the clubhouse would take them around the course to the east. There are plans to develop a pedestrian sidewalk once they are off the bridge that will circumnavigate the golf course.

Kathleen Tiechman lives in Macatawa Legends. No sidewalk that takes a pedestrian from the bridge to the clubhouse. Residents are waiting for other items to be completed on the Holland Charter Township side of the development. Many of the items promised have been pushed back to the homeowners for financing. She would like bathrooms completed so they are not looking at portable restrooms through the development.

McGraw stated there is not currently a sidewalk but one will eventually be developed that will connect the bridge to the clubhouse. Portable restrooms are a hazard of the construction in process on the property. It is unavoidable.

Pfost closed the Public Hearing at 7:08 P.M.

Ervine wanted the paths from the new development to the clubhouse clarified. She asked if there would be a central location for student bussing.

McGraw stated he sent Ransford the plan for the present and future walkway system. He identified the path from the bridge to the clubhouse. He has not spoken with West Ottawa regarding bussing. In many of the other developments similar to this one, the bus does go through the development. With regard to the cul-de-sac road, he assumes the bus will stop on New Holland.

Ervine wanted McGraw to clarify the sidewalk plan for the Park Township side of the development.

McGraw is proposing a sidewalk on the south and east side of the road from the entrance on 144th Ave all the way through to New Holland. Usually the home does not receive final occupancy approval from the township until the sidewalk is completed in front of that home. From October to March, typically a grace period is given to complete the sidewalk in the spring.

DeHaan asked about sidewalks on the cul-de-sac.

McGraw said no sidewalks are proposed on the cul-de-sac road with 4 sites.

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DeHaan asked about a bike path on New Holland.

McGraw stated there is a bike path proposed on the south side of New Holland between the cul-de-sac road and the main road of the development.

Ervine asked if anything needed to be done to the bridge to create a safer environment for pedestrians and children.

McGraw said no. It is built like a road bridge. The bridge is very wide. The busiest day you might have 4 people crossing the bridge every 15 minutes at the most. He said the bridge is built for both pedestrian and cart traffic and no additional safety measures need to be added in that respect. He envisions the amount of pedestrians/or bike riders that actually use the bridge will be small. Most will use a car or golf cart.

Garlinghouse asked about buffers on 144th Ave. to keep the kids off 144th.

He said the landscaping would mimic the Holland Charter Township side. There is not much they can do to keep them off the busy road. There are 20ft of grass between the path and 144th deterring kids from getting close to the road.

Kleinjans stated a crosswalk on 144th Ave. is needed. He also asked about connecting the bike path from the development to the corner on New Holland intersecting with 144th.

McGraw stated the developer does not own the property. It is owned by a private company and suggested the Township ask for an easement to complete the path.

Kleinjans asked about streetlights.

Ransford stated the existing road that goes through from 144th to New Holland has lighting proposed but the cul-de-sac does not.

McGraw noted that the homes have lighting on the outside and thought that would be enough.

Kleinjans asked about the service buildings relating to golf activities. He wondered about buffers by the service buildings.

Ransford stated this proposal had been started when the Tree Preservation Ordinance was adopted so it is a policy decision of the Planning Commission to determine the extent of application of the new ordinance language.

McGraw stated the frontage along 144th where the buildings are being proposed.

Steve Plackmeyer – Red Water Golf - stated they would be willing to create a buffer on the east side of the project near the maintenance buildings if the Commission felt it necessary.

Kleinjans stated he felt it was necessary.

Pfost stated he would rather see landscaping as trees, hardwoods and native grasses than berms.

McGraw and Plackmeyer are willing to work together to create the buffer of trees similar to the rest of the development.

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DeHaan agreed he felt that would be needed.

McGraw stated 6-10 trees should be needed and they will work with Red Water Golf. He said some of the trees could be planted this winter or will need to wait until fall.

Pfost stated that would be appreciated to give the trees the best chance of survival.

Motion made by Kleinjans and supported by Ervine to recommend approval of the final plan major amendment pursuant to Article III Division 8, Section 38-373(9) – Standards for Approval for Planned Unit Developments, and Section 38-103 – Site Plan Standards of the Park Township Zoning Ordinance according to Report of the Planning Commission of Park Township dated 1/13/2021 with the following conditions add to the draft Report:

1. A Crosswalk shall be provided at and within 144th Avenue located at the private road apron and extending to the east side of at 144th Avenue, as offered by the applicant.
2. The proposed Maintenance Building shall be screened with landscaping similar to the landscaping proposed in the northwest portion of the Development.

Martin stated the Master Plan identifies the low density residential R1 – as 1 unit per 2 acres, which is consistent with the RR - Rural Residential Zoning District. The proposed amendment appears consistent with Master Plan. Major amendment to the PUD must follow the same procedures as an original PUD approval, so the PC does not approve the Amendment tonight, but make a recommendation to the Board.

Ransford stated the applicant has done a good job with what they are working with.

Roll Call Vote:

Aye: Kleinjans; Garlinghouse; Ervine; Pfost; Eade; DeHaan; Koppenaal
Nays 0.

Motion carried. (7-0)

OLD BUSINESS

A. Waukazoo Woods Farmers Market

Pfost stated staff working alongside the applicant, they have come to an agreement on how to move forward.

Ransford brought the Commission up to speed with the current resolution draft. The applicant is satisfied with the content. There is a short list of conditions based on previous conversations. This item does not go to the Board and lies with the Planning Commission for final approval.

Pfost stated the process may not be very pleasurable on the part of the applicant but is pleased with the outcome and provides a resolution for at least a few years.

Derek Watts spoke on behalf of the applicant. He thanked the board for putting the resolution together and they are excited and ready to move forward with the resolution as drafted. They are hoping for approval from the Commission.

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Ervine is pleased and wants to be assured all fees and escrow accounts are paid in full.

Pfost stated they are approving a limited special use based on the variances approved by the ZBA. No structures are going to be constructed on the property but there are tents that will be erected. A total of 16 tents of a specific size and some tables will be allowed. Limited hours of operation set at 7am-10pm. Three (3) food and beverage trucks will be allowed with limited operation. November and December uses will be relating to the holidays, such as Christmas tree sales. February and March the land will be vacant. April starts back to farm market activities. This special use is for a 2-year time frame, making it a limited special use, based on the time limit of the variance granted. Special uses are usually going with the land and unlimited in duration, but because this special use request is related to and dependent upon the variances that were granted, and is unusual in the way that it relates to the purpose of the use, not the land and has a limited time frame of 2 years from approval. Pfost suggested beginning in December of 2022 or earlier, the applicant should contact the Township to review options. He cautioned that he felt the extension process should happen well in advance of the expiration of the approval, if approved. The agreement does not spell that out but he felt he would be remiss if it were not mentioned. He cautioned Mr. Watts of the need to update this early.

Martin stated because of the short-term nature of the use, the ZBA determined that the standards for granting a variance could be met albeit only in a short-term situation, and not on a permanent basis, so the ZBA was granted the variances requested, which with the agreement of the applicant would sunset after a 2-year period. It is these three variances which allowed the PC to find that the standards for the special use and site plan approval are met, and therefore consider the resolution to conditionally approve the request. The variances will be null and void after that 2-year period, so unless there is compliance with the zoning ordinance provisions then in effect, the request will not meet the standards after the variances become void.

Ransford noted a few conditions and adding that fees and escrows are paid in full as desired by Ervine.

Martin also stated the request began because of a global pandemic, with the applicant seeking to allow a use of the property without any structures or paved parking that is typical for a commercial use, in order to give people an opportunity to have an open-air market alternative to the typical commercial grocery store. It is a distinguishing characteristic of the application, which limits its precedential impact on future applications. Another distinguishing characteristic is a very temporary use with tents, rather than a structure. If another request of this type comes along, we will have figured out some of the nuances regarding paved parking and permanent structures.

Pfost stated it should be addressed in a more formal manner in the way of an ordinance.

Kleinjans clarified the operating time being 7am -10pm. No overnight parking or activities after 10pm.

Ransford stated set up can be earlier. Kleinjans was correct in that there is no overnight parking or activity allowed.

Kleinjans wanted to be sure food trucks could not be there 7days per week from 7am-10pm as reads the resolution.

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Watts confirmed he understands there can be no overnight activities or parking between the hours of 7am-10pm.

Kleinjans asked if there is a provision on what constitutes a food truck.

Watts stated they have been in contact with Beechwood Grille and a pizza truck to service the property with their food trucks.

Kleinjans wanted to clarify the trucks should not be ugly meaning unkempt or rusty in nature. Also that the application is not planning on food trucks being on the site all day every day from April to December.

Garlinghouse confirmed to Watts that aesthetics is important

Pfost cautioned the Commission on how to regulate “ugly”. The Planning Commission needs to be specific and have a good reason for any conditions of approval. The food trucks may have a certain appeal to draw a certain crowd. He questioned how to capture the sentiment in the language.

Kleinjans stated the food trucks will have to leave at night anyway to resupply food for the following day. He was not sure if it would be a problem but wanted to bring up.

Martin agreed the standard of “what is aesthetically pleasing” is a hard standard to regulate. He suggested a condition being they may not remain overnight but can have set up time. He also stated a condition may be no overnight staging or parking of the food trucks or tents.

Pfost asked Watts what is appropriate set up time

Watts stated around a half hour to an hour depending on the vendor. He does not foresee any overnight issues.

Pfost asked if an hour before the market opens and hour after the market closes for set up and take down for the food trucks/vendors.

Watt stated one vendor is there at 5 am to set up.

Ervine stated 10 pm is an issue with her due to traffic and safety.

Watts stated 10pm is there mainly for the Christmas tree sales.

John Daniel applicant, stated hours were worked out with our planner. Mr. Ransford asked the applicant to apply for the maximum times they would think they would ever want to be open or conceive to be open. Daniel stated 7am-10pm is the max he could conceive of being open for any of the activities that will be allowed on the property. He stated that set up needs to be afforded to allow extra time to be ready for opening. He questioned the escrow and thought it had been waived.

Ervine asked if they had paid into an escrow account.

Daniel stated the fees had been reviewed and has paid \$1200 in a timely manner many months ago.

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Pfost asked if there were other fees and if they had been paid.

Daniel stated the escrow fee was waived.

Martin stated the fee issue was discussed to be potentially waived, but he did not recall the actual outcome of that discussion, or whether that discussion occurred at the PC, the ZBA, or the Township Board. Martin stated that public bodies act through their minutes, so if the PC, the ZBA, or the Board would have waived any of the fees or escrow requirements, then it would be reflected in the minutes of those public bodies. The Township can check the minutes to determine whether the fees or escrow were in fact waived by the Township.

Daniel said no food trucks will be parking on the property overnight. His plan is not to have 16 tents but again was asked for the maximum by the Planner.

Neil Daniel-co applicant- wanted to echo the thoughts expressed by John Daniel. It is not their intent to stay open until 10pm for the farmers market but possibly the tree sales. They want to keep aesthetics pleasing with the food trucks and don't want to provide a garbage looking display with the food trucks.

Pfost asked for a motion adding the two conditions.

Motion by Kleinjans to adopt the draft resolution prepared by staff with the following additional conditions:

1. All planning/zoning fees and all escrow amounts incurred shall be paid in full prior to operation.
2. No food trucks or erected tents may be present on the property overnight.
3. Operating hours shall be from 7:00am to 9:00pm, excluding set-up and removal of related trucks, tents, and other operational items.

Tents and trucks will not be allowed overnight on site and payment of fees and escrow are paid in full as required

Kleinjans stated it makes sense to change the operating time and set up time is outside of hours of operation. Hours of set up time will not be considered by the Commission.

Daniel agreed to 9pm as the ending hour of operation. This will allow for take down time after 9pm

Garlinghouse suggested operation to 8 and take down until 9.

Daniel again is agreeable to operations from 7am – 9pm.

The Commission is all agreeable to the 9pm time frame year round.

Kleinjans revise motion to change operating time from 7am-9pm. Ervine is second.

Roll Call Vote:

Kleinjans, aye; Garlinghouse, aye; Ervine, aye; Pfost, aye; Eade, aye; DeHaan, aye;

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Koppenaar, aye

Ayes 7, Nays 0. Motion carried.

B. Task List

Pfost decided to turn to Public Comment next.

PUBLIC COMMENT

Pfost opened Public Comment at 8:27 P.M.

No comments were made by the public

Pfost closed Public Comment at 8:28 P.M.

ANNOUNCEMENTS

1. Master Plan – 5 Year Review

Pfost started the conversation with short term rentals. He feels the commission needs to consider short term rentals, pure rentals, and parking in regard to those items. Many have handled the item through neighborhood associations. As a Township would we like to have some formal framework for rentals? Do other commissioners have ideas about the task list presented?

Pfost stated they will begin 2021 considering the Master Plan 5-year review. The items of short term rentals and the Master Plan are dovetailed together. The Master Plan has been updated since the last was approved with the NHP areas. Pfost will work with staff and move forward with the task list.

Ervine stated we are moving in the right direction and priorities will fall in nicely with goals and strategic plan.

2. Planning Commission Meeting Day of the Month Discussion

Pfost stated what came back is the fourth Thursday of the month would be the best date for Planning Commission. Giving two weeks separation from the Board meeting. Next PC meeting would be February 25.

Motion was made by DeHaan and supported by Ervine to approve moving the meeting day of the month from 2nd Wed to 4th Thursday, and moving the November meeting from the 4th Thursday to the 4th Tuesday (November 23, 2021).

Holidays like Christmas will be rescheduled. Ransford cannot make Tuesday November 23, 2021. Julie Lovelace, Zoning Administrator, is available.

Roll Call Vote:

Kleinjans, aye; Garlinghouse, aye; Ervine, aye; Pfost, aye; Eade, aye; DeHaan, aye; Koppenaar, aye

Ayes 7, Nays 0. Motion carried.

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3. The next Planning Commission meeting date is February 25, 2021

ADJOURNMENT

Ervine moved, supported by Eade, to adjourn the Regular Meeting at 8:42 P.M.

Voice Vote:

Ayes 7, Nays 0. Motion carried.

Respectfully submitted,

Daniele Dykens
Recording Secretary
December 12, 2020

Approved: