

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

July 5, 2017

ARTICLE I. CALL TO ORDER

Chairman Bob Slikkers called the Planning Commission meeting to order at 7:00 p.m.

MEMBERS PRESENT: Bob Slikkers, Linda Howell, Randy Becksvoort, Jim Lorence
MEMBERS ABSENT: None
STAFF PRESENT: Al Meshkin – Township Manager
Ron Bultje – Township Attorney
Noah Sall – Deputy Zoning Administrator
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the June 7, 2017 meeting. **A motion was made by Howell and seconded by Becksvoort to approve the minutes as written. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Slikkers explained the agenda and process for attendees. Slikkers explained that a special use request requires a public hearing which provides valuable input from residents.

ARTICLE III. OLD BUSINESS

A. PASTOR & BENSON SPECIAL USE REQUEST

Diane Pastor and William Benson, owners or agents of property located at 6243 136th Street, that being tax parcel #0311-035-040-40, request a special use permit to establish an animal daycare facility on this property.

Slikkers explained the commission asked the attorney to prepare a report and resolution to deny the request which was reviewed and discussed. The applicant submitted additional information and conditions for consideration of the board. A conditional approval may be pending with a second review in six months as a condition. Slikkers invited Pastor to review the letter submitted.

Pastor stated regarding a conditional approval, they will agree to a maximum of 10 dogs outside throughout the day and install sound board in the barn. They stated the location of the facility is further from neighbors than the Dogs Bay facility. Slikkers said the fence is chain link and asked if portions of it could be screened more to block the visibility of the dogs. Pastor asked if throughout the entire facility or on the sides boarding the neighbors. Slikkers responded the areas where the dogs would have visibility to people and in/out traffic. Pastor and Benson agreed.

Lorence said he visited the kennel commenting that he has a large dog and dogs usually bark to protect the owner's property. Lorence said the staging area is fine and when he visited did not hear any barking. There is a very long drive and deliveries could be restricted. Lorence feels Pastor has matched what Dogs Bay did a number of years ago. Benson said the gate could be controlled with a motorized gate and has worked with Fire Chief Den Bleyker regarding emergency access.

Howell stated that she is very pleased with the cooperation to address the concerns expressed and has no further questions.

Becksvoort said his biggest concern is sound so with the additional insulation and proposed 6-month trial period his only other question is to clarify the total number of dogs during that period. Will it be 25 total to include the owners' 8 dogs? Pastor responded yes, the 25 includes their 8 dogs and there would not be more than 10 total dogs outside at any given time.

Following discussion, commissioners agreed to direct the township attorney prepare a report and resolution to detail the conditions discussed including the 6-month review after which another public hearing would be held to determine if conditions are being met and/or if other concerns will need to be addressed. Preliminary work can be done by the applicant but the business would not be approved for opening pending approval of the report and resolution at the August meeting. Becksvoort asked where the burden of proof lies to determine if all conditions are being met after the 6-month period and Bultje responded it would be the Planning Commission's responsibility to determine if conditions are being met using the 6-months of history to determine if conditions are satisfactorily met.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to direct the township attorney to draft a report and resolution outlining the conditions discussed in meetings, letters and documents submitted. Chair Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

B. HOLT SPECIAL USE REQUEST

Brian and Naome Holt, owners or agents of property located at 6625 142nd Avenue, that being tax parcel #0311-016-032-30 request a special use permit to build an accessory building in an area considered a front yard.

Brian Holt explained the biggest issue was the site line from the Warlick's home. Two areas were staked out for review, the proposed site versus the side lot and an accord was reached on the proposed site. Letters were submitted from all parties noting that trees will be planted to provide screening using KP Nursery to plant four 12 foot tall mature white pine trees on the Holt property. White pines were recommended as the best option by MSU Extension. Holt agrees to plant four trees initially and

perhaps two more after the building is constructed. Holt feels a resolution has been met.

Becksvoort confirmed that there will be screening between the building and road. Howell clarified how many trees and where and Holt said he agreed to plant four trees on his property and the Warlicks will plant three on their property. Lorence had no questions.

Slikkers said it was important that the neighbors worked out the issues and asked that Holt screen as much as possible from the road.

Bultje asked that the plan be submitted to Meshkin for administrative review to include the road screening.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to approve the Holt Special Use Request based on it being in compliance with factors put forth in 38.91 and 38.471(2), and being the best available location not to involve critical dunes or proximity to neighbor; applicant agrees to provide four trees along with an irrigation plan and to submit the tree and irrigation plan for screening between the building and the road to Mr. Meshkin for his review and approval; the conditions of approval also include compliance with the application submitted, compliance with all federal, state, county and township laws and ordinances, and compliance with the written and verbal representations by the applicant provided at this meeting and in the minutes. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE IV. NEW BUSINESS

A. GLYNN SITE PLAN REVIEW

Michael Glynn, owner or agent of property located at 4050 Spring Beauty Lane, Holland, MI, that being tax parcel #0311-205-005-00 requests a site plan approval to build a single family residence with attached garage.

Michael Glynn explained the plan to construct a ranch style home with living space in the lower level; the foundation is approximately 2,500 sf with an attached two stall garage to be built on approximately 1,000 sf slab with future living space above. The existing driveway will be removed and a new paved driveway will be installed. An attached deck of approximately 660 sf will also be built. The home is being constructed on the same location as the previously burned structure and all necessary permits have been obtained.

Slikkers asked who the builder is and Glynn responded that one has not yet been selected. Slikkers asked if commissioners had questions and there were none.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to approve the Glynn Site Plan Review based on it being in compliance with factors put forth in 38.487 and 38.65; the conditions of approval are compliance with the application submitted, compliance with all federal, state, county and township laws and ordinances, and compliance with the**

written and verbal representations by the applicant provided at this meeting and in the minutes. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

B. ELDEAN / GATOR PROPERTIES SPECIAL USE REQUEST

Eldean / Gator Properties, owners or agents of property located at 4612 66th Street, that being tax parcel #0311-004-020-20 request a special use permit to construct a building for storage of boats, cars, trailers and marine equipment; marine repair and maintenance services and camping sites.

Slikkers thanked the residents for coming out to express their concerns and explained that the Planning Commissioners work to the best of their ability to make informed and fair decisions on development that will enable residents to continue to enjoy the township we live in. The ordinances were designed to promote what is harmonious development and prevent what does not promote harmony. Tonight we are reviewing the special use request from the Eldean group which has generated much correspondence, letters both in favor and opposition of the proposed project. The normal practice is to read each letter but there are over 80 letters so they will not be read but know that if you wrote a letter or email that it has been received into public record and read by each commissioner. The letters are public record and available at the township office for public review.

Wade Eldean and Matt Eldean owners of Eldean Shipyards and Gator Properties explained the property on 66th Street is in the C-2 district and intended for commercial use according to Section 38.357. Eldean reviewed highlights of the section and permitted uses along with the 10 standards of criteria proposing justification for each standard. The proposed use is for marine storage and maintenance. The property owner to the north is Essink who verbally stated they are fine with the proposal. The western portion of the parcel would be comprised of four camp sites approximately 85 – 120 feet from lot lines and the setbacks would be greater than the required minimum. There would be adequate parking facilities and traffic would be minimal with two employees on site and few customers at this site. Boats would be moved once in the fall and again in the spring by means of tractor/trailer at the noted speed limit. Harkema Green House is a commercial business with customer and truck traffic currently present year around. Unlike the current use of the property, fencing would be installed with updated buildings to enhance the surrounding area. The proposed business serves a current community need with the high level of interest in boating in the township providing full marine service to residents. The hours of operation for the marine business would be 7:00 a.m. – 9:00 p.m. seven days a week with seasonal usage of tiny homes on the four camp sites. The building structures and mode of operation will be nautical and in character with the natural beauty of the surrounding properties. Each camp site/tiny home will have its own bathroom facility. There will be a freestanding business sign similar to what had been in place for Lamar Construction. The impact on neighbors will be minimal as this property has been zoned commercial, a known fact to all those who have purchased surrounding parcels.

Slikkers explained that due to the high level of participation for the public hearing, comments will be taken after which time the public hearing will conclude and the commissioners will review the applicant materials and citizen public comments. The item will likely be tabled until the August

meeting at which time the commissioners may ask additional questions and express noted concerns to the applicant.

Wade Eldean gave further explanation of the project stating it would be a nice, safe, high quality development with limited traffic. The noise would be minor and a non-issue. Once the boats are in place they would remain for long periods of time; maintenance will be inside the buildings or taken to the boatyard. All MIOSHA, OSHA, DEQ and state regulations would be followed. Potential danger of fire has always been a concern so the business will have a sprinkler system with portable extinguishers strategically placed and a five minute response time from the fire department. The Eldean Shipyard has been in business since 1973 and has never had a fire in 44 years. The four camp sites would be self-containing tiny houses placed from mid-May to September and be stored off season. Each would have a gas grill so no camp fires and the majority of the vacation renters would be friends and neighbors which will add a unique benefit to the neighborhood. If the special use is denied, we will continue to use property as is now which does not benefit the neighborhood. The proposed project would be more attractive. Eldean spoke to the importance of maintaining marina access as many on the south side have closed in recent year and Eldean is the only one left. Point West Marina has been approved but has not been built yet. Most Laketown boaters like boating but don't want it in their neighborhood. Like the Piper Restaurant, many did not want it but now that it is closed they miss it. Please use your foresight when reviewing this proposal and vote to maintain boating access in the future.

Chairman Slikkers opened the public hearing.

Chip Seabolt of 6630 Kelly Creek Drive explained where his primary residence lies and the proposed camping sites are directly in his backyard. He purchased his home in 1995-96 and this is his homestead. He recognized the neighboring property was zoned C-2 but Lamar ran his business within the ordinances and was not offensive to surrounding property owners. Seabolt does not feel the requested special use is harmonious with the character of adjacent property owners and questioned if the camp sites would be legal in the dunes adding that it would drastically alter the character of the neighborhood. Seabolt is concerned with noise, trespassing and fire risk. He is not opposed to development but establishing a fully functioning marina business, just because it may be legal may not be beneficial to the township.

Scott Hibbard of 6709 Audubon and the Castle Park Association (95 homes and cottages) stated that his family has been here since the 1930's. He is representing the Castle Park Association noting that the board had submitted a letter and is unanimously opposed for reasons that are outlined in the letter; one of the biggest concerns being the camping facilities within a residential area. The impact on local region spans from minor disturbances to catastrophic issues; whether campers intend to or not they will wander on private property. Secondly, the proposed marina would be an expansion of commercial use compared to what is currently there. The current use is not camp grounds or boat facilities so would not be consistent with its current use. The expansion of commercial activities would alter the character of the area and increase environmental concerns. Given these concerns he strongly recommends the Planning Commission reject the proposal.

Tom Arendshorst of 6650 Kelly Creek Drive said he has lived immediately west of the parcel for 32 years and was intimately familiar with the commercial business of Lamar which poses no traffic

and noise and no campground. The Eldean proposal does not meet the conditions for special use, is not harmonious with character of the property, it is not a marina area. It is a residential area and would change the character. The daily operation would alter the character by imposing increased noise, pollution, additional buildings that are not there today and a screening fence. He asked the commission to enforce the ordinance and reject without compromise all aspects of this proposal.

Sam Martin of 4567 Audubon Road stated that he and his wife Jean also own adjacent property, #4 on the map and are opposed to granting the special use because of negative impacts on the property and lives. Martin cited environmental changes as noted in Section 38.91 expressing concern with the boat maintenance fluids reaching the Kelly Lake Drain. Some clients change fluids themselves when boats are stored outside and may not follow the same standards as the Eldean staff. Martin also questioned how campers would reach the camp sites given the current bridge is probably illegal. Project Clarity is spending millions of dollars to clean up the watershed of which the Kelly Drain is a part and this would not coincide with those efforts. Martin also expressed concerns with light and noise pollution and increased traffic. Martin has lived in the area for 40 years and has witnessed the increase in residential and decline in commercial activity. All development has been consistent with the land uses documented in the 2005 Laketown Township Master Plan. Approval of this proposed special use would be in the complete opposite direction of the Master Plan.

Tom and Penny Shuff of 4706 Forest Beach provided a map of how it is clearly residential zoning and feel the C-2 is zoned incorrectly and should have been changed to R-1. Shuff also provided a picture of Eldean blocking traffic on South Shore Drive stating that would be unacceptable on 66th Street. The chain link fence is visual pollution and the placement of a septic field close to Kelly Creek is also unacceptable. Sanctuary Preserve is the gem of the township and should not be disturbed. Penny Shuff thanked the commissioners for being public servants and asked that they give consideration to what is being presented tonight.

Michelle Den Hartigh of 4604 66th Street stated that she is lot #1 and right next door to the commercial zoning. She looked at the Lamar storage unit and pulled up the master plan and it talks about the area being and staying residential. She is offended by the proposal and while she feels Eldean Shipyard does a great job at their current location she does not want to see rusty boat carcasses and racking adjacent to her property and feels it will affect property values. Den Hartigh also commented on the other piece of C-2 property on the corner of 66th and 146th Avenue and asked what would happen if that owner sold. The township has done a great job of controlling the zoning and asks that the commissioners please consider keeping the essence of nature present in future development. As for the six foot privacy fence, most boats are taller than that so would still be visible. The campsite setbacks should be greater than a home setback to protect the vested interest of the homeowner. Harkema Greenhouses are not open year around and are much quieter than a boat marina that would be operating 7:00 a.m. – 9:00 p.m., seven days a week. Marinas are not seasonal businesses. Den Hartigh also expressed concern for fire risk. She asked that the commissioners consider bringing the zoning back into alignment with the rest of the area or risk losing the character of Laketown.

Sharon Arendshorst stated that she lives on lot #5 and is the wife of Tom. She expressed concern regarding the increase burden on public utilities and services, trespassing and fire risk. There are

seven homeowners directly adjacent and eleven property owners in the surrounding area, all of whom have submitted letters of opposition. The proposed project does not meet the criteria for special use. Other property owners in the area, such as Indian Pipe, Castle Park and Scenic Shores have also expressed concern about this specific proposal.

Brian Pearson, attorney of Smith Haughey & Associates representing property owners questioned the legality of the proposed project stating the intended uses do not meet the criteria for a special use. He added that the application is improper and the proposed use is not consistent with the Laketown Township Master Plan for harmonious growth. He asked that the application be denied.

Ruth Lamar Bouwman of 6631 146th Avenue stated that the entire north line of her property would be affected by this proposed use. She wants to see the full moon and the deer. She does not want bright lights and is opposed to cutting any of the forest. She has lived here for 70 years and does not want to see it change. She is not opposed to large home development but does not want a lot of little houses with a lot of different people.

Adam Kunkel of 4749 66th Street stated that he is married to Shelley Harkema and the Harkemas have been here since 1880. Kunkel stated that the family could have sold 20 acres of property for development but made a conscious choice not to in spite of taking a financial hit. The greenhouse is open to the public for one month during the year and has been in operation for 100 years. The family does not want to see this proposed change and is opposed to it in its entirety.

Diane Arnold of 6619 146th Avenue stated that she lives on lot #2. She wholeheartedly agrees with what has been said tonight. She does not want to look at their north property and see storage buildings and privacy fences and above all, is opposed to the campsites. She also expressed concern regarding fire risk.

Bob Burton of 6600 Audubon stated that his lot is not adjoining but he is looking at Laketown as a whole and the impact on the area and the township in general. The commercial zoning may have been appropriate at one time but now the area is more residential. Camping is a tent on bare ground and this is more residential; three of the proposed campsites are in DEQ declared wetlands and there is also a concern with the septic.

Tricia Lamar of 643 Apple Tree Drive stated campground is an inappropriate word for the proposed tiny cottages and there are already cottages all over the place which give people opportunities for lodging. Owners have rights and this property has been commercial for over 70 years so as an owner there is a substantial dollar amount invested by the owner. All the owner wants to do is be able to sell the property. The public does deserve a decent boat storage place because the access to the lake will be minimized, you cannot take big boats through the city, but you have to be by the water. Don't minimize the activity people think is over there. There are already many renters there including Prince Corporation who just moved out a year ago; there is also heavy equipment on site but the owner tries to keep that use minimal. A simple solution would be for the Township to buy it and change the zoning to a park or give it away to the state.

Paulette Carr of 6683 Indian Park Circle said her family has been here since the 1930's. She and her husband are in their upper 60's and have spent much of their life's savings hoping to retire

here as full-time residents. They love the watershed and cannot see a commercial or industrial endeavor jeopardize the water. It is obvious the township is trying to preserve the natural habitat as is noted in the Master Plan. People drive through Indian Circle and Castle Park and have little regard for if it is privately owned or not. Tiny houses usually sleep two or four and she cannot imagine the tenants not wanting to get to the lake or hike the dunes. Property values would be diminished and she hopes the proposal is rejected. It is such a sensitive area ecologically and geographically and hopes that Laketown will continue to protect it.

Terry Vanden Berg 6615 66th Street stated he lives across the street from the proposed project. He has grown up in Laketown and has had a great relationship with the Harkemas and other neighbors. Vanden Berg expressed concern about the campground and the potential for issues with the renters. There are other vacation rental homes in Allegan County wherein the actual property owners live in other areas leaving the neighbors to deal with the nuisance of the renters. Laketown used to have three deputies on staff and now there are none so who will enforce ordinance violations?

Bob Lamar 643 Apple Tree Drive said he hears all the stuff about master plan for years but the commercial property has been there before the master plan. There was a gas station on the corner. We let residential come in because we were commercial. A comment was made that we are hurting the land values but you are taking away my investment. You had years to come up with the money to buy it so what is the matter. You have critical dunes but the development was allowed. There are no washouts or wetlands by us; we are 18' above water. We had a viable construction business with equipment and steel for years with a lot of activity.

Pat Roehling of 6686 Sunset Concourse expressed concern about the transitional housing and feels this would be detrimental to all the surrounding area. We are working people. If there are temporary people there who do not care about the community, can we call the police if there are people on the beach? Roehling expressed concern for the safety of the neighborhood.

Bill Schmidt of 6633 Kelly Creek Drive stated that he lives on lot #7. Pertaining to general standards he thinks it is important to consider safety issues, especially vehicular traffic control, between Eldean Shipyard and 4612 66th Street. It appears the anticipated transport route from Eldean to 66th Street would pass through three busy intersections, Sanctuary Woods entrance, and a bus stop during the school year. It is also a popular stretch for pedestrian and bicycle traffic day or night, with all enjoying the setting in unique rural charm. This route is a cherished area in the township, a reason people moved here. Schmidt does not feel the use meets the standards of Section 38.91 and strongly asks that the request be rejected.

Wade Eldean clarified trespassing is a concern about people wanting to go to the beach; he noted there are public parks that people can be directed to and also access on the preservation trails, including Sanctuary Woods, Saugatuck Dunes and Laketown Beach. Trespassing can be resolved with a fence, signage, etc. He feels property values increase in areas with marina facilities, noting that without the marina there would be no lake access for boating. If the proposed project is not approved the marina property could be sold and access would be lost. Eldean referenced previous offers made by the owner but declined by potential purchasers for alternate property use. Eldean currently rents vacation properties in the area and has no issues controlling the renters because of his premium rental rate. He feels people have a lot of misconceptions about the project.

Mark Roehling 6684 Sunset Concourse questioned if there is a true community need for this project and does not feel it will create harmony in the neighborhood. He does not see people in the community asking for this so does not see the need.

Michelle Den Hartigh countered the comment that property values increase in areas with marinas. She also disagrees with premium rental rates controlling the activities of the renters. She asked that the commissioners consider the essence of the township and requests it not be changed.

Jerilynn Tucker asked if the 80 letters of correspondence include the emails and phone calls and Slikkers responded it includes emails but not phone calls. Tucker asked how many were for and opposed. Slikkers responded that he does not have the exact number but low 20's in favor and low 50's opposed. Slikkers stated that the number is not insignificant but the reasons behind the opinions and mix of facts that have been submitted are more important. He assured that all correspondence has been read by the commissioners and will be taken into consideration for review.

Terry Vanden Berg expressed concern that there may have been some misinformation to residents at the onset of the proposed project.

Hearing no further comments from residents a motion was made by Becksvort and seconded by Lorence to close the public hearing. Chair Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Slikkers explained that the pertinent facts and opinions will be collected and reviewed by the commissioners and thanked residents for their comments.

Following discussion, **a motion was made by Becksvort and seconded by Howell to table the request. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZEN COMMENTS - None

ARTICLE VI. ADJOURNMENT

A motion was made by Becksvort and seconded by Lorence to adjourn the meeting at 9:36 p.m. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED