

PROPOSED MINUTES
LAKETOWN TOWNSHIP
PLANNING COMMISSION
4338 BEELINE ROAD
ALLEGAN COUNTY
HOLLAND, MI 49423
(616) 335-3050

June 2, 2010

ARTICLE I. CALL TO ORDER

Chairman Bob Cook called the Planning Commission meeting to order at 7:00 P.M.

MEMBERS PRESENT: Bob Cook, Linda Howell, Bob Slikkers,
Randy Becksvort, Ed Stielstra

MEMBERS ABSENT: None

STAFF PRESENT: Al Meshkin – Township Manager
Ron Bultje – Township Attorney
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the May 5, 2010 meeting. Following discussion, **a motion was made by Bob Slikkers and seconded by Linda Howell to approve the minutes as written. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. ZONING ORDINANCE DISCUSSION

Chairman Cook explained that the current document contains suggestions from Township Attorney Ron Bultje. He recommends that the Commissioners review the changes for discussion at the next meeting. He asked that Ron begin to look at what the actual ordinance may look like. Ron responded that the ordinance mirrors the guidelines and questioned if that is what is being requested. Ron stated that the actual language of the Zoning Chapter will address how the guidelines are applied. Bob stated that it would be nice to have a complete package of the Zoning Chapter and the Guidelines for review. Al Meshkin suggested addressing the highway commercial district first as some parcels will likely be rezoned.

ARTICLE IV. NEW BUSINESS

A. PUBLIC HEARING ON COMPREHENSIVE RESTATEMENT OF ZONING REGULATIONS

Township Attorney Ron Bultje explained that the Township is codifying a the Code of Ordinances. The Zoning Ordinance will become Chapter 38 of that Code. There are no substantive changes to the zoning rules, but it will be in a different format.

Chairman Bob Cook opened for public hearing. No one commented.

A motion was made by Ed Stielstra and seconded by Bob Slikkers to close the public hearing. UNANIMOUS DECISION – MOTION APPROVED

Following discussion, **a motion was made by Linda Howell and seconded by Bob Slikkers to approve the adoption of Chapter 38, Zoning, into the Code of Ordinances and recommend the Township Board do the same. UNANIMOUS DECISION – MOTION APPROVED**

B. PUBLIC HEARING ON STEELE PROPERTY REZONING REQUEST

Sean & Dawn LLC (Sean Steele), owner or agent of property located at 4376 60th Street, also known as Parcel #0311-013-001-00, requests a rezoning of the south half of this parcel from AG Agricultural to I-1 Industrial. This would consolidate the entire property into the same zoning district and remove the non-conforming status of the uses of the southern half of the parcel.

Marc Daneman of Daneman & Associates represented Mr. Sean Steele. The request is to rezone the southern half of the stated parcel as I-1 Industrial. The northern half of the parcel is used for a recycling business, transfer station, and a landscaping business. The southern portion of the parcel is used for activities approved under agricultural but is also used for the recycling business as well. The property situated between U.S. 31 and I-196 is landlocked. The property is master planned industrial as is the property across the street in Fillmore Township. The owners of the two neighboring properties were invited to join in this effort but they declined. Mr. Daneman gave a brief overview of the document provided. The request is made to be consistent with the master plan and also the conditions of the P.U.D. The effect of the rezoning on the neighbors will be minimal as the property is adequately buffered. It is consistent with the health, safety and welfare of the community. There will be no additional municipal services required. The only access to the property is zoned I-1 Industrial.

Chairman Bob Cook asked if the existing P.U.D. included all of the property in question. Mr. Daneman stated that it is. Al Meshkin confirmed that the whole property is included. Attorney Bultje stated that the P.U.D. does include 23 acres which would encompass the entire parcel.

Chairman Bob Cook opened for public hearing.

Ed Menken of 6341 144th Street stated that he is one neighbor in the triangle and stated that he has mixed feelings about this request. If it is rezoned all industrial, it will increase the garbage bins and recycling process around his property. He has drainage issues on his property currently and would prefer to keep it zoned agricultural.

A motion was made by Linda Howell and seconded by Randy Becksvoort to close the public hearing. UNANIMOUS DECISION – MOTION APPROVED

Chairman Cook invited Mr. Daneman to respond to Mr. Menken's comments. Mr. Daneman stated that he does understand his concerns and feels they could be resolved through discussions with Mr. Steele.

Chairman Cook confirmed that this process is only to make recommendation to the Township Board and not make the actual determination.

Ed Stielstra commented that he feels the request is sensible and aligns with the master plan. He does not see any immediate or short-range change in the use of the property. In light of the way that Steele has used the property, he feels that the property is nicely landscaped and designed to provide a nice shield. He would certainly encourage a continuation of this to the south and the east of the property to make it more attractive to the highway.

Linda Howell stated that it would be useful to review the P.U.D. that is in place should requested changes be submitted. She encouraged the two parties to work together to work out any issues. She feels this is an appropriate request.

Bob Slikkers agreed with the comments made and supports this as a logical request.

Randy Becksvoort asked if the landscaping would continue on the south and east portion of the parcel facing the highway. Ron Bultje stated this could be considered if an amendment to the P.U.D. is requested.

Following discussion, **a motion was made by Ed Stielstra and seconded by Linda Howell to make recommendation to the Township Board for approval of the Steele Property Rezoning Request based on the basis given in the application. UNANIMOUS DECISION – MOTION APPROVED**

Al Meshkin stated that if this rezoning request is approved by the Board, that approval will only be for the rezoning request. An amendment to the P.U.D. will be required for changes to the P.U.D., such as the installation or relocation of a billboard.

C. REVIEW OF SECTION 14.09

Chairman Bob Cook gave a brief overview of Section 14.09 as it addresses the requirement to have a principal dwelling on a parcel that contains an accessory building. Bob Slikkers requested this be put on the agenda for discussion purposes only. The topic was raised as a result of a request before the Zoning Board of Appeals to allow an accessory building to remain wherein the principal dwelling was demolished due to being inhabitable. He asks if this is something the Planning Commission would like to review to clarify the ordinance.

Ron Bultje stated that the principal building cannot be removed if you intend to keep the accessory building. The definition of an accessory building is that it is an accessory to the principal building. Once the principal building is taken away it creates a zoning ordinance violation.

Linda Howell stated that she does not feel that it would be the intent to issue a violation if the property owner intends to rebuild the structure.

Ron Bultje cautions to have a performance guarantee to remove the accessory building if the new home structure is not constructed in the timeframe given. If it is a barn in a parcel zoned as Agriculture, it would be a permitted use.

Bob Slikkers noted that there are several situations such as this in the Township.

Ron Bultje stated that the principal building must be habitable in order to consider the accessory building an actual accessory to the primary building. Ron again clarified the ordinance states that there must be a principal building that is habitable on the same lot.

Bob Cook suggested creating an ordinance with conditions in place to rebuild a demolished structure within a specific amount of time wherein an accessory building is present.

Ed Stielstra agreed with Bob's suggestion but adds to it that if the structure is not erected, the existing accessory building must be removed.

ARTICLE V. CITIZEN COMMENTS - None

ARTICLE VI. ADJOURNMENT

A motion was made by Bob Slikkers and seconded by Linda Howell to adjourn the meeting at 7:56 P.M. UNANIMOUS DECISION – MOTION APPROVED