

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

November 6, 2019

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, Jim Johnson

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 2 and 14, 2019 meetings. **A motion was made by Becksvoort and seconded by Johnson to approve the minutes. 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. Meshkin reported that a meeting was held with the Saugatuck Township to discuss utilities. The item remains tabled.

B. MASTER PLAN DISCUSSION

Lorence reviewed the corrections made to the Master Plan after the last meeting. Perry noted that The Belvedere should be omitted from page 12. Perry noted a few punctuation items. Perry mentioned that the vision statement should include the word residential. Bultje explained that the previous paragraph notes the Vision Statement from the 2008 Blue Star Corridor Plan. Ransford suggested making reference to the amendment made in 2019 as part of the Master Plan review in the following paragraph. Becksvoort noted the word “required” is somewhat strong terminology. Meshkin said if the word is used, at the time when changes are made to zoning ordinances, it should be “required”. Bultje recommended using “consider an ordinance requiring” as the terminology to allow for flexibility. Perry questioned if it would give enough weight to successfully meet the goals. Bultje said “considering adopting an ordinance” to be used. Lorence said some of the existing properties have their own oddities and some “requirements” are not possible. Johnson confirmed the Master Plan is guidance and the Ordinance is enforceable. Ransford asked if all “required” terminology should be changed. Becker reiterated that this is a guide and should not be so specific. Lorence asked for feedback from the commissioners. Meshkin said Ransford will make the changes throughout the document and will highlight those that might be in question.

Lorence spoke to the rezoning of the northern section of the township to resort commercial. Lorence asked Wade Eldean to address the commission regarding the Gator Properties’ intent. Eldean said the intent is to expand the marina business. The lot on the corner of 32nd and 66th Streets has a new storage that was built for personal use, however the intent would be to rent a portion of it and construct an additional building for lease. Johnson asked how the drive to the existing house would be positioned and Eldean stated it would be on the other side without a bridge from 66th Street. Eldean noted the other lot on South Shore near Fern Walk is currently used for storage, parking and recreation. An additional building would be added along with six homes; P.U.D. with 2-acre lots, two 4-plexes with storage in the back. Eldean reviewed several options for expansion including design options for the buildings. The intention is to do what we do now and take advantage of the properties that we own nearby.

Lorence read his prepared comments in response to the request to rezone the Fern Walk and 32nd Street properties from residential to commercial. Commercial in a residential area but boats are harmonious to a residential area; commercial structure does not fit the rural ambiance of a residential area however we have the fire department and Graafschap Hardware in residential areas. Objections raised due to commercial structures would obstruct the view on Fern Walk. Was this not the location of the old post office building? Property values located on or near a body of water typically increase in value. Exclusive to the 32nd Street property, there is opposition to the removal of the woods, however the Eldeans own the property and are allowed to do so. The natural habitat will survive whether it is a commercial or residential construction. Lorence said he has no conflict of interest with the Eldean family. After careful consideration, he feels the two properties should be rezoned commercially.

Becker said he is more in agreement with rezoning the 32nd Street property than the Fern Walk parcel. Perry feels this area of Macatawa has an established residential identity that would be

disrupted by commercial enterprise in its midst and does not feel it would be harmonious with the area. Perry feels it is more important to maintain the residential feel of that area. Becksvort said he is not opposed to commercial in the areas, however is concerned if this is approved, where will it stop? Will it be expanded to the east or the south? Does it open the floodgates of litigation against the township? Are we willing to create an entirely new district in our ordinance for two parcels or one? One parcel has some grandfathering of limited or light commercial. In the Master Plan, it is noted that only one principal use is allowed on a parcel, how does that affect the use of the residential there? Johnson said he is more inclined to support the commercial on the corner of 32nd and 66th Street, across the street from an existing storage building. Johnson does not feel a need to create a new district of resort commercial. He would be more inclined to support condos near the Fern Walk area.

Bultje said the dual use on a parcel depends on what is decided in the Master Plan. We are talking about the proposed use of land and not rezoning a property tonight. Bultje said if the “one principal use” on a parcel is maintained in the ordinance it would be as such.

Meshkin spoke to the Fern Walk property noting it is steep and critical dune area. The road right of ways on South Shore and Fern Walk is one parcel and double frontage corner lot. Meshkin reviewed the setbacks for the buildable area on the parcel. Lorence noted that setbacks can be reviewed by the Planning Commission under the request of an applicant. Meshkin said there is not a lot of usable land for the building, however could be used for outdoor storage. The land cannot be properly used in its current zoning and not good for residential use. Another concept of contractual rezoning where a developer comes forward with a request including a plan for a specific construction. Perry asked if the zoning would run with the land and Bultje responded that it would. Meshkin spoke to the 32nd and 66th Streets property regarding the one principal use on a parcel noting that the property is large enough and has enough road frontage that it could be split negating that issue. Meshkin said whenever rezoning is done, the township is at risk of litigation. Meshkin stated that there is a rider with the insurance for such purposes. Bultje said there has not been a tremendous amount of litigation in Laketown but consideration for decisions cannot be made on fear of litigation. The decisions must be well thought out and defensible.

Lorence asked if there is no change made to the Master Plan, can an appeal be made? Bultje said the Township Board could approve or deny it. It cannot be litigated unless the Plan prohibits use of property. Meshkin said if this area is not changed to commercial, it could be open for contractual rezoning. Bultje said contractual rezoning should not be used in place of a request for special use. Johnson asked if there are no changes made to this area, would it be difficult for a contractual rezoning be done in the future. Meshkin said a proposed contractual rezoning could be a mixed-use.

Becker said two years ago the Planning Commission looked at Eldean rezoning his property and he was told to wait until the Master Plan was being reviewed. Bultje said if the intent is to potentially allow for future commercial use, we should plan for that now.

Lorence asked how the commissioners feel about adding this to the plan. Becker supports; Johnson supports; Becksvort supports but favors the 32nd Street property; Perry supports leaving the area

zoned residential. Becker asked if the Fern Walk area is R-2, it would be more usable space than commercial. Meshkin said it would and asked to clarify area versus specific parcels. Lorence is also open to language that permits potential future commercial use on the two noted parcels.

Ransford will review the current language with noted updates for the northwest portion of the township. Becksvoort asked if the proposed wording requires a new zoning ordinance district or is it encompassed in Mixed-Use. Meshkin asked if the map can show as residential but the language allow for contractual rezoning. Bultje recommended it as an overlay with the foundation being residential. Ransford spoke to the resort commercial and asked for clarification to define the intended uses. Johnson confirmed that the Master Plan does not have to be that specific. Bultje stated that the overlay language can be conceptual in the Master Plan but would be more specific in the ordinance. The zoning map would only change if there were changes into the overlay portion of the residential zone.

Lorence expressed a need for another meeting to review the updates made to the Master Plan.

ARTICLE IV. NEW BUSINESS - None

ARTICLE V. CITIZEN COMMENTS

Gail Zenia of Maksaba Trail asked Eldean if the house on the property on 32nd Street is abandon and Eldean said it is not. How high could the homes on South Shore be and Meshkin said 35 feet in height to the average roof line.

Michelle Den Hartigh 4604 66th Street said when the approval was given for the Eldean new structure the condition was not to be used for rental. Bultje said the special use remains in effect unless it is rezoned and permitted by right. Just rezoning does not eliminate the special land use. The Master Plan is a map for the future for the entire township and not a special property. Maybe others want to request their property be rezoned commercial. When I came to the meetings it was very clear that residents wanted it to remain rural. We are all storing our boats ourselves so we don't need a marina. Maybe we are trying to help Eldean make a better profit on his property but the reason we have an ordinance is to maintain the residential persons' rights. You need more forethought when you put commercial and residential properties together.

Don Rosie of 4231 Fern Walk echoed Den Hartigh's comments and wants to remind all that in Macatawa Park, the goal has been to go residential. All of the old businesses are gone and it is residential. The people want commercial to be gone in Macatawa Park.

Bill Tazzelaar of 2261 South Shore Drive said he does not want to change to commercial zoning. Everyone wants it to remain residential and don't know how much clearer we have to make it to you.

Wade Eldean said we have been doing this for a long time. He hopes that we have all learned after

two years that it is not to make one family wealthier but there are a lot of people that like boating. This is an exercise in planning for the commission and there is a need for more boat storage.

Michelle Sall of 3862 61st street said every time someone comes to you for a special use or an ordinance change that is spot zoning. People look at the Master Plan using it as guidance for where they want to live and that is why they come here. A contractual zoning creates spot zoning which takes away the rights of the people who look at the map. Wade, I think you do beautiful work and are a good citizen but that land you have has always been a dune. People come here to get variance because they have problems with their property and you knew there was a dune there. There are going to be hours of operation, traffic, parking a lot of commercial concerns. Sall asked if the sub-area Master Plan of 2008 for the Blue Star Corridor will be updated as well. Meshkin said we took the 1991 and 1996 amendment and 2008 Blue Star Master Plan and bundled them together to be one document that will be the master plan moving forward dated 2019.

Tom Shuff of 4706 Forest Ridge Drive asked what changed from the Eldean request 2 years ago. Shuff reiterated the notes from the special use request noting no commercial activity was approved so what has changed. Lorence stated that it was approved for personal storage.

Charlie De Vries of 2268 South Shore Drive adjacent to Fern Walk spoke to Eldean's request for more parking which will be bring more traffic and danger. If allowed for commercial use, he will likely pave the entire area which will create drainage issues; covering that entire area will create more issues. You have bantered the term resort commercial and it is really commercial. You don't even have a definition for resort commercial. Then I want to change my property to residential tax free.

Den Hartigh said it seems that Eldean has worn the commission down.

ARTICLE VI. ADJOURNMENT

A motion was made by Becksvoort and seconded by Johnson to adjourn the meeting at 8:45p.m. Lorence called for a vote on the motion. UANIMOUS DECISION – MOTION APPROVED