

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

October 5, 2016

ARTICLE I. CALL TO ORDER

Vice Chairman Bob Slikkers called the Planning Commission meeting to order at 7:00 p.m.

MEMBERS PRESENT: Bob Slikkers, Linda Howell, Jim Lorence, Randy Becksvoort
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 September 7, 2016 meeting. **A motion was made by Randy Becksvoort and seconded by Linda Howell to approve the minutes as submitted. Vice Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. REVIEW OF MASTER PLAN

Vice Chairman Slikkers tabled this item until the next meeting

B. HAVLIK REZONING REQUEST

Nancy Havlik, owner or agent of property located in section 1 of Laketown Township, that being tax parcels 03-11-001-024-00; 03-11-001-030-00; 03-11-001-026-00 (6155 147th Avenue); 03-11-001-031-11; 03-11-001-031-00, requests parcels be rezoned from R-2 Low Density Residential District to R-3 Medium Density Residential District.

Kelly Cavanaugh of Nederveld Engineering gave an update on the project. After much consideration the client asks for a decision on an R-3 zone, not with the previously proposed plan but with the property as it is. The adjacent zoning concurs this is the proper use for this property.

Cavanaugh asks that the commissioners give prudent consideration to the request as it is an appropriate zone for this area as identified in the Master Plan.

Becksvoort asked if a P.U.D. will be requested and Cavanaugh said yes, there would be a P.U.D. or site plan approval in the future.

Slikkers asked for questions or comments from the commissioners. Lorence feels that it is a straight forward request and does not have objection to the rezoning. Howell asked for clarification of Section 38.266 use for R-3 multi-family dwellings, what is the definition, anything other than a single family. Bultje responded it is defined under dwelling, multi-family has three or more units. Becksvoort questioned why it cannot be developed as currently zoned. Slikkers clarified the request is made to provide flexibility for the developer. Slikkers addressed the criteria used to consider for a rezoning. Character; suitability; effect on surrounding property values; effect on the market value of the property in question; general trend of future building and population growth; welfare of township residents affected if the rezoning is approved or denied and Master Plan. Bultje stated this is criteria to consider for the request but not all factors have to be met. Howell noted parcel 026-00 which is a single-family dwelling (R-2) could be surrounded by the multi-family development. This one particular parcel is not master planned for R-3.

Lorence supports the request based on the criteria reviewed. Becksvoort had no additional comments. Bultje asked if rezoning were recommended for approval with the exception of the parcel not master planned for R-3 and questions what impact it would have.

Following discussion, **a motion was made by Lorence and seconded by Howell to recommend to the Township Board that the rezoning request be approved because it would be consistent with the zoning of surrounding property and would not result in spot zoning; it would be consistent with the development trend in the area and the extension of utilities to the area; there is no evidence in the record to indicate that the rezoning would detrimentally affect property values in the area; and the rezoning would be consistent with the master plan with one minor exception, which consistency promotes the welfare of Township residents. Vice Chairman Slikkers called for a vote on the motion. 3-1 Becksvoort dissenting.**

ARTICLE IV. NEW BUSINESS

A. INDIAN PIPE II SITE PLAN REVIEW

Richard Muzzy Jr., owner or agent of property located at 6687 Indian Pipe Circle, Holland, that being tax parcel #03-11-346-011-00, requests site plan approval for a single-family residential home on this property.

Drew Demeister of Troxel Custom Homes explained the required 40 foot setback does not meet the zoning requirements, but the reduced setback was approved in the P.U.D. The characteristics of the area surrounding the house and garage allows for a buffer around the home and not into the meadow area. There are several other sites that will have less than 40 foot setbacks.

Vice Chair Slikkers asked for questions or comments from commissioners and there were none.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to approve the Indian Pipe II Site Plan for a single-family residential home according to the standards in Section 38-63 and in Section 38-487. The approval is contingent on the construction being in compliance with the application submitted; consistent with the previously approved P.U.D.; consistent with all necessary DEQ permits and other federal, state, county and township laws and ordinances; and consistent with the verbal representations made by the applicant at this meeting and recorded in these minutes. Vice Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

B. CAZER-BRADLEY SITE PLAN REVIEW

James Balk, owner or agent of property located at 4527 Cottage Road, Holland, that being tax parcel #0311-0380-002-00, requests a site plan approval for a single-family residential home on this property.

Drew Terwich of Scott Christopher Homes reported that all DEQ permits have been obtained and also work with Holland Engineering has been done for all retaining walls; setbacks are in compliance and detailed elevations have been submitted.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to approve the Cazer-Bradley Site Plan for a single-family residential home according to the standards in Section 38-63 and in Section 38-487. The approval is contingent on the construction being in compliance with the application submitted; consistent with all necessary DEQ permits and other federal, state, county and township laws and ordinances; and consistent with the verbal representations made by the applicant at this meeting and recorded in these minutes. Vice Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

C. RPE SPECIAL USE REQUEST #1

RPE Trust, owner or agent of property located at Griswold Avenue, lots #219 and #220 of Macatawa Park, that being tax parcel #0311-340-219-00, requests a special use permit to construct a new cottage on this parcel.

Garth Everhart, representing RPE Trust, provided aerial photos of the property and surrounding cottages. He noted that the project was approved in 2015 contingent on the addition of municipal water which is now at an impasse so he is reapplying for approval without the requirement of public water. The site plan is the same as was approved with one small change; the existing wall on the hills will remain as is. Previously, at the request of the Township, a 3-foot easement was necessary for the water project.

Slikkers asked if the structure is proposed using both parcels and Everhart confirmed it is. The

surrounding cottages are 3-story or 2-story with a basement and the proposed construction would be 3-stories similar to that on lot 218 with two off-street parking places and two-stall garage. The DEQ permits are on record and he would like to move forward with the project.

Vice Chairman Slikkers opened for public hearing.

Jim Bruinsma, on behalf of Macatawa residents, noted his letter of objection dated October 5, 2016. Bruinsma reviewed the two major issues being RPE Trust applications do not satisfy the Standards of Sections 38-91 and 38-465, and amendment to Section 38-465 does not comport to the Michigan Zoning Enabling Act. Bruinsma stated that it is really a dimensional variance and not a special use request. Slikkers asked to clarify focus be on the ordinances.

Randy Schipper, attorney for Roy and Cynthia Welton, stated that his client continues to oppose the two cottages on the parcels. He endorses the points made by Bruinsma agreeing that the Section 38-465 amendment adopted last year was to circumvent the one parcel zoning. The proposed project would have an adverse effect on the adjoining buildings, the lot sizes are not in compliance, the project would not be harmonious with other structures in the area, and it would alter the characteristics of the neighborhood and would be a hazard to others. Another chief concern is that there would be two septic systems and two wells where before there was one. Howell corrected Schipper stating that there is public sewer but not water.

Meshkin commented that these requests are the same as were approved in 2015, the same applications with no changes except the issue of water so he asked Bultje if the 2015 approvals would stand. Bultje responded that the previously approved applications cannot meet the conditions as stated. Therefore, these new applications are required for the property owner to proceed. Bultje stated that a permit from the county would have to be obtained to add additional wells. He noted that if the wells do not adversely affect the surrounding property owners, the rationale of the 2015 approvals would continue to apply.

Howell read into record the letters that were submitted by Dan Baldwin of 314 W Willow, Chicago IL and 2424 Griswold in support of the special use; and by Jean Wortman of Merrie Day Cottage asking to be assured that Nahant Path not be used at any time for construction vehicles or any other vehicles related to building the houses. A letter was also received from Jim Bruinsma of McShane & Bowie LLC on behalf of several Macatawa residents in objection to the request.

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

Bultje asked to confirm what Nahant Path is and Everhart confirmed it is not on the building area.

Howell asked how long a non-confirming use continues to exist after a structure is gone. Bultje responded it is typically a period of time and a set of circumstances showing an intent to abandon. Howell clarified that the prior cottages on the parcels in question existed in 1927 and cannot be taken into consideration because they have been gone for decades.

Everhart confirmed that Allegan County approved an additional well as long as it is 10 feet from the sewer line. Howell questioned special use versus variance. Bultje disagreed that this special use process is a disguised dimension variance. He stated the request by the applicant is to have one dwelling on two parcels and another dwelling on three other parcels, rather than one dwelling on all five parcels, so the second dwelling is the special use.

Bultje further noted according to Michigan case law, a zoning provision like the Township has, that commonly owned non-conforming lots which are adjacent shall be combined to form one conforming or at least more conforming lot, is a valid provision. However he further noted Michigan case law further indicates that the enforcement of such a provision may be invalid if none of the other lots in the area comply with the zoning requirements.

Lorence had no questions but noted that the request was approved in 2015 and Everhart is returning only due to the water issue which is out of his control so Lorence feels it is a reasonable request. Neither Howell nor Becksvoort had further questions. Slikkers asked to confirm that three total cottages will be built, including the cottage on parcel 179, and asked what the estimated timing would be. Bultje recommended the commissioners request a full report and resolution be drafted to include the various items discussed. Becksvoort asked if granting this, does it that make the lots sellable if someone else wanted to purchase them and change the conditions. Bultje reminded that any new request that is not in compliance would have to come before the commissioners and it is not the owner of the lots but the use that is relevant.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to request Bultje prepare a proposed report and resolution of approval, to be reviewed at the next Planning Commission meeting. Vice Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

D. RPE SPECIAL USE REQUEST #2

RPE Trust, owner or agent of property located at Griswold Avenue, lots #190, #191 and #221 of Macatawa Park, that being tax parcel #0311-340-190-00, requests a special use permit to construct a new cottage on this parcel.

Garth Everhart explained his request to build a cottage on lots 190, 191 and 221 with total land area less than 15000 sf. He cited other similar properties in the area and believes the plan would be in character with the rest of the neighborhood with no adverse effect. He noted that Macatawa Park Cottages Association deeded portions of property in exchange for the widening of the curve; the property is steep but the DEQ approved it in January 2015. He also spoke with Allegan County regarding the additional well that would be on lot 221. Again, this special use was approved by the Planning Commission in 2015 contingent on public water, a condition that is out of Everhart's control.

Vice Chairman Slikkers opened for public hearing, noting that the record for this request would include the record for the RPE #1 request, and vice versa.

Jim Bruinsma, on behalf of Macatawa residents identified in the above mentioned letter, spoke in opposition of the request siting reasons noted in the previous public hearing.

Randy Schipper referenced previous comments on behalf of the Weltons, adding that the driveway by the curve is a traffic hazard.

Howell referenced the previously mentioned letters.

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

Slikkers took into consideration what has been approved in the past in this area. Howell asked for clarification on the driveway entrance and exit. If it were a traffic issue, could you do it as a driveway instead of a bollard, where the map was marked as driveway entrance on the south side. Becksvoort confirmed lot 221 would be used for the well only.

Everhart commented that his grandparents purchased these lots in 1941 and never understood the issue of why cottages bought over time were treated differently than when his family purchased them. Slikkers revisited Section 38-465 provisions for contiguous lots to be combined and Bultje stated that it is a condition of the ordinance to be exercised if it makes sense to do so.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to request Bultje prepare a proposed report and resolution of approval, to be reviewed at the next Planning Commission meeting. Vice Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

E. GRASMAN SPECIAL USE REQUEST

Mr. Jeff Grasman, owner or agent of property located at 4614 62nd Street, Holland, that being tax parcel #0311-002-077-00, requests a special use permit to construct an oversize accessory building on this parcel.

Jeff Grasman explained that he is applying for the special use to build a 20,000 square foot riding arena for personal use only.

Slikkers reviewed the standards and asked Meshkin if we have approved such a structure in the township and Meshkin replied there are one or two riding arenas of similar size. Grasman said the size is required due to the size of the horses and the type of competition for which the horses train. There would be five people in the arena at the same time so the larger size is necessary.

Vice Chairman Slikkers opened for public hearing. No comments.

A motion was made by Becksvoort and seconded by Lorence to close the public hearing. Vice

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

Becksvoort stated the existing accessory buildings are close to the square footage allowed. Howell confirmed there was not going to be commercial use and noted that the drawing does not indicate setbacks from lot lines. Grasman said depending on the height of the building, he would shorten the building to meet the requirements. Meshkin noted that the Zoning Ordinance requires a 50-foot setback if animals will be housed in the building (Section 38-484). Grasman said no animals will be housed in the building; it is for training purposes only. Each horse would be in the building for approximately 30 minutes four times a week. Four to seven horses would be training at the facility at a time, but not simultaneously. Slikkers stated the application does not indicate the setbacks and Meshkin said the PC considers the size of the building. Meshkin said if approved a condition would be not to house the animals in the building. Slikkers commended Grasman on the top notch condition of his property noting the screening and impact on neighbors. Howell commented on the height limitations noted in Section 471(6)(d). Grasman stated the peak is 27 feet and matches existing barns around it. Howell confirmed that all other barns will remain in place on the property. Bultje reviewed the maximum allowable for the size of the lot and confirmed that a condition of approval could be that the land would remain intact and not be split. Grasman confirmed that it would as there is an existing outdoor arena that will remain in place. Howell asked about any lighting or outside signs and Grasman responded it would be standard lighting.

Howell asked if there should be a report and resolution and Bultje stated it would not be necessary.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to approve the Grasman special use request based upon the request meeting the standards of Section 38-91 and Section 38-471(6)f. The conditions of approval are that the construction comply with the application submitted; comply with all federal, state, county and township laws and ordinances, including required setbacks; comply with the applicant's verbal representations at this meeting as recorded in these minutes; be strictly for personal use and no commercial use; that the property on which the construction occurs may not be further divided while the accessory building in question remains; and that animals may not be housed in the building constructed. Vice Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZEN COMMENTS – No comments.

ARTICLE VI. ADJOURNMENT

A motion was made by Becksvoort and seconded by Howell to adjourn the meeting at 8:44 p.m. Vice Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED