

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

January 6, 2016

ARTICLE I. CALL TO ORDER

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

MEMBERS PRESENT: Bob Cook, Randy Becksvoort, Linda Howell,
Jim Lorence, Bob Slikkers
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 December 2, 2015 meeting. **A motion was made by Linda Howell and seconded by Randy Becksvoort to approve the minutes as submitted. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. COPPERLEAF DEVELOPMENT PLANNED UNIT DEVELOPMENT REQUEST

Copperleaf Development, owner or agent of property located at 6401 147th Avenue, Holland, MI, that being tax parcel #0311-003-027-20, requests approval to construct a 31 unit condominium at this location.

Chair Cook stated that at the conclusion of the last meeting there was discussion regarding the density.

Kelly Cavanaugh of Nederveld on behalf of Copperleaf Development reported that a revised plan has not been submitted. Cavanaugh provided a summary stating that her client seeks approval for the project tonight. She stated that the proposed project is superior to other options. The project allows

for 3.56 units per acre, 29 units total with green space to include 89 trees and 80 shrubs to enhance views and streetscape. We feel we have listened to the public opinion, discussed concerns with Al Meshkin and believe the proposed project is within all township ordinances meeting the R-2 standards that allows for 4 units per acre. After many months of discussion, we are here to receive approval. If it is not acceptable we will move forward with a by-right subdivision plan, likely to be a duplex subdivision which is the most cost effective use of the property. Of course, the preference would be to move forward with the condo P.U.D.

Chair Cook stated as noted in the presentation an approval is sought tonight whether it be this project or a by right project. The density has been the main issue. What we are required to do is have a P.U.D. that meets a number of criteria, including harmonious with character of neighborhood and not changing the essential character of the neighborhood. Cook stated the neighborhood is single family dwellings and this project is significantly denser than the surrounding area. Cook said he cannot in good conscious approve the 29 unit project as it does not meet those two criteria. Cook proposes to make a motion to deny the application.

A motion was made by Cook to deny the request.

Slikkers said he was not at the last meeting but his purpose to second the motion would be for discussion purposes only. He stated the harmony and character are tough things to evaluate as is a matter of interpretation. It seems the majority of the neighbors do not believe it is harmonious. He struggles with seconding the motion as he is at a dilemma as the density is an issue; 29 versus 24 units, which would be the “by right” allowable number.

Cook stated that Slikkers missed the density discussion that we want less than 29 units and the developer will not reduce the plan. Cook invited others to comment.

The motion made by Cook fails due to lack of a second to the motion.

Howell said if the option is a P.U.D. at 29 units versus a “by-right” at 24 duplexes, which is more harmonious? If we are going to get something here, what is more harmonious? Cook said that is at the highest level because it is not controlled by a P.U.D. The subdivision process is a difficult process and it is uncertain if there is a market for 24 duplexes or homes. What are we giving up by not going the P.U.D. route, landscaping? Landscaping can be done by individuals in single family dwellings and we do not control what is done on single lots. Whatever is done would still have to be harmonious with the existing neighborhood.

Lorence stated this is not the first condo development in Laketown Township. Meshkin said there are probably 5-6 condo developments, the most recent being Heritage Meadows. Two others have been approved but not executed, both of which were well over 100 units, traditional condominiums and site condominiums. Lorence asked if those approved were deemed harmonious with surrounding neighborhoods. Meshkin responded that Heritage Meadows is surrounded by condos. The Havlik projected that was approved but not developed had a mix of single and multi-level structures. Lorence said the “condo” is not going to be harmonious by someone’s standard or opinion.

Meshkin said to keep in mind “condominium” is a term of ownership. The word condo – site condo is different in that a site condo looks like a subdivision. We have subdivisions that are all single family, site condos that are single family and subdivisions with duplexes. There are condos that are multi-unit condominiums going from small, 12 unit developments up to approximately 90 units. Almost all are in the northeast corner of the township.

Cook said the Havlik project, once approved was significantly under the initial request. Meshkin said proportionally speaking he does not believe there is a great difference between the two developments. Bultje said it in about 2000 when the P.U.D. was amended to essentially say to developers we do not want you to go through the plat/subdivision process so use the P.U.D. process. A P.U.D. is approved at the township level whereas a subdivision is very objective and can take 6-9 months, involves various agencies and while it takes a longer time, is not a challenge for the developer.

Lorence said he is having difficulty saying that it is not possible to do this in our township; someone is going to say that it is not harmonious. There are 23-24 properties in the site condominium he resides in and things cannot remain unchanged forever. Cook said that is true but we have worked on all of these to make them harmonious. This one is right at the maximum and if we do this, what precedent are we setting. Meshkin said the maximum is 3.5 units per acre unless you have more common space. Slikkers said the 3.5-4 units per acre is discretionary. Bultje said they are doubling the required open space and under the maximum allowed units. Cook said it is the maximum allowed but discretionary. Bultje said duplexes are allowed as a maximum but what takes discretion is the 28-29 units. The developer has doubled the open space and is asking to go from 28-29 units. Slikkers said that is under P.U.D. condo rules whereas “by right” does not require such open space requirements. The rational is 28.5 units are allowable and they are asking for an additional .5 as a result of doubling the green space.

Cook said in R-2, the allowable number is a theoretical number because there are other factors to be considered. “By right” would allow for 18-24 lots on this piece of property but not necessarily be approved. Bultje said if you are agreeable to the parallel developer’s Plan B, then deny it the P.U.D. request.

Howell said we have not given the developer the exact conditions we want. Can we make a motion to approve based on meeting exact conditions? Bultje said you did that last month but did not indicate an exact number of units.

Cook said he is hard pressed to think of a development that was denied but have worked with developers to come to agreement. We are not a township that does not accept development. Bultje said most have been in R-2 Districts and Meshkin said some have been in R-3. Meshkin said what makes it tough is that this is a relatively small development so 3 or 4 units more impactful to the bottom line.

Becksvoort tends to agree with Howell, the ultimate worry is they come back with duplexes. He would rather have condos with manicured lawns, prideful home ownership versus rented duplexes. Cook said normally owners of duplexes live in one half. Becksvoort said there are a number in the

township that are totally rented and not owner occupied. Slikkers said put the situation in its worst case scenario to help make a decision; can you live with that? Any change is a change for the better, so what is the worse that could happen there? Are neighbors concerned more with the number of buildings or whether they are living next to an owner or renter?

Howell in the grand scheme, subdivision construction season is lost and there is a different price point surrounding rental duplexes or owner condos. All that being said she would like to propose a very specific motion with a specific number with this site plan detailing all of the desired conditions. With all the current pieces of the P.U.D. but bring back a set layout only changing the number of units. If it is voted down, they lost the construction season, maybe the sale. From a cost benefit perspective we must look at the entire deal. Howell said if we want a different number we should give them a number.

Following discussion, **a motion was made by Howell and seconded by Lorence to approve the request for P.U.D. based on the 11/24/15 schematic showing the landscaping, owner occupancy, no accessory buildings, all conditions agreed upon at 25 units.**

Bultje suggested the Planning Commission request a resolution report for the P.U.D., as is customarily done, to include all findings and criteria. He suggested that the Commissioners move to direct the developer to submit a revised plan with a maximum 25 units prior to the next meeting with enough time for him to prepare a report to review at the next meeting. Howell asked how much time is needed to do the report. Bultje would need one week ahead of the next Planning Commission meeting to prepare the resolution report. The developer must submit the plan no later than January 27 to allow for preparation of the resolution report.

Slikkers likes the concept of what is proposed as we have in essence given them a hard number. We have to vote as a committee what the number is although he would agree with 26 units. He felt in the beginning if they would have come down further in the beginning but for him the number is 26.

Lorence said he would also be more comfortable with 26 units.

Becksvoort said he still goes back to whether we are willing to call their bluff. Slikkers does not feel it is calling their bluff. There will be something done there. Becksvoort said he is ok as presented at 29 units.

Bultje suggests that since the majority is ok with 26, that should be the number and the final vote would not occur until the resolution report. He recommended an amendment to the motion to indicate 26 units.

Following discussion, **a motion was made by Slikkers and seconded by Lorence to amend the current motion on the table to indicate the number of units at 26.**

Cook called for a vote on the motion. UNANIMOUS DECISION MOTION TO AMEND

APPROVED.

Chair Cook called for a roll call vote on the amended motion.

Randy no, Slikkers yes, Cook yes, Howell yes and Lorence yes. MOTION APPROVED

Bultje clarified that the request is not being decided on tonight; the approval is to request the township attorney draft a resolution and report for review and vote at the February 3 meeting.

ARTICLE IV. NEW BUSINESS

A. VOTE ON OFFICERS

Chair Cook asked for a motion for the Planning Commission slate of officers.

A motion was made by Howell and seconded by Lorence to maintain the current slate of officers being Cook as Chair, Slikkers as Vice Chair and Howell as Secretary.

Chair Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED.

ARTICLE V. CITIZEN COMMENTS

Diana Ellshof of 6354 Reserve Way stated that the calculation for the green space is confusing.

Al Davis of 4753 64th Street said he just looks at this as quite a joke. We entrusted you people when they proposed to go from R-1 to R-2 being assured that the neighborhood would remain the same but it isn't. He asked if the other condo developments have more or less than this density. Were they at the maximum of their density? Cook said they were not and neither would this be.

Sharon Harrington of 6471 147th Avenue thanked the commissioners for the consideration to reduce the quantity. Perhaps the developers would find more acceptance if the density would be away from the road and more single-family than duplexes site plan. Thank you for your comments and thoughtfulness.

Tom Harrington 6471 147th said he would like to express his thanks for all of the time that this process has taken. He and his wife just returned from Bellington, WA where they were in a huge condo development. Their reasoning is that they are hemmed in by the Pacific Ocean and the mountains. We don't have that problem in Laketown Township. This probably is not the last condo development that will come before you. The developer received the rezoning from R-1 to R-2 and now they would like to receive approval for the density. Hopefully they will reconsider and all things considered they were fortunate to get the rezoning. It is true if there isn't a P.U.D., the Planning Commission cannot micromanage the development. We all live in individual homes and

we didn't need the Planning Commission to tell us how to plant our trees. A camel is a horse that was designed by a committee. A committee can do only so much and we should not be afraid of what individuals can do. Long after the developers have moved on, for the residents it is our permanent home.

ARTICLE VI. ADJOURNMENT

A motion was made by Howell and seconded by Slikkers to adjourn the meeting at 8:02pm. Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED