

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

February 3, 2016

ARTICLE I. CALL TO ORDER

Vice Chair Bob Slikkers called the Planning Commission meeting to order at 7:00PM.

MEMBERS PRESENT: Randy Becksvoort, Linda Howell,
Jim Lorence, Bob Slikkers
MEMBERS ABSENT: Bob Cook
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 January 6, 2016 meeting. **A motion was made by Howell and seconded by Becksvoort to approve the minutes as submitted. Vice Chair Slikkers 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.

Vice Chair Slikkers stated that a letter was received from the Jim and Connie Bakker which will be read into the record. Slikkers explained that he had been to a township meeting like this when the residents did not want a similar development which ended in court resulting in the developer being granted the right to proceed with their plan. Slikkers stated he then moved to Laketown Township after he studied what the probable future would hold in that area. Slikkers acknowledged the concerns of the residents but also that the Planning Commission studied the plan, the concerns and rights of the

property owner before making the right decision for the township. He encourages all residents to attend the township meetings to better learn what goes on in the township. Slikkers went on to explain at the last meeting, the Commissioners had asked for township Attorney Bultje to write a report based on approving 26 units if the developer so chose to do so. Since then the developer has submitted a reduced plan to 26 units and the report has been written.

Kelly Cavanaugh of Nederveld provided an overview of the amended plan at 26 units. The benefits of the P.U.D. will be beneficial to the developer and the residents. The motion had been to reduce the plan by 3 units and leave everything else the same; however there will now be an 88 foot setback versus 40 foot setback with a full berm on 64th Street. This will also change the curvature of the entrance road which will put headlights at a beneficial angle to avoid shining directly into homes. The green space which has been increased by two full acres is indicated on the new drawing. One duplex and one single unit have been lost. All landscaping remains the same as the original proposal, a berm along 147th, the same number of street lights, fire exits, hydrants and all major plan elements have not changed. The units are better spaced with more room in the building envelopes. All changes made are very positive for the developer and the township.

Lorence noted that units 19 and 20 on the diagram appear to be very close to the lot line and shrubbery. Cavanaugh said looking at a 30 foot setback we anticipate buildings will be constructed toward the front of the lot to allow for a 4-season room or deck. There will be a lot of extra space on the back of lots and along 147th Avenue.

Bultje stated structure placement should be noted as a requirement if the Commissioners choose to do so. Following discussion, it was decided that the front yard setback would be a minimum of 30 feet and maximum of 35 feet from the front of the private road. Bultje asked for an estimated completion date to be included in the report for the infrastructure and the development. Cavanaugh stated the infrastructure would be completed within one year and the development estimated at four years depending on the economy. Howell requested the report include language to address no large scale equipment or materials be stored on site during the construction off-season. Cavanaugh added that the building permit would also indicate as such. Howell confirmed that the infrastructure phase would include all fire hydrants. The resolution and report must reflect the site plan dated January 27, 2016. Parallel plan dates must be included as originally submitted for the findings history. Howell stated paragraph s. of the report must specify the units must be owner occupied and not rental properties. Bultje stated the P.U.D. contract and a utility agreement will be drafted after the developer submits the plan and will be reviewed by Township Board for approval. Bultje noted the changes to be incorporated as the 30-35foot front yard setback; one year for infrastructure, four year build out; no storage of equipment or materials during off-season; dates change to reflect January 27, 2016 plan and specify owner occupancy.

Slikkers asked Howell to read two letters for into record submitted by Ray and Karen Knoll and Jim and Connie Bakker.

Slikkers asked for any additional feedback for the Commissioners.

Following discussion, **a motion was made by Lorence and seconded by Becksvoort to adopt the resolution and report with stipulations noted of front yard setback at 30 feet but not more than 35 feet; 1-year to build the infrastructure and 4-year for build out; no storage of equipment or materials during off-season; report to reflect plan date of January 27, 2016 and owner occupancy only. Vice Chair Slikkers called for a roll call vote: Becksvoort – yes; Howell – yes; Lorence – yes; Slikkers - yes UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE IV. NEW BUSINESS

A. KORTMAN SPECIAL USE REQUEST

Mr. Mark Kortman, owner or agent of property located at 6426 Sandcastle Drive, Holland, that being tax parcel #0311-406-023-00 requests a special use permit to construct an oversize accessory building on this parcel.

Mark Kortman explained he lives in Sandcastle with his family that includes six children. He has spoken to his neighbors in the association to discuss his intent for the oversized building which will be used to store personal items.

Vice Chair Slikkers opened the public hearing. No public comments or correspondence. **A motion was made by Howell and seconded by Becksvoort to close the public hearing. Vice Chair Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Vice Chair Slikkers asked for feedback from the board.

Becksvoort asked for clarification of the setback according to the requirements in 38.471. Kortman stated the intent is 21 foot setback although the document indicates 15 feet. There were no other questions.

A motion was made by Lorence and seconded by Howell to approve the Kortman Special Use Request contingent on meeting the criteria in Sections 38.91 and 38.471 and in compliance with the application submitted except the setback to be 21 foot setback , with all federal, state, county and township laws and ordinances and the verbal representation including the question of security fencing provided at this meeting and in the minutes. Vice Chair Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

ARTICLE V. CITIZEN COMMENTS

Al Davis of 4753 64th Street said he doesn't feel anyone here wanted the condos or the rezoning unless they had financial interest. You sold your township people down the tubes. Last time we were threatened if you didn't approve the 29 then it went to 26. You people don't have to live next to it and we do. Thank you.

Diane Ellshof of 6354 Reserve Way said I think you have tried to do your best and we all are new at this but praying that the people presenting it will take all that has been said into consideration. They have a reputation, too and we will be watching. What recourse do we have if the developer does not do as they say or are required to do? How can we be more proactive before something happens? Bultje responded that there is a list of criteria noted in the P.U.D. contract that will have to be abided by and the township will have the ability enforce that criteria. Ellshof asked if the contract could be amended and Bultje responded that both parties were so inclined to do so.

Tom Harrington of 6471 147th Avenue stated that one slightly troubling aspect of this process was the fear of being sued by the developer if this was not approved but the residents could also file a suit. Neither is an ideal situation and the board doesn't have to act out on a slight worry or fear expressed by the developer or residents but you must answer to your own conscience. The opinions were very thought out by residents. His concern is this is not going to be the last request by a developer in the township. The real problem is the goals are so diametrically opposed the developer to profit and the residents want to maintain the neighborhood as it is. I am hoping the Planning Commission will not feel intimidated by every developer that comes along with a project. It is an uncomfortable feeling to think the Planning Commission is intimidated and what can we as residents do. Thank you for at least standing strong on the 26 units.

Slikkers responded to the concern about the Planning Commission being intimidated or sued. It is not the developer that would file the suit but the landowner who feels they have the right by the law and Master Plan and when we infringe on that right is when it becomes an issue. When the owner of the property asks to rezone to the Master Plan, it is by right as it is established by the township in the Master Plan. Bultje said that is exactly right and it is tragic misimpression by everyone. The Planning Commission looks to balance the landowner rights and those of the residents and not afraid of getting sued as long as they feel they have done their job and followed the ordinances.

Howell said the Planning Commission does take it very seriously and we know there are other pieces of property that could be addressed. We are looking at if another developer shows up we are in a better spot to address the next request. If you remember the truck stop, the development pressure died due to the recession. The Planning Commission spent many meetings and hours to address and be in a better spot to deal with what might come next. It took almost two years to address the issues that were brought up in the context of the Flying J to amend the ordinances to address the concerns that were raised.

Jack Eggenschwiler of 6395 Blue Jay Lane asked what kind of study is involved when you add that much utility usage that residents won't suffer lower water pressure and sewage issues. Meshkin stated the next step after the township board process all plans will have to be engineered and construction will be reviewed by the township engineers to determine to address any and all concerns.

Al Davis of 4753 64th Street asked so if they don't sell everything in the next four years, can they no longer build anymore? Bultje responded that the four year timeframe is a good faith estimate. Davis stated that it seems the landowners have no rights to expect it to be done in the time that is stated

because they are granted whatever time it will take. Meshkin responded that as long as the developer has started the project and moves forward with a good faith effort they will be granted the necessary time. For those projects granted during the recession, if the development was never started, the approvals were then void. Davis questioned the R-1.5 previously mentioned and Bultje responded that it would have to go through the Master Plan process if such a zoning would be established.

ARTICLE VI. ADJOURNMENT

A motion was made by Howell and seconded by Becksvoort to adjourn the meeting at 8:00pm. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED