

HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION
Regular Meeting
June 2, 2020

Chairman Hoeve called the meeting to order via teleconference due to the Coronavirus (COVID-19) pandemic at 7:00 pm and asked for a roll call of members present.

Present: Chairman Marion Hoeve, Vice-Chairman/Secretary Jack VanderMeulen, Members Dennis Gebben, Randy Kortering, Norm Nykamp, Miska Rynsburger and Ed Zylstra. Also present were Community Development Director John Said, Assistant Community Development Director Corey Broersma, and Recording Secretary Tricia Kiekintveld.

Absent: None.

Public Comment:

Ms. Suzanne Zahn from 11902 Seven Pine Dr., Holland, MI 49424 was present to speak. Ms. Zahn wanted to express her concerns regarding the proposed site plan at 2502 120th Ave. submitted by Westview Capital/Waverly Woods. Ms. Zahn is concerned about the high density of the project and feels that this will devalue her property to the north of the proposed development. Over the years she has been impressed with Holland Charter Township and their high level of requirements that the inspectors uphold and the assistance she has received with rental certificates and stated that they have helped her out a lot. She stated that she doesn't understand how the Commission can be considering approving this type of development on this property. Ms. Zahn also expressed her concern over the lack of outdoor play space for the children, as she is a former teacher and knows the importance of a place for children to play. Ms. Zahn is also concerned that the proposal includes only a 1-stall garage for a 3-bedroom home. She is wondering where all of the other vehicles will park and doesn't want to see them all parking on the road. She is really very opposed to this development.

Ms. Kimberly Gunn from 11858 Seven Pine Dr., Holland, MI 49424 was also present to speak to the proposed development by Westview Capital/Waverly Woods. Ms. Gunn would like to see in writing the approval from the Fire Chief for the proposed T-on drive. Ms. Gunn also mentioned the eastern access easement for emergency vehicles, she is concerned over maintenance of a paved stub and who will maintain that. Ms. Gunn also is wondering how the HOA will continue to be financially responsible for the upkeep of the development with things such as road maintenance, trash service, snow removal, roofing, siding, etc. She is concerned that adding the additional HOA fee necessary for maintenance of the development will no longer make this an affordable option for the targeted demographic. Ms. Gunn also expressed concern over the drainage off the property and that it seems to be running right up to her eastern lot line, she stated that her master deed and site plan only shows a utility easement running along her northern property line and nothing shown on her eastern lot line. She would like to have written documentation for the utility easement and the water line that is proposed through Seven Pines. Ms. Gunn is also concerned that the drainage should not affect the current wetlands in the area. She would like to confirm that the developer has contact the Ottawa County Resource Commission to make sure that this does not happen. Ms. Gunn stated that she is concerned about their being only one trash collection area in the plans and that due to weather or physical ability residents will allow trash to pile up behind

the buildings and this would then be visible from her back yard, she is concerned that it will become unsightly. She also would like to see the traffic impact study and make sure it takes into account the bus stop by Seven Pines and the impact it will have on the intersection of 120th and James.

Ms. Janet Senti from 11918 Seven Pine Dr., Holland, MI 49424 was present to express concerns over the Westview Capital/Waverly Woods development as well. Ms. Senti is very concerned about the large number of condominium units. She feels that 74 units will mean 74 cars and potentially even more in a tight space. Ms. Senti is also concerned about the lack of play space for the children. She feels that this development will devalue her property a large amount. Ms. Senti is also concerned about safety and crime and how the utility easements typically result in trees being taken down or trimmed excessively.

** Motion to approve the minutes from the regular meeting of May 12, 2020, was made by Mr. Kortering and supported by Ms. Rynsburger. All in favor. Motion carried.

HOM Flats Final PUD - Resolution and Report

After Planning Commission action at the May 12, 2020 meeting, a draft Resolution and Report and has been prepared for the Commissioner's consideration and action.

Mr. VanderMeulen stated that the PUD Resolution and Report looks good to him. He said that he does have a hypothetical question. Mr. VanderMeulen asked what if the Ottawa County Water Resource Commission doesn't approve the plans and says that there needs to be more drainage, would it then come back before the Commission for approval of an amendment or would they just work with Staff at that point? Staff answered that it depended if the changes qualified as a minor or major amendment. If the changes qualified as a major amendment then it would come back before the Commission, if they qualified as a minor amendment it could either be approved by Staff or possibly come back before the Commission.

Mr. VanderMeulen pointed out that we seem to be in a time of change as it relates to on-site storage needs of renters.

** Motion for Staff to provide the Board of Trustees with favorable Resolution and Report and recommend its approval made by Mr. Nykamp and supported by Mr. Zylstra. All in favor. Motion carried.

Other Business

Chairman Hoeve opened a hearing for a Special Use for animal services including kennel (public hearing concluded at March 3 meeting) for property located at 76 E. Lakewood Blvd., Suite 10 submitted by Philip Tran and Giap Tran/Puppy Parlor described more specifically as Parcel Number 70-16-20-265-001 (property zoned C-2 Community Commercial).

Petitioner is seeking permission for animal services consisting of dog grooming. The applicant asserts that there will be no daycare or overnight stays. The kennel and outdoor potty areas are intended strictly for dogs that are waiting for grooming or pickup. The applicant indicates that a maximum of 6 dogs will be present at the business at any one time.

Mr. Philip Tran was present to speak to this request. Mr. Tran pointed out that in the Staff Report it was stated that Staff needs to see a floor plan as well as a detailed plan for the outside of the building. Mr. Tran asked what Staff is asking for to the North of the building? He stated that they currently have a paved parking area and plan to keep that along with parking to the East. Staff replied that they just need a drawing that is to scale. They also stated that the Commission could approve this request tonight and let Staff work out the details with the applicant after the final scaled drawings come in. Staff also pointed out that the applicant is stating that there will be no more than 6 dogs on-site at any one time.

Mr. Gebben asked about parking and if the location of the parking would fit the needs of a dog grooming facility and if there was enough parking. Staff stated that they would like to see the drawings to confirm the parking. Mr. Gebben stated that he frequents one of the businesses next door and it concerned that the customers parking for the Puppy Parlor would encroach on the other neighboring businesses parking areas. Mr. Tran stated that they have good working relationships with the other neighboring businesses as they already own a nail salon in that same area. Mr. Tran stated that they used to run as a tattoo parlor in this proposed building and parking was never an issue with that business and they do not foresee it to be an issue with this type of business either. Mr. Gebben expressed concern over taking a dog out of a vehicle so close to a busy street. Mr. Tran stated that is why they offer the parking on the south side of the building, as that would be a safer option for taking dogs out of vehicles.

Mr. Kortering asked if only allowing 6 dogs is a township rule or who came up with that number? Mr. Tran stated that he came up with that number because they will have 6 dog groomers and are looking to maintain a one-to-one ratio of groomers to dogs. Mr. Tran also stated that with more dogs in the building it also increases liability so they want to avoid that. Mr. Nykamp asked what about clients that would need to drop off their dog on the way to work in the morning and not pick it up until after work in the evening? Would they be able to offer that service and still maintain only 6 dogs on site all day? Mr. Tran stated that they would be taking dogs by appointment only so they would be able to maintain the 6-dog maximum. He stated that most dogs are picked up right away so that is not typical for them to be there all day but they would be able to work around that type of situation. Mr. VanderMeulen stated that there could be a dog outside in a kennel waiting to be groomed and another inside being groomed and that would potentially put them over the 6-dog maximum. Mr. Tran said they really want to maintain a one-to-one ratio and start small. Mr. Kortering is wondering if in a year from now they would have wished they had requested a higher number? Mr. Hoeve asked if putting a limit of 12 dogs would be a more realistic number so that they do not have to come back to the Commission at a later date asking to raise the number and pay the filing fee. Mr. Tran answered that maybe they are right. He said we want all the dogs to be cared for properly, even when waiting to be picked up. However, he stated that it would probably be best to change it to a 12-dog maximum so they have room for future growth and for the potential of having a groomer watching one dog that is waiting while grooming a second dog.

Mr. VanderMeulen asked what hours they will be open. Mr. Tran stated they will be open Monday – Friday from 9 am to 7 pm and on Saturdays and Sundays from 9 am to 5 pm. This would be the same hours as their nail salon which would make it convenient for them as owners to keep an eye on both businesses at the same time.

Mr. Gebben pointed out that the plans allow for 125 sq. ft. per dog at a maximum occupancy of 12 dogs. Mr. Tran stated that they would not allow 12 dogs in the outdoor kennel area as that is planned to be used more as a potty area.

Mr. Tran stated that they plan to open as soon as possible as they are aware of the need for additional dog groomers in the area.

Mr. VanderMeulen asked whomever makes the motion to add a condition that the township department of public works verifies where the chemicals are going.

** It was moved by Mr. VanderMeulen and supported by Mr. Kortering to approved the request with the following conditions:

1. A maximum of twelve (12) dogs shall be present on the premises at any one time, with no daycare or overnight boarding.
2. The applicant shall be required to obtain Staff approval of a site plan that includes the following:
 - a. Floor plan details including space size, to allow Staff to determine whether parking will be adequate. The applicant may be required to obtain a variance to parking prior to the issuance of any permit or occupancy for this proposed use.
 - b. Detailed site plan for outdoor dog area, including exact location of proposed fenced area, so as to minimize conflicts with adjacent driveway. If found necessary by Staff, the applicant may need to install barriers and other measures to minimize conflicts and visibility blockage with vehicular traffic on adjacent driveway.
 - c. New landscaping north, and possibly east, of the fenced area.
3. Public Works department approval of the disposal of the used chemicals.

All in favor. Motion carried.

Chairman Hoeve opened a hearing for a Site Plan Approval submitted by Westview Capital/Waverly Woods (tabled May 12) for property located at 2502 120th Ave. described more specifically as 70-16-15-300-028. The applicant is seeking Site Plan approval for a proposed 74-unit attached single-family residential project.

Mr. Kevin Kammeraad, Mr. Rob Webb of Remax, Ms. Kelly Kuiper of Nederveld and Attorney, Mr. Bill Sikkell were present to speak to this request.

Mr. Kammeraad stated that they have worked hard on the site plan and have modified the building height to focus on offering an affordable home with 3-bedrooms and a 1-stall attached garage while keeping the target price under \$200,000. He stated that they feel they have an attractive option with ownership goals within the township.

Ms. Kuiper stated that this site did receive prior site plan approval in February of 2019. This revised site plan is just a slight change to that project as most of the site plan has remained identical to the original site plan. Mr. Kuiper stated that they have upgraded the buildings to include attached garages in a townhome style building that fits the character of Holland Charter Township better than the original project.

Ms. Kuiper addressed the potential rental concerns the Commissioners had at the last meeting. Ms. Kuiper stated that this is a condominium project and these units will be put up for sale. She stated that they would like to maintain the flexibility to have these units be rented especially in the economic uncertainty we are in right now. Ms. Kuiper pointed out that even if rented the units would still be under

the Master Deed and the bylaws which addresses potential rental units. They would like the ability to retain rental rights for marketability given the economic uncertainty right now. The buildings would be maintained to the high standards set forth by the bylaws. Ms. Kuiper stated that not allowing a home to be rented does not come up in the zoning ordinance and that they as engineers following the language of the zoning ordinance as they develop these projects.

Mr. Kortering asked if they would be renting or if the owners of the townhomes would be renting. Mr. Kammeraad answered by saying that the goal is to sell the units but to retain the option for the owner to rent. However, with the environment we are in right now they would want the freedom to provide an option for people struggling economically to be able to rent-to-own.

Ms. Kuiper addressed the issue of greenspace. She stated that they know how important it is to maintain green space. Ms. Kuiper stated that as they look toward this plan one of the reasons that they have been able to keep the affordability first and foremost in the plan is to maintain the 72 units on the plan. This is a by-rights project and they feel they have exceeded the green space requirement for this type of project.

Ms. Kuiper spoke to the issue of density. She stated that at the east end of the property they have removed one unit in both buildings 9 & 10 bringing those building down to 3 units rather than the original 4 units per building. This brings the total unit count down from 74 to 72 units which is what was approved in 2019.

Ms. Kuiper talked about the floor plans. She stated that the floor plans have been submitted to Staff. The units consist of 3-bedrooms, 2.5 bathrooms, storage in each bedroom with the master bedroom having a walk-in closet, hall closet, and a laundry all on the upper level. The main floor would consist of a living room, kitchen, dining room, half bath, hall closet, pantry and an attached 1-stall garage.

