

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

September 6, 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, 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 2, 2017 meeting. **A motion was made by Lorence and seconded by Becksvoort to approve the minutes with a correction on page 3, paragraph one, changing the number of letters of support to 22. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. ELDEAN / GATOR PROPERTIES SPECIAL USE REQUEST

Eldean / Gator Properties, owners or agents of property located at 4612 66<sup>th</sup> 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 resolution and report prepared by Township Attorney Bultje. Slikkers asked commissioners for questions or concerns and there were none.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to adopt the resolution and report to deny the Eldean / Gator Properties Special Use Request. Slikkers called for a roll call vote: Roll call vote: Becksvoort – Aye; Slikkers – Aye; Howell – Aye; Lorence – Aye. UNANIMOUS DECISION – MOTION APPROVED**

## ARTICLE IV. NEW BUSINESS

### A. NIENHUIS SPECIAL USE REQUEST

Chad Nienhuis, owner or agent of property located at 4569 Arbor Trail, Holland, MI, that being tax parcel #0311-002-050-20, requests a special use permit to build an oversize accessory building.

Chad Nienhuis explained that he is building a home at 4569 Arbor Trail and is asking for a special use permit for an oversize accessory building, adding a section to make it architecturally pleasing with a porch and small workshop totaling about 400 square feet.

Slikkers opened the public hearing.

Matt Eldean of 4657 Arbor Trail said Nienhuis will be his direct neighbor and had the pleasure of working with him on recent Consumer Energy issues and has no issues with the request.

No correspondence was received.

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

Slikkers asked commissioners for questions/concerns. Becksvoort had none; Howell appreciates the bump out into their lot and not the neighbor's lot; Lorence said it looks nice.

Following discussion, **a motion was made by Lorence and seconded by Howell to approve the Nienhuis Special Use Request based upon it being in compliance with the factors in Sections 38.471 (6) (f) and 38.91, and with final site plan requirements in Section 38-64; 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**

### B. KRUITHOFF SPECIAL USE REQUEST

Ryan Kruihoff, owner or agent of property located at 6432 146<sup>th</sup> Avenue, that being tax parcel #0311-010-003-32, requests a special use permit to construct an accessory building in his front yard with less than the 200' setback as required by the Zoning Ordinance, specifically Code Sec. 38-471(2).

Ryan Kruihoff of 6432 146<sup>th</sup> Avenue explained that there is a Consumer's Power easement that runs through his property resulting in the requested location for the building being the only feasible option.

Slikkers asked if Kruithoff had gotten a survey and he had not. Kruithoff stated that he is willing to put in additional arbor vitae to provide more camouflage.

Slikkers opened the public hearing.

Mike Batjes of 4596 Jack Pine Drive said his pole barn will be just to the right of this and his concern is the partial drain and he asks that the ditch is maintained. He stated the drain was supposed to go under Kruithoff's driveway but when the driveway was installed a culvert was not installed. Both parcels will hold water if the ditch is not maintained. Batjes said he has no issue with the building as long as nothing happens to the ditch.

No correspondence was received.

Kruithoff was unsure if the ditch was man-made or natural but said to his knowledge this is not an area that has an issue with water. Meshkin said it is an orphan drain, an old farm type drain that goes to the west. Becksvoort asked if Kruithoff anticipates water problems and he responded that he would build it up as much as necessary. Kruithoff said he has a large front yard that is relatively low but has had no issues. Meshkin said right now there are low water tables, confirmed that the property was sandy soil and asked if Kruithoff considered digging a pond and using the spoils as fill. Slikkers asked if Batjes' property is higher. Batjes said he installed a 12 inch tile pipe to drain to the wetlands because the retention pond did not drain correctly. He added that the road commission filled in a portion of the ditch when the road commission ran the pipe under the driveway. Becksvoort asked how much of the water on Batjes' property runs onto Kruithoff's property. Batjes said it is about 50/50 and the ditch goes nowhere because the driveway stops it. Howell asked if the dead end ditch could be connected to the tile and Batjes responded that it is about 150' long and 5' down so it could not connect. Kruithoff said the Consumer's easement is out of his control. Batjes said if there is a water issue, is Kruithoff willing to address it? Kruithoff responded that of course he would as it would also affect his property. Kruithoff's property is lower than Batjes' property.

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

Slikkers asked how to handle the orphan drain and Bultje confirmed there is no obligation for the Township or the county to maintain the drain. Bultje said the applicant could address a water issue with the Drain Commission or he and his neighbor could deal with it themselves. Howell said cutting off the drain will not guarantee a problem for the neighbor as much as for the applicant who will be receiving runoff water. Slikkers said the driveway will stop the water from going anywhere. Kruithoff said he will hire someone to assess it and come up with the best option.

Slikkers said the Consumer's Power easement and the fact that there is another similar building in the same type of location are factors to consider.

Following discussion, a motion was made by Howell and seconded by Becksvoort to approve the Kruthoff Special Use Request based upon it being in compliance with the factors in Sections 38.471(2) and 38.91, and with final site plan requirements in Section 38-64; subject to the conditions of compliance with the application submitted; compliance with all federal, state, county and Township laws and ordinances; compliance with the written and verbal representations provided by the applicant at the meeting and recorded in the minutes, including the commitment by the applicant to work with his neighbor on potential water issues; and subject to the requirement that the applicant provide adequate screening from 146<sup>th</sup> Avenue by building behind the tree line or by adding vegetation for screening. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

### C. PUBLIC HEARING ON PROPERTY REZONING

Chairman Bob Slikkers explained the proposal as follows: 4612 66<sup>th</sup> Street – 0311-0004-020-20 and 4608 66<sup>th</sup> Street – 0311-004-020-00 to be zoned from C-2 General Business District to the R-2 Low Density Residential District; 6590 146<sup>th</sup> Avenue – 0311-010-020-00 to be rezoned from partly in the C-1 Neighborhood Business District and partly in the R-1 Rural Estate District to entirely in the R-1 Rural Estate District. The item was raised at previous Planning Commission meetings prior to the recent Eldean/Gator Properties special use request; these three parcels are not in the Master Plan future commercial use. Slikkers said there have been more than 80 letters and emails received regarding the proposed rezoning.

Slikkers opened the public hearing.

Bob Lamar of 643 Appletree Drive stated that he would like to know where in the Master Plan it states that these parcels can be changed. Lamar recited a portion of the Master Plan that states as the Township grows, residents should expect services to grow with it. Lamar asked why the commissioners are cutting Eldean down when there is plenty of acreage; also noting that he had removed 5,000 sf of unattractive buildings from the property. Slikkers said the Master Plan shows it is planned for residential. Lamar disagreed stating that according to state law, every township is required to have a certain percentage zoned commercial.

Philip Bohlander of 4625 Forest Lane stated that he is against any zoning that would reduce the value of property, adding that this rezoning would reduce the value of the property.

Bruce Hunt of 804 Holly Creek Drive represented David Baar. He read a letter that had been submitted to the commission in opposition to the rezoning. His client purchased the office building in 2012 for a business venture, noting the state law does not allow restrictions on commercial use under the current zoning. The proposed rezoning cannot take away economical use of viable land and the current use would be allowed to continue. His client questions the reasons to change the zoning when it will place an additional burden on the Township and owners through court dealings. The current owners are willing to sell their properties at no loss for a one time offer to recover their investment.

Tom Arendshorst of 6650 Kelly Creek Drive stated that he is immediately adjacent to the Lamar

parcel and voiced his support of the Township engagement and farsightedness for future use of this property, considering the Master Plan, the character of the neighborhood, and the interests of the surrounding area.

Wade Eldean of 2305 South Shore Drive for Gator Properties read a letter that had been submitted, asking that the properties not be rezoned citing past business and historical events that had taken place in this area. Just because some businesses have come and gone does not mean the Township should rezone this area. Eldean referenced the Blue Star Highway Corridor stating a select few parcels were not rezoned. Commercial zoning serves the needs of the people in their neighborhoods. Does someone have to hire an attorney?

Tricia Lamar of 643 Appletree Drive spoke in opposition of the rezoning and read a letter that had been submitted. She stated that the residential use is not more important than commercial use, citing successful businesses that had been present in the past before the development of Scenic Shores. She stated the Lamar business located at 4612 66<sup>th</sup> Street has been there for 78 years but Bob has now chosen to sell the property to Eldean to continue local use, stating the main point is businesses have operated in this area for over 100 years. People are seeking to remove the rights of the property owner and this is wrong. More residential development will divide and intrude and could reduce the beauty and serenity of the area disrupting the natural habitat.

Jack Ludema of 6039 Woodcrest Court said Lamar Construction has been around for 78 years; they are pillars of the community; Eldeans are pillars of the boating community. In his opinion, there are people who have too much time and money and they are ruining the critical dunes with all of the development. He is opposed to the rezoning.

Michelle DenHartigh of 4604 66<sup>th</sup> Street lives next door to David Baar and Lamar; she stated the rezoning request may feel personal but it is not. DenHartigh spoke in support of the rezoning adding that the point is to ebb and flow with the times; what was commercial is now residential as stated and planned for in the Master Plan. She would be in favor of some sort of compromise but not more commercial development and hopes the owners will not suffer a financial loss.

Sam Martin of 4567 Audubon Road said he and his wife Jean own the adjacent parcel and also support the rezoning. Having lived there for 40 years and witnessed all of the changes, he noted Lamar had a history but it is now gone. The area has become more solidly residential noting the key issues of future land use and looking to the future, not reflecting on the past.

Rich Geiger of 6253 136<sup>th</sup> Avenue noted there is a small sliver of land west of his residence that is the only commercially zoned parcel. He is in favor of this proposed rezoning and feels this single parcel should also be rezoned.

Bob Lamar asked DenHartigh if she was told the property next to her was commercial when she bought it. DenHartigh said she was not told it was commercial but the Master Plan and future land use map showed residential. Lamar said the Master Plan still shows there are services and they are expected to grow. Slikkers asked what he meant by that. Lamar said more storage areas; a lot of people want more storage for their stuff. There are a whole lot more people in the Township

who do not know about this proposed rezoning; the paper states addresses but not names that people would recognize. It was never intended to change and everyone who bought around here knew it. The Township did allow changes in critical dunes and that hurt everyone because they have erosion problems.

Paulette Carr of 6683 Indian Pipe Circle spoke in support of the rezoning stating she built a house with the understanding that it would be residential. What brought it to her attention was a proposed change from storage to industrial use and camping; the idea of what currently exists to something that would change; the Master Plan considers input from community as it should. She deeply appreciates the commissioners' decision with regard to the proposed special use permit and wants to reiterate that she supports the rezoning.

Ross Lamar of 145<sup>th</sup> Avenue stated his biggest concern is the fact that the Township feels it can almost at a whim change zoning; he questions if that is legal. Slikkers asked if he was looking for a legal opinion and Lamar said no. Lamar asked what is next, no more agriculture, and where are you going to go next?

John Mulder 4730 64<sup>th</sup> Street stated that he knows Bob Lamar and his concern is not what is legal but what is moral. Mulder read a letter that he submitted noting that he appreciates the zeal of the commission to make Laketown a great place to live but at what cost to the property owners if the value of the property is reduced by 30-70%. He agrees that individuals must give up something for the good of the whole community but feels the commission should not be able to make decisions that depreciate property values. He feels the fair thing would be to contract two individual appraisers and if there is a loss to the owner then the people should pay for it. Anything less would be stealing. He asked commissioners to be fair and do the right thing.

Matt Eldean of 4657 Arbor Trail spoke, also on behalf of his father Roger Eldean of 2150 West 32nd Street. He spoke in opposition to the rezoning, supporting what Wade Eldean, Tricia Lamar and Mr. Mulder had stated. He hopes the Township will measure the risk and benefits to rezoning of the property and think of the big picture, noting the key word is depreciation. If a developer comes in, similar concerns will be raised again.

DenHartigh stated she liked Mulder's idea and asked how feasible it would be to look for a more creative resolution.

Bob Lamar said as he has said before, as long as he gets what Eldean was willing to pay for the land, he is willing to sell. He expects to get what he was offered and the Township should not take that away from him.

Ruth Lamar Bouwman of Audubon stated that she has lived there for 70 years on the north border of this property. She loves the woods and would see her property value go down if a junk yard is allowed to be developed there. She has beautiful oak trees that would come down and she doesn't want to see security lights in place of them.

Mary Leeuw of 6456 146<sup>th</sup> Avenue agreed with Mulder; if the zoning has to be changed then do it

the right way and not just say too bad for you guys. She also supported what Ross Lamar stated and feels the right thing should be done to be fair to the property owners. She feels the commissioners should listen to the residents and take into consideration what is said. Laketown Township will get a bad name in the community if it changes zoning whenever it wants to.

Diane Arnold of 6619 146<sup>th</sup> Avenue spoke in favor of the rezoning. However, she asked if this is purchased for residential lots, how many parcels would it include? She would not be in favor of a P.U.D. and also supported what Mulder stated.

Ken Genzink of 6640 Oakridge Drive stated that he owns to the north of the Lamar property and supports what Mulder said in terms of making up economic loss. What is the economic impact for Eldean if they cannot buy the property? He does not feel the resistance to the proposed special use is all that valid. Lots of people rent slips and he has never seen unruly people, so he does not see what the issue is. He is concerned about pushing out businesses that produce viable tax revenues.

Wade Eldean mentioned the 40' Chris Craft boat stored in a yard on 66<sup>th</sup> Street, asking if anyone is complaining about that. He referred to the May 9 workshop meeting, noting that Slikkers stated if you do not like what is happening to the land next door, then buy it; he has not heard the comment since then. He asked why the rezoning is coming up when Lamar has a buyer for the property. Eldean noted the number of employees Eldean Shipyard employs along with many subcontractors, stating that even during the recession, the business never had a layoff. Eldean gave examples of how the boating business brings people into the community who want to rent or purchase a vacation home and often bring in more family members and friends, benefiting the local economy. He feels the Township is being short sighted to think that boat services are not needed for the neighborhood; most of the customers are local or return year after year. Eldean also mentioned the generosity of the company in their support of local fundraising efforts.

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

Slikkers noted that many things have been said in both comment and correspondence received. One thing that has been asked is if this is legal and Bultje will review again, noting that it is within the Planning Commission and Township Board authority to request rezoning. These particular parcels have been discussed for rezoning prior to the Eldean special use request; the Planning Commission considered updating the Master Plan earlier this spring. The Master Plan will be reviewed and when completed a public hearing will be held as was done tonight to receive public input. Slikkers would like to take the next month to review all comments and feedback from this meeting. Slikkers asked commissioners for their feedback. Becksvoort said a lot of good things were discussed on both sides along with a lot of emotion and he appreciates the facts but agrees with Slikkers that he would like to take the next month to read and research the materials. Howell thanked the residents for their civility in both verbal and written comments and also agrees with Slikkers. Lorence also thanked everyone and stated that he is glad they are part of Laketown, trying to resolve this matter together. He too would like to take the month for review.

Bultje does not object to taking further time and provided further comment on statements made. A protest petition was submitted by the property owner, stating a 2/3 vote is necessary to rezone the land; this is not correct. The protest petition provision only applies to cities and villages but not townships under the Michigan Zoning Enabling Act. Proposed changes to the future land use map are not required to be mailed to property owners, but rather just published in the newspaper prior to a public hearing. The Master Plan is a public document for anyone to review. It is not true that townships must hold a certain percentage of land for commercial zoning, but rather to provide property uses that are in demand. The Township is not obligated to zone land for its highest value, but rather simply to zone for a reasonable use and reasonable return; it would be impossible to provide every property owner zoning for the most valuable use. What is grandfathered if rezoned is the current use, not all commercial uses. Townships can rezone based on the Master Plan and future land use map. As for the Mulder idea, it would be illegal because the Township is not obligated to provide the most valuable use of the property; the Township cannot give money away when it has no legal obligation and no statutory authority. On the timing of the request, it did not begin because of the buyer; the Planning Commission met in May (Meshkin was not present) and discussed the need to rezone this land; there was no discussion of a potential buyer and no knowledge of a potential buyer was mentioned. Job creation is a legitimate point, but the Planning Commission cannot consider that as part of the criteria for rezoning land.

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

#### ARTICLE V. CITIZEN COMMENTS

Bohlander 4625 Forest Lane hopes the character of the Township is not changed with all the condos going up and suggests changing R-1 to half acre minimums to slow down the change.

DenHartigh asked about the consultant for the Master Plan and Slikkers responded that requests for proposals have been placed and will be considered. Slikkers explained the special use and other requests are prioritized but the commissioners will move forward with work on the Master Plan. Bultje said the Master Plan work is done during open meetings with a public hearing on the draft before it is adopted.

Bob Lamar said if the Township had all this planning going on, it's funny that he has never been notified. A Master Plan is only meant as a guide and not fact.

#### ARTICLE VI. ADJOURNMENT

**A motion was made by Becksvoort and seconded by Lorence to adjourn the meeting at 9:06 p.m. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

