

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

REGULAR MEETING
September 5, 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: Al Meshkin – Township Manager
Ron Bultje – Township Attorney
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the August 1, 2018 meeting. **A motion was made by Perry and seconded by Becksvoort to approve the minutes as written. 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 spoke on behalf of Scott Tucker and explained the letter submitted in response to the report and resolution draft by the township attorney. The property will be purchased under a land contract. Zoerhof asked that a wood fence be approved over a vinyl due to the significant cost difference. In regards to fueling and repair of vehicles, it was clarified that no repair work for other clients will be done but repair will be done on the company owned equipment which will be fueled on-site. The proposed timing for the project completion is within one year of approval.

Meshkin expressed concern regarding noise complaints that he has heard from neighbors. Meshkin said he would need a way to determine when noise is excessive and obnoxious. Meshkin asked Bultje if it is possible to have discretion for the zoning administrator to determine the level of excessive noise. Zoerhof said screening would be put in and Meshkin stated that it will not address the issues being reported today. Zoerhof said the hours of operation were also put in place. Tucker said the screeching noise was one bad dozer on the drive and that work is done. Bultje asked when it was completed and Tucker said the driveway is done. Lorence asked if the noise is a result of the marine construction and is there an instrument being used that creates a pneumatic noise? And the pounding, will that continue? Tucker said docks are constructed there and will be as part of the operation.

Howell expressed her concerns with the report as follows: all building codes including all water and sewer for a manufacturing environment must be met, including adequate plumbing; include a probationary period; number of lights to be allowed; detailed drainage plan and recorded agreement with the Allegan County Drain Commission; all inspections must be in place, taking issue with the fact that the project went forward without that being done; clarification of construction season to understand when trucks will be on site; all vehicles must be licensed and operable; definition of salvage materials and laydown yard; motor vehicle repair must not be for third parties; number of employees, parking and ingress/egress; fuel tank must be per site plan; vinyl fence is necessary not wooden; fueling limited to Tucker equipment only; fully constructed before operational with all inspections completed.

Becksvoort questioned the amount of gravel in the yard and asked if the site is ready for construction. Tucker said 90% is gravel and what will happen is a fair amount of it will leave, sand will be brought in and grass planted after the construction is completed. Becksvoort asked that all noise issues be done. Building codes and commercial, no running water, bathrooms, where is the waste water from repair work going to go? Will there be an oil separator in the drain following the state guidelines? Where is that water going? Becksvoort expressed concern about Guardian Brewing and the water that they use. What will be in place to monitor the drainage for the neighborhood? Becksvoort feels it is an industrial use and special request is being used to try to pass it. Will a licensed mechanic be on site? Tucker said he will do the work.

Howell questioned if building docks inside the building should be considered industrial manufacturing in a mixed-use zoning. Bultje said marine operation is allowed in this district. Howell said marinas and contractors within a closed building are allowed but there is no entry for marine construction. Bultje said a condition could be that all construction is done inside the building but not sure it would meet building codes.

Lorence said he thought it was understood that the construction was done at the jobsite and not at this site. Zoerhof said it would be job specific depending on the jobsite so will vary from job to job. As far as the fence, the neighbor is okay with the wooden fence so he does not have an issue with it. Howell said it depends on which neighbor. Zoerhof said the neighbor that is selling Tucker the west nine acres is the one who prefers the wooden fence and he was not talking to the neighbor to the west.

Bultje spoke to the noise issue noted in Section 38.468 which prohibits obnoxious or dangerous noise levels; Section 22.105 speaks to disturbance of the public. Becker said the screeching of the dozer was not heard when a semi-truck was going down the highway. Howell asked how the commission feels about a probationary period. Bultje would like to take the position that any P.U.D. is always contingent on the provisions/conditions being followed for as long as the operation is in place and not a probationary period. Obnoxious noises are prohibited and would be part of the report and resolution. Howell struggles with the definition of obnoxious noise. Bultje would like to incorporate these conditions and definitions in the agreement. Bultje said during the year of construction, noises should not be extraordinary of those noises associated with that of construction.

Howell would like to table the item to take into consideration the verbal and written comments made at this meeting. Zoerhof asked that Tucker be allowed to continue the operation and construction be given a beginning and end date. Becksvoort asked if the business is being operated without permits now? Zoerhof said there is work being done on the site and the business operation has been underway. Bultje asked when the season would be finished. Tucker said until the ice sets in on the water. Bultje said the Commission cannot give permission for something that has not been permitted. The township staff has not taken any action to shut down the operation at this time while the Planning Commission works with the applicant.

Following discussion, **a motion was made by Howell and seconded by Becker to table the item pending revision to the report with the verbal and written comments/discussion that took place at this meeting.**

Zoerhof asked if this could be worked out before the next meeting without him being present to save the client attorney fees. Bultje responded that he would work with Zoerhof outside of the meeting.

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

ARTICLE IV. NEW BUSINESS

A. BUSTLE SITE PLAN REVIEW

Laurel and Howard Bustle, owners or agents of property located at 4562 Lovers Lane, Holland, MI, that being tax parcel 0311-460-012-00, request a site plan review for a new single-family

dwelling at this location.

Laurel Bustle of 4562 Lovers Lane explained that a special use permit was approved previously and now propose a single-family dwelling on this site. All variance issues have been resolved and the site plan has been submitted.

Becker asked to clarify if the garage is attached or unattached. Bustle responded that the properties have been split. Meshkin said on March 17, 2017, the lot split was approved which created this new home site. Originally, there was an attached garage on the new house but it would have required variances so they applied for site plan review and were going to apply for variance on rear yard. If the garage is a detached garage there is no need for a variance. The revision to the site plan is due to the change in the structure. The goal is to be a one level home for primary living space with two bedrooms, a loft and bath for guests on the second floor.

A letter was received from Jeffrey and Elizabeth Webb of 4560 Lovers Lane expressing concerns and asking for clarification on a number of items. Setback, tree root system, septic placement, and height of house and garage were noted concerns. .

Becker had no further questions. Howell and Becksvoort had no questions. Perry expressed concern regarding the trees being removed and because of the small setback, it may jeopardize the trees on the neighboring properties. Perry also feels the dunes could be destabilized during construction and may change the character of the area including affecting the critical dune. Bustle said the area is not critical dune. Bustle plans to keep as many trees as possible. Becksvoort explained that there is not a tree ordinance and the property owner has the right to do as they see fit. Perry referenced the Master Plan and its consideration for retaining as much natural foliage as possible. Is there a better plan that would not negatively affect the neighbors as much? Perry also expressed concern regarding the erosion of the dunes. Bustle is committed to the new owner and the neighbor not to cause damage; all activity is overseen by the DEQ and Army Corp of Engineers.

Bultje said it is a site plan review because of ordinance 38.487 for sand dune development and covers the vegetation with minimal impact. Howell said the significance of this request is due to the size of the lot which is 58 feet.

Following discussion, **a motion was made by Howell and seconded by Becker to approve the Bustle Site Plan Review Request based upon it being in compliance with the factors in Sections 38.487 and 38.65. The approval is conditioned upon 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. Lorence called for a vote on the motion. Vote 4 to 1 Perry opposed - MOTION APPROVED**

B. VAN WIENEN REZONING REQUEST

Jack E. Van Wieren, owner or agent of property located at 6229 146th Avenue, Holland, MI, that being tax parcel #0311-002-020-00, requests a rezoning described as follows: commencing 660

feet west of southeast corner of Section 2; thence west 343.5 feet; thence north 420.9 feet; thence east 343.5 feet; thence south 420.9 feet to point of beginning; section 2 T4N R16W. Property address 6229 146th Avenue, Holland, MI 49423 from R-1 Rural Estate to R-2 Low Density Residential District.

Jack Van Wieren of 6215 146th Avenue asked to have the property rezoned to create an additional building site for potentially his children or another in the future. He would potentially split the lot for additional building sites.

Lorence opened for public hearing. No correspondence was received and no public comment.

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

Perry asked if this area is in the future master plan for such requested use. No other questions or comments from commissioners.

Following discussion, **a motion was made by Becksvort and seconded by Becker to recommend to the Township Board rezoning of said property from R-1 Rural Estate to R-2 Low Density Residential District consistent with the Master Plan, compatible with surrounding land uses and based on the capacity of infrastructure to support the request.**

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

C. TUTHILL SPECIAL USE REQUEST

Bryant and Emma Tuthill, owner or agent of property located at 64th Street south of 32nd Street, Holland, MI, that being tax parcel #0311-003-001-10, request a special use permit to build an over-size accessory building on this site.

Bryant Tuthill of 4755 Pine Hollow Road explained that he is asking for approval to build an oversized accessory building on this lot to be used for personal storage and hobby barn.

Lorence opened the public hearing.

A letter of objection was received from Jeff and Jane Stutler of 4778 64th Street. Stutler feels the building is too large for the lot and will adversely affect the value of their property.

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

Becksvort confirmed the new driveway is off of 64th Street and clarified the barn will be 40 x 52. Tuthill said the goal is to keep as much foliage as possible and replanting will be done after

construction.

Victor Tuthill of 596 Old Macatawa Court said it was expensive to put the driveway in in order to meet the DEQ requirements due to the wetlands.

Meshkin clarified that the building is 40 x 52 and will have an attached porch at 10 x 26 which must be included in the size of the barn. Becker said the site vegetation looks very thick and the building will not be visible from the road. Meshkin clarified the setbacks and Tuthill said the setbacks will be well over the required; south 20' and westerly over 40'. Meshkin clarified the height is 21' at the peak and overall height is 16' which fits well within the setback. Perry asked if it is for personal use and will there be plumbing. Tuthill said there may be water for gardening but it is strictly a hobby barn and for personal storage only.

Perry went on record that accessory buildings should be reviewed when the master planning is done as this is twice the size as allowed.

Following discussion, **a motion was made by Becksvoort and seconded by Howell to approve the Tuthill Special Use Request for an oversized accessory building, based upon a consideration of the special use standards in Section 38-471(6) 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; and with the written and verbal representation at this meeting.**

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

B. VANDENBERG SPECIAL USE AMENDMENT REQUEST

Terry and Lisa VanDenBerg, owners or agents of property located at 4615 66th Street, Holland, MI that being parcel #0311-003-052-20 requests an amendment to their special use permit to build an over-size accessory building on this parcel.

Terry VanDenBerg of 4615 66th Street asked for permission to build a shed which will be an additional barn on a property that already has one barn. The current barn is less than allowable and the addition of one more will exceed the overall allowable.

Lorence opened the public hearing. No correspondence received and no public comment.

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

Becker had no questions and said the current property and buildings looks great. Howell had no questions. Becksvoort clarified the property to be traded and deeded and explained the property

was purchased as an L; the base of the L will be traded in return for additional depth to the parcel. It is a minor reduction in property. Perry had no questions.

Following discussion, **a motion was made by Becksvoort seconded by Becker to approve the VanDenBerg Special Use Request Amendment to for an oversized accessory building, based upon a consideration of the special use standards in Section 38-471(6) and Section 38-91, and the site plan standards in Section 38-65. It is recognized that there will be a lot adjustment to trade a portion of the parcel to the north for property to the east. The conditions of approval are compliance with the application; compliance with federal, state, county, and Township laws and ordinances; and with the written and verbal representation at this meeting.**

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

ARTICLE V. CITIZEN COMMENTS

Kim Collins 3657 63rd Street appreciated the sharing of the comments regarding the Tucker request. Collins expressed concern regarding hours of operation beginning at 7:00am being too early for guests at the Guardian and the Belvedere.

Melissa Raywood of 6245 Blue Star Highway referred to the letter of concern she submitted. She asked why Tucker has been allowed to continue to run the business without the required permits. Raywood said the dozer noise is still an issue and Bultje said she must report it to the township. Raywood does not feel this business is a good fit for the neighborhood.

Tom Shuff of 4764 Forest Lane said he has been following this project and commented that it does not seem that this business fits in the area.

Ellen Fitch of 3665 63rd Street stated that she owns property to the west line of the Tucker property and asked why she is not getting a fence.

Larry Edgerton of 6245 Blue Star Highway said he felt Meshkin should have stopped the Tucker operation after the first complaint. Tucker's operation does not fit in this area. Planning Commissions must learn to ask the right questions.

Michelle Sall of 3862 61st Street asked for clarification of how the process works. Sall referred to the DDA plan and does not feel the Tucker application fits the criteria noted in the plan. Sall questioned the accuracy of the application form based on current ordinances. Bultje said all applications are reviewed based on the current ordinances.

Meshkin said the Master Plan workshop is scheduled for September 27 at 6:00pm. Meshkin suggested looking at the ordinance for oversized accessory buildings and consider an amendment prior to the completion of the Master Plan to reduce the number of requests.

ARTICLE VI. ADJOURNMENT

A motion was made by Becksvoort and seconded by Perry to adjourn the meeting at 8:53 p.m. Chair Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED