

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

August 2, 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, Randy Becksvoort, Jim Lorence
MEMBERS ABSENT: Linda Howell
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 July 5, 2017 meeting. **A motion was made by Becksvoort and seconded by Lorence to approve the minutes issued on July 27 as written. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

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.

Chair Slikkers asked the commissioners for comments on the report and resolution prepared by Township Attorney Bultje. Becksvoort and Lorence stated they are comfortable with the report and resolution as written. Slikkers commented on the frequency of the disposal of the dog waste stating he could support the report if amended to include the condition that the waste be removed on a weekly basis.

Slikkers addressed Pastor to confirm that the conditions of the report and resolution are to be followed. A review with a public hearing will occur in six months to determine if all conditions are being met and to allow for residents to bring forth any issues at that time.

Following discussion, **a motion was made by Lorence and seconded by Becksvoort to adopt the resolution and report with the additional condition that the dog waste be removed once per week. Chair Slikkers called for a roll call vote on the motion.**

Becksvoort – aye

Lorence – aye

Slikkers – aye

UNANIMOUS DECISION – MOTION APPROVED

Bultje will amend the report and resolution with the condition noted after which it will be signed and a copy provided to the applicant.

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 reviewed the request adding that correspondence continues to be received and asked the commissioners for comments.

Becksvoort asked for clarification of the little house camping units, particularly with the utilities; also researched the definition of a marina and expressed concern as how it is defined as a marina. Becksvoort also expressed concern that this project would not be harmonious with neighboring properties adding that while an upland marina would protect the waterway, how it would protect the neighborhood.

Slikkers said for clarification of the septic hook up, is it a mobile home that is self-contained? Eldean responded that the tiny units would be self-contained, like a mobile home on a trailer that would be out during the summer months and stored off-season. The application is from Gator Properties as the purchaser and Eldean as the lessee.

Lorence supported the concerns expressed by Becksvoort, particularly noting the Master Plan for residential use. Lorence questioned additional lighting in the area, business hours, access by customers and owner maintenance. He also asked if the fire chief would have concerns regarding the hazardous materials being used on-site. Lorence questioned how campers would cross Kelly Creek and whether a more permanent bridge would be installed. Eldean said the creek is not too deep and can be walked across. Lorence expressed concern that the proposed chain link fence would not be tall enough to cover the boats and boat cradles. Eldean responded that he followed the requirements of the Township regulations for fencing. The hazardous materials would be the same that are currently used at the marina and handled in the same manner following compliance requirements.

Slikkers reviewed his concerns noting that 21 residents spoke at the public hearing 18 of whom were opposed; Bob and Tricia Lamar spoke in favor; over 90 letters/email correspondence was received and 22 letters were in support. Slikkers questioned the definition of this being a marina that would include lodging and in his opinion it is not a marina. After reading through all of the correspondence, some of the most common concerns why it should not be approved: noise; traffic; fire, smoke and fumes; increase in crime; trash; critical dunes; trespassing; short-term camping; decrease in property value and increase in commercial activity; marina equipment; protect Kelly Lake Drain; visible changes; tree removal along the road; large storage buildings in residential area; screening fence would change things and security and night lights. This is a parcel zoned C-2 with all residential around it and totally inconsistent with the Master Plan. Following his comments, Slikkers stated that he would not vote to approve the request for two main reasons, one being that it does not meet the criteria in 38.91 and is inconsistent with the Master Plan.

Eldean disagreed that it is not harmonious with 38.91 on the basis that Laketown is a boating community. He does not feel the project would be hazardous or detrimental to the surrounding properties. Eldean does not feel the request is any different than the requests for oversized buildings that were approved tonight.

Slikkers responded that this is different because it is a significant change to the area; harmonious would be more homes not more storage buildings. Residents who have built in the area have done so based on the Master Plan wherein future development would be residential and not commercial. Expansion of this brick and mortar has a life span of 50 to 70 years, and would establish a land use that the Master Plan says should not be there.

Eldean debated the definition of a marina stating the project would be part of the current marina business. Eldean stated there are other options allowed in the C-2 district which may be pursued if the project is not approved.

Slikkers suggested that Bultje do a report and resolution to deny the request.

Bultje said he understands the argument for a marina in a boating community, but that is too large of a view; the issue is whether the use is compatible with the immediate area. He noted that if there has been camping on the property, it is not grandfathered because it was never legal. He indicated that any other C-2 uses which could be initiated now would not be grandfathered if the property is rezoned. He noted that the Planning Commission considered rezoning the property to comply with the Master Plan before the Planning Commission knew about this application, and he encouraged the Planning Commission to consider that rezoning now.

Following discussion, **a motion was made by Becksvort and seconded by Lorence to direct Bultje to create a resolution and report to deny the Eldean / Gator Properties Special Use Request as presented. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Slikkers asked Bultje for direction on the rezoning. Bultje responded that it could occur at the request of a property owner, Township Board, or Planning Commission. The matter is then scheduled for

public hearing and noticed accordingly.

Meshkin encouraged commissioners to pursue the rezoning but to also address the parcel at the southeast corner of 66th Street and 146th Avenue along with the three outlying parcels which should also be residential per the Master Plan.

Following discussion, **a motion was made by Becksvoort and seconded by Slikkers to direct Township staff to begin the notice process to rezone the noted parcels from commercial to residential pursuant to the Master Plan. Slikkers called for a vote on the motion. Vote 2 to 1 MOTION APPROVED**

Bultje explained that per the motion a public hearing would occur at the next meeting but a decision does not have to be made at that time.

ARTICLE IV. NEW BUSINESS

A. TREACY SITE PLAN REVIEW

David and Georgia Treacy, owners or agents of property located at 6676 Tall Tree, Holland, MI, that being tax parcel #0311-410-055-00, request a site plan approval to build a single family residence with attached garage.

Ed Zwyghuizen represented Treacys. He explained that for the site plan review, permits from the Allegan County Conservation District, DEQ for critical dunes, and Allegan County Health Department have all been obtained. It is a single-family residence on a somewhat tricky lot between the critical dune and setback for the driveway.

Slikkers asked for questions – no questions from the commissioners.

Following discussion, **a motion was made by Becksvoort and seconded by Lorence to approve the Treacy Site Plan Request based upon it being in compliance with the factors set forth in 38.487 and 38.65; subject to the conditions of compliance with the application submitted; compliance with all federal, state, county, and Township laws and ordinances; and compliance with the written and verbal representations for the applicant as provided at this meeting and recorded in the minutes. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

B. BLOOD SPECIAL USE REQUEST

Archie Blood, owner or agent of property located at 6083 145th Avenue, that being tax parcel #0311-012-025-31, requests a special use permit to construct an oversize accessory building.

Archie Blood explained that he is proposing to construct a pole barn with more square feet than allowed by right. He would like to use it for multiple purposes to include a kitchen and bath;

workshop and storage for tractors (not for occupancy purposes).

Slikkers asked for questions – no questions from commissioners.
Slikkers opened the public hearing.

Ron Kathy of 4504 61st Street asked how big the structure will be and where on the property it will be located.

Blood responded that it is 36' x 60' in size and will be 110' to the west from the house and 230' from 61st Street and 100' from 145th Avenue with two driveways on property. It will be multiple uses for gathering, clients, workshop, and storage for tractors.

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

Slikkers asked about the second driveway going up the hill. Blood said he spoke to Allegan County and the law states with 175' of frontage two driveways are permitted; he has 550'. No additional septic tank is necessary as the Allegan County Health Department approved connecting to the current septic system.

Following discussion, a motion was made by Lorence and seconded by Becksvoort to approve the Blood Special Use Request based upon it being in compliance with the factors in Sections 38.471 and 38.91, and with final site plan requirements in Section 38-65; subject to the conditions of compliance with the application submitted; compliance with all federal, state, county and Township laws and ordinances; and compliance with the written and verbal representations provided by the applicant at this meeting and recorded in the minutes. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

C. BINDON SPECIAL USE REQUEST

Tim Bindon, owner or agent of properties located at 6413 Sand Castle Drive, that being tax parcel #0311-406-014-00 and parcel #0311-027-037-00, requests a special use permit for the purpose of building an oversize accessory building.

Tim Bindon explained that his building will be used for storage of autos, RVs, boats, and tall things. He noted the square feet mentioned in the application should be an exterior of 4400 sf; overall height to 35' so average roof line is 30'. Slikkers said the allowable size is 450 sf per acre and 18' is the maximum on height.

Becksvoort asked if it is two lots and Bindon said it is combined as one. Becksvoort asked if there are any special rules for Sand Castle Association and Bindon responded that the covenants are the same as the Township's.

Slikkers opened the public hearing.

No public comments.

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

Lorence had no further questions. Becksvoort noted that it is a very big building and would not want any type of living quarters upstairs. Slikkers agreed and had discussed it with applicant, who agreed there would be none.

Following discussion, a motion was made by Becksvoort and seconded by Lorence to approve the Bindon Special Use Request based on it being in compliance with the factors in Sections 38.471 and 38.91, and with final site plan requirements in Section 65; subject to the conditions of compliance with the application submitted; compliance with all federal, state, county and Township laws and ordinances; and compliance with the written and verbal representations provided by the applicant at this meeting and recorded in the minutes. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

D. PRESENTATION BY MAIN STREET PLANNING

Tim Johnson of Main Street Planning said he contacted Meshkin about updating the Master Plan that was last done in 2005 and updated in 2008. Johnson gave an overview of his methods which include much research on the demographics of the Township; review of building permits; updating of maps; recent rezoning; utilities extension improvements; and most importantly outreach to residents. Meshkin will send a request for proposal. Johnson asked about recent concerns. Slikkers cited an increase in development since the economic upturn with growth at a higher level than has been seen in many years; the need to address infrastructure for growth; and clarification of text in the document.

ARTICLE V. CITIZEN COMMENTS

Wade Eldean expressed concern for the lack of public transportation in Laketown Township noting that the MAX bus should be available for seniors in the area. Eldean asked for clarification on the voting process. Bultje responded that a majority of a quorum is adequate for the Planning Commission. Becksvoort advised that Allegan County has ACT available for public transportation.

Bob Lamar commented that in 1988 the Master Plan had his property all commercial and it stayed that way but now how can that arbitrarily be taken away. A new Master Plan does not make what is currently there illegal. He also commented on the critical dunes that were damaged for residential homes. Bultje said the Township enforced the critical dunes and then decided to turn it back over to the state. Lamar said now there are people that want the zoning changed. And there has been one woman who has promoted this and encouraged others to send the letters.

Slikkers said we received a lot of letters and some of which were from Castle Park and Scenic Shores.

Jim and Connie Bakker of 4718 64th Street expressed concern that the deck on the new construction at Laketown Crossings appears to be outside of the building envelope that is adjacent to their property line. They feel it is less than the required 40' setback. Meshkin said the question came up a month or two back and the builder understood the decks must be within the envelope so he is waiting for a response from the developer.

Geiger of 136th Avenue asked for clarification on a special use permit regarding the side yard and fencing. He specifically referred to the Pastor & Benson request asking if the fence area containing the dogs can be on the property line. Slikkers said they are not building new construction for the dogs, and the fence can be on their property line. Meshkin said there was a specified area but not a setback for use of keeping animals, except the building that houses the animals. Geiger asked if the 6-month trial period starts today and Bultje responded that it does. Geiger asked what happens after the 6-month trial period when the conditions outlive that timeframe. Bultje reiterated that the 6-month timeframe is not the end of the conditions. If the conditions are violated a report should be made to the Township staff to address.

ARTICLE VI. ADJOURNMENT

A motion was made by Lorence and seconded by Becksvoort to adjourn the meeting at 8:37 p.m. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED