

HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION
Regular Meeting
April 13, 2021

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

Present: Chairman Marion Hoeve (Bradenton, Manatee County, FL), Vice-Chairman/Secretary Jack Vander Meulen (Holland Charter Township, Ottawa County, MI), Members Doug Becker (Holland Charter Township, Ottawa County, MI), Randy Kortering (Holland Charter Township, Ottawa County, MI), and Miska Rynsburger (Park Township, Ottawa County, MI). Also present were Community Development Director John Said, Assistant Community Development Director Corey Broersma, and Recording Secretary Tricia Kiekintveld.

Absent: Member Dennis Gebben

Mr. Hoeve expressed his sympathies to the Nykamp family in the passing of long-term member Mr. Norm Nykamp last week. A moment of silence was held in remembrance of Mr. Nykamp.

Minutes:

** It was moved by Kortering, and supported by Rynsburger to approve the minutes of the March 2, 2021, meeting and the March 16, 2021 special meeting with 3 minor changes to the March 2, 2021 minutes. A roll call vote was taken. All in favor. Motion carried, 5 - 0.

Public Comment:

Mr. Bill Sikkel asked if now was a good time for the public to comment on the Farm Stands Text Amendment. Staff stated that yes this would be the appropriate time since there will not be a public hearing on this item tonight. He went on to clarify what the Text Amendment is for.

Mr. Roger Victory of Georgetown Township spoke in favor of the farm stands and the language being proposed understanding that the Township needs to have very strong descriptive language. Mr. Victory feels the location on Chicago Dr. is a good location with it being on the gateway into the Township. He expressed how the business owners along Chicago Dr. are doing a nice job improving the look of that area including the Visser Farms farm stand. Mr. Victory believes this is a good chance for a unique opportunity in the Township. He is challenging the Commission to support this Text Amendment.

Mr. Paul Mixa spoke in support of the farm stand and stated that he has worked with Visser Farms for years and stated that they are very good to work with.

Public Hearings:

Chairman Hoeve opened a public hearing for a special use request submitted by Laurie Hoek of Laurie's Daycare for land located at 2520 Valarie Drive, described more specifically as 70-16-14-379-004. The property is zoned R-1 Low Density Residential.

Present for this request were Ms. Laurie Hoek and Mr. Russ Hoek of Laurie's Daycare.

Ms. Hoek is seeking permission to add a few more children to her licensed day care. She has operated her day care at her current location for 25 years and prior to that for 13 years at a different location. She acknowledged that there is one adult care home within 1,500 feet of her day care however that is for a single person that is being cared for by an unrelated person in their home, it is not a group home. Ms. Hoek also stated that there is another day care within 1,500 feet of her home as the crow flies, however, it is in a separate subdivision from Imperial Estates where she is located.

Mr. VanderMeulen asked how the basement is laid out for the day care. Ms. Hoek stated that she follows stated licensing requirements and is inspected regularly. Ms. Rynsburger stated that as long as she meets state standards there shouldn't be any issues.

Ms. Hoek also pointed out that her husband, Mr. Russ Hoek, is also trained by the state as an assistant.

Mr. VanderMeulen asked how many cars they have at one time. Ms. Hoek stated that at the most there may be 2 cars in the driveway at one time but most of the children are dropped off and picked up at different times so most of the time there is only one car in the driveway at a time. She did also point out that they do have an extra parking area if needed. Mr. Kortering stated that he used to live right down the street from this day care and had no idea there even was a day care in the home; traffic is not an issue there.

Chairman Hoeve opened the meeting up for public comments.

There was no one present in the audience to speak to this request.

** It was moved by Kortering and supported by VanderMeulen to close the public hearing. A roll call vote was taken. All in favor. Motion carried.

** It was moved by Kortering and supported by Vander Meulen to approve the special use request noting the request is consistent with the special use standards and with the stipulation that fencing be approved by Staff. A roll call vote was taken. All in favor. Motion carried 5 - 0.

Chairman Hoeve opened a public hearing for consideration of a proposed amendment to the Final Development Plan for the Knollwood Planned Unit Development, by Brian Meiste of The Principles Development Group LLC, for land located generally on Ottogan Street west of 104th Avenue. The proposed amendment seeks to allow for front-loaded garages for Lots 83-94, and to remove the requirement for pedestrian access between Lots 65 and 66. The property has a Planned Unit Development (PUD) designation.

Present for this request was Mr. Brian Meiste of The Principles Development Group LLC and Mr. John Casserly of Nederveld Associates.

Mr. Meiste stated that they are looking to basically duplicate Phase 2 including front loading garages on all of the outside lots creating a rear yard and all of the interior lots will be the same as the rest of the development.

There was discussion between Mr. Meiste, Mr. Casserly and Staff on where the driveways and garages would be located on lots 92, 93 and 94. It was stated that the plans are for lot 92 to have the driveway come off from Sugarhill Dr. with a side loaded garage in the rear yard. Lot 93 the driveway would come off from Brynwood Ave. with a front-loading garage. It was determined that lot 94 should have the drive located the furthest south on the lot with a side-loaded garage similar to unit 96 to the south. Staff stated they would like to see both lots 92 and 93 have driveways coming off from Sugar Hill with front-loading garages. Mr. Meiste stated that he does not have strong feelings either way with lot 93. It was decided that the applicant will work with Staff to decide how Lot 93 will be laid out.

Mr. Kortering asked why they are requesting the removal of the pedestrian access to the church's property to the north? Mr. Meiste stated that when the walkway was originally put in the plans it made sense to possibly connect to the north but now that the church to the north is not developing the land and is leaving it open space, therefore, it no longer makes sense. Mr. VanderMeulen asked what it would hurt to leave the access point there? Mr. Hoeve stated that he doesn't see what they would gain by leaving it there at this point. Mr. Meiste pointed out that there are now bike paths along 104th and 32nd so people have options to go north making the need for the access point even less. Mr. Casserly also pointed out that the plans stipulate that they would need to put the sidewalk in at this point and they really don't see the need for that. Mr. VanderMeulen agreed that there is no need for that and agreed that they should remove the pedestrian access.

Mr. VanderMeulen asked the applicant to describe the community space that they have for their residents to the newer Commission members that were not on the Commission when this development was initially approved. Mr. Meiste explained that they offer smaller lots which are good for busy life styles. They have large community spaces where they offer a playground, a pool, a soccer area, and a large grassy area all connected with sidewalks.

Chairman Hoeve opened the meeting up for public comments.

There was no one present in the audience to speak to this request.

** It was moved by Becker and supported by Kortering to close the public hearing. A roll call vote was taken. All in favor. Motion carried.

** It was moved by VanderMeulen and supported by Kortering to approve the request with the stipulation that the applicant works with Staff on driveways and garage layouts for lots 92, 93 and 94 maintaining the 30' setback for garages from the street and subject to the following 3 recommendations:

1. Except as otherwise provided in this approval, the 2021 Amended Project shall comply with all requirements of the Zoning Ordinance generally and those requirements pertaining to the R-1 Zoning District specifically, as well as all other Township

Ordinances, except the Township Subdivision Ordinance, as the Zoning Ordinance and such other ordinances may be amended from time to time.

2. The garages for Lots 83 - 94 shall be set back 30 feet from the road right-of-way and eight feet from the front of the dwellings; and each dwelling will have a raised front porch with a depth of six to eight feet.
3. The minimum lot size requirements for the individual building sites shall be as follows:
 - a. Minimum lot area shall be 5,000 square feet.
 - b. Minimum lot width shall be 50 feet.
 - c. Minimum front yard shall be 10 feet; the minimum rear yard shall be 15 feet; and the minimum side yard shall be 5 feet.
 - d. No accessory buildings shall be permitted on any single-family lots.
 - e. Lot coverages shall be required to adhere to the 2017 Amended Project.

A roll call vote was taken. All in favor. Motion carried 5 - 0.

Chairman Hoeve opened a public hearing for consideration of a request for a proposed preliminary site condominium plan for the Patriot Meadows Site Condominium Development, submitted by Brad VanderZwaag of Baumann Building, Inc. on behalf of Bob Edson of Select Genetics LLC. Said lands are addressed as 300 N. Franklin Ave., described more specifically as 70-16-13-300-029. The subject property is currently zoned AG Agricultural, and is in the process of rezoning (map amendment) to R-1 Low Density Residential and R-2 Moderate Density Residential.

Present for this request was Mr. Brad VanderZwaag of Baumann Building, Inc. and Mr. Jack Barr of Nederveld Associates.

Mr. Hoeve asked Staff if the pond located partially on Parcel A is taken care of or if that is still a problem. Staff responded that that is a concern to have only part of it located on Parcel A. If Lot A ever is sectioned off from the development that could pose problems. Staff also noted that the way the lots are label verses the scale of the drawings does not match so they need to verify lots sizes meet minimums especially with Lots 17, 18 and 19.

Mr. VanderMeulen asked Staff if they could go through the list of problems on page 7 of the Staff report so that Commission could follow along.

Staff went through page 7 starting with *Streets and Layout*. Staff would like to see sidewalks added which would meet the Comprehensive Plan's goal of increasing walkability in the Township. A significant concern arises with the installation of Reagan Ave. which will turn the lot on Felch St., that is not included in the development, into a corner lot which would make the existing fence too close to the road. The next concern is the mail area. With the layout of the mail area Staff foresees vehicles driving up to the mail area on the wrong side of the road to access the boxes from the driver's side of the vehicle potentially causing a traffic hazard. Staff is suggesting that the applicant may need to look at a different type of arrangement for the mail area so that cars are not driving on the wrong side of the road to pick up their mail.

The next section deals with *Property and Proposed Lots*. Staff stated that they need the applicant to identify if the strip of land north of Lots 38-42 have been deeded to the adjacent property owner to the north. The next item would be lots sizes for a few of the lots (Staff pointed out Lot 19 in particular) that are labeled with the correct sizes but when it is scaled it does not meet minimum requirements. Also, a concern is with the shape and dimensions for Lot 1 not allowing for a large enough buildable area to match the rest of the development. The pond being partially located on Parcel A is a concern because if Parcel A ever is separated from the development the maintenance of the pond becomes an issue. Staff would like to see that lot line redrawn.

The last section Staff addressed is *Other Topics*. The application does not include floor plans or renderings of the homes to be built and those need to be provided for the application to be complete. The applicant should also submit a landscape plan for this property. Staff would like more information about the storm water detention areas proposed. Staff also noted that the applicant will need to comply with some items in the subdivision ordinance as well.

Mr. Hoeve inquired why the retention pond located in the south west corner is located so close to the houses rather than right along the back property line? Mr. VanderZwaag stated that actually that is a dry retention area and it will be only for runoff from roofs during a heavy rain. It is actually about a 2' depression area with no pipe feeding into it.

Chairman Hoeve opened the meeting up for public comments.

Sheri LaFrance of 10154 Felch St. asked what the plan is for the fence that is located along the west side of her property. Staff pointed out that with the construction of Reagan Ave. this will cause a setback issue with the current fence location. Mr. VanderZwaag stated that he was aware of the property line dispute but was not aware of the fence issue and they will look into that. Ms. LaFrance stated that she does not want to lose her fence because it provides a wind block for that side of her property to control drifting snow. She is also still concerned about the property lines and how the stakes do not match where her survey said her property line was when she put up the fence. Ms. LaFrance gains 3' going toward the west but loses 3' going toward the east. Ms. LaFrance asked if she could get a variance to keep her 6' fence? Staff did not believe she could because that would create a non-conforming situation with a new approval. Mr. Ron Bultje, Township attorney, stated that because the fence is legal now it does make it a situation that could be grandfathered in as legal non-conforming. Mr. Barr stated that the fence would be 14-15' from the road to Ms. LaFrance's fence.

Mr. Kortering asked what has been done in other developments that have mail areas so as not to have vehicles driving up to them on the wrong side of the road? Staff answered that there is a development near the Middle School and 136th where they put in a stub road and worked with the post office and the Ottawa County Road Commission to design it. Staff would suggest that the applicant contact both of those entities and work with them to come up with the best solution. Mr. Barr indicated that they have already been in contact with the post office and they stated that they wanted it located as close to either Felch St. or Franklin St. as possible so that their driver(s) didn't have to go into the development very far. Mr. Hoeve suggested using Lot 1 for a mail area and creating more of an area that residents could drive into instead.

Ms. LaFrance also asked about some of her shade trees if they would become an issue and would need to be taken down? Staff stated that the branches need to be clear 6 feet from the ground

for a good sight line for drivers coming in and out of the subdivision onto Felch. Staff also noted that the Road Commission may not want large shade trees in the right-of-way. There was also discussion about who's responsibility it would be to keep the tree(s) trimmed to clear sight line of 6 feet.

Mr. Richard Dixon and Ms. Patti Dixon of 2738 Fairfield Dr. Mr. Dixon is concerned about the lot sizes of the lots directly in his back yard. The way they are laid out on the map 3 property lines come up to his property which means that they could have 3 storage sheds in their back yard. It also looks to him like the back property lines are not matching what his neighborhood thought was there back property lines. Mr. Barr stated that they used the Fairfield subdivision property lines to create their maps. Mr. and Mrs. Dixon would like to see the property lines line up with the property lines in their subdivision so everyone just has one back yard neighbor. She says that it starts that way at the beginning and ends that way but in the middle where they are the lots are much smaller causing 3 lots to back up to their property.

It was asked if Ms. LaFrance has been able to get in touch with anyone from Nederveld to talk over her issues? Ms. LaFrance stated that she had attempted to contact Nederveld and never got a call back, she then called again and was able to talk to someone. Staff stated that Ms. LaFrance's issue will be handled with Mr. Barr and Mr. VanderZwaag.

Mr. Dixon asked if the R-1 and R-2 areas are part of the same association? It was answered that they are. Ms. Dixon asked if this was an extension of their subdivision? It was answered that this is a separate development. She also asked about the amount of green space and if the Commission was going to address that? Staff noted that this is not a question-and-answer time but a time for the public to make comments or statements about the project.

Mr. David Centers of 2648 Fairfield Dr. asked about the southern storm water retention area. He stated that the berm goes down pretty steep and he is worried about that causing water in his basement.

** It was moved by VanderMeulen and supported by Kortering to close the hearing. A roll call vote was taken. All in favor. Motion carried.

** It was moved by Kortering and supported by Rynsburger to table the request. A roll call vote was taken. All in favor. Motion carried 5 - 0.

Chairman Hoeve opened a public hearing for consideration of an amendment to the Future Land Use Plan Map of the Comprehensive Plan submitted by Kevin Miller of Mission Design/JKVK Enterprises LLC on behalf of Bruce G. Visser of E & B Development LLC. Said lands are addresses as 0 Black River Ct. (vacant), described more specifically as Parcel Number 70-16-36-200-028. Petitioner is seeking to amend the land's designation from Highway Commercial to Light Industrial.

The applicant requested that this request be tabled.

Chairman Hoeve opened the meeting up for public comments.

There was no one present in the audience to speak to this request.

** It was moved by VanderMeulen and supported by Rynsburger to close the hearing. A roll call vote was taken. All in favor. Motion carried.

** It was moved by VanderMeulen and supported by Becker to table this request. A roll call vote was taken. All in favor. Motion carried 5 - 0.

Chairman Hoeve opened a public hearing for consideration of a special use request submitted by Todd Sneller of Facility Management Services on behalf of Dave Dirkse of Dirkse Capital Management. Said lands are addressed as 12719 Riley Street, described more specifically as Parcel Number 70-16-09-300-083. Petitioner is seeking permission to operate a restaurant use with a drive-through. The property is zoned Planned Unit Development (PUD), with a Neighborhood Commercial (C-1) designation.

Present for this request was Ms. Lynnelle Berkenpas of Holland Engineering and Mr. Todd Sneller of Facility Management Services.

Ms. Berkenpas stated that they are asking for a special use for a restaurant with a drive-through at this location. They are proposing to put the drive-through along the west side of the building near the employee parking. They are also proposing to move the back garbage dumpster next to the other dumpster and double the size of the trash enclosure to accommodate both dumpsters. They are also leaving a large space in the back for trucks loading and unloading supplies as well as any customers that may decide to turn around and not wait in line.

Ms. Berkenpas addressed the concerns of Staff in the Staff Report. First, are the sizes of the drive-through spaces. Ms. Berkenpas acknowledged that the scale on the drawing was incorrectly labeled and it should have been 1:30 and not the 1:20 as labeled. With the correct scaling they are showing the drive-through queuing spaces to be 10' wide x 20' long. Second, she addressed the location of the drive-through. Ms. Berkenpas indicated that it will be located near staff parking and is 40' wide x 90' deep which will give ample space for loading and unloading and for cars to turn around if they decide not to wait in line. She also stated that they plan to put up directional signs but that customers will find their way using both access points. Staff noted that there are limits on directional signs and that any variance that may be sought in the future for them would be a self-imposed hardship. Third, she addressed the plan to relocate the dumpster in the back corner to the other dumpster location, doubling the size of the enclosure. They have been in communication with the garbage company and they are very happy with this change as it works out much better for their trucks that way. Fourth, she talked about landscaping plans. She stated that the property is next to an I-2 zoned property and due to that there are no requirements for landscaping along their property line. However, the applicant does want it to look nice so they are planning to add landscaping and they plan to address that at the site plan review level. They are more than willing to hear what the Commissions thoughts are on landscaping. Staff noted that the adjoining property is actually zoned C-2 instead of I-2. Ms. Berkenpas stated that they will meet all landscaping requirements with this new information. Fifth, she talked about the floorplan. She stated that they will have that information ready at site plan review. The existing structure will not have any big changes to the building it will look like other Bigby stores. They feel at this point they are at the early stages just to see if this project can move forward with the Township before they have to go through EGLE due to the property being on a flood plain.

Chairman Hoeve opened the meeting up for public comments.

There was no one present in the audience to speak to this request.

** It was moved by Rynsburger and supported by Kortering to close the hearing. A roll call vote was taken. All in favor. Motion carried.

Mr. Kortering and Mr. VanderMeulen agree that the applicant has answered most of the questions that Staff had and they feel they can move forward.

** It was moved by Kortering and supported by Becker to approve this special use request acknowledging that they've met the special use standards. A roll call vote was taken. All in favor. Motion carried 5 - 0.

Other Business

13928, 13918, 13890 Westwood Lane - Multi-family (attached residential) residential – Michael Stubbs of Duneside Holdings LLC described more specifically as 70-15-07-231-002, -003, and -004. The site is zoned R-3 High-Density Residential.

The applicant seeks Site Plan approval for development of a multi-family residential project, consisting of three attached single-family residential buildings; one with 8 units, and two with 6 units each (20 units total). (Originally tabled March 2, 2021)

Present for this request were Mr. Josh Molnar of Nederveld Inc. and Mr. Michael Stubbs of Duneside Holdings LLC.

Mr. Hoeve and Mr. VanderMeulen stated that they feel like there have been very good improvements made very quickly.

Mr. Kortering asked if they have made the change to have it all be on one lot. Mr. Molnar stated that the owner is working on that.

Mr. VanderMeulen asked Staff how much of the paving needs to be done before occupancy. Staff stated that all paving needs to be in before occupancy.

Mr. Molnar stated that all utilities and pavement will be in prior to any building starting but not the driveways. Staff stated that is good and occupancy permits will be issued upon driveways being finished.

** It was moved by VanderMeulen and supported by Kortering to approve this request noting that it meets the standards and under the stipulation that it all become one parcel prior to the issuance of any building permit. A roll call vote was taken. All in favor. Motion carried 5 - 0.

470 & 471 Howard – Planned Unit Development (PUD) Amendment – Resolution and Report – described more specifically as parcel numbers 70-16-30-150-035, 70-16-30-150-036, 70-16-30-126-056). Mike Evenhouse/ME Yacht Restoration seeking approval of amendments to a final PUD. (Originally Tabled December 1, 2020)

Item to remain tabled.

2763 120th (70-16-16-400-007) – Special Use – Brad VanderZwaag – Special use request for a contractor’s facility. (Originally tabled Jan. 5, 2021)

Item to remain tabled.

0 Quincy Street (vacant parcel) – Planned Unit Development (PUD Amendment – Robert McCaigue/Continental 512 Fund LLC – described more specifically as parcel number 70-16-09-200-043; amendment to a final PUD to install garage structures. (Originally tabled Jan. 5, 2021)

Item to remain tabled.

0 Black River Ct (vacant parcel) – Zoning Map Amendment (Rezoning) – Kevin Miller/Mission Design – described more specifically as parcel number 70-16-36-200-028; request to rezone the property from C-3 Highway Commercial to I-1 Light Industrial. (Originally tabled Jan. 5, 2021)

Item to remain tabled.

Zoning Ordinance Text Amendments – Proposed amendments to the text of the Holland Charter Township Code of Ordinances, Appendix A – Zoning. The proposed text is generally described as amendments to allow farm stands as special uses in the C-2 Community Commercial District. (Originally tabled Aug. 11, 2020.)

Mr. Ron Bultje, Dickinson Wright, was present to talk about this request from a legal perspective.

Mr. Bultje stated that this could be approved legally and could be denied legally. Up until now the GAAMPS (Generally Accepted Agricultural Management Practices) only allowed farm stands where the zoning ordinance allowed them but in the past year or so that was substantially liberalize to allow them everywhere unless the property is in a plat, or a site-condominium development or too close to a dwelling unit. This makes over two-thirds of the Township eligible for farm stands. This request is to allow farm stands go beyond that two-thirds area. As lead council for 25 municipalities, there has not been anyone seeking to go beyond what GAAMPS is allowing for farm stands. In looking at the history of this amendment it looks like this amendment is not truly aimed at C-2 land but at one particular site. The concern with this site is the farm stand was initially located without compliance with Township requirements. The applicant asked the Township Board to suspend the zoning ordinance after the Township shut them down. At that time, Mr. Bultje appeared before the Township Board and suggested that this was not an appropriate action to take. The Township Board chose not to move forward with the suspension request at that time. Mr. Bultje stated that there are problems with the wording of the Text Amendment that could cause confusion. The reason being is that it states that farm stands will be allowed, by way of a special use amendment, in a C-2 district. State law says farm stands are allowed, as matter of right, in much of the C-2 areas.

Mr. Bultje stated that there are problems with a Text Amendment that is aimed at one piece of property. He stated that the comments made by the public show that this is not aimed at the whole C-2 district but rather at one piece of property. If the Township proceeds in allowing farm stands as a special use, going beyond what MDARD (Michigan Department of Agricultural and Rural Development) says, then his concern is that this may open the door for other stands beyond

agricultural uses like fireworks, blankets, trinkets, etc.? Mr. Bultje pointed out that at that point the Township couldn't point at MDARD for the basis of the decision because now the Township would be going beyond that, so will we go beyond that for other things as well. Mr. Bultje is also concerned that it sounds like now the Commission wants to add areas where there is heavy traffic and where there could potentially be traffic issues and that could pose problems for the Township.

