

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**

Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
October 14, 2020
6:30 P.M.

DRAFT COPY

CALL TO ORDER:

Chair Pfost called to order the regular meeting of the Park Township Planning Commission at 6:30 P.M., held at the Township Hall.

ATTENDANCE:

Present: Dennis Eade, Terry DeHaan, Diana Garlinghouse, David Kleinjans, Jeff Pfost

Absent: Rosemary Ervine, Denise Nestel (both with notice)

Staff: Greg Ransford, Planner, Dan Martin, Legal Counsel, Howard Fink, Manager

APPROVAL OF AGENDA:

Motion by DeHaan, supported by Garlinghouse, to approve the agenda as submitted.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Motion by DeHaan, supported by Eade, to approve the September 9, 2020 Regular Meeting Minutes as submitted.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

NEW BUSINESS:

Public Hearings –

A. Harrington Woods, LLC Map Amendment Request

Parcels 70-15-35-363-001, 70-15-35-363-002, 70-15-35-363-011, 70-15-35-363-012. The applicant seeks conditional rezoning from R-3 Low Density Single- Family Residence District to R-5 Low Density Multifamily Residence District. The applicant proposes to construct one duplex on each parcel resulting in four two-family dwelling units.

Ransford introduced the item. The applicant requests rezoning to the R-5 district and his voluntary offer is there will be no multi-family buildings constructed on the properties. He noted in the Staff Memo Emma Posillico, Zoning Administrator, provided an analysis of what R-3, R-4 and R-5 would look like given the surrounding classifications to this property according to the Master Plan. She also provided the list of standards that would have to be met (see below). Her recommendation was for denial on the basis the proposal does not conform to the Master Plan and is not consistent with the surrounding community. She prepared a resolution to that effect, in the instance the Planning Commission agrees.

If the former Harrington School area is reclassified to LDR (Low Density Residential) the current Master Plan indicates that this classification “includes diverse neighborhoods from the north side of Park Township to the south side. Typically the LDR area features single family homes and the focus of this land use designation is to preserve single family character as the dominant land use. While existing two-family dwellings are permitted, further development of new duplexes or the conversion of single family homes to duplexes or multi-family dwellings is discouraged.” Given that the applicant proposed four duplexes on the subject properties the proposal does not appear to align with the description for the LDR land use classification.

As required by Section 38-129(3) – Rezoning Criteria of the Park Township Zoning Ordinance, the Planning Commission must review four criteria when considering an application to amend the Zoning Ordinance Map.

- a. *Whether there is consistency with the goals, policies and future land use map of the Master Plan, including any sub area or corridor studies. If conditions have changed significantly since the Master Plan was adopted then consistency with recent development trends in the area shall also be considered.*
- b. *Whether there is compatibility of the site’s physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.*
- c. *Whether there is evidence that if the current zoning remains enforced, the restriction may preclude the use of the property for any purpose to which it is reasonably adapted.*

- d. *Whether there is compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic safety impacts, aesthetics, infrastructure, utilities, potential influence on property values, and the general health, safety and welfare of the Township.*

In addition, as required by Section 38-129(4) – Conditional Rezoning of the Park Township Zoning Ordinance, the Planning Commission and Township Board shall also consider whether the request and conditions voluntarily offered meet the following criteria:

1. *Bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning,*
2. *The surrounding neighborhood and minimizes any potential impacts to adjacent properties,*
3. *Will lead to a development that is more compatible with abutting or surrounding uses than would have been likely if the property had been rezoned without the proposed voluntarily offered conditional zoning agreement, or if the property were left to develop under the existing zoning classification, and*
4. *Meet the basic requirements of the requested zoning district.*

DeHaan asked why the R-5 zoning was requested instead of R-4.

Ransford said he doesn't know why the applicant chose R-5. He conditions there would be no multi-family structure built on the property. It could have been done with R4.

DeHaan said there would be a lot restriction more than 20,000 square feet.

Ransford replied that would have to be met with the R-5 designation.

The applicant, Matt Wickstra, said he bought the property from the school district. His vision was to create housing for teachers since it has been mentioned teachers have a difficult time finding affordable housing. There is no sewer available so it restricts development. He asked for R-5 zoning because the house across the street is R-5. He clarified the term "townhome."

Regarding consistency with the Master Plan and compatibility with the surrounding community, he offered that what he is requesting is consistent with the classification. A two-family structure is allowed in a two-family home. The square footage is consistent. It is a diverse neighborhood and townhomes are compatible and make a nice transition use. Regarding density, with the two acre development, the average size would be 1500 sq. feet per unit. It will be owner occupied not rental.

Wickstra shared copies of the concept site plan. The size of each unit will average 1500 square feet. The average square footage is about 2200-2500 in the neighborhood.

Martin said the Planning Commission can look at the site plan but it means nothing to the discussion before the Commission because it was not voluntarily offered as part of the proposed conditions. Without it being voluntarily offered as a condition that the owner will follow the site plan he's handing out tonight, there is no guarantee that he will follow the site plan.

PUBLIC HEARING

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

There was no comment.

Pfost closed the Public Hearing at 6:51 P.M.

Pfost advised with regard to the issue of the Master Plan, the Planning Commission looked at higher density residential units that are desirable and needed. One thing that drives this is in regard to infrastructure that goes with high density residential - primarily sewer and water. This requires a lot of money, public coordination and time. Usually what we see is most of the time infrastructure goes first then the development follows. In terms of zoning we have to be careful of spot zoning circumstances. The standards address this.

Martin asked about the term "owner occupied." Is this a condition being voluntarily offered? If not, there is no requirement that it will remain owner occupied.

Pfost says what he reads in this request is with caution - when we have a PUD we can work out the details. Is this correct?

Martin said there is negotiation in a PUD with a back and forth among the Planning Commission members, the Township, the Township Board, and the applicant regarding a proposed development. However, in a conditional rezoning, the developer volunteers proposed conditions in writing that can be accepted or rejected. There really isn't a negotiation. The Planning Commission doesn't have authority to require any particular conditions. In this case, the Planning Commission considers only what has been voluntarily offered in writing. He understands that the condition is there would be no multi-family dwellings. The focus should be on rezoning and the conditions that have been voluntarily offered.

Fink offered a point of clarification. He has been involved in this development for some time.

He has several concerns and, depending on Planning Commission deliberations, it is important to know this is not a property that has Master Plan intended infrastructure. There are only four lots. There is sewer in the vicinity of this property but not close enough where it has been advantageous to extend the sewer. There would have been complications regarding the Health Department.

Pfost said we are in a fortunate situation in most areas of the Township in having granular soil which is amenable to allowing septic systems to be installed as an alternative to public sewer.

DeHaan asked if the infrastructure would be east of this development.

Fink said it would be east of the development.

Fink said the developer was able to use County standards for septic so it wasn't so cost prohibitive.

Wickstra said it would cost \$700,000 to put in sewer. He added that the deep water table is 12' and the soil is sand on this property.

DeHaan asked Ransford what the distribution target was for the Public Hearing notice.

Ransford said the notice is sent to residents 300' from the property no less than 15 days from the date of the meeting, and notice is also published in the paper.

Garlinghouse asked about the makeup of the community.

Ransford said this was unknown.

Pfost said with regard to the rezoning considerations, the standards decided on by the Planning Commission will go to the Township Board. He has grave concerns rezoning is not consistent with the Master Plan. Conditional rezoning is a red flag. We should consider this in the deliberations.

Kleinjans said we have not been successful with conditional rezoning. He does not support it. The other concerns are the commercial properties in the area and he doesn't know about affordable housing on the south side. It appears this area is a good location for affordable or transitional housing. Sewer concerns about the Master Plan are negatives. There seem to be multiple issues.

Eade agreed that rezoning is problematic. And he noted that affordable housing rules and regulations are being considered by the State so most communities are waiting for the State's

approach and guidelines for municipalities. He advised we should wait for State guidance and be consistent with the guidelines in the Master Plan.

Pfost requested a motion to deny the request. He appreciated the background work done by the Staff on behalf of this request.

Kleinjans moved, supported by Garlinghouse, to accept Staff's recommendation to deny the request and forward to the Township Board for their review through the draft resolution.

Pfost asked the members of the Planning Commission for their thoughts on this request.

Garlinghouse said she did not like conditional rezoning and spot zoning. She cited the Master Plan and what it represents.

DeHaan concurred. He is conflicted about the conditions and how many there would be.

Martin said the applicant has submitted an application to the Township Planner for conditional rezoning with the single voluntary condition that multi-family dwellings not be allowed as a permitted use. This is the only voluntarily offered condition submitted in writing. The Township allows people to apply for conditional rezoning. The applicant can go to the Township Board and that body can waive the conditions. The applicant could offer more voluntarily conditions to the Township Board. The Planning Commission considers what is offered to it in writing tonight, and then makes the recommendation to the Board.

Pfost said we have considered density requirements because of the Master Plan guidelines. We drew the line with multi-family requirements.

Garlinghouse said there aren't a lot of differences in that community. We have to be careful about people turning their homes into duplexes.

Wickstra said R-4 zoning would work for him. By submitting the condition he was avoiding the spot zoning problem.

Ransford said the property is currently platted as R-3.

Ransford asked if the Planning Commission's intent is to move the recommendation for denial to the Township Board and accept Staff's resolution as submitted.

Pfost understood that was the intent of the Planning Commission.

Ransford read the resolution, in part:

WHEREAS, after the public hearing and Planning Commission discussion on October 14, 2020, Kleinjans provided a motion to recommend denial of the conditional rezoning application, which was seconded by Garlinghouse and approved by a vote of 4 to 1.

WHEREAS, the Planning Commission held the required public hearing on October 14, 2020, and found the following:

- a. Harrington Woods, LLC failed to establish that the conditional rezoning request satisfies the rezoning criteria, as required by Section 38-129(3) of the Zoning Ordinance for the following reasons:
 1. The request is not consistent with the goals, policies and future land use map of the master plan because it recognizes the property as a low density residential and not multi-family use, which also lacks the infrastructure to support multi-family development.
 2. There was no evidence provided that if the current zoning remains enforced, the restriction may preclude the use of the property for any purpose to which it is reasonably adapted because the property can be used for single-family homes as zoned.
 3. The request is not compatible with all the potential uses allowed in the proposed zoning district, with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic safety impacts, aesthetics, infrastructure, utilities, potential influence on property values, and the general health, safety and welfare of the Township, because the introduction of duplex units and related density.
- b. Harrington Woods, LLC failed to establish that the conditional rezoning request warrants the offer of a conditional rezoning, as required by Section 38-129(4) of the Zoning Ordinance for the following reasons:

The conditions voluntarily offered will not ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties because of the duplex units rather than single family dwellings.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWNSHIP OF PARK, OTTAWA COUNTY, MICHIGAN, as follows:

That the Planning Commission recommends denial of the Harrington Woods, LLC application to conditionally rezone parcel numbers 70-15-35-363-001, 70-15-35-363-002, 70-15-35-363-011, and 70-15-35-363-012, Holland, Michigan 49423, to construct

four (4) two-family residences, based on the Planning Commission discussion on October 14, 2020, as reflected in the “Whereas” clauses of this Resolution. To confirm the Planning Commission’s decision of denial is because the Master Plan future land use recognizes this area as low density residential development and not a multi-family use area.

Pfost requested a copy of the resolution be included with the minutes.

Roll Call Vote:

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

Ayes 4, Nays 1. Motion carried.

Kleinjans said he hoped the Township develop a plan for affordable housing and a means for controlling infrastructure for future development.

Pfost said this is a future agenda item.

B. North Beach Subarea Master Plan Amendment

The Planning Commission is to hold a public hearing following the expiration of the comment period for the residents of the North Beach Subarea regarding the proposed amendments to the North Beach language of the Master Plan, as well as the related revision to the Master Plan map.

Ransford introduced the item. The Planning Commission has been working on the part of the Master Plan that provides direction for neighborhood preservation areas. These are old platted communities. A recommendation was made this past summer to adopt an Ottawa Beach overlay district and this amendment for North Beach is at the end of the process. This language modifies the North Beach Area and acknowledges emphasis on the Michigan Department of Natural Resources and Park 12 parcels that were part of the 2005 situation order that these areas be undeveloped and protected in perpetuity. The amendment identifies properties on the map. The language says they are never intended to be altered except for improvements necessary to manage the park property. There were four responses which do not necessitate revision to the draft language. The Planning Commission now must recommend this language to the Township Board for adoption.

Pfost added that Ransford received comments from Ottawa County, the City of Holland, and Wolverine Pipeline.

PUBLIC HEARING

Pfost opened the Public Hearing at 7:40 P.M.

Gail Schaumann spoke to the North Beach community. There are concerns regarding one neighbor who has a lot on which he wants to build a home. She has learned recently about concerns regarding Heritage Woods and possible overdevelopment. What does the Planning Commission recommend? Should residents ask the Township to have the area zoned differently?

Pfost explained the agenda item is regarding language for an amendment to the Master Plan for North Beach. Her questions cannot be addressed at this meeting. He advised speaking to Staff on this concern.

Pfost closed the Public Hearing at 7:46 P.M.

DeHaan moved, supported by Eade, to approve the North Beach Area language as drafted by the Staff and forward it to the Township Board for review.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

Site Plan Applications –

C. Benjamin's Hope – Preliminary Planned Unit Development – Major Amendment

Ransford provided the background. Benjamin's Hope is requesting a major amendment to the existing Planned Unit Development (PUD) located at 15468 Riley Street, Holland, MI 49424, Parcel Number 70-15-14-200-037, -038, and -039. The applicant seeks to construct a two-phase 9,500 square foot addition to the existing Community Building, as well as an additional 16 space parking area to the east of the Community Building. The single family residence for an on-site manager that was approved in 2017 has been removed from the Plan, as well as the proposed pool house and the portable building for day programming.

The intent of the requested PUD modifications is related to expansion of the existing community building to better serve the uses already accommodated in that building:

It is for the Planning Commission to consider only the additions to the proposal because there are no changes to the previous PUD request.

The proposed modifications were submitted to the Township Engineer for review but his comments have not been received yet.

Speaking for the applicant, Brian Dykstra, of AMDG Architects, spoke to the proposal. Benjamin's Hope is asking for expansion, not change in use, to expand day programming which will occur in the former office space. The expansion will also support multi-purpose space. The other part of the plan is the nutrition component, a future phase, which will include instruction space. It will be a two-phase project with construction in 2021. He highlighted a footprint to expand the area previously approved in 2017. The supervisor's home won't be constructed. They are asking for about 9500 square feet, slightly less from the previous total of 10,000. He clarified that the parking area will provide access to the new addition. It is an option but they aren't obligated to construct extra parking.

DeHaan asked if this is the same proposal that was presented to the Planning Commission a month or so ago.

Dykstra said it is the same.

Pfost clarified there are four considerations:

1. Open space - met
2. Bumper guards for parking area – can be part of the Final Plan
3. 15 spaces for parking which can be part of the condition of the Final Plan
4. Township engineer review – pending approval
5. Submission of Final Plan – to be done by applicant

Garlinghouse moved, supported by Eade, to approve the Preliminary Plan and direct the applicant to submit for Final Plan review.

Roll Call Vote:

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

Ayes 5, Nays 0. Motion carried.

D. Macatawa Legends – New Holland Street & 144th Avenue

Ransford introduced this item with an explanation of the history of the Macatawa Legends development. The applicant is submitting a Preliminary Planned Unit Development – Major Amendment – for review by the Planning Commission. The Macatawa Legends PUD was originally approved in 2004. Signature Land Development Company seeks preliminary approval for a major amendment to the PUD Plan for 58 lots for single-family residential site condominiums. The proposed PUD would also include required open space, three maintenance buildings, the existing Macatawa Legends golf course, private streets, street lighting,

landscaping, and other site improvements. The PUD consists of 19 parcels currently which includes the 91 acre golf course.

It is consistent regarding the planned low density. There will be a new street, a private road.

The Township Engineer suggests consideration of a path crossing on 144th Avenue at Georgian Bay Drive to direct pedestrians to the path network on the east side of 144th Avenue.

Pfost provided additional information about the original development of this PUD which is in two townships, Park Township and Holland Township. The lots were originally two acres. When the market collapsed in 2008 the balance of the property was never developed. A new approach has now been attempted to help move this project along.

Applicant, Michael McGraw of Signature Land Development, gave a brief overview of the proposed project. They have been involved for eight years. The community has been revived with this new project and he has hopes this will work better. The Ottawa County Water Resources Department, EGLE, and Ottawa County Road Commission have also been involved.

Overall, the gross density amounts to 58 homes on 155.8 acres. 47.8 of the 155 acres are being used in the development. The balance of the property is open space, golf course, ponds, and wetlands. This project is 31 acres. They also added a tree protection area. There are some natural areas along the west side of the property. Public paths will be an addition to open space. Bike paths and a small extension would be a patio area for walkers to rest and view the golf course. With this amendment the largest lots would be consistent. \$500,000 will be the starting price for the homes. This will be responsible use of the infrastructure that is already there. They sold the golf course and restaurant to the Watermark Group. The smallest lot is just under a half acre and the largest is close to 1½ acre. The total developed area is 47.8 acres with 58 homes on this acreage. Water services will be added for new homes.

DeHaan asked for the range of the acreage for the homes.

McGraw said the smallest is less than a half-acre, the largest is 1.4 acres. The lot size average is .98 acres.

Garlinghouse asked if there will be additional walkways to the restaurant. Will there be a crosswalk considered at 144th Street?

Considerations as outlined by Staff:

1 – Direction that open space preservation and maintenance agreement is reviewed by Township Legal Counsel

2 – Whether a wetland delineation is necessary – EGLE review and approval – does it need to be a condition? Ransford said it is not a necessity; it is an option. Martin said typically in a PUD

you would have a condition that the developer must comply with State and Federal rules. A boilerplate provision will cover this. The Planning Commission acknowledged that the applicant shall comply with any wetland requirements, if applicable.

John Tenpas spoke to this: the wetland area was established with the original development. The intent would be that they stand as protected in perpetuity.

3 – Whether an Environmental Impact Assessment is necessary – McGraw said there aren't many trees in the area. They would include restriction of any clearing in the language. The Planning Commission concluded no Assessment was necessary.

4 – Whether a tree survey is necessary – can this be documented in an inventory? McGraw said he agreed that trees 6" in diameter and larger cannot be cut down. The Planning Commission concluded a tree survey was not necessary, but agreed with the offer of the applicant.

5 – Whether a crossing on 144th Street is necessary. The applicant indicated they would be happy to put in a crosswalk and signage.

6 – Compliance with comments by the Township Engineer

7 – Confirmation from EGLE regarding permit for wetland

8 – Driveway permit from the Ottawa County Road Commission

9 – Private road maintenance agreement revision and review by Township Legal Counsel

10-Approval by Holland Charter Township Water and Sewer

11-Review and approval by the Ottawa County Water Resource Commission's office prior to Final Plan submission

Ransford pointed out in regard to the landscape plan on the northwest corner of the property, this should be part of the Final Plan and the Staff expects more details on this.

Mike McGraw acknowledged that he will provide details for the northwest corner with a berm and evergreen trees, most likely, on the final plans, as well as the details on the pocket park on the final plans and photos of the existing trees at the southeast corner of the property for the final plan.

Pfost said the applicant is to return with the Final PUD for Planning Commission consideration and forward to the Township Board at that time.

Kleinjans asked about the number of lots and if this will change.

McGraw said this won't change.

Motion: direct applicant to return with final PUD? Martin confirmed.

OLD BUSINESS

There was none.

PUBLIC COMMENT

Pfost opened Public Comment at 8:37 P.M.

John Daniel said he was in pursuit of a special use permit of property on Waukazoo Drive and Ottawa each Road and is working with Greg Ransford on the application. A site plan is part of his application. He submitted it to Ransford. He amended his plan as part of his variance request. He wants to add more parking on the south end of the property.

Pfost closed Public Comment at 8:39 P.M.

ANNOUNCEMENTS

1. Strategic Planning Meeting Rescheduling – Martin said there is new legislation regarding meetings. The State Legislature adopted emergency legislation that allowed remote meetings. They are trying to correct the requirement. He said a hybrid meeting can be scheduled to include a remote and contact meeting.

The Planning Commission agreed to schedule the Strategic Planning session on Tuesday, October 27, from 8:30 A.M. to 2:00 P.M.

The Public Lands and Open Spaces Zoning District and Master Plan Map are scheduled for the November meeting.

Ransford provided an update. A draft will be available at the November meeting along with the Master Plan map. Martin is reviewing it.

2. The next Planning Commission meeting date is November 11, 2020.

ADJOURNMENT

DeHaan moved, supported by Kleinjans, to adjourn the Regular Meeting at 8:53 P.M.

Voice Vote:

Ayes 5, Nays 0. Motion carried.

Respectfully submitted,

Judith R. Hemwall
Recording Secretary
October 17, 2020

Approved: