

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**
Holland, MI 49424

Regular Meeting

May 27, 2021
6:30 P.M.

CALL TO ORDER:

Chair Ervine called the regular meeting of the Park Township Planning Commission at 6:30 P.M., held in the Park Township Hall conference room.

ATTENDANCE:

Present: Jeff Pfof, Terry DeHaan, Dennis Eade, Rosemary Ervine, Diana Garlinghouse, David Kleinjans, David Koppenaal

Staff: Greg Ransford, Planner, Dan Martin, Attorney, Howard Fink, Manager

APPROVAL OF AGENDA:

Pfof moved, supported by DeHaan, to approve the agenda as submitted.

Roll Call Vote:

DeHaan, aye; Eade, aye; Ervine, aye; Garlinghouse, aye; Kleinjans, aye; Koppenaal, aye; Pfof, aye.

Ayes 7, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Kleinjans had two corrections on pages 8 and 10. DeHaan noted one error on page 4, and Koppenaal pointed out a necessary edit on page 11.

Kleinjans moved, supported by Garlinghouse, to approve the minutes of April 22, 2021 Regular Meeting as corrected.

Roll Call Vote:

DeHaan, aye; Eade, aye; Ervine, aye; Garlinghouse, aye; Kleinjans, aye; Koppenaal, aye; Pfof, aye.

Ayes 7, Nays 0. Motion carried.

NEW BUSINESS:

1. Timberline Woods Pond – 70-15-13-100-020

Ransford noted this is a Special Use Permit application from Ike Koetje of ICK Properties, LLC, or Timberline Woods Subdivision, to establish a pond within the R-3 (Residential) zoning district. The property is located at 70-15-13-100-020, south of Riley Street, east of 152nd Avenue. The site is subject to a recent plat approval. The application is submitted pursuant to the R-3 provisions of the Park Township Zoning Ordinance (PTZO) and the provisions of Chapter 3-Review and Approval of Site Plans. Ransford explained the application for the pond as expected. The Township Engineer has looked at it and given preliminary approval.

Staff recommends approval with two conditions: 1) prior to construction of work all other permits or approvals from other governmental units or agencies have been obtained, for example, approval of the Ottawa County Water Resources Commissioner for any ponds that would come under the jurisdiction of that office and any approval/permit that may be under Part 301 of the Natural Resources and Environmental Protection Act; and, 2) the applicant shall receive a storm water permit from the Ottawa County Water Resources Commissioner's office for the plat prior to the construction of the pond.

PUBLIC HEARING

Ervine opened the Public Hearing at 6:37 P.M.

Jon Male, representative of applicant from Exxel Engineering, spoke to the Timberline Woods pond request. He explained this is a 51 lot subdivision. They plan to move ahead with construction this summer. The pond is required for storm water management to build up the lots to accommodate for the water table. The proposal is before EGLE for approval and has been submitted to the Ottawa County Water Resources Commission for review. He has received preliminary comment from the Water Resources Commission. There are minor issues he is working on.

Timberline West has two ponds adjacent to this property. They haven't needed aeration so they don't plan to do it for this pond. If there should be a need for aeration or treatment in the future the homeowners' association will be responsible. They will also be responsible for maintenance.

Garlinghouse asked about the depth of the pond – is 15' the deepest part? Her concern was the safety factor with regard to children gaining access to the pond.

Male said it is in the ordinance, if the pond is too shallow there is opportunity for weeds to grow. There is a safety shelf that is standard and then the pond level goes to 15'. The pond has to be at least 10' to keep the water clean.

Garlinghouse also asked about the homeowners' association's responsibility for aeration.

Male said they aren't planning on providing aeration.

Koppenaar asked about storm water retention. What is the required depth for the pond?

Male said none of the depth below the pond surface is needed for storm water control.

Kleinjans asked if there was a plan to access the pond for maintenance to avoid passing over private property.

Male said there will be a drainage easement surrounding the pond for access by the Water Resources Commissioner and the homeowners' association.

DeHaan asked for the distance from the pond to residences. He would like a reference to the location of the pond on the map.

Male pointed out on the map the pond location and said homes back up to the pond with a buffer. There is not a direct access.

Ervine closed the Public Hearing at 6:47 P.M.

Pfost addressed the environmental issues, particularly the aeration question. The applicant has done what is possible for a safe environment. Of course, we don't want unnecessary harm for residents. Aeration is a nice thing but it takes energy to do this. Not all ponds require aeration. The homeowners' association would be able to deal with that in the future if necessary.

Martin said liability with respect to accessing the pond falls on the homeowners association not the Township, but that doesn't mean the Township isn't concerned about the safety features for the pond.

Kleinjans asked if all 51 homeowners will be responsible for the cost of the pond.

Male said it would probably be those closest to the pond.

Garlinghouse asked if solar power can be used for aeration.

Pfost said because of the energy load the pumps require it isn't feasible. You need surface area large enough for the path of solar array. It becomes difficult to justify.

Koppenaar said there are two large ponds in Timberline West. The homes on the pond cost more but it is not burdensome.

Ervine asked for review of considerations:

1-Will the proposed pond be detrimental to neighboring uses, persons, property or public welfare?

Access to the public will be minimal – it would require effort to get to the pond.

2- Potential for stagnant water created by the pond
The developer has approached this appropriately

3 –Adequacy of protection from adverse impact –
On one side the homes provide a natural boundary. Could there be a trespass problem?

4- Site Plan standards

5- Special Use standards

6 -Use Regulations

7– Outdoor Pond standards

DeHaan noted there should be a condition that the developer be required to have insurance while the pond property is under construction.

Martin suggested the Planning Commission should also consider whether there should be a letter of credit as a condition. This is financial insurance until the pond is completed as approved, if approved by the Planning Commission. This should be from a Michigan bank in the amount determined by the Township Engineer.

Pfost asked if the applicant needs to get a permit from the Water Resources Commissioner.

Ransford and Male confirmed this is in process.

Kleinjans moved, supported by Eade, to approve the site plan as presented, which includes following documents:

1. Special Use application prepared by Exxel Engineering, dated April 29, 2021
2. Response to staff comments prepared by Exxel Engineering, not dated.
3. Township Engineer response, dated April 28, 2021
4. Pond permission prepared by KVV Venture LLC, dated May 17, 2021
5. Tree planting plan prepared by Exxel Engineering, revised April 29, 2021
6. Grading and Soil Erosion Control Plan prepared by Exxel Engineering revised April 27, 2021

With the following conditions:

1. Prior to the start of construction work all other permits or approvals from other units or agencies have been obtained, for example, approval of the Ottawa County Water Resources Commissioner for any ponds that would come under the jurisdiction of that office and any approval/permit that may be under Part 301 of the Natural Resources and Environmental Protection Act; and,
2. The applicant shall receive a storm water permit from the Ottawa County Water Resources Commissioner's office for the plat prior to the construction of the pond.
3. Applicant shall submit a letter of credit from a Michigan Bank and in a suitable amount as determined by the Township Engineer, and liability insurance in the amount of \$100,000 per occurrence for the pond while under construction.

Roll Call Vote:

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

Ayes 7, Nays 0. Motion carried.

2. **Outdoor Discovery Center, Preschool – 70-15-23-400-058.**

Ransford introduced this item. This is a Special Use Permit application from Outdoor Discovery Center to establish a new preschool with associated buildings, parking and a pond within the R-3 Residential Zoning District. The property is located just north of the Township Hall on property previously part of the airport, within parcel number 70-15-23-400-058, on the west side of 152nd Avenue. The application is submitted pursuant to the R-3 provisions of the Park Township Zoning Ordinance (PTZO), the provisions of Chapter 3 – Review and Approval of Site Plans, and Section 38-504- Outdoor ponds of the PTZO.

Ransford introduced Hillary Taylor, Associate Planner. She will be assisting Ransford on site plan projects including the application from the Outdoor Discovery Center.

Special use: parking, landscaping, extensive tree planting, pond, etc. This is the first application since the adoption of the Tree Preservation language. It includes special use for landscaping, tree planting, a pond, wildlife corridor and buffer areas. The new ordinance for tree preservation language will be an important part of this application.

The application requires relief from the Zoning Board of Appeals for parking space, and the applicant must seek permission from the property owners to the north for setback to the pond. With regard to the Water Resources Commission, communication will happen and he will provide this information in the near future.

Travis Williams, CEO of the Outdoor Discovery Network. Eight to nine years ago they developed a nature-based preschool. ODC purchased the former airport property in April. It is not a traditional school - the children are outside most of the time. They have had a waiting list of students numbering 150. The goal is to expand facilities and the opportunity arose last October to build a campus on the north side. The ODC board approved 2 ½ million dollars to devote to this project. The objective is to open for the 2022 school year.

He has hired a company to develop a master plan for the living lab design. He discussed the ecological concepts plan. His plan is to develop pathways, water areas, trees, etc. There is a county drain in a buried culvert on the site. He has met with Joe Bush, Water Resources Commissioner. They will improve the quality of the drain site and plant around it. They will also create a rain garden environment in upper portion where pond will be.

There is a bike path on 152nd Avenue and there is interest in how the property can be connected to that bike path. The land behind the school building will have fences to meet codes. The playground and buildings will be secure. There will be a natural area around the perimeter.

The goal is excavation work which will build topography on the flat property. They will create hills to add interest. The Architect and Exxel Engineering representatives are present if the Planning Commission has questions.

There will be a lot of trees that will be planted and they will work with natural resource restoration to revegetate the property. The ODC staff are working on this with a planting plan.

PUBLIC HEARING

Ervine opened the Public Hearing at 7:24 P.M.

There was no comment.

Ervine closed the Public Hearing at 7:24 P.M.

Ervine commended ODC on its site on the south side and was pleased to see their interest has extended to the north side of the area.

Pfost thanked them for this project which will provide enrichment to the Township.

Kleinjans said there has been concern what would happen to the airport property and he is very pleased with this opportunity.

Garlinghouse asked if the property was owned by the City of Holland.

Williams said it was owned by the Chamber of Commerce.

She said it will be a wonderful addition to the Township

Kleinjans asked about the water in the ponds. Will it be standing water?

Travis said the goal is that the ponds will have planted vegetation. It will be a part of the water system.

Kleinjans asked about mosquito control.

Travis said if the ecology is in balance mosquitoes are not a problem. Natural habitat planning ensures this protection.

Kleinjans asked about the safety issue. Will there be fencing? Will it be open to the public?

Williams said it is part of the plan to have secure fencing. With regard to public access, it is how you set up trailheads and access points. Biking and walking aren't good for shared pathways. They handle that with signage.

Travis said school wouldn't be year-round. The Education Center is used for training, rentals, and is open year-round. There will be a library for public use. Herrick Library will offer library services to the Park Township community. During the summer there will be camp programs. He added that the Outdoor Discovery Center is a non-profit organization.

Garlinghouse asked about the cost to attend the school.

Williams said there are several programs: the offerings include a mix of half day and full day classes. The cost is \$600 for a year for the one-day program and the cost goes up from there.

Eade asked about water that passes through the property – where does it end?

Williams says the drain outside of the natural area goes into the woods.

DeHaan asked about a pathway to the bike path.

Ransford said that pathway is regulated by the Township and the angle of the path will be determined as appropriate by the Township Engineer.

Williams said there will be two access points – one the on north side, and one to the east.

Travis said they don't gate everything. They have signage regarding no overnight parking, etc.

Ryan Ysseldyke of Holland Engineering addressed the questions regarding parking and lighting. He explained that there is a parking stop in front of every parking space. There are parking bumpers that face the green space. The idea is for water to drain from the lot surface to the green wetland area. They want to eliminate curbs and will design bumpers. The bumpers will be eliminated near the areas where water drains to the rain garden.

Pfost asked Ransford if there is an ordinance requirement for the applicant with regard to stops and bumpers and a variance required.

Ransford said there is an ordinance for wheel stops or bumpers.

Pfost asked if a variance can be requested from the Zoning Board of Appeals. What is the best way to handle water runoff?

Ysseldyke said the current plan shows wheel stops, however, he could appeal to the Zoning Board of Appeals.

Pfost asked Legal Counsel if the Planning Commission approves the special use, can the applicant go forward?

Martin said if the Planning Commission is agreeable that the requirement for bumper stops has in fact been met, you can approve the special use, or you could include a condition that bumper stops be provided as required by the ordinance unless the ZBA grants the applicant a variance more than likely it won't be an issue. Maybe the ordinance could be revised to be more environmentally friendly to bumper stops.

Kleinjans said he didn't understand why they are required.

Ransford explained the design or purpose of bumper stops is for safety reasons. The ordinance could be amended which would take two to three months.

Eade encouraged the Discovery Center to go to the Zoning Board of Appeals.

DeHaan asked about the Van Wieren property – any future plans in that direction?

Williams said the Van Wieren woods might provide a hiking place for the children to go for walks in that area. It's public land. When you work with a preschool you are working on establishing a routine; once that passes the children venture beyond their normal space. It will depend on the connections the Township wants in the future.

Ervine said we should have a letter of credit.

Pfost asked Staff for a recommendation about the letter of credit.

Fink said letters of credit are determined by the Township Engineer. The amount of the letter of credit is determined by the improvement of infrastructure, etc. Any time you would have a letter

of credit on an application the engineering staff determine the amount. Regarding the type of credit, it is the advice of Legal Counsel that is appropriate.

Martin advised that if you require a letter of credit, it should be obtained at a Michigan bank, subject to the laws of laws of the State of Michigan and with the venue being Ottawa County. The amount should be determined by the Township Engineer, as noted by the Manager. The issue is if the infrastructure on the property is not built properly or timely, then the Township has access to money to be sure it is fixed appropriately. Since the Discovery Center typically includes ponds in their projects, there is internal motivation that may not necessitate the consideration of a letter of credit.

Ervine asked about the permission of the neighboring family on the property.

Williams said he reached out to the family and he is waiting for the family to return his call.

Ysseldyke addressed the public sanitary sewer on 152nd and in front of the Township offices. To extend the public sewer it would require a 750' extension. The Township requires extension to the furthest point on the property line. Now that dimension is over a 2000' extension down a public road. This would be expensive. The direction they decided to go is septic rather than public water.

Ervine asked about cost.

Williams said the original goal was to hook to the sanitary sewer. Dollars and sense say no – this would be too expensive. He would rather not have a septic system, however, they will make it as unobtrusive as possible given the planned hilly topography they will put in on the property.

Ransford said we could look into the connections. If this is approved and sanitary can be made available the Township could look into it.

Kleinjans asked if they are using permeable surfaces.

Ysseldyke said the parking lot is to be permeable asphalt. They are running water off the lot to the infiltration rain garden area. They have the extra space for water management.

Kleinjans also asked about the trees along 152nd Avenue.

Williams said the intention is to plant trees along 152nd Avenue.

Ervine advised reviewing the considerations and conditions as presented by the Staff Memo.

Kleinjans asked if it make sense to wait until the next meeting to allow submission of a revised plan.

Pfost opposed this idea.

Koppenaar suggested to make it a condition.

Garlinghouse moved, supported by Pfost, to approve the site plan for the Outdoor Discovery Center proposal for the Preschool, which includes the following documents:

- 1 - Outdoor Discovery Center (ODC) Pre-school sheets 1-7 prepared by Holland
- 2- - Engineering, project No. 21-02-010, dated April 12, 2021
ODC Pre-school north, Sheets 1-14 prepared by Lucid Architecture, dated April 5, 2021
- 3- -ODC Pre-school sheets 1-7 prepared by Holland Engineering, project No. 21-02-010,
revised May 5, 2021
- 4 -D-Series Size O LED area luminaires with proposed photometrics
- 5 -Reference elevations prepared by Lucid Architecture, Sheet A300, dated May 13, 2021
- 6 -Report of the Geotechnical Investigation for ODC Pre-school North prepared by Soils and Structures, dated April 8, 2021
- 7- Response to staff review comments prepared by Holland Engineering, dated May 6, 2021

With the following conditions:

- 1 – Provide written permission from the adjoining property owner for this pond location less than 75 feet from the adjacent property.
- 2 – Provide evidence of approval from the Ottawa County Water Resources Commission
- 3 – Obtain a drive entrance permit from the OCWRC
- 4 – Receive a permit for the septic system from the Ottawa County Public Health Department
- 5 – Gain approval for the water connection from the Holland Board of Public Works
- 6 – Gain review and approval from the Park Township Engineer for the connection to the bike pathway
- 7- The applicant shall provide a street tree plan consistent with the Township Tree Preservation ordinance
- 8- Provide an easement for the existing bike pathway that is not in the public right-of-way
- 9- Staff to determine the feasibility of a public sanitary sewer connection

Roll Call Vote:

DeHaan, aye; Eade, aye; Ervine, aye; Garlinghouse, aye; Kleinjans, aye; Koppenaar, aye; Pfof, aye.

Ayes 7, Nays 0. Motion carried.

The Planning Commission agreed to take a five minute break at 8:10 P.M.

The Planning Commission reconvened at 8:20 P.M.

OLD BUSINESS

1. Definition of Building Height

Ransford said, in accordance with the recent direction from the Planning Commission, the Township hired an architect, Andy Baer, to test the two versions of the definition of Building Height in an effort to minimize any unintended interpretation. The following version is presented as a result of Baer's review.

BUILDING HEIGHT – The vertical distance measured from the average existing grade, measured three linear feet out from the structure, to the highest point of the roof surface. The average existing grade shall be established using the Ottawa County Geospatial Insights and Solutions Department, or successor department, 2018 contours and shall be measured by utilizing no more than four points, each located at the center of the generally north facing elevation, east facing elevations, south facing elevations, and west facing elevation of the proposed structure.

This revision will be scheduled for a public hearing.

Pfost moved, supported by Kleinjans, to schedule this for a public hearing.

Garlinghouse asked if someone pours a foundation and builds on a lot and they are cited for a building height violation do they have to start over.

Martin said the homeowner might be able to argue the case in court. The Township could cite them for a municipal civil infraction. Regarding earth change, the Township can regulate how much earth fill is done on the property. The Township doesn't regulate moving earth around the property, however, the Township does regulate moving earth onto the property.

Ransford said we have the definition of the building height – we can make sure if someone disobeys the ordinance on a lot. Are surveys required before a building permit?

Fink said he didn't know. If a survey is required the difference in height would be apparent after the fact.

Martin said the Township can insist that an owner removes the fill brought in from off the property.

Voice Vote:

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

Ayes 7, Nays 0. Motion carried.

2. Master Plan – Framework and Comprehensive Memorandum

Ervine asked Ransford for an update on the Comprehensive Memo prepared by the Staff.

Ransford said the Framework has been added. It's a general outline based on what is recommended in the Memo. It is designed for reviewing one or two chapters at a time. It's a guideline on what we want to accomplish. A couple of workshops could cover what is important. Do you want to review the list in the memo? Before beginning the process he wanted to hear from the Planning Commission.

Kleinjans said he would like to see an outline of the Table of Contents what the Master Plan will look like when we are done.

Ransford said he could provide a structure.

Ervine asked Ransford if he needed anything else.

Ransford said the strategic planning discussion tackled a few items on the list.

Do you want to do a community survey? An online survey reaches more people than the workshops.

Kleinjans said some of the topics such as sustainability aren't relevant today. In his opinion most are appropriate. We need to keep an open mind regarding goals as we go through process.

DeHaan observed the Township has grown 20% in the past five years. It is important to reach these new residents.

Ransford said he wants to talk with large property owners.

DeHaan suggested a survey would be helpful.

Ervine said she got a call from a resident who said he felt preservation of the agricultural area is important.

She hoped we could survey the agricultural property owners for their opinions.

Garlinghouse asked about donated land.

Fink said with regard to donated land it is done through conservatorship. There is a transfer program of properties. It is a complicated system. The other option is a millage program where the municipality identifies key sites and uses money to buy those sites.

DeHaan said he was aware of an arrangement where a farmer can determine his farm shall remain farmland in perpetuity.

Martin said it is done through conservation for farmland. The rationale regarding the transfer of development rights has to do with the Constitution prohibiting the taking of private property for a public purpose without compensation. The state or municipal authority has to pay for the property rights – the future development rights in the bundle of sticks – that may be given up by the property owner. Allowing the rights to be transferred is a way of allowing the property owner some economic return on their investment-back expectations. The property has to be used according to the zoning district, or be rezoned.

Ervine asked Ransford to follow up on this idea on behalf of the Planning Commission.

Fink said the transfer of property is a complicated topic. Ransford and Fink could provide a detailed presentation on how it works if the Planning Commission is interested. It is the market answer to open space and farm land preservation. The market dynamics have to be right.

PUBLIC COMMENT

Ervine opened Public Comment at 8:47 P.M.

There was no comment.

Ervine closed Public Comment at 8:47 P.M.

ANNOUNCEMENTS

1. The next meeting will be June 24, 2021
2. ZOOM alternative for participation

Martin said under the Open Meetings Act, especially during the pandemic, for the PC allowed members of the PC and the public to participate electronically via ZOOM. Under the revised OMA, the Township is limited to three authorized reasons for electronic participation in meetings by the members of the PC: If a member is in active military duty, has a medical condition, or lives in or the meeting is held in a community that has declared as a state of emergency, electronic participation is permitted. You would have to identify where you are meeting from in the last two situations. Otherwise, you have to be in person to participate. If any Planning Commission members are meeting remotely you have to allow people on ZOOM. The difficulty is in handling public comment. If you are all here you don't have to. The meetings will be recorded in real time to allow the public to observe the meeting.

DeHaan said he would like to participate via ZOOM if he should be out of town. Could he participate in Public Comment?

Martin questioned this since he is a member of the Planning Commission and his participation remotely would be a violation of the Open Meetings Act unless one of the three conditions applied. Even if you aren't voting, you are participating. The Open Meetings Act requires participating in a deliberation participation and decisions in a meeting in person.

Pfost said the Chair should work with Legal Counsel to do this correctly.

Fink is sending Planning Commission members a note regarding Township e-mails. As a reminder, the Township e-mails are not personal e-mails.

Ervine thanked Pfost for his ten years of service.

DeHaan said he will be sharing information from the Planning Commission with the Township Board.

ADJOURNMENT

Kleinjans moved, seconded by Koppenaar, to adjourn the meeting at 9:05 P.M.

Respectfully submitted,

Judith Hemwall
Recording Secretary
May 30, 2021

Approved: June 24, 2021