

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
March 11, 2020
6:30 P.M.

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: Dennis Eade, Rosemary Ervine, Diana Garlinghouse, David Kleinjans, Jeff Pfof

Absent: (with notice) Terry DeHaan, Denise Nestel

Staff: Greg Ransford, Planner, Dan Martin, Legal Counsel

APPROVAL OF AGENDA:

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

Voice Vote:

Ayes 5, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Kleinjans noted two corrections on pages 2 and 4. Pfof pointed out an error in the vote tally on page 7.

Motion by Ervine, supported by Kleinjans, to approve the February 12, 2020 Regular Meeting Minutes as corrected.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

NEW BUSINESS

A. Coastal Condominiums – PUD Extension Request

This is a request from Todd Sneller to extend the PUD approval for Coastal Condominiums for a period of one year. This development is adjacent to the Itty Bitty Bar on Ottawa Beach Road and approved to construct two storage buildings and four residential dwellings. It was approved by the Township Board on March 14, 2019. The applicant can request an extension of up to one year from the date of approval if evidence is provided pursuant to Section 38-377 of the Park Township Zoning Ordinance.

In a letter Sneller states that the expected approval date from the Township did not occur which resulted in the scheduled availability of contractors being compromised. He also indicates that the resulting season available for contractors was in the fall which was too short to begin construction before winter.

Ransford said they will have one year to complete the construction if the Planning Commission considers the request as reasonable and recommends approval to permit the request.

Sneller spoke to the request. He explained that everything got backed up because of problems with dates and the weather timeline. He asks for a year extension to complete the project.

Ervine asked if the property was up for sale.

Sneller said it has always remained for sale. The owner wanted to keep his options open if the project didn't succeed.

Garlinghouse asked what would happen if the developer changes his mind on completing the project.

Martin said the Township has a bond to cover costs of public infrastructure in this kind of situation, or the property could be used as zoned without the benefit of the PUD.

Pfost asked about conditions.

Martin said they are asking for an extension of the timeframe based on original conditions imposed by the Planning Commission and Board. He was not certain if more conditions could be added to granting an extension to the existing PUD.

Pfost clarified this is an extension for one year of the original PUD.

Martin said he will look into the possibility if the Township Board can impose original conditions, if the Board desires such additional conditions when acting to extend the timeframe.

Garlinghouse asked when the timeline for the original PUD expires.

Martin said the expiration date is one year from the date of granting this request.

Kleinjans observed this project has had problems with access to frontage, land use problems, etc. Now we have a delay and the property is still for sale. He is uncomfortable with it.

Tom Post said once the owner decides to move forward with the project it won't be changed.

Ervine asked what happens to the property if it is sold to another owner.

Martin noted if they sell the property they must use it either as permitted by the PUD or as currently zoned. The PUD conditions go with the land if it is sold to another owner. The new owner would have to begin construction on the development with the new time frame.

Eade moved, supported by Garlinghouse, to recommend the consideration of granting the request to the Township Board based on the evidence presented.

Martin recommended the motion include the caveat that the Planning Commission recommends that the Board consider adding any appropriate conditions with the approval by the Township Board. He will review this before the Township Board meeting.

Eade amended the motion to include Martin's recommendation.

Roll Call Vote:

Garlinghouse, aye; Kleinjans, aye; Ervine, aye; Ppost, aye; Eade, aye.

Ayes 5, Nays 0. Motion carried.

B. Tree Preservation – Chapter 33

As a result of the establishment of a Tree Preservation Committee, requested by the Planning Commission, a draft of a new chapter to the Park Township Zoning Ordinance, Chapter 33, is submitted for review. The proposed language focuses on six areas:

- 1 – Street trees on certain roadways
- 2 – Prevention of clear cutting
- 3 – Stands of trees and wildlife corridors

- 4 – Reforestation or replacement of trees that have been removed
- 5 – Tree buffers in residential, commercial and industrial developments
- 6 – Lots not part of residential, commercial or industrial developments

Kleinjans, Pfof and Ervine participated in the committee discussion for the development of guidelines.

Kleinjans reviewed the more significant recommendations to be considered by the Planning Commission. He pointed out that all key considerations are based on the Master Plan. The Committee discussed the concept of preservation of heritage trees but concluded identification of such trees would be difficult. They wanted reasonable and well balanced recommendations.

In developments the Township can insist on buffers. The numbers in the proposed language are recommendations and given as placeholders. The committee looked at tree-lined streets, PUDs, and canopy preservation

Ransford said they looked at residential developments. If a tree is within the right-of-way the Road Commission could pull them. Trees between the road and sidewalk are within 40' from the street right-of-way.

With regard to **tree-lined streets**, Kleinjans shared a map showing major streets in the Township that should be considered for tree preservation. The committee recommends that no property owner can remove a tree within the street right-of-way of 40'.

Martin said there is shared control over rights-of-way, with both the County Road Commission and the Township having authority, but primarily by the Road Commission. You can ask them about canopy trees, they are open to listening in most areas, but they will have the last word.

Pfof asked if we have an ordinance, does that give it more teeth in dealing with the Road Commission.

Martin said the Road Commission generally has the last word regarding right-of-way situations. Health and safety are considerations the Road Commission has. These will outweigh aesthetics, which is the Township's primary consideration.

Ransford said the Road Commission can come back to us if the trees interfere with the right-of-way.

Kleinjans noted that 40' from the street right-of-way is a placeholder number. The biggest negotiable item is distance from the front yard.

Ransford noted we can always modify this if it should change in the future given a Road Commission alteration in policy.

The Planning Commission discussed whether 160th should extend from New Holland or Quincy to Ottawa Beach Road or Post Road. It was agreed the distance for this major artery be from New Holland to the north to Post Road to the south.

With regard to **tree stands**, the committee agreed they should be preserved in residential developments of two or more. Buffers are a requirement in preservation of trees.

Wildlife corridors should be maintained by connecting buffers and tree stands, especially if two developments are next to each other. Within wildlife corridor buffers dead trees are natural and shouldn't be removed.

Regarding **clear cutting**, the committee agreed we don't want people clear cutting. If clear cutting is deemed necessary for legitimate agricultural use it has to be maintained as agricultural land for five (5) years.

For preservation of **canopy** trees, the definition must be clear as to how much is trimmed from the bottom of the tree. The recommended numbers: a tree can't be trimmed more than 8' above ground, or 5' from the highest point of the building.

A **reforestation** plan shall be performed by a Forester and include a management plan for the development. Such a plan of no less than 25% of the trees removed at six (6) inches or greater in diameter, if removal is necessary, shall be required.

Pfost emphasized this special committee effort is for the public benefit on behalf of tree preservation.

Ervine said this initial effort isn't perfect but it is a first try at getting something definitive on paper for consideration. Enforcement will be the problem, but the committee tried for balance.

Eade observed it is very comprehensive but not overly regulatory.

Pfost asked Martin for the next step in getting the Tree Preservation Committee's report approved.

Martin said the next step is to schedule a Public Hearing at the next meeting of the Planning Commission. It could have modifications following public input and discussion. It will then go to the Township Board for review and approval.

Pfost asked for a motion to send the report back to staff to request a Public Hearing for the next agenda. We can look at it again then hold a Public Hearing, then send our recommendations to the Township Board.

Ransford suggested merging residential with the commercial and industrial development in the language since there is only one difference, as recommended by Commissioner Kleinjans. Tree stands are usually not involved in commercial development. All agreed.

All supported including the road artery of 152nd from Butternut Drive to Ottawa Beach Road for roadway identification.

Eade moved, supported by Ervine, to direct staff to revise the language as discussed and advance the proposed Chapter for a Public Hearing at the next meeting.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

C. Master Plan Map

Ransford introduced this item. As follow up to the Planning Commission's request of staff to identify parcels identified in the Public/Open Space Classification (POSC) of the Park Township Master Plan, 47 have been inventoried for review. Ransford noted the inventory includes the Future Land Use Map with numerical markings for convenience of reference.

The rare exception to this inventory will be the identified Ottawa Beach Neighborhood properties.

He said he could print a large map of the public entities on the list that he submitted for ~~the Planning Commission~~ to review to enable continued discussion.

Pfost recommended a review of what these should be. Administrative connections need to be made. What is the underlying zoning for some of the areas? Could staff define private property vs. public entity?

Pfost asked if the Planning Commission should consider an amendment to the Master Plan regarding a plan and zoning requirements. He asked if the staff can put this list into a better format. Should we look at resort commercial areas to see if it should be R-3.

Pfost asked if we need a motion.

Martin advised a motion would be appropriate.

Pfost noted we are changing future land use not zoning.

Ransford said open space should be more clearly referenced in the zoning plan.

Ervine moved, supported by Kleinjans, to request Ransford to prepare a revised map of the public and open space properties for consideration of an amendment to the Master Plan map.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

PUBLIC COMMENT

Pfost opened Public Comment at 8:10 P.M.

There was no comment.

Pfost closed Public Comment at 8:10 P.M.

ANNOUNCEMENTS

1. Laketown Township Master Plan Comment Period

Ransford said his firm wrote the proposed Laketown Township Master Plan and discussed the minimal impacts on Park Township. There is a potential change in resort commercial language for the Eldean property on South Shore Drive. They may consider language to allow resort commercial zoning for this area.

There may be zoning language to allow greater density for the northern approximate third of the Township.

Eade said the high water level could create concern for the zoning ordinance. He mentioned the Eldean request of the Zoning Board of Appeals regarding raising the surface of their parking lot. A new covering will require a variance. This property owner's improvements impacts other owners regarding water flow into residential areas in this part of South Shore Drive. This is a potentially serious issue.

There will be a joint meeting on March 26, 2020 for the Township Board, Planning Commission, and the Zoning Board of Appeals to discuss affordable housing in the Township.

The next Planning Commission meeting date is April 8, 2020.

ADJOURNMENT

Garlinghouse moved, supported by Ervine, to adjourn the Regular Meeting at 8:25 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith R. Hemwall
Recording Secretary
March 13, 2020

Approved:
5/13/20