Ms. Kuiper addressed the access to the east. Due to the change in the plans with the removal of one unit from both buildings 9 & 10 they now have increased the size of the easement from 40' to 80' between the two buildings. They are providing a 26' wide emergency access easement; as was currently approved in the 2019 site plan approval. The condition of approval at that time required a financial guarantee that the easement be installed at a future date. They are asking that the Commission retain the same requirement for this proposal as well. They would put all verbiage in the Master Deed and bylaws and record the easement ahead of time so it shows up in all title work. Costs would all be calculated in the Home Owner Association bylaws.

Ms. Kuiper talked about phasing for the site. The site construction and the infrastructure would all be constructed in a single phase and building construction would be based on market demand. Prior conditions stated that building permits be pulled once a base course has been laid. They are asking that the township consider allowing them to pull building permits for the first two buildings during the Phase 1 site construction so that those buildings can begin construction while the infrastructure is going in. The landscaping would be done during that phase as well, as they are trying to make the development as aesthetically pleasing from the road as possible. They would then begin construction on future buildings as the market demanded.

Mr. Kammeraad stated that they do like the original building type but they do like this building type better and they feel that their end goal is to sell and they feel this new design enhances that effort. Asking that they take into consideration the site approvals that were given last February.

Staff went over the 8 staff recommendations listed in the Staff Report. Staff stated that some of the items listed are pretty typical for site plan approval. However, they want to address the access easement on the east end of the property and make sure that it is installed during construction of the property. They also addressed the release of permits during the initial construction phase of the project. Staff stated that they do not issue building permits until the base course of the road is laid so that the construction equipment has a paved surface to drive on, as well as giving all inspectors a paved road to get to the buildings for inspections along the way, adding in response times of emergency vehicles, and reducing debris tracked out onto 120th. They are not saying the entire length of the road needs to be in, it just needs to be far enough to get to the buildings under construction and a bit past the buildings to the Fire Chiefs liking for turning around with possibly a temporary hammer head.

Mr. Kammeraad asked if the preliminary approval toward the building permit will be given, it would be just the final issuance pending that installation, is that correct? Staff clarified that the base course needs to be in place before foundation permits or building permits will be issued; Certificate of Occupancies would be given when final course is on and has been approved by Staff and the Fire Chief. Mr. VanderMeulen asked if the house is done in February and the asphalt plants are not open until May can we, like we did with Adam's Ridge, make a concession so they can keep the project going for like 180 days? Staff replied that it is part of the developer's responsibility to develop a schedule that takes those date into account. In regards to Adam's Ridge they had to write a very large check to the township in the event they did not get the road paved by the deadline and the township has to do it ourselves.

Mr. Hoeve went through the list of Staff recommendations.

1. Access and utility easement for the interior driveways, including the stub drive to the east edge of the property.

Staff stated that the utility easements need to be recorded, as well as the access easement to the east. Mr. Sikkel asked if they are asking for an easement from the neighboring parcel or just on their parcel? Staff answered just on their parcel. Mr. Sikkel also asked if they are talking about the water easement from Seven Pines? Staff answered yes, the water lines from Seven Pines and the fact that they also have sewer lines that need to be accounted for. Mr. Sikkel said they do have a recorded easement from Seven Pines. Staff said they also need on-site utility easements for the public services. Mr. Sikkel asked if those can be conditions of approval. Staff agreed.

2. Plans shall be revised to indicate a paved stub drive to the east edge of the property line, with a gate, and this shall be installed prior to the issuance of any Certificates of Occupancy.

Staff stated that the plans need to show the driveway, not just say "possible" driveway, and it needs to be installed before any Certificates of Occupancies are issued.

3. A final tree survey and corresponding landscape plan shall be submitted and approved by Staff. Staff stated that they have been in discussions with the developer about landscaping. They need to see a final tree survey as far as existing trees they will retain on the site. Mr. Kammeraad asked could they plan on leaving the 25' buffer of existing trees and have the tree survey to that area, is that still acceptable? Staff stated that is correct that was stated at the last meeting, and the Commission had agreed to that. Staff stated at that point they would review the plans and decide how many additional trees need to be planted along with significant additional shrubbery that will need to go in.

4. The applicant shall provide revised HOA rules that include prohibition of parking along the drive at all times.

Staff expressed their concerns over on street parking and how that could impair safety vehicles from getting through the street. They would like to see this specifically addressed in a revised HOA document.

Mr. Hoeve asked if there are any plans to allow adding a second lane of parking next to the single land driveways. Mr. Kammeraad said they are providing ample additional parking areas but if an owner would want to do that that would be allowed. Mr. Hoeve asked if the HOA would prohibit that? Mr. Kammeraad stated that any improvements would need to pass the HOA board.

Items 5-8 have been previously discussed.

Mr. VanderMeulen asked where do the slider doors lead to in the backyards of the townhomes. He does not see enough room there for a deck due to set-backs, and some of the buildings will come quite close to the wooded area behind them. He also had a couple questions regarding the HOA document, on pages 5 & 6 he asked why they are going through a procedure to make modifications to a final footprint? Mr. VanderMeulen also pointed out that the Master Deed states that the HOA would need 80% approval for road repairs. He does not feel that should be in the Master Deed. When repairs need to happen, they need to happen.

Ms. Kuiper answered Mr. VanderMeulen's questions. In regards to the slider doors, they will lead to a simple concrete patio off the back of the house. To answer the question about the modifications to the final footprint. Ms. Kuiper stated that what was submitted is presented as a final footprint. The bylaws are pretty standard condominium documents. They can submit final bylaws for everyone's review. Mr. Sikkel answered about the 80% approval for road repairs question on p. 15. He agreed that this section should not read that way and it should come out of the Master Deed. Mr. Kammeraad agrees that sections needs to be removed.

Mr. Gebben asked if we approve this, are we done as a Planning Commission with this project. Staff answered that would be correct. Mr. Gebben then stated that his opinion on this project is it is not compatible with the proposed use. He believes it was not compatible in the original proposal in 2019 or nor is this proposal compatible. Staff stated that the applicant has brought up the previous plan a few times but this new plan has to stand on its own merits. The previous plan consisted of multi-family units with 8 units per building, 4 units on the main level and 4 units upstairs, for a total of 72 units. Mr. Kortering asked if the previous plan is still valid? Staff stated that the previous plan still stands. Mr. Sikkel stated that they like the original plan, but they had a potential buyer asking for some tweaks which brought about this request; however, they will go with the original plan if this plan does not get approved. Mr. Sikkel stated that they will either go with the original plan, if this one gets denied, or they will go with the new plan, if approved, but not going with any plan is not an option. Staff stated that the previous plan was given an extension so it is still valid. Mr. VanderMeulen asked if the original plan has more green area? Staff answered that the drawing of the original plan was given to the Commission in April's packet so they could take a look at that. Mr. Kortering asked if Mr. Sikkel is correct that if we vote no on this one, they will be able to move forward with the original plan? It was answered that that is correct. Mr. Gebben stated that as Commissioners we need to be proud of what we approve and he just doesn't feel this is going to be a good decision long term. Mr. Kortering pointed out that no plan is not an option we need to choose to go with the first one or this one.

** It was moved by Mr. Gebben and supported by Mr. Zylstra to deny the site plan request. A roll call vote was taken. Motion carried with members Hoeve, VanderMeulen, Gebben, Rynsburger and Zylstra voting in favor and members Kortering and Nykamp voting against.

Staff reviewed the Comprehensive Plan process with the Planning Commission, including the dates of meetings and other aspects of the entire project schedule. Staff also noted the key contributions of the Planning Commission's Steering Committee, as well as the significant participation of various stakeholder groups, to shaping the ideas identified in the Plan. Commissioners asked about the future land use map and asked if they can get a list of the changes that were made, they also asked if the Ottawa County Road Commission needs to approve this yet, and if there are implementation plans for some of the aspirational goals. The Staff responded by indicating that they are working with the consultants on getting a map showing the changes before the June 16 meeting, the Ottawa County Road Commission has been very proactive in reviewing the plan as the process has moved forward, and the implementation component will be provided to the Commission before the June 16 meeting.

The meeting adjourned at 8:36 p.m.

Respectfully submitted,

Tricia Kiekintveld
Recording Secretary