

HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION
Regular Meeting
January 2, 2024

Chairman Randy Kortering called the meeting to order at 6:00 pm and asked for a roll call of members present.

Present: Chairman Randy Kortering, Vice-Chairman/Secretary Jack VanderMeulen, Members, Doug Becker, Angela Huesman, Evan Sharp and Russ TeSlaa. Also present were Community Development Director Corey Broersma, Assistant Planner/Zoning Administrator Kate White and Recording Secretary Tricia Kiekintveld.

Absent: Member Leo Barajas.

Election of Officers:

** It was moved by Becker and supported by TeSlaa to elect Mr. Kortering for office of Chairman and Mr. VanderMeulen for the office of Vice-Chairman/Secretary. A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

Public Comment:

Kathleen Dunmore, 888 Shadybrook Dr, Holland, 49424. Ms. Dunmore read the Township's mission statement: *"It is the mission of the officials and staff of the Charter Township of Holland to serve its citizens with courtesy, integrity, and efficiency, and to provide quality municipal services that will help to maintain and improve the overall manner in which our citizens live, work, and play."* Ms. Dunmore feels that the Township is not carrying out this mission statement. Especially as it pertains to maintaining and improving the manner in which our citizens live, work and play. She feels that the Township has allowed too much growth to happen and this has caused congestion. Ms. Dunmore also stated that she feels the Township needs to require sidewalks in neighborhoods so that children are not riding bikes and playing in the street.

Mr. Kortering responded to Ms. Dunmore stating that the Commission is responding to the growth by controlling where growth happens within the Township. He also noted that the addition of sidewalks in developing neighborhoods is a topic that the Commission is planning to address in 2024.

Doug Spooner, 4737 West Perry Circle, Holland, 49424. Mr. Spooner asked the Commissioners what it takes to make a change to the Township Ordinance? He clarified that he is specifically referring to sidewalks.

Mr. Kortering explained that to change an ordinance either an applicant needs to submit an application for a text amendment change or the Commissioners can instigate a change. Typically, if the Commissioners are instigating a change, they will have discussions for 3-4 months while doing research to see how surrounding jurisdictions handle the proposed item in their ordinances. After compiling the information into a proposed change, it will be brought before the Commission to vote on, at that point it will be brought before the Township Board for final approval or denial. This process can take 6 months or longer.

Minutes:

** It was moved by VanderMeulen and supported by TeSlaa to approve the minutes of the regular meeting of December 5, 2023 with one change. A roll call vote was taken. Yes – 5, No – 0, Abstain – 1, Absent – 1. Motion carried.

Public Hearings:

Chairman Kortering indicated that an agenda modification was in order given the applicant for the first item was running late. Commissioners agreed to proceed with the next item on the agenda.

Chairman Kortering opened a public hearing for consideration of a Special Land Use Permit request by Ryan Halder of Maverik, Inc./Kum & Go, L.C. on behalf of Gary Granger of River Street Development, LLC for a Service Station. Said land is located at 0 (vacant) Quincy St., described more specifically as Parcel Number 70-16-09-100-026. The subject property is zoned C-2 Community Commercial.

Present for this request was Jamie Antoniewicz of Atwell, LLC, 12745 23 Mile Rd., Shelby Township, MI 48315.

Mr. Antoniewicz noted that the applicant is now Maverik, not Kum & Go, as they have merged into one company. He pointed out that the layout of the service station has changed to align better with Maverik's station design. Mr. Antoniewicz noted that the building has rotated and that there is an additional canopy with both gas and diesel pumps. These lanes are meant to handle larger vehicles such as step vans, delivery trucks and trucks pulling RV's or boats.

Staff stated that this land is zoned C-2 and designated for Commercial uses by the Master Plan.

Mr. Antoniewicz stated that the building is now facing east with drive thru lanes on the west side of the building. He noted that Maverik's purpose is very outdoorsy, meaning they want to attract RV's and people with boats, etc. Which is why they have the larger drive thru lanes with both gas and diesel pumps.

Mr. Kortering asked if they are encouraging diesel use? Mr. Antoniewicz said that they are encouraging larger vehicles that could be diesel but they will have both gas and diesel at those pumps to serve a variety of customers. He said that these larger lanes also accommodate larger vehicles like Fed Ex or UPS trucks better as well.

Mr. Kortering reminded the applicant that any outdoor sales of items will require another special land use permit. The applicant stated that he understood that.

Mr. Sharp asked, if they are actively promoting larger vehicles, if the Ottawa County Road Commission has taken a look at the design again? Mr. VanderMeulen agreed that the Road Commission should take a look at the design and added that he would like to verify the turning radii on the property are large enough for larger RV's and Semi-trucks to make the turns on the property. Mr. VanderMeulen also asked how they will control extended breaks for truck drivers, as the Township doesn't want this to become a truck stop. Mr. Antoniewicz stated that they are not a truck stop and will not provide space for long term parking of semi-trucks. They have signs

posted at their parking spaces limiting them to a 30-minute maximum. Mr. Antoniewicz stated that they will provide Staff with drawings showing the turning radii.

Mr. Kortering asked if the drawing shows an island to the south of the building? Mr. Antoniewicz stated that it is an island to aid in traffic flow around the property. He noted that they will add signage to the island to indicate traffic flow.

Mr. VanderMeulen asked if they are planning to offer EV charging stations? Mr. Antoniewicz said they do not plan to install them right away but are open to installing them in the future if there is a demand for them. Most likely, these charging stations would be either in the NE or NW corners of the property.

Staff asked for a status update on West Shore Drive; has the Road Commission received the documents necessary to certify the road? Mr. Antoniewicz said that they submitted the application to the Ottawa County Road Commission in November and are waiting for feedback; but that it sounds like they will not adopt the road as a public road until it is completely constructed to Greenly Street. Mr. Antoniewicz stated that they plan to make the road public and will continue to work with the Ottawa County Road Commission on this.

Chairman Kortering opened the meeting up for public comments.

There was no one present to speak to this request.

** It was moved by Huesman and supported by TeSlaa to close the public hearing. All in favor. Motion carried.

Mr. Becker and Mr. Sharp are still concerned with semi-truck traffic on the property. Mr. VanderMeulen noted that he would still like to see the turning radii. Staff said that they have seen the preliminary turning radii and they are comfortable with them. Staff noted that they are more concerned with the need for a possible traffic light at Quincy Street and West Shore Drive. Ms. Huesman stated that she has concerns with no traffic light; she doesn't see semi-trucks coming to this station, but she is concerned with the flow of traffic with large RV's.

The Commissioners went through the Standards of Approval (Per Section 15.3 of HCT Zoning Ordinance)

1. **The use will be harmonious and appropriate with the existing or intended character and land uses in the general vicinity.**

This is what it is zoned for.

2. **The use will be served adequately by public services and facilities, including, but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.**

The Commissioners still have questions about the road.

3. **The use will not involve operations, materials and equipment that will be detrimental, hazardous, or disturbing to any persons, property or the general welfare due to traffic, noise, smoke, fumes, glare, vibration, or odors.**

Traffic flow is a concern.

4. **The use will be consistent with the intent and purposes of this ordinance and the Holland Charter Township Comprehensive Plan.**

It is consistent.

5. **The use will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.**

Agreed with Staff Comment. The installation of required front yard landscapes, buffers, and screening as required by Article 11 of the zoning ordinance will improve plant diversity.

6. **The use will not result in traffic congestion, have an adverse impact on roads, nor cause hazards.**

The Commission has concern in this area.

7. **There is need for the proposed use within the township.**

The Planning Commission is assuming that the developer has studied this and has found a need.

** It was moved by Becker and supported by TeSlaa to approve the Special Land Use Permit for a Service Station with the following conditions:

1. A safety review of the turning radii on the property.
2. The Ottawa County Road Commission complete a safety review of the intersection of Quincy Street and West Shore Drive, and the possible need for turn lanes in and out of the service station.
3. Ottawa County Road Commission accepts the road as a public road.

A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

Chairman Kortering opened a public hearing for consideration of an amendment to the Macatawa Legends Planned Unit Development Plan submitted by Michael McGraw of Eastbrook Homes. The proposed amendment generally consists of a setback reduction in the Clubside Townhomes Phase and request to not require the installation of surface course pavement prior to the issuance of Certificates of Occupancy for structures that will be served by the private streets within the development. Included with this request will be several Minor Changes.

Present for this request was Michael McGraw of Eastbrook Homes, 3918 Egypt Valley NE, Ada, 49301.

Mr. McGraw said that they are requesting a reduction of setbacks in the Clubside Townhomes Phase. He stated that the buildings in this Phase have gotten larger and, due to this, they have reduced the number of buildings they are proposing and are requesting a reduction in setbacks to accommodate the larger buildings. Mr. McGraw said that they are trying to maintain living space between the building and the garage and are therefore asking for a smaller front yard setback.

Mr. McGraw noted that they are requesting the option for 3-stall garages on some of the units. He pointed out that they are finding that many buyers are looking for a 3-stall garage option and they would like to be able to offer this option on some of the units.

Mr. McGraw said that they are no longer asking for an increase of the side yard setback from the right-of-way from 10 feet to 15 feet within Trailpoint.

Mr. McGraw next addressed the requirement of installation of surface course pavement prior to the issuance of Certificates of Occupancy. He noted that they always do a 2" base course (which costs more than the typical 1 1/2" base course) and this also requires them to deal with the raised manholes but this process helps to maintain the top course by waiting until most of the building construction on a road is completed. Mr. McGraw noted that they are willing to follow the Township's requirements if need be but they prefer to do it the way the rest of the development has been done.

Mr. VanderMeulen asked Staff if reducing the front yard setback by 2' will be an issue with the fire department. Staff responded that this is not a problem.

Mr. Kortering clarified that the Township's ordinance states that paving must be complete before certificates of occupancy are issued.

Mr. VanderMeulen noted that the reasons they created the ordinance is that in the past developers have not finished the road as planned; the second winter comes, there are problems with manhole covers and snow plows. Additionally, the base layer can crack, especially on the edges with the heavy equipment driving on it.

Mr. McGraw said that they maintain the roads until the Homeowner's Association takes over. So the snow plowing issue with the raised manhole covers is something that they will be dealing with and if the base layer cracks, they fix that before the surface course is laid so that they have a good foundation.

Mr. Sharp asked if they should put an end date in the motion? Mr. Kortering said that he is more comfortable with a date versus the number of condos sold. Staff noted that they would like to talk to the lawyer about the liability the Township has with setting an end date and utilizing a bond to complete the work if necessary.

Chairman Kortering opened the meeting up for public comments.

Doug Spooner, 4737 West Perry Circle, Holland, 49424. Mr. Spooner is concerned about snow removal and wonders who will be paying for it. It was noted that Eastbrook would do the snowplowing until the HOA is established, then the HOA would take over the cost. He stated that he is very proud to live in Macatawa Legends and that Eastbrook has done a marvelous job with the development. Mr. Spooner stated that he has no problem with the roads being built as proposed. Mr. Spooner is concerned with the reduction of setbacks that are being requested. He would like to know exactly how far from the road is the sidewalk, how wide will the sidewalk be, and how far from the sidewalk to the front of the building? Mr. McGraw addressed Mr. Spooner's questions by stating that the sidewalk is 5' wide and that sits 1' from the right-of-way, the 10' setback is from the private easement and stairs do not count for setback.

Staff also pointed out that this only affects 3 buildings and the setback is being reduced by 2-feet.

Kevin McVey, 13766 Harrington Landing, Holland, 49424. Mr. McVey said that in regards to the basecoat remaining for a longer period of time, there are problems with standing water and that it finds new places to seep into and sometimes that is in and under stormwater drains and structures. The finish course looks great but as a customer, it is a problem to deal with the standing water.

Staff noted that they received two public comments via email:

Mr. Ron Rhoades, President of Golf Point Association of Macatawa Legends. Mr. Rhoades stated that he endorses the amendment provisions and recommends the Commission grant approval.

Mr. Donald S Owens, Vice-President of The Villas Condo Association (the largest in ML); Secretary, MLHOA Board of Directors; Retired Judge, Michigan Court of Appeals. Mr. Owens stated that fellow residents and Directors of the MLHOA are all in favor with the requested amendment for both the setback reduction and the waiver of the requirement for installation of surface course pavement prior to issuance of Certificates of Occupancies.

** It was moved by Becker and supported by Sharp to close the public hearing. All in favor. Motion carried.

The Commissioners discussed the possibility of putting a date or timeline in the motion so that there is a guarantee that the surface coat will go on in a timely manner. It was discussed if they should just follow the ordinance or grant the exception. The Commissioners asked the applicant if there is a timeline that would work best for their construction plans. Mr. McGraw stated that 2 years from the start of each development phase would work well for them.

** It was moved by VanderMeulen and supported by Sharp to advise Staff to prepare a Resolution and Report recommending approval for review at the next Planning Commission meeting with the minor amendments noted in the staff report, a setback reduction of 2 feet for the Clubside Townhomes, and a deferral of 2 years for the top course installation from the time the first foundation building permit is given. It was noted that the Commission is granting this deferral of top course pavement because this is a private road. A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

Other Business

0 (vac) 140th Ave. – Parcel Number 70-16-07-200-022 – Site Plan Review – Consideration of a site plan review submitted by Brad VanderZwaag of BauVan Land Co, LLC for site plan approval of a 120-unit multi-family apartment complex, consisting of 5 three-story apartment buildings with 24 units each and 5 one-story garage buildings. The subject property is zoned R-3 High Density Residential.

This item will remain postponed at this time.

13928 Westwood Lane – Parcel Number 70-16-07-231-007 – Site Plan Review – Consideration of a site plan review submitted by Brad VanderZwaag of BauVan Land Co, LLC on behalf of Neal Kelley of NFK Properties LLC one multi-family building, consisting of 9 townhome style units measuring two stories in height. The subject property is zoned R-3 High Density Residential.

This item will remain postponed at this time.

Tabled Items

410 & 414 E 8th St. – Parcel Number 70-16-28-328-002 & -003 – Preliminary PUD – This item was tabled at the September 5, 2023, Planning Commission meeting.

Item to remain tabled at this time.

575 E. 16th St., 595 E. 16th St., 367 Hoover Blvd., 582 E 15th St. – Parcel Numbers 70-16-28-482-005, -006, -001 & -007 – Site Plan Review – Consideration of a site plan review submitted by Chris McGuire of McCon Building Corporation of behalf of TRT Partners LLC of a restaurant with a double drive-through. The subject property is zoned C-2 Community Commercial.

Item to remain tabled at this time.

0 (vac) 120th Ave., Holland, 49424 – 70-16-09-200-041 – Site Plan Review – Consideration of a request by Dan Hibma of North Point Land, LLC for site plan approval of an 84-unit multi-family apartment complex, consisting of 4 three-story apartment buildings, 3 garage buildings, and one maintenance building. The subject property is zoned R-2A Medium Density Residential and FP Floodplain. (*Tabled November 14, 2023*)

** It was moved by Becker and supported by VanderMeulen to remove the item from the table. A roll call vote was taken. All in favor. Motion carried.

Present for this request was Dave Hanko of Feenstra & Associates, 3145 Prairie St. SW, Ste 103, Grandville, 49418.

Mr. Hanko stated that in regard to the floodplain, Lakeshore Environmental, the developer's environmental consultant, has been working with FEMA and said that a floodplain permit will not be needed for the wetlands. They do plan on making a compensating cut so to not make any

flooding worse. Mr. Hanko stated that a Letter of Map Amendment will be filed with FEMA after the building construction is complete and correct. Mr. Kortering pointed out that the developer has provided a permit from EGLE to Staff for the wetland's disturbance.

Mr. Hanko said they have submitted an application to the Ottawa County Water Resources Commission for storm water retention drainage and ask that the Commission makes that a condition of approval.

Mr. Hanko said that they have been working with the Ottawa County Road Commission and they have received approval for the location of the driveway and will forward Staff the email. He explained that the Ottawa County Road Commission approved the location of the driveway as proposed because of its relationship to other driveways along that road. The Ottawa County Road Commission likes as much separation between driveways as possible. Mr. Hanko stated that they will continue the 120th Avenue left turn lane to that driveway. He said they will be submitting design plans to Ottawa County Road Commission once they get site plan approval.

Mr. Hanko addressed the landscaping plan next. He said that they are limited due to the wetlands. There are currently trees in the wetlands, and they plan on saving those trees. Mr. Hanko said to meet the shrub requirement they will need to plant different shrubs than what is normally recommended due to the wetlands. They are proposing a shrub that will be hand dug and approved by EGLE. These shrubs get to be 10' wide x 10' tall. He noted that one variety produces red berries that stay on the bushes through the winter as food for the birds. Mr. Hanko pointed out that these are indicated on the map by the black and red dots.

Staff noted that there is a requirement for a 10' wide buffer with shrubs between the development and the private property on the east side of the property. Due to the wetlands, they can put those shrubs in the 10' section near the raised roadway, or plant the approved EGLE shrubs in the wetlands area along the property line.

Mr. Hanko then stated that the photometric plan has been revised and was just received today. They will get that to Staff as soon as possible.

Mr. VanderMeulen stated that if the Ottawa County Road Commission is good with the driveway and internal roads, we certainly do not know better than them. Staff stated that their concern is with internal circulation and fire access. Mr. Broersma also stated they are concerned about the portion of the deceleration lane that is in front of the private residence. Staff would like to see Ottawa County Road Commission approval. Mr. Hanko also indicated that they could shift the driveway to the south enough so that the deceleration lane is not on the neighboring private property.

Staff asked about the bond and if they should make use of it and complete the fire access road and water main since it was past due as of September 30, 2023? Mr. VanderMeulen asked Mr. Hanko what their schedule looks like? Mr. Hanko said they have every intention of getting started as soon as possible this spring. He said that upon approval they will finish connectivity going all the way around the development instead of cutting through as Staff indicated on in the Staff Report.

Mr. Kortering stated that the performance bond for the water main and fire lane access is due and the Township has the right to cash it in and complete the work.

Mr. Hanko stated that they would like to start within 2 months, pending all approvals from the Township. He said they plan to start construction in the spring and finish by the end of the summer or fall. At this point, he said, they cannot put it out for bid because they need Commission's approval but they have contractors that want the job and will be ready to start in the spring.

Staff suggested to complete the fire loop needed by the fire chief and complete the watermain loop construction.

The Commissioners asked Mr. Hanko what timeline they feel they could meet. Mr. Hanko said if they start this spring (April), then July to mid-August the road should be complete. He said that the Township can verify that the road is complete before any construction of buildings begins.

Mr. VanderMeulen stated that the fastest way to get this done will be to have the customer complete the work because they are already on the path forward with engineering, etc. If the Township took it over, we would have to hire engineers, get FEMA and/or ELGE permits, get plans drawn up, and secure a contractor so we would be at least a year out, where the customer could have this done this summer.

Most of the Commissioners are good with extending the timeframe to complete the watermain and road by 1 year.

Mr. Hanko said they have been working on this for a while but were not able to get FEMA approval before the deadline of September 30, 2023. Mr. Hanko said they would be willing to build a temporary road that would give fire department looping access during construction.

** It was moved by Sharp and supported by Becker to approve the Site Plan for an 84-unit multi-family apartment complex, consisting of 4 three-story apartment buildings, 3 garage buildings, and one maintenance building pending the following are completed:

1. Provide a revised site plan clearly demonstrating the extent of FEMA-designated floodplain on-site as well as provide FEMA-issued documents that officially remove the property or structure(s) from the floodplain;
2. Provide written approval from the OCWRC stating that the proposed site drainage is adequate;
3. Construct a temporary road satisfying the requirements of the fire chief before main construction begins;
4. Provide plan revisions that provide options for connectivity and internal circulation;
5. Submit a revised landscaping and screening plan meeting the provisions of Article 11;
6. Submit a revised photometric plan compliant with Article 12 which will be approved by Staff.

A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

The Commissioners then had a discussion about possible Zoning Text Amendments. They discussed minimum floor areas for dwellings in the AG, C-1 and C-2 zoning districts. Also discussed were minimum storage areas for multi-family and single-family attached dwellings. Staff will take the recommendations the Commissioners made and incorporate them into a draft Zoning Text Amendment being prepared for several topics, such as outdoor storage, slated to be reviewed during future meetings.

The next regular Planning Commission meeting is scheduled for Tuesday, February 6, 2024, at 6:00 pm.

The meeting adjourned at 8:43 pm.

Respectfully submitted,

Tricia Kiekintveld
Recording Secretary