

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

REGULAR MEETING
October 3, 2018

ARTICLE I. CALL TO ORDER

Secretary Linda Howell called the Planning Commission meeting to order at 7:00 p.m.

MEMBERS PRESENT: Marcia Perry, Dick Becker, Linda Howell
MEMBERS ABSENT: James Lorence, Randy Becksvoort
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 September 5, 2018 meeting. **A motion was made by Perry and seconded by Becker to approve the minutes as written. Howell 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. Bultje said there will be no action taken due to the lack of a quorum able to vote and the matter will remain tabled.

ARTICLE IV. NEW BUSINESS

A. VAN HOVEN SITE PLAN REVIEW

Jeremy and Amanda Van Hoven, owners or agents of property located at 4206 Vandermeulen Road, Holland, MI, that being tax parcel 0311-016-007-00, request a site plan review for a new single-family dwelling at this location.

Jeremy Van Hoven of 4097 34th Street of Dorr explained the new address of 4206 Vandermeulen is the proposed site for a single-family home in the critical dunes area.

Howell asked for questions. Perry asked about the revegetation. Van Hoven said they will abide by the requirements of the DEQ for the critical dunes area.

Following discussion, **a motion was made by Perry and seconded by Becker to approve the Van Hoven 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. Howell called for a vote on the motion. UNANIMOUS DECISION - MOTION APPROVED**

B. MUSTHALER SPECIAL USE REQUEST

Mr. Jason Musthaler, owner or agent of property located at 6102 138th Avenue, Holland, MI, that being tax parcel #0311-036-020-10, requests a special use permit for a home occupation, a federally licensed firearm related business.

Mr. Jason Musthaler requests a special use for small business within his home. He recently moved from Allegan where he had a similar business. It is internet sales, with no ammunition on site or discharge of firearms and no advertisement is done. He also works in Holland at an automotive manufacturer where he has plenty of customers for his home business. He noted there will be no inventory on the premises. The average sales are 1-2 per month and during deer season possibly one per week. The transaction is done on home premises or typically at the Tulip City Rod and Gun Club.

Howell opened for public hearing.

John Wohlever of 6098 138th Avenue asked if Musthaler goes to gun shows to buy the guns. Musthaler responded that he does not and follows all required guidelines. He is pleased to have him as a neighbor and has no objections to the request.

Chuck Melchiori of 6120 138th Avenue asked what level of inventory is kept on the premises and are there any other licenses in the township of this type? Meshkin said yes and Melchiori asked if there are any negative instances and Meshkin said no there have not been any negative issues.

Melchiori asked if property values have changed in these areas and Meshkin responded that he is not aware of any effect on property values.

Mitra Delaney of 6298 144th Avenue said she is concerned about competition with Graafschap Hardware and asked if this will be the only public hearing. Delaney asked if it is possible to find out who the other license holders are and where they live in the township. Meshkin said it would take an extreme amount of research as it has been a number of years since the approvals have been granted and some may be grandfathered as prior to the late 1990's, local approval was not required by the federal government. Delaney asked what type of internet he has for the sales. Howell said we are here to consider the home business and not regulate his internet. Delaney asked to be assured there would be no inventory of firearms on the premises.

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

Becker said if he is under the thumb of the ATF it is much stricter than anything that the township could require. Perry asked to clarify the inventory and Musthaler said the guns that he has are those previously purchased elsewhere so they come to him for proper paperwork and it is 1-2 days that he has them in his possession contained in a firearm safe per the federal regulations. Perry confirmed that clients would not ask to discharge on his premises and Musthaler responded that the firearms are not discharged on his property. Perry asked what type of guns are sold and Musthaler responded regular shotguns and semi-automatic pistols is what he is licensed for, same as Graafschap Hardware. Howell clarified the occupation is inside the house and not an accessory building and there is no exterior evidence of the business. Howell confirmed that there is adequate parking and no employees on site.

Following discussion, **a motion was made by Perry and seconded by Becker to approve the Musthaler special use request to allow for the home business based on the standards in sections 38.183(8), 38.91 and 38.65. The approval is contingent upon compliance with the application; compliance with federal, state, county, and Township laws and ordinances; and with the written and verbal representation at this meeting.**

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

C. GIOVANNUCCI – WARNER SPECIAL USE REQUEST

David Givannucci and Jennifer Warner, owner or agent of property located at 6450 Otis Road, Saugatuck, MI 49453, that being tax parcel #0311-200-011-00, request a special use permit to move a cottage onto this parcel and attach it to the existing cottage on the property.

Jennifer Warner 610 Farnsworth Road, Waterville, OH 43566, explained the request to move the cottage built in 1935 which is about 575 square feet in area and they want to add it to their cottage which is pretty much the same size.

Howell opened the public hearing.

Gene Loughlin of 6088 138th Avenue asked what the address is for the cottage. Howell advised it is 6450 Otis Road.

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

Perry said she is familiar with the project from the ZBA meeting and thinks it is a marvelous idea. Becker said it makes a lot of sense because others would knock it down and build a big house there so he also feels it is a great idea. Howell asked when it will be started and Warner said hopefully this fall based on the contractors' schedules.

Following discussion, **a motion was made by Perry and seconded by Becker to approve the Giovannucci-Warner Special Use Request to move a cottage onto this parcel and attach it to the existing cottage on the property under the special use standards in Sections 38-483, 38-65 and 38-91; 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 representations at this meeting.**

Becker asked that Warner take pictures to share with the township.

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

D. ACCESSORY BUILDINGS ZONING TEXT REVIEW

Howell explained this deals with the oversized accessory buildings. Meshkin said there have been many requests for oversized accessory buildings suggesting that the current ordinance is too restrictive. Meshkin suggested making the cut-off from 3 acres to 1.25 acres or greater for 1,000 sf instead of 450 sf and height increased to 20' compared to 18'.

Following discussion, a motion was made by Perry and seconded by Becker to schedule a public hearing be held next month to consider amending Section 38-471(6) of the zoning code. Howell called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

ARTICLE V. CITIZEN COMMENTS

Melissa Raywood of 6245 Blue Star Highway spoke in regards to the Tucker special use request. Raywood submitted a photo and email correspondence to the commissioners. Raywood asked that the request be denied stating that Tucker has been running an industrial business illegally for over a year now and it needs to stop.

Ellen Fitch of 3665 63rd Street, Saugatuck spoke to the petition of objection to the Tucker special

use request that was submitted to the board. Most all neighbors have signed the petition as many are concerned with the operation. All other businesses were required to meet the standards of the ordinances but this guy has been able to sneak in and get under the radar to do this. Fitch said there is also a color coded map that shows all the property owners that do not want to see this use. Fitch said not only has Tucker been in trouble with the county and the DEQ, he has been fined and they have found real problems with what he has done back there.

Kim Collins of 3657 63rd Street and Guardian Brewing Company said she is really upset that this has been going on for five months and continues to be kicked down the line. Every month the residents become more educated and bring more information to the board about what has been going on but yet nothing is done to deny the request. Collins said she jumped through all of the required hoops and she is really ticked off that Tucker can run his business without any approvals. It has been happening a long time and he doesn't even own the property. Why is it that he does not have to be held to the same standards? Collins said she just received a notice from the DEQ to have her water tested and she is concerned that the Tucker operation may have an effect on the quality of her water. The Tucker operation does not fit into this neighborhood, not the core and soul of this neighborhood.

Bultje said there is nothing we can do tonight due to the lack of a quorum and the applicant was advised that no action would be taken.

Katherine Bishop of 3657 63rd Street and Guardian Brewing Company said she attended a Master Plan meeting and the Tucker operation does not fit with what was discussed.

Ellen Fitch said there was a vision for the Blue Star Corridor and the Tucker operation does not fit in that vision. The industrial use was not part of the vision for this neighborhood.

Matt Draisma of 6205 Blue Star Highway spoke on behalf of himself and also Ken Draisma regarding the petition and letter submitted in objection to the Tucker special use request. He and father have been doing business in the Blue Star Corridor for 19 years and it can be done right within the standards of the ordinance. Tucker has not gone about this the right way and he questioned why he was not held to the same standards as other businesses.

Melissa Raywood asked if this is denied and Tucker is asked to move his business elsewhere, what happens to all of the vegetation and aquifer system he has destroyed. Will he repair it or will Crum be required to do so? Bultje said if he has violated county or state law, he would have to respond to those entities accordingly.

Bultje said for the record, he advised Lance Zoerhof that there would not be a quorum at tonight's meeting but residents would have opportunities to speak under Citizen Comments and Zoerhof and Tucker could attend to hear those comments. Zoerhof's response was that he wanted the opportunity to respond to comments. Bultje reported that absent commissioner Lorence advised Bultje that he visited the site a couple of times and saw a torch next to a piece of dock that was being built by Tucker and it was obvious to him that there is fabrication occurring on the site which was contrary to what Tucker claimed to be doing, and at least contrary to what the Planning

Commission understood Tucker to be doing. Lorence said he was distressed by what he saw and had he been present at the meeting tonight for a vote, he would vote no. Bultje said he also spoke with absent commissioner Becksvoort who said he was opposed to the request since the first day. Bultje asked for input from the other commissioners in regard to their support and whether or not he should prepare an expanded revised report and resolution in support of the request or if the majority is inclined to deny the application, should he prepare a report to include the findings for denial.

Howell said she never thought this was a good fit and made it clear by the number of issues she raised. She is concerned with the environmental and safety matters as well as the general fit in the area. Howell commented that PVT has been a model for what was asked to be in that vision for the Blue Star. Howell said she would be inclined to vote to deny the request.

Becker said he visited Tucker's site three times this month and in that time never saw him. He saw a junk yard and an environmental mess.

Howell asked that Bultje prepare a report to list the findings for denial siting inappropriate use for the neighborhood, traffic, noise, environmental safety issues and arrogant disregard for applicable laws and ordinances. Becker asked that no one send emails to his personal email address and should only correspond with him thru the township office.

Bultje will prepare both reports and forward to Zoerhof in preparation of the November meeting.

ARTICLE VI. ADJOURNMENT

A motion was made by Perry and seconded Becker by to adjourn the meeting at 8:02 p.m. Howell called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED