

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

REGULAR MEETING
August 1, 2018

ARTICLE I. CALL TO ORDER

Chair Jim Lorence called the Planning Commission meeting to order at 7:00 p.m.

MEMBERS PRESENT: Jim Lorence, Randy Becksvoort,
Marcia Perry, Dick Becker, Linda Howell
MEMBERS ABSENT: None
STAFF PRESENT: Ron Bultje – Township Attorney
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the July 3, 2018 meeting. **A motion was made by Becksvoort and seconded by Becker to approve the minutes with edit submitted. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. DARBY PLANNED UNIT DEVELOPMENT REQUEST

Mr. Dick Darby, owner or agent of property located in Section 35 of Laketown Township, that being tax parcels #0311-035-018-20, #0311-035-018-30, #0311-035-021-00 and #0311-035-029-00, requests approval to develop a commercial planned unit development on these parcels. There is no update on this item.

B. TUCKER SPECIAL USE REQUEST

Mr. Scott Tucker, owner or agent of property located at 6255 Blue Star Highway, Saugatuck, MI, 49453, that being tax parcel #0311-035-045-00 requests a special use permit to establish a contractor's yard on this parcel. Perry recused herself from the Planning Commission for consideration of this matter because she lives across the street from the subject property.

Lance Zoerhof, developer and Wade VandenBosch of West Shore Engineering represented Tucker and explained the intent of the proposed project. Zoerhof indicated that the building will be used for storage. There will be trailers on site in season for work materials. The soil erosion permit application has been submitted. Zoerhof added that screening will be installed for rural properties to north and west with a solid 6 foot fence to the east side. Seven to eight of the acres will remain with the original owner. Lighting on the building itself will be wall packed, low density and downward facing. Hazardous material storage has been indicated on the plan and will be comprised of cutting oils and above ground fuel tank. Salvage and a laydown yard will not occur on the site and the hours will be 7:00am to 7:00pm. There will be no additional strain to public services and the applicant is willing to work together with the township on any and all compliance concerns.

A letter of objection was received from Melissa Raywood of 6345 Blue Star Highway.

Howell asked Chief Den Bleyker about the above ground fuel tanks and Den Bleyker said there are state specifications to address compliance. Howell asked about the clearing limits on the plan dated July 26, 2018 asking if they would remain. Zoerhof said the plan is correct. Howell asked if the road sign will be lit or unlit and Zoerhof responded unlit. Howell asked Bultje if there is an issue with parking storage trailers on the site during the off-season when they are not used for storage and Bultje responded that it would not be an issue. Howell questioned the involvement of the third party property owner and Bultje responded they would have to agree with all conditions. Becker asked how many days per week would the business operate and Tucker said Monday – Friday with Saturday work on site that will soon be coming to an end. Becksvoort asked why there is so much gravel if there will not be a laydown yard and Zoerhof said it is the trailer maneuvers and materials will be kept inside. Becksvoort asked if all materials will be inside and Zoerhof said materials will be stored inside but the heavy equipment will be outside. Becksvoort is concerned about a huge compilation of stuff and also noted the lot split has not been finalized. Zoerhof said the lot split has been submitted but not finalized yet. Den Bleyker said a lock box would have to be accessible for fire responders on the building and the gate and the gate would have to be accessible for fire trucks at 40 feet off the road. Vanden Bosch said he is not proposing to have water and sewer on the site. Becksvoort asked what is being done to protect the waterways. Vanden Bosch said work is being done with the state and county. Becksvoort said he feels this type of business is better suited on industrial zoned property and not on commercial property. Zoerhof said the materials themselves are for construction. Lorence said it sits back a ways so that is good and bad as it is not visible so it will be difficult to find out what is going on so he is concerned with compliance 2-3 years from now as we do not have a compliance officer in the township. Bultje said if approved, it will be conditionally approved so violation of those conditions would forfeit the approval. Lorence asked if there is a penalty and Bultje said it would be a civil infraction. The township has the ability to request affirmative relief from the court to require compliance and eradication of any violation that is occurring. Howell questioned the screening requirements and noted it must be in the conditions if approved. Bultje responded that they would have to be perpetually required. Howell asked how much fuel would be kept on site and Tucker said it is a 300 gallon tank.

Bultje suggested a written report be prepared for review by the commissioners.

Following discussion, **a motion was made by Howell and seconded by Becker instructing the township attorney to prepare a written report and resolution based on, by way of example only, compliance with necessary permits, screening for white vinyl fence must be agreed upon by the third party property owner, downward lighting only, hazardous materials be fuel and cutting oil only; no salvage or laydown yard; hours 7am to 7pm five days per week; all materials stored inside; gate at a minimum of 50 feet off the road; undeveloped side of property must be left natural and 50 feet of natural screening must be left in place; 4' x 6' sign must be unlit; trailers on property during the winter not to be used for storage; Knox box on the building and gate; a complete site plan and written permission from the property owner. Lorence called for a vote on the motion. MOTION APPROVED 3 to 1 Becksvort dissenting.**

ARTICLE IV. NEW BUSINESS

A. GATOR PROPERTIES SPECIAL USE REQUEST

Gator Properties, owner or agent of property located at 2150 West 32nd Street, Holland, MI, that being tax parcel #0311-004-006-00, request a special use permit to build an over-size accessory building on this site.

Wade Eldean of 2150 32nd Street explained the oversized accessory building will be used for personal storage, a boat and basketball play.

Becker asked if the space would be rented and Eldean said no. Becksvort asked to explain what is happening with the house. Wade said it was his uncle's house, he moved and it is now being rented or used by the family. Howell asked about exterior lighting and Eldean said there would be lighting by the doors but not kept on. Howell asked if an additional driveway would be added and Eldean said a driveway in front of the garage door would be added facing to the north connected to the current driveway noting that the existing septic field limits the driveway options. Becksvort asked to confirm the exact amount of property and Eldean stated it is 4.04 acres. Lorence mentioned the letter of objection from Kapenga noting he does not see where it would be visible from the road but suggested planting trees up between building and property line. Eldean said trees will be added to give more privacy from walkers in Sanctuary Woods. Becksvort questioned the height and Eldean confirmed it is in compliance with the ordinance. Howell asked about building materials and Eldean said it would be wood frame and steel with windows. Becksvort asked about the Rottschaefter request with a rental home and pole barn and Bultje explained they had intended to rent the small house and use the pole barn to store their personal property and not that of the house tenant. Bultje clarified that an accessory building on a rental property can only be used to store property of the tenant. Bultje said Rottschaefter eliminated the rental and maintained as their own personal auxiliary residence so they could use the accessory as storage as their own. Becker said if Gator rents the house to an employee, could they do it then? Bultje said no, it is not an accessory to the primary use of the building. Eldean noted the lot is

permitted for a duplex and if the second half is his man cave, can he do this? Bultje said by ordinance it is R-2 and would be permitted.

Perry asked if there will be an abatement of acoustical conditions and will the trees be of similar species so as not to interrupt the natural characteristic of the park. Eldean said the building would be heated and there should be no concerns of acoustical conditions. Herb Eldean said the symphony concert is held once per year and no concerns have been expressed. Eldean said the trees will be evergreens to create buffer year around and would not interrupt the natural characteristic of the park.

Chair Lorence opened for public hearing.

Biz Ter Haar of 4695 64th street asked how big the building will be and where it will be located. Howell explained using the drawing provided by the applicant.

Lorence read into record a letter of objection was received from Jane Kapenga of 6587 Partridge Lane.

Lorence asked about the number of people that would be playing basketball and Eldean said anywhere between 6-16 guys. Some guys bike, moped and car pool and there would be zero likelihood that cars will be parked on 66th Street.

A motion was made by Becksvoort and seconded by Howell to close the public hearing. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Howell asked what Kapenga was referring to addressing it in the past and Becksvoort said it was likely the rezoning request. Becksvoort asked about the previous request, is this something we would consider working through the ordinance to address future consideration. Bultje said the idea is to limit it to the use of the primary dwelling and tying it to the occupant of the building is best to do to avoid the potential for commercial.

Following discussion, a motion was made by Howell and seconded by Becker to approve the Gator Properties Special Use Request for an oversized accessory building, based upon a consideration of the special use standards in Section 38-471(6)f and Section 38-91, and the site plan standards in Section 38-65. The conditions of approval are compliance with the application; compliance with federal, state, county, and Township laws and ordinances; the building shall not be rented for storage or event purposes; evergreen trees shall be planted and maintained in a staggered formation, acceptable to the Township, on the south side of the building; and storage in the building shall be limited to items owned by an occupant of a dwelling on the property.

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

B. PASTOR & BENSON SPECIAL USE AMENDMENT REQUEST

Diane Pastor and William Benson, owners or agents of property located at 6243 136th Avenue, Holland, MI that being parcel #0311-035-040-40 requests an amendment to their special use permit to remove the condition limiting the number of dogs that can be outside at any one time.

Diane Pastor and William Benson explained that the dogs do much better outside than inside with adequate space per square foot than when kept inside creating a much quieter environment. Pastor asked the condition of limiting 10 dogs outside be eliminated.

Becker asked if there is a cap on the number of dogs and Becksvort said it was approved for 25 maximum on the property.

Lorence opened the public hearing.

Katherine Cummings said her dogs go to Camp Saugapup and while she works 6 days a week and this facility is the best place to be. Studies have shown that dogs need recess and time outside. You would not keep a child caged so why would you keep a dog inside all day. The dogs are much happier when given time outside. It is not fair to limit the number of dogs to be allowed to be outside.

Deb Mentin, resident of Saugatuck and customer of Camp Saugapup supports the request of Pastor and Benson. Mentin said it is a professionally run business and their services are necessary for people who work particularly those who have large dogs. Mentin encourages the board to approve the request.

Andy Eding of 6229 136th Avenue is opposed to an increase in the number of dogs and stated that they do not care what the neighbors think. It is not abnormally loud at this time of the year but I was here first so go somewhere else if you want to grow your business.

Rich Geiger of 6253 136th Avenue asked that the request be denied. He was concerned initially that once a foot is in the door and the business came to be it would only get worse. The dogs wake his household up at 5-5:15am and the business does not fit in with normal business in the area. There are dogs under 40 lbs. and there were not supposed to be. Geiger asked who checks on the rules that were agreed upon originally. He can't shoot my fire arm because of her dogs but she can have these dogs and their noise.

Steve Siebelink of 6238 136th Avenue wants to keep residential as residential and getting business there noted there are lines of traffic going in and out of there. He does not want any additional traffic in the area and is opposed to the request.

Pat Paquette of 6414 138th Avenue said he takes his dog to Camp Saugapup and he has never seen a line in the driveway and most notify before arriving so it is not an issue. He feels it is a good addition to the area and quality of life for those with the dogs.

Benson referenced that surveillance cameras do not monitoring anything on the other side of the fence. Barking is addressed immediately and there is surveillance to prove that.

A motion was made by Becksvoort and seconded by Becker to close the public hearing. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Becker is confused about the buses and it was told it is the school buses interfere with the business traffic. Geiger said there are cars backed up. Siebelink has had cars on his property asking where the business is located. Becksvoort said he is fine with the original approval as is. Howell shared Becksvoort's concerns that more dogs have been outside than originally approved and will not consider this unless there is a requirement that if there are more than 10 dogs outside there has to be a staff person outside at all times on a 6-month trial. There was discussion regarding the ratio of staff to dogs inside and outside. Bultje said original approval was to staff one per 10 dogs at any given time no matter inside and/or outside and owners can count as staff. Benson said there are never more than 10 dogs per caregiver.

Following discussion, **a motion was made by Howell and seconded by Becker to approve the Pastor and Benson Special Use Request Amendment to allow more than 10 dogs outside with the requirement of staff to dog ratio of 1 to no more than 10 at all times inside or outside on a 6-month trial basis, with no dogs unattended, and compliance with the written and verbal representations provided by the applicant at this meeting and recorded in the minutes. Lorence called for a vote on the motion. MOTION APPROVED 3 to 1 Becksvoort dissenting.**

ARTICLE V. CITIZEN COMMENTS

Kim Collins of 3657 63rd Street expressed great concern regarding the quality of the water and runoff in the area with the addition of the Tucker business. She does not agree that additional vegetation is an acceptable solution. The 60 x 100 proposed space is not that big and she is concerned about outdoor storage on the site. Collins has a commercial business and what she sees is industrial in nature with huge trucks and a lot of tree clearing that has been done before the approval has been given. She is also concerned with the hours of operation beginning at 7:00am when her clients and those of the Belvedere are on vacation and will not want to be awakened at such an early hour.

Richard Geiger of 136th Avenue showed the creek run off that drains faster and more sand has built up this year and the only change to the area properties was by Tucker. There is a lot more sediment in the area and nothing mentioned about that.

Kathryn Bishop of 3657 63rd Street feels it belongs in an industrial area and would like policing if it does go through.

Melissa Raywood of 6245 Blue Star adjacent to the Tucker or Crum property expressed her

concerns and there is still industrial noise coming from next door when Tucker is using his ram set which is very loud and echoes off the building. He has raped the land so there is no sound barrier. Raywood is quite concerned about that and starting at 7:00am now that she is retired and does not want to hear the trucks up and down the driveway adding that a 6-foot high fence will not do anything.

Michelle Sall of 3862 61st Street said she understands that the township is reviewing the Master Plan which protects the residents and the people who want to do business here. She feels the Tucker proposal is clearly industrial use and does not fit here. Sall noted that the Parks Commission has put forward to the Board a Memo of Understanding for the Blue Star Trail as part of the long-term vision this does not include industrial use property along this trail. Sall feels that the quality of life in this area of the township is ignored noting it is a very, very nice place to live but not with industrial use as part of the special use process in this area.

ARTICLE VI. ADJOURNMENT

A motion was made by Becskvoort and seconded by Howell to adjourn the meeting at 9:07 p.m. Chair Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED