

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

November 1, 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, Marcia Perry
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 October 4, 2017 meeting. **A motion was made by Howell and seconded by Lorence to approve the minutes as written. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. BUSSCHER P.U.D. REQUEST

Chuck Busscher, owner or agent of property located at 6355 146th Avenue and 6365 146th Avenue, that being tax parcels #0311-002-058-00, 0311-002-058-10, 0311-002-058-20, 0311-002-058-30 and 0311-002-058-40 requests approval for a four unit planned unit development on these parcels.

Chair Slikkers asked commissioners for questions/concerns regarding the report and resolution dated 10/24/17 prepared by Township Attorney Bultje. Dates on Part H regarding the road and construction of the dwelling units must be added. Meshkin noted that the road has been completed and he suggested allowing up to five years to complete the new construction. Bultje added that it is general practice to include water/sewer special assessment and private road maintenance agreement.

Following discussion, a motion was made by Howell and seconded by Becksvoot to approve the Busscher P.U.D. Request based on the report and resolution prepared by Township Attorney Bultje amended to reflect that the private road has already been constructed, and to allow a maximum of five years to complete construction of the additional dwellings. Chair Slikkers called for a roll call vote:

Lorence – aye; Becksvoot – aye; Slikkers – aye; Howell – aye, and Perry – aye.
UNANIMOUS DECISION – MOTION APPROVED

B. SMITS RESOURCE REMOVAL AND SPECIAL USE REQUEST

James and Kerri-Sue Smits, owners or agents of property located at 4280 64th Street, Holland, MI 49423, that being tax parcel #0311-015-026-00, request a special use permit to remove approximately 5,000 cubic yards of soil and sand from this parcel.

James Smits of 4280 64th Street advised that he is working with the DEQ and the first inspection has been done and was submitted to Meshkin. The remaining sand, approximately 1,000 yards is piled next to the pond. Perry asked who from the State approved the sand removal and Smits responded Adam Wyandot, Section Manager for Oil, Gas and Minerals signed the inspection paperwork.

Slikkers asked for questions and there were none.

Howell asked if a report and resolution report should be written and Bultje said he will confirm the minutes include the correct details of the motion, based on the prior model motion adopted by the Planning Commission for similar applications, which model motion Bultje reviewed with the Planning Commission.

Motion by Howell, seconded by Becksvoot, to grant the Smits' Resource Removal and Special Use Request in conformance with Section 38-91 and Section 38-183(9) of the Zoning Ordinance.

The basis for this decision is as follows.

- (a) The ultimate result of the request will be harmonious with the character of adjacent property and the surrounding area.
- (b) The ultimate result of the request will not change the essential character of the surrounding area.
- (c) The record established during the public hearing on this request, and during the Planning Commission's deliberations, established no very serious consequences which would result, if the request is granted, to adjacent property, or to the health, safety or welfare of persons or property.

- (d) The record established during the public hearing on this request, and during the Planning Commission's deliberations, did not establish that the request would place demands on public services and facilities in excess of current capacity.
- (e) The sand removal is incidental to the use of the land in compliance with the applicable Zoning District, and the removal will not exceed:
 - (1) If in the AG District, 25 percent of the total area of the parcel; or
 - (2) If in the R-1 District, the lesser of 15,000 cubic yards from the parcel or 25 percent of the total area of the parcel.
- (f) The size of the parcel is appropriate for the amount of sand to be removed.
- (g) In concluding that the request would not result in very serious consequences for the adjacent property or surrounding areas, the Planning Commission considered the possibilities of potential safety hazards, erosion problems, groundwater table alterations, sand blows, stagnant water pools or swampy areas, negative effects on the environment or the natural topography, natural resource destruction and traffic problems. The Planning Commission concluded that none of these possibilities were likely to result, if the conditions placed by the Planning Commission upon this special use are satisfied.

The following conditions are attached to this decision to grant this special use permit.

- (a) Unless other requirements are specified in the Zoning Ordinance or in these conditions attached to the request, all representations made in application must be met in their entirety, as well as all verbal representations made by the Smits and reflected in Planning Commission minutes.
- (b) All applicable requirements of the Zoning Ordinance must be met in their entirety, specifically including without limitation the requirements in Section 38-183(9)b. 1 through 9.
- (c) All applicable approvals must be obtained from the State of Michigan, as well as all other governmental units and agencies having jurisdiction concerning the request. All conditions placed on any such approvals must be complied with in their entirety.
- (d) All activity on the parcel which results from the granting of the request, and all hauling of sand within the Township which results from the granting of this request, shall be accomplished during the hours of 7:30 a.m. and 5:30 p.m., Monday through Friday.

- (e) The existing access road to the sand removal site shall be used; no additional access road may be constructed.
- (f) The request includes the construction of a decorative pond. The Smits shall indemnify the Township and its officers, Board, Planning Commission, employees, and agents from all claims, damages, demands, expenses, liabilities and losses of any kind (specifically including but not limited to damage to wells or to agricultural crops from the lowering of the groundwater table) resulting from the construction, maintenance, repair, and utilization of the pond included as part of the request. The indemnification obligation shall include the payment of all reasonable attorneys' fees and other expenses of defense. The Township shall give prompt written notice to the Smits of any claim or litigation against the Township relating to the pond. The Smits shall have the opportunity to defend and contest such claim or litigation.

The Smits shall also indemnify all nearby landowners from damage of any kind relating to any lowering of the water table caused by the acquisition, construction, completion, or operation of the various components of the request.

- (g) The Smits have designed and engineered the pond included as part of the request. The Smits assume all responsibility with respect to the adequacy of the pond concerning its design, its adequacy for surface drainage of the parcel, its safety with respect to the general public, and all other aspects of the construction, operation, and maintenance of the pond.
- (h) Any violation of these conditions established relative to the granting of this request shall be considered to be a nuisance per se and therefore enjoined by a court of competent jurisdiction.
- (i) The Smits shall pay a road maintenance fee equal to 8.5 cents per cubic yard to be removed. These payments shall be made quarterly and shall accompany a report stating the amount of sand removal.
- (j) The request shall comply with all other Township ordinances, and with Federal, State, and County laws, rules, and regulations.

Perry asked who measures the sand and what if it goes beyond 10,000 cubic yards and Meshkin responded that Smits would have to apply for a new special use request if it exceeded the 10,000 yards.

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

ARTICLE IV. NEW BUSINESS

A. GUARDIAN BREWING CO. SPECIAL USE REQUEST

Guardian Brewing Company LLC, owners or agents of property located at 3657 63rd Street, Saugatuck, MI, that being tax parcel #0311-035-044-00, requests a special use permit to establish a restaurant, brewery, educational center and lodging on this property.

Mike Haddock of 3445 Blue Star Highway represented the Guardian Brewing Company. He explained the intended use for the brewery, restaurant and retail of brewery products which is compatible with adjacent properties such as the Belvedere. The applicant will work closely with the residents to the north. Utilities will be well water and the septic system will be redone with a special odor guard. The actual footprint of the current site will not be changed; parking lot, ingress/egress will be the same but some of the trees on 63rd Street will be cleared.

Slikkers asked to explain what the applicant is planning to do with the actual Red Barn Theatre. Haddock introduced Kim Collins, the proprietor. Collins explained that she was a professor and brewer and always dreamed of having her brewery. The Red Barn and its surroundings are an area she can be creative and open minded to blend the love of recreation with education done with a brewery and restaurant. The intent is to be open year-around creating a space with none like it in the U.S. The yurts will provide overnight lodging on the grounds. There are plans for educational space and community events.

Chair Slikkers opened the public hearing.

Kevin Fitch of 3665 63rd Street stated that he and his wife own the property immediately to the north and east of the Red Barn. Fitch read a letter he had submitted to the Township expressing concerns about light pollution, fencing, hours of operation, noise, odors and overnight lodging. Fitch also asked if the 25' side yard setback would apply. Fitch concluded by saying if the applicant decides to bring this to fruition, he wishes them success.

Becksvort read a letter submitted by George and Grace Bouman commending the future owners for keeping it intact. They have no objections to the plans but are concerned about the yurts, which are tent like structures. They do not feel it is a precedent the Township should allow and are concerned about noisy activities with groups in these structures. There are three other options for lodging within a mile of the site.

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

Slikkers asked that Collins respond to concerns.

Ed Zwylghuizen of Gen1 Architectural Group, 9818 Perry Street said the lighting would be high quality LED downward light; there will be two septic units, one for human waste and one for the brewery which may have two pretreated systems and two drain fields. The units will be self-contained so no off gassing will occur. The kitchen will have high quality commercial system fans and filters to address odors.

Collins addressed the noise concern and said the intended hours will be 10:00 a.m. – 10:00 p.m., seven days a week during the summer and winter hours will be five to six days per week. Collins is very aware of the neighbors' concerns and has spoken to most everyone. Additional insulation and noise/sound panels will be added to the building so it will be different than it has been in the past. Live music will occur during the warmer months and be shut down before 10:00 p.m. The yurts will be a heavy tarp material on a permanent base, not moveable with plumbing and decks; unlike camping they will be permanent structures with heating/cooling. There will be staff onsite 24 hours per day and motion lighting for safety and security.

Lorence asked about fencing and Collins asked if there are requirements for fencing other than what is currently there. If so, it will be replaced.

Slikkers asked commissioners for questions/concerns.

Lorence said the plans look wonderful; recalled housing at the Red Barn many years ago for the actors/actresses to stay. There has been housing there before so this would not be setting a precedent after all.

Becksvoort said his questions are in regards to the setbacks, liquor license, yurts, building safety and safety on the paths.

Howell asked if any thought has been given to outdoor grilling other than for special events. Collins said there would be no outdoor kitchens. Staff will be bunking in the barn when there are overnight guests in the yurts. Howell asked if the yurts qualify as a hotel versus camping. Bultje suggested getting direction from the building inspector regarding all codes and conditions to be met.

Perry said she has previously stayed in a yurt and found them to be very nice and substantial structures. Collins said the yurt would be on a platform with a deck around it. Perry expressed concern about guests wandering at night and Collins said there would be very comprehensive staff training so not to over serve guests and no outside alcohol would be permitted on the grounds.

Ellen Fitch said the existing fence is adequate but it does not completely encompass the Red Barn property. Collins said she will make sure that the property lines are made visible with signage and will include information in the yurts.

Lorence asked what the maximum number of people would be in the yurt and Collins said two to four, and maybe six, but the idea is not to fill them with beds.

Perry asked if the yurts would be pet friendly. Collins said yes, service animals are allowed in all buildings; but there would be one yurt for pets and one without. Perry asked about fire pits and Collins said the only fire pit would be near the barn in the patio area.

Bultje asked Meshkin if there would be any building code issues with the yurts and Meshkin said

they would have to meet construction codes such as a hotel or cabin type structure.

Slikkers questioned if brewing is considered food processing or what licensing would be required for that. Collins said it is not considered food processing in the U.S. and her experience in Colorado was that the health inspector would approve and licensing was done by the county. Slikkers asked approximately how many gallons of water is used during brewing and Collins said 300 gallons of beer will use about 8-900 gallons of water so about a 3:1 ratio. Brewing would be done only two to three days per week. Slikkers asked why it is important to have people stay on the property. Collins said she was an outdoor educator before a brewer and it is her passion to experience outside learning and playing and making the venue a place that outsiders want as a trip destination. People look for new experiences and she feels this would be unique and no other venue like it is available in the U.S. Slikkers is most hesitant about the overnight and Collins said it will be very different than the Belvedere price wise and experience wise.

Perry asked how much lodging is available in the area now. Meshkin said the Belvedere and two to three B & B's and about 30 Airbnb's in the Township. Bultje asked what permits are needed for the Airbnbs and Meshkin said they are single family homes, some of which are very large with accommodations up to 30 people. Slikkers said it does not lessen his concern.

Slikkers asked if we need more homework on the lodging. Becksvoort said he is concerned about the yurts and the noise. Howell suggested approval with a six month recheck. Howell clarified the number of yurts and Collins said it would be only two (site plan shows options for four on the grounds). Becksvoort asked if we are considering this a hotel or motel. Bultje said the Zoning Ordinance does not specifically define a hotel; but the Zoning Ordinance allows uses similar to a hotel or motel in the C-3 district. Slikkers said 38-361 for the C-3 district addresses hospitality and recreation. Lorence commented that there should be no question of where the property lines are specifically for the neighbors. Collins said it will be very clear and will install a metal fence if necessary. Meshkin noted the definition of motel in the Zoning Ordinance, 38-5; the definition speaks to the nature of a yurt. Bultje said the Belvedere does not meet the definition of a motel but more of a hotel.

Becksvoort asked for input from the Fitches. Kevin said he was relieved to learn that there will be just two yurts. Ellen said she was pleased to learn that they would be more permanent structures. They have lived next to the Red Barn for years and have enjoyed it but just do not want to see people over doing it and crawling around on their property.

Howell asked if the Fire Chief has concerns and Den Bleyker said he has no issues as long as the buildings are up to code and have proper smoke alarms.

Perry asked about the litter and Collins said they are looking at a couple of options that would include compostable options and the grounds would be maintained by the maintenance staff.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to recommend the Township Attorney generate a full report and resolution to include conditions discussed including noise; light pollution; two yurts; proper signage to identify**

property lines; odor control; no outdoor kitchen; hours of operation to be 10:00 a.m. -10:00 p.m.; additional insulation for noise; outdoor music not after 10:00 p.m.; onsite security staff; replacement fence as needed; one fire pit by the patio area; proper waste disposal; adequate water/sewer utilities and compliance with health and building inspection.

Meshkin asked to confirm hours of operation and Collins said the last call would be at 9:45p.m. and 10:00 p.m. close.

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

B. GONZALES SPECIAL USE REQUEST

Julian Gonzales, owner or agent of property located at 6121 Blue Star Highway, that being parcel #0311-036-014-20, requests a special use permit to build an oversize accessory building on this property.

Julian Gonzales explained that he would like to construct a 50 x 80 pole barn to store personal cars and recreational vehicles.

Perry asked if he would store only personal items or if he would be renting space, too. Gonzales responded that it would be for personal items only. Perry was struck with the amount of area that had been cleared and wondered if it would be used for commercial use. Gonzales said no, only personal use. Slikkers said even if the truck was used for snow plowing it would be permissible. Renting out space would be commercial and a different category. Bultje said Gonzales does have the right to clear the area. Perry expressed concern about changing the tree line along the highway. Slikkers said the language in the Master Plan is that we encourage considering the natural beauty but it is not out of place with what is there.

Slikkers opened for public comment.

No comments.

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

Slikkers asked commissioners for questions.

Howell said aerial photo looks like where the barn is located could be over or near the drain field. Gonzales said no, the drain field is behind the house. Perry further expressed concerns about the removal of trees and perception of a commercial strip, changing the character of the area. Perry asked how far off the property line would the building be and Gonzales said 10-15'. Slikkers said setback requirement is half of building height and Meshkin said based on the drawing dimensions, it would require at least a 14' setback. Gonzales confirmed it would be 15' from the property line. Gonzales added that the trees removed were pines and he plans to replace some of them with new

trees. Perry stated as these things occur it undermines the Master Plan and the ordinances are supposed to reflect the Master Plan. Slikkers does not feel it is out of character for the area.

Following discussion, **a motion was made by Lorence and seconded by Becksvoort to approve the Gonzales 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; a minimum 15 feet setback; 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. STROWENJANS SPECIAL USE REQUEST

Mr. Chris Strowenjans, owner or agent of property located at 6311 South Ryan Ridge, Holland, MI, that being tax parcel #0311-405-013-00, requests a special use permit to build an accessory building in an area considered to be a front yard.

Chris Strowenjans explained that the barn is on 4508 Beeline and he plans to move it forward 15' due to the wet and swampy conditions of its current location.

Perry asked if the marshy swamp will be maintained and Strowenjans said yes it would.

Chair Slikkers opened for public comment.

One letter of support was received from neighbor Diane Christensen.

Strowenjans said he shared his plans with others in the associations and comments were favorable.

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

Slikkers asked commissioners for questions/concerns. Howell asked about the driveway and Strowenjans said the drive will connect to the current driveway and not cut back into the street and said there is a natural buffer of trees staying intact for the neighbors.

Following discussion, **a motion was made by Lorence and seconded by Becksvoort to approve the Strowenjans 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 Sections 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

ARTICLE V. CITIZEN COMMENTS

Kent Lee of 6187 147th Avenue expressed concern tradesmen in the Township working from their home but not being able to work out of an outbuilding to do billing and conduct business. Many residents operate a business out of their homes but using an outbuilding to do so is not currently in the Zoning Ordinance. He asked that commissioners take this into consideration when updating the Master Plan.

ARTICLE VI. ADJOURNMENT

A motion was made by Becksvoort seconded by Slikkers to adjourn the meeting at 8:52 p.m. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED