

HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION  
Regular Meeting  
April 9, 2019

Present: Chairman Marion Hoeve, Vice-Chairman/Secretary Jack Vander Meulen, Members Ken Bosma, Dennis Gebben, Norm Nykamp, and Ed Zylstra. Also present were Community Development Director John Said, Assistant Community Development Director Corey Broersma and Recording Secretary Sheri Thomassen.

Absent: Member Randy Kortering

Motion to approve the minutes from the regular meeting of March 5, 2019, was made by Mr. Bosma, supported by Mr. Vander Meulen. All in favor. Motion carried.

Chairman Hoeve explained the Public Hearing process to the audience.

Public Comment - none.

Chairman Hoeve opened the Public Hearing for consideration of a special use request by Brian Lamar on behalf of Community Reformed Church for land addresses as 10376 Felch Street, described more specifically as Parcel Number 70-16-13-300-55. The applicant is seeking approval for a Place of Worship including an addition to the existing building and parking lot. The property is zoned R-2, Moderate Density Residential. Commissioner Nykamp recused himself as a member of Community Reformed Church.

Brian Lamar (10558 Knollgate Dr.) was present to speak to this request and summarized the project. He indicated that the west side of the church will include a covered entry for the office and drop off area, and they will extend the parking lot to the north.

Mr. Lamar asked Staff for status of site plan approval as they are eager to get started. Staff replied that they will be available to provide comments on the site plan to Mr. Lamar at any time.

Mr. Vander Meulen added that the applicant has already been to ZBA for the future parking addition to the south to reduce landscape buffer widths and the ZBA granted the non-use variance.

Audience comments - none.

Motion to close the Public Hearing made by Mr. Vander Meulen, supported by Mr. Zylstra. All in favor. Motion carried.

Special Use Standards of Approval and Staff Comments were reviewed.

Mr. Vander Meulen shared that this is needed because it is a healthy growing church,

and changes proposed will make entering/exiting safer, and will improve the overall site.

Staff added that they will work with the applicant on the site plan.

Motion to approve the Special Use as submitted, subject to site plan approval by Staff, made by Mr. Vander Meulen, supported by Mr. Gebben. All in favor. Motion carried.

Chairman Hoeve opened the Public Hearing for consideration of a special use request submitted by Tony and Pam Teunissen for land addressed as 534 Woodland Drive, described more specifically as Parcel Number 70-16-18-176-012. Applicant is seeking approval for a Home Occupation consisting of Therapeutic Massage Therapy. The property is zoned R-1, Low Density Residential.

Pam and Tony Teunissen (534 Woodland Dr.) were present to speak to this request. Mrs. Teunissen indicated that both her and her husband are licensed massage therapists in the State of Michigan and have had a home business before moving to this area. She added that the request is for one room with one table, serving one client at a time for 30-80 minutes, and that there is adequate parking. Mrs. Teunissen shared that they are happy to be part of the Holland community.

Mr. Gebben asked about the old address and expiration date on the copy of the license provided. Staff responded that they had received updated documentation with the 534 Woodland Drive address. Mrs. Teunissen added that the license expires October 2019, is a 3-year license, and will be renewed – and that they have educational requirements that they must meet as well to maintain their license.

Mr. Bosma asked Staff if there are there other Therapeutic Massage Therapy home occupations in the Township. Staff replied that this specific use is believed to be the first as a home occupation.

Mr. Nykamp asked if any changes have to be made structurally. Staff spoke with the Building Inspectional Staff, and they didn't have any issues with the proposed use. Mrs. Teunissen added that the state licensing requirements for them as massage therapists are to provide a private, quiet space, and restroom near the massage room. Mr. Vander Meulen indicated his surprise that there's no handicap accessibility requirements.

Mr. Gebben asked Staff if our Ordinance calls out therapeutic massage as a special use permitted in a residential zone. Staff responded that it is considered a "personal service" permitted by the Zoning Ordinance as a special use for a home occupation.

Mr. Zylstra asked about regular business hours. Mrs. Teunissen replied that they are not looking to build a large business; they intend to service a small clientele by appointment, generally not past 7:00 pm.

Audience comments - none.

Motion to close the Public Hearing made by Mr. Bosma, supported by Mr. Nykamp. All in favor. Motion carried.

Special Use Standards of Approval were presented and reviewed.

Motion to approve the Special Use as presented made by Mr. Nykamp, supported by Mr. Bosma. All in favor. Motion carried.

Chairman Hoeve opened the Public Hearing for consideration of a special use request submitted by Julie Brown for land addressed as 827 Maywood Avenue, described more specifically as Parcel Number 70-16-18-276-005. Applicant is seeking approval for a proposed Bed and Breakfast. The property is zoned R-1, Low Density Residential.

Julie Brown (827 Maywood) was present to speak to this request, distributed photos of the property, and responded to comments in the Staff Report. Ms. Brown indicated that they meet or exceed all legal requirements and mentioned several tourist-oriented draws in the area for their guests who are mostly from out of state. She added that they're simply trying to share a few rooms of their home, that they do not have more than one booking at a time, that they never rent if they're not in the home, and that their own friends and family come with more cars and can be louder than any of their guests.

Mr. Nykamp asked about the railing on stairs. Staff responded that it is a code violation as shown in the photos, and that some type of guard will have to be added.

Mr. Vander Meulen commented that the egress window as shown in the photos may not be up to code. Staff will review, and Ms. Brown indicated her willingness to make any adjustments necessary.

Mr. Gebben asked Staff, in reference to Staff comments under Standards item 4 (below), in the Staff Report, why this would be allowed in the R-1 District if it's "not consistent with the intent and purpose of the Comprehensive Plan".

The special land use will be consistent with the intent and purposes of this ordinance and the most recent updates to the Holland Charter Township Comprehensive Plan. Bed and breakfast uses are allowed as a Special Use in the R-1 District. The subject property is planned for Low-Density Residential. While current Zoning Ordinance provisions allow for a bed and breakfast as a Special Use, Staff is concerned that this use is not consistent with the intent and purpose of the Comprehensive Plan for this area.

Staff explained that in some instances, thinking about location, noise, traffic, number of guests, number of requests for Bed and Breakfasts in the area, the request could be denied. Chairman Hoeve added that there seems to be a contradiction in Staff's statement and that if we allow a Bed and Breakfast Special Use in a residential area, it should be across the board in the entire Township. Staff replied that if there are conditions not met, the request may be denied, and there are criteria to review as part

of the Special Use Standards, and that each request is specific to its own location and must stand on its own merits. Mr. Nykamp added that if this type of request continues to come up, the Commissioners may want to come up with some specific guidelines.

Mr. Gebben commented that it gets a little dicey sometimes when there's subjective judgement vs. objective judgement. Staff replied that we could each come up with a different conclusion based on our background and experience, and if location is taken into consideration it may lead to a different conclusion.

For reference, Staff mentioned that a previously approved Special Use on 112th Avenue voluntarily ceased when the property is sold. Ms. Brown agreed that, if approved, this Special Use would be given up when they move or sell.

Brian Skaggs (3106 112th Ave.) suggested the Township embrace Airbnbs because of the way people are traveling and that the idea should be considered more strongly and looked at again. He added that with the power of the renter and landlord relationship along with social media and its rating system, Airbnbs are a great option for many, better than a hotel.

Kathy Klinesteker (804 Maywood) asked if a Bed and Breakfast in her neighborhood would change the zoning or property values. Chairman Hoeve replied that it does not change the zoning, and that there is no guarantee regarding property value. Ms. Klinesteker added that they've lived there since 1973 and it's always been single-family residential, 1,200 square foot, ranch homes. She asked if it would have to be handicap accessible and also wonders if Bed and Breakfast events are planned during the year, will that cause additional people, activity and traffic? She also commented that the house is at the end of a "T", and there's already some congestion due to on-street parking. She also wondered if they have a separate living space for themselves with their own bathroom and bedroom.

Staff referenced Section 9.4 of Zoning Ordinance for Bed and Breakfasts in response to a few of Ms. Klinesteker's concerns.

Jason Bakker (11130 Riley) deals with residential mortgages and doesn't see any discrepancies in owner-occupied vs. non-owner occupied or detriment in respect to neighboring Bed and Breakfasts or Airbnbs and added that property value is determined more by the condition of a home.

Motion to close the Public Hearing made by Mr. Vander Meulen, supported by Mr. Zylstra. All in favor. Motion carried.

Special Use Standards were presented and reviewed. Chairman Hoeve asked if there's any way to shorten them up. Staff replied that they're summarized on the slide, but they have to be addressed in some form per our Attorney.

Motion to approve the Special Use with the condition that the applicant work with Staff to address any concerns or requirements to meet the stipulations of Sec. 9.4 of the Zoning Ordinance and applicable sections of the Michigan Residential Code, also noting that the Special Use would be relinquished when they move as agreed to in the applicant's proposal, made by Mr. Vander Meulen, supported by Mr. Zylstra. All in favor. Motion carried.

Chairman Hoeve added that he is concerned with negative comments in the Staff Report based on something that might create a problem and never look at the good side of it. Chairman Hoeve asked that Staff look at both sides and give both positive and negative comments. Staff understands and asked that Chairman Hoeve recognize that Staff's position is to look at the long term of "what ifs", and that Staff can only identify possibilities based on what's presented for each case.

Chairman Hoeve opened the Public Hearing for consideration of a proposed amendment to the Final Development Plan submitted by Randy Schipper on behalf of Brian Skaggs and Riverview Estates, for the Riverview Estates Planned Unit Development, located south of Riley Street and east of 112th Ave. The proposed amendment would allow the addition of a second detached accessory building to each lot within the development.

Brian Skaggs (3106 112th Ave.) was present to speak to this request. Mr. Skaggs shared some background that they bought in 2012 with a playhouse on the property. He built a 30' x 40' barn and rebuilt the 200 square foot playhouse/shed using local high school students. He was cited by the Township for having two buildings. Mr. Skaggs has taken this opportunity to review the Master Deed/bylaws and ask that the PUD be amended to include a second small accessory building (not to exceed 288 square feet) that would meet all the requirements of the bylaws and the Township. He added that they have the property and the right intentions (lots range from 1-5 acres). Applicant is working on bylaw changes with Randy Schipper.

Does the Planning Commission regulate a playhouse? Staff replied that if it's truly a playhouse, without an overhead door, no.

Does acreage size allow a second building in current ordinance? Staff responded that they were approved as part of the PUD. Mr. Nykamp asked how we justify this other than that it's a PUD and is concerned with setting precedence. How do we say "No" to someone else in a residential neighborhood? Staff referred to the Riverwalk PUD amendment for a second accessory building (pool house), as an example.

Ross DeVries (3128 112th Ave.) has a 1.2-acre lot, 150' x 350', a 1,200 square foot barn, and has also received a letter from the Township because of a 10' x 12' shed behind his barn. He added that there's lot coverage is not excessive.

Ideas were offered by the applicant and others - Could there be a minimum lot size specified in order to add a second building? Is it the second building that's critical or is it the square footage? Can they add to an existing building?

Staff presented the original engineering drawing of the PUD for reference and clarified the PUD Amendment process for the Commissioners – the Planning Commissioners could table or direct Staff to provide the Board of Trustees with a Resolution and Report and recommend its approval or denial. The applicant worked with their attorney to write up the amendment.

Beth & Dwight DeJonge (2998 112th Ave.) asked what's done about third buildings, foundations and setbacks? They indicated that they are neighbors and were unaware of the request, have no accessory building. Staff responded that foundations and distance between structures get into building code, and that any building over 200 square feet has to have a permit and inspections.

Mr. Skaggs added that he tried to get to every neighbor for signatures and apologized for missing the DeJonge's.

Zach Estep (11152 112th) is on 1.25 acres, installed a pool and said that adding on to his existing pole barn wouldn't function well as a pool house/changing room. A second accessory building would allow property to better accommodate growing families.

Motion to close the Public Hearing made by Mr. VanderMeulen, supported by Mr. Nykamp. All in favor. Motion carried.

Chairman Hoeve asked for clarification on Staff's recommendation in the Staff Report:

Should the Commission want to pursue approval of this PUD amendment Staff would request that it be tabled first to allow for the Township Attorney's review and recommendations regarding the application status and the property owners within the PUD.

Staff clarified that since the applicant's attorney, Mr. Schippers, is confident that the bylaws only require a majority of property owners within the PUD to support the amendment, Staff is satisfied and can confirm this with the Township Attorney prior to approving a resolution and report.

Mr. Vander Meulen asked if when they allow a PUD, do 4 of 12 qualifying conditions/standards also need to be met when amending an existing PUD? Staff replied that the PUD was already established, so now we need to determine if this amendment will meet the standards based on the final PUD checklist.

Mr. Vander Meulen asked what other changes are being made to the PUD. Staff clarified that this PUD amendment request is to allow for a second accessory building up to 288 square feet. Other changes are being made to bylaws which are the property

owner's responsibility. Staff added that we could consider the question, "Is this request going to make things worse than what was originally approved?"

Mr. Zylstra asked if we should get Mr. Bultje's (Township Attorney) opinion on this before they vote.

Mr. Nykamp is curious about the two corner lots being crowded and asked if we'd have to put it in there. Staff clarified that we don't have to deal with that since the Zoning Ordinance requirements take care of that.

Mrs. DeJonge asked about a building behind a building - if they would choose to do an outbuilding, would they have to put it behind so the neighbors wouldn't have to look at it? Staff clarified that they could put it anywhere as long as it meets the setback requirements.

Staff is confident that they do not have to consult with Mr. Bultje if the Commissioners feel that the request won't be detrimental, they can vote on it tonight.

Motion for Staff to provide the Board of Trustees with the favorable Resolution and Report and recommend its approval of the Riverview Estates PUD Amendment to allow the addition of a second detached accessory building with a maximum of 288 square feet made by Mr. Gebben, supported by Mr. Bosma. 5 in favor. 1 opposed (Vander Meulen). Motion carried.

Chairman Hoeve opened the Public Hearing for consideration of a proposed amendment to the Zoning Ordinance and Map, submitted by Mark Kooyers on behalf of TRT Company, to change the subject property from R-2 Moderate Density Residential to C-2 Community Commercial. The subject property is located at 582 East 15th Street, described more specifically as Parcel Number 70-16-28-482-007. This proposal has been submitted absent a corresponding request for a change in the Master Plan, which typically precedes any rezoning request that is not supported by the Future land Use Map. The applicant indicated that he did not wish to take the time to go through this process.

Mark Kooyers (354 Lakeshore Dr. North) on behalf of TRT Company was present to speak to this request and pointed out the all the property in the block zoned Commercial, except for home at 582 E. 15th which is currently rented out as residential home. Mr. Kooyers shared historical data of the surrounding property. The Future Land Use map was presented and reviewed. Mr. Kooyers asked us to consider the consistent zoning use of the property and distributed a zoning map, pointing out all Commercial zoning off the US-31 corridor. He added that the property is too small for an office building and requests to rezone the parcel so that it matches every other single parcel on that block.

Mr. Kooyers commented that, in a meeting with Staff, he'd be required to ask to have the Master Plan amended, at which point he asked Staff to review that with the

Township attorney before stating that because there is no law that requires that at a Township, State or Federal level. Staff clarified that in that meeting they recommended Mr. Kooyers first seek a Plan amendment and acknowledged that there was nothing preventing him from applying for a rezoning.

Mr. Kooyers referenced the Staff Report confirming Staff's call to the attorney and that Mr. Bultje confirmed his comment that there is no law that requires that he goes for a Master Planning resolution first. He added that there is a state law requiring municipalities have a Master Plan before inflicting zoning to protect landowners.

Mr. Kooyers referenced the Staff Report (Section 21.4 Criteria for Amendments) and commented that Staff provide the positive side in addition to the negative side.

Whether the proposed district and the uses allowed are compatible with the physical, geological, hydrological and other environmental features of the site.

It is unknown whether the proposed district and uses would be compatible with the site's features.

Staff clarified their response as responding directly to the wording of that standard, and to address the specifics of the current request.

Mr. Kooyers read and commented on the Criteria for Amendments as listed in the Staff Report and summarized his request to rezone 582 E. 15th St. to match all corresponding properties and intersections from 16th Street to Riley. He added that it's in the Township's interest to rezone it Commercial because the Township will have more impact after what happens there under site plan review. In the event that it stays residential or non-conforming the only thing that any future developer could put there is a parking lot.

Mr. Gebben asked to see the Future Land Use map and indicated that he understands the applicant doesn't have to ask for a reclassification of the land use, but the Commissioners need to ask why they made the decision to keep that parcel as residential when they redid the Master Plan in 2014. He added that the Commissioners have to do due process and take a look at why the decision was made and if it's a good idea to modify it at this time. Mr. Gebben also stated that it's not a decision that can be made tonight.

Chairman Hoeve confirmed that the surrounding property is currently zoned Commercial, but the Future Land Use is Office Services. And if the applicant wants to go to Commercial to blend into the rest of the property, it's against the Master Plan for the area. Mr. Kooyers commented that it should be done for consistency.

Mr. Bosma added that the reason the Future Master Plan shows Office Services is because there is an extension of Office Services there and because of the homes on the other side of the road. This is unique from any other corner identified going up US-

31. Mr. Kooyers clarified that he was speaking to consistency and development under state statute.

Staff read a letter of support from Greg Rodd at Nederveld.

Staff clarified information from Mr. Bultje and process topics. There is nothing in the law that provides for a rezoning that doesn't follow the Master Plan, so they could make a recommendation for that, if they choose. However, the interplay of the Michigan Zoning Enabling and Michigan Planning Act does require that a Zoning Ordinance be based on a Master Plan. Staff gets at the process, with arguments on both sides, but the process is that zoning should be based on the Plan, as part of the larger community, surrounding land uses and trends in the area. Staff also identified that in the past two years when other requests for rezoning didn't match the Comprehensive Plan, applicants went through the Plan Amendment process first. That's an issue of equity and fairness from a Staff perspective.

Chairman Hoeve summarized the request and asked if we should reconsider the Master Plan and not just the one house, and get everything the same. He added that legally we don't need to do it, but there's been a process established. Mr. Vander Meulen agreed and added that the property shouldn't remain residential, that's not the issue, but there's been a process established. Mr. Gebben suggested the history be reviewed for that area.

Staff commented that the entire Plan process takes 6-7 months, along with the rezoning. First, we receive direction from the Board to Planning Commission, then 42-day waiting period, then back to Planning Commission for a Public Hearing, then to Township Board for final approval, then the rezoning timeline begins. Previous landowners went through this process.

Jason Bakker (11130 Riley) commented that the property is a misfit as a residential property, a severe functional obsolescence because it's sandwiched by commercial property.

Motion to close the hearing made by Mr. Nykamp, supported by Mr. Zylstra. All in favor. Motion carried.

Motion to table the request made by Mr. Vander Meulen, supported by Mr. Gebben. The applicant will work with staff to pursue a Comprehensive Plan Amendment. All in favor. Motion carried.

Mr. Gebben thinks it's something the Township should address and wondered about the cost for the applicant. Staff clarified that the cost is tied up in the rezoning request, not the Master Plan amendment, and that the Township Board would initiate after receiving a request to do so.

Staff noted that they've received inquiries on this property going back to the summer of 2018, although no particular application has been submitted until now.

Mr. Kooyers indicated that they've owned this property for 20 years and wonders if it was zoned Commercial before the change to residential in 2014, and added that they were not aware that the Master Plan had flipped at that time.

Mr. Kooyers added that he is more than willing to continue to work with Staff for a beneficial resolution and hopefully with some more cooperation on both sides. He asked, prior to the Master Plan amendment in 2014, what was that property zoned as?

#### Other Business

##### Comprehensive Master Plan RFP

Staff anticipates distributing the RFP to potential consultants as early as next week. No further Planning action is required at this time, but any final comments are welcome. A Comprehensive Plan Task Force for the process may be established. Mr. Gebben and Mr. Vander Meulen had comments/questions on pages 8 and 4. Staff addressed both of those.

##### 523 Butternut - Leisure Estates/Manufactured Housing Communities – Lot Layouts

Mr. Bultje contacted Staff and clarified that a grandfather clause from Act 243 of 1959 overrides this PUD when records are incomplete. Staff will move forward with this latest information.

##### Quincy Meadows Drive

Product is not fitting within building envelopes, 1'-2' encroachments; after the second one Staff asked for a PUD amendment going forward. Commissioners agreed that if they want to make more changes, they'll have to pursue a PUD amendment.

12659 Riley St. - Restaurant with Drive-thru (tabled 12/4/18)

The next meeting is planned for May 14, 2019, 7:00 p.m.

The meeting adjourned at 9:35 pm.

Respectfully submitted,

Sheri Thomassen  
Recording Secretary