Mr. Kortering asked if Mr. Bultje could define platted land? Mr. Bultje described platted land as land that has been subdivided either by a developer for a residential development or a supervisor plat. These pieces of land are excluded from MDARD requirements and therefore cannot have farm stands on them.

Mr. Kortering asked Mr. Bultje to clarify that he is stating that two-thirds of our Township would be available for farm stands? Mr. Bultje answered that he's relying on the map provided by Prein and Newhof for that estimation. Staff stated that they asked the engineering firm to provide them a map that shows all areas in the Township that could have a farm stand on them, which includes agricultural areas (25-30% of the Township), all non-residential areas, as well as non-platted and non-condominium areas. Staff pointed out that this includes a significant portion of US-31 and industrial areas, of which both areas would provide the traffic flow that is being sought after. Staff pointed out that this may not be exact, but with those filters in place these are pretty much the areas we are talking about that would allow farm stands.

Mr. Kortering stated that he feels he would rather have a Text Amendment limited to one site rather than a broad sweeping amendment covering all of the C-2 district but legal counsel seems to be against that option can you explain why? Mr. Bultje answered that the current language is not limited to one site right now and would be allowed in all C-2 by special use. He added that this is in front of the Commission because one site wants this Text Amendment and that is his concern.

Mr. Hoeve stated that it was the Commission's understanding that a farm stand would only be allowed on Agricultural zoned land but with this explanation it is now clear that it would be allowed in other areas as well.

Mr. Becker asked Mr. Bultje to walk through what the steps are when the Commission is ready to move forward? Mr. Bultje explained that a Text Amendment would need to have a public hearing which the Commission did last fall. He stated that now it is up to the Commission to recommend to the Township Board to revise, to approve, or to deny the Text Amendment. Then it would go in front of the Township Board for them to revise then approve, to approve, or to deny the Text Amendment.

Mr. Bill Sikkel, from Sikkel and Associates, then stated that there has been a lot of community support for this idea and that they have shown they would like more access to fresh and locally grown food. The Commission saw the value in this as well and formed a sub-committee to further discuss the possibility of a Text Amendment. Mr. Sikkel pointed out that there have been several meetings regarding this issue with the sub-committee that he attended as well. From those meetings Mr. Sikkel listened to the concerns brought up during those meetings and he then moved forward with writing the revised proposal. Mr. Sikkel stated that it is a bit frustrating to be seeing this map showing the area where farm stands are allowed in the Township at the meeting and to have not seen this prior to the meeting. Mr. Sikkel pointed out that the City of Holland has been able to employ something similar with great success. He stated that Park Township has also been able to do this successfully out near the airport and it has gone over well. Mr. Sikkel stated that

they are proposing this as a special use so that the Commission would have time to carefully consider each request and make sure these farm stands are in an area the Commission agrees would be appropriate. The public has made it know that they are looking for farm stands in a convenient location where they could stop while running their errands. Mr. Sikkel pointed out that this would be in a commercially zoned area because that is where people are running their errands.

Staff commented that there is not a requirement for municipalities to provide a particular use in a particular location where the applicant might want it. Mr. Bultje stated that actually the implication that everyone might have to travel to the agricultural areas is wrong. He pointed out that the amendments to the GAAMPS already provides that farm stands are not limited to the agricultural areas but are now allowed all areas other than platted, site-condo or right next to a residential dwelling. Mr. Kortering stated that their understanding for the last 6 months was that they were only allowed in agricultural areas so that was a mistake on the part of the Commission.

Mr. Sikkel then shared the county GIS map showing all of the platted and areas that are condominium parcels that would not be allowed to have a farm stand on that property. He walked everyone through the major corridors in the Township: the Chicago Dr, corridor (Village of Cedar Swamp), the River Ave., Douglas Ave. and Howard Ave. corridor, the Lakewood Blvd. corridor, and the US-31 corridor. Showing that all of the areas along Chicago Dr. are platted with the only option being the Toyota dealership parcel. The River Ave., Douglas Ave., and Howard Ave. area is all platted. (Staff Note: Mr. Sikkel was referring to a number of locations not within the Township boundaries, but rather within the City of Holland, during his comments.) Going along Lakewood Blvd. there are condominium areas, followed by residential areas, then leading into platted areas, and then followed by condominium parcels. On River Ave. going north is all platted to Butternut and all the way to James is platted. The US-31 corridor the open areas would be Wal-Mart and Sam's Club, which they would not be open to competition in their parking lots, the Pizza Hut and Chick-fil-A parcels, West Shore Mall has now been converted to a site condominium project, there are a couple out lots including On-the-Border, the Mattress Store, and the old Golden Coral site that would be available. Mr. Sikkel stated that there are a few options, but it is very limited. He stated that we also have to take out areas that are within 165' of residences. Mr. Sikkel noted that Lowe's would be an option but questioned if it is that practical to ask Lowe's to put a farm stand in their parking lot? There are very few options south of James St. along US-31. Staff commented that they do not see many differences comparing both maps.

Staff doesn't know if the basis for a Text Amendment should be to say certain property owners aren't going to allow it. We need to get back to the basis of the Text Amendment criteria and talk about the criteria. Staff has received public comments in support and in every instance, these were for a site-specific use for Visser Farms on Chicago Dr., and did not reflect the whole Township nor C-2 districts. Mr. Sikkel admitted that he isn't going to hide the fact that his client is Visser Farms. He stated that the public's only experience is what they saw with Visser Farms so he understands that their comments would naturally relate to that site and Visser Farms. But the Text Amendment wording is not site specific and is general to all C-2 and to all farmers. Visser Farms would have to come into the Commission and apply just like anyone else and if they came for the Chicago Dr. site and it didn't fit the criteria then they would have to find another site. The main thing is the residents would like to see this available along a commercial corridor, and with all the platted and condominium parcels the options are limited.

Mr. Sikkel then went through the criteria for a Text Amendment in Section 21.4.B. Mr. Sikkel indicated that the items listed are guidelines, it is not stated that a Text Amendment needs to meet all 9 criteria. He pointed out that there are several that would be met. Nothing would be 1) incompatible, 2) consistent with the Township's abilities to provide public facility and services, 3) promoting public health, safety, and welfare. He noted that some have nothing to do with the application. Mr. Sikkel stated that the concern with allowing other stands such as fireworks, blanket sales, etc. is address in the wording of the Text Amendment. The Text Amendment states the sales are limited to fruits, vegetables, grains, meats, honey, plants and flowers that have been grown or raised on the seller's own farm. No prepackaged nonagricultural products, for example no fresh baked bread would be allowed. It is stated in the amendment that there needs to be adequate restroom facilities and hand washing stations, adequate parking, adequate room for emergency vehicles, the area meets setback requirements, adequate traffic circulation, and the applicant would have to comply with all zoning requirements. We are not asking for these requirements to be lifted to allow these stands. The applicant would submit a site plan, the public would have the opportunity to voice their concerns with a particular site, and the Commission would have the opportunity to make sure the site meets all of the zoning requirements before any approval. With this proposal it really takes away all risk for the Township.

Staff responded that in regards to Second 21.4.B it stats that the following criterial "shall be used" when considering a Text Amendment. The language of "shall" is not a choice but is obligatory. We use criteria to ensure that we are consistent and that everything we consider meets the criteria. Staff asked Mr. Bultje for any concluding comments.

Mr. Bultje understands Mr. Sikkel's comments in regards to the limitations to farm products. His concern is with someone coming to the Township saying that you expanded past what GAAMPS allows for farm stands, and asking why would you not allow it to expand the sale of other goods? In looking at the Prein and Newhof map it looks like quite a bit of Chicago Dr. is available for this use. He feels it is unfortunate that it seems like quite a bit of the discussion has been to make it work for this parcel for this seller. He understands that is not what Mr. Sikkel's wording is for the Text Amendment but it is largely driven by one parcel with one seller. It may be unfortunate that so much attention has been placed on this one location, and maybe it is taking our attention away from what is really being asked for here. It may be worthwhile to look at the map that Prein and Newhof made and the map that Mr. Sikkel showed to compare them. As for the standards Mr. Bultje stated that we do have to make sure that at least some of the standards are being met, it is correct that not all of the standards need to be met, but some of them do need to be met. Mr. Bultje feels it would not be a good idea to use the wording "farm stands are allowed as a special use in the C-2 district" when much of the C-2 already allows farm stands. He believes this creates an ambiguity and inconsistency in the zoning ordinance.

Mr. Kortering said that we may say two-thirds but it doesn't seem like a very usable two-thirds. He also pointed out that Mr. Sikkel is not pushing the one site, he has been pushing for the language stating all C-2, Mr. Kortering stated that the language of the one site has been more us than him. Mr. Bultje said that he is not attacking Mr. Sikkel on that. Mr. Bultje added that the comments that were brought before the Township Board, comments from public, comments from the county and the comments made by the legislature have all been geared toward the one site. Mr. VanderMeulen agrees with Mr. Kortering that when you look at the requirement that the farms stands cannot be located closer than 165' of any dwelling space that make it a very limited space that is actually available for this use. Mr. VanderMeulen asked do we know why platted parcels

were excluded from the GAAMPS? Mr. Bultje answered as a state agency they didn't want to completely preempt zoning ordinances but did so in a limited way. Mr. VanderMeulen asked if say Roger Victory, a legislator, could introduce something that would allow farm stands in platted parcels? Mr. Bultje answered that he could, but he feels that the Michigan Municipal League and the MTA would fight that pretty hard because it would go against zoning ordinances even more than what GAAMPS did in the past year or two.

Ms. Rynsburger feels like her role is to serve the Township residents as a whole. She believes that there is an appetite for farm stands and for access to locally grown produce. Is there an option to pursue to make this feasible within our community? Mr. Bultje said yes there is a way to provide farm stands. First, you need to understand what is already allowed. Then, if you feel there are more areas that should be added it then would be better to pick one area - not a parcel but an area. Next, possibly create an overlay district over an area that can even be platted. Ms. Rynsburger asked what is the process to be able to go with that option? Mr. Bultje said the Commission would need to identify areas where farm stands are not currently permitted and where it makes sense to allow them. Then create a farm stand overlay in an area or two where it makes sense to the Commission to have farm stands.

Mr. Hoeve asked if Staff can take the maps and come up with areas that Mr. Bultje is talking about? Staff responded with a question of how would Staff try to come with "appropriate" areas? Staff feels like everyone would have differing opinions on where that would be. Should it be pedestrian oriented or vehicle oriented? Staff would like to see input from the Commission before going any further. Mr. Kortering offered to continue the subcommittee meetings to keep the conversation going.

Mr. Kortering also stated that from what he heard tonight Visser Farms could start a stand in some locations near West Shore Mall tomorrow because of what is allowed under GAAMPS. Staff stated that is true. Mr. Hoeve would like to see the areas that are good for this type of thing. Mr. Kortering stated that it could be in the West Shore Mall area and pointed out that this is all new information that they didn't know before. It was also pointed out that The Town Center area is an area that would also allow farm stands and that this could be a place that Visser could get set up and started selling right away.

Mr. Hoeve is very willing to continue meeting to come up with areas that we could create an overlay. Mr. VanderMeulen is getting the sense that most of the Commission would like to make this work. He feels that the overlay option is the best option at this point. Mr. VanderMeulen agrees that the citizens would appreciate this service and the Commission has an obligation to serve them. He also would like to see the sale of Christmas Trees added to the wording. Ms. Rynsburger would like some clarity for the subcommittee's purpose. She stated that looking at both maps was very enlightening and feels this overlay project would be a great resource to see where in the community this would be an option.

Mr. Hoeve asked if we should table this request and come back next month. Staff stated that it would take them longer than the next month to combine the two maps into one and get everything ready for the Commission. Mr. Bultje stated that further discussions on where they would like to allow these farm stands is good. He pointed out that if they find an area where they would like to see farm stands and that area is already permitted to allow them then there is no need to do an overlay but if they are not permitted in that area then the Commission can move forward with creating an overlay.

Ms. Rynsburger asked if it is appropriate to table this until we can have further discussions? Mr. Becker stated that sounds like everyone is on the same page with finding a way to allow this. He also pointed out that it sounds like this specific Text Amendment is not going to work. Mr. Becker feels that we maybe should just say no to this one and not string them along. Then we can start over with something new like the overlay option.

Mr. Bultje agreed that we should start fresh and allow a public hearing and get the publics opinion on this. Mr. Becker agrees that we need public input on this. Staff suggested we could have a study group with proper notice for a public meeting as a work meeting.

Mr. Hoeve asked what we consider a quorum at this point since we recently lost a member and have another member who has missed several meetings? Mr. Bultje answered that a quorum is 1 more than 50% of full membership (which is 7) so that would be 4 members. Any action taken requires a majority of the quorum present at the meeting. Mr. Hoeve asked if we have to limit a subcommittee meeting to 2 or 3 of the Commission members? Mr. Bultje stated that because we are going to hold it under the Open Meetings Act there is no limit to the number of members present.

Mr. Kortering asked about the how an overlay would work verses a Text Amendment? Mr. Bultje answered that an overlay would be both a Text Amendment and a Map Amendment.

Mr. Hoeve suggested that at this time maybe it is best that we deny this request and move forward with the overlay suggestion instead.

** It was moved by Kortering and supported by VanderMeulen to recommend to the Township Board to deny this request. A roll call vote was taken. All in favor. Motion carried 5 - 0.

The meeting adjourned at 10:00 pm.

Respectfully submitted,

Tricia Kiekintveld
Recording Secretary