

HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION
Regular Meeting
June 1, 2021

Chairman Hoeve called the meeting to order at 7:00 pm and asked for a roll call of members present.

Present: Chairman Marion Hoeve, Vice-Chairman/Secretary Jack VanderMeulen, Members Doug Becker, Ken Bosma, Randy Kortering, and Miska Rynsburger. Also present were Community Development Director John Said, Assistant Community Development Director Corey Broersma, Township Attorney Ron Bultje and Recording Secretary Tricia Kiekintveld.

Public Comment: None.

Minutes:

** It was moved by Bosma and supported by Kortering to approve the minutes of the May 11, 2021, regular meeting and the May 18, 2021, special meeting. All in favor. Motion carried.

Public Hearings:

Chairman Hoeve opened a public hearing for consideration of a request for a proposed preliminary site condominium plan for the 11554 Greenly Street Site Condominium Development, submitted by Brad VanderZwaag of Baumann Building, Inc. on behalf of Elwin Dale and Lisa Helder, for land at 11554 Greenly Street, described more specifically as 70-16-10-400-015. The subject property is zoned R-2 Moderate Density Residential.

Present for this request was Mr. Jack Barr of Nederveld Inc., 347 Hoover Blvd., Holland.

Mr. Barr stated that the proposed plan is for 23 new detached single-family residential units with public streets, public watermain and sanitary sewer, and private stormwater retention facilities. This plan includes the one existing home that will be an exception to the site condo plan. Mr. Barr noted that the barn on the property will be removed.

Mr. Bosma asked Mr. Barr if the Ottawa County Water Resource Commission office had approved the plans yet? Mr. Bosma stated that by looking at the plans it doesn't look like they met their easement requirements. Mr. Barr responded that they gave the plans to the engineer and the engineer recommended that they schedule a meeting with their attorney to review easements. However, during the initial contact no comments were made that the easements were a problem.

Staff stated that they had been in contact with the water department and the suggestion was made to possibly run the loop between lots 13 and 14 then have it turn north and go between lots 21 and 22. That would make lot 22's usable area slightly smaller with the necessary easement, however, it is possible to take some of the footage off from the larger lot of lot 23 to maintain the square footage of lot 22.

Mr. Barr stated that the Road Commission didn't like the right-of-way radius with the cul-de-sac bulb. Staff asked if an off-set cul-de-sac bulb had been considered. Mr. Barr stated that they have not looked at an off-set bulb instead. However, he said that if they go that route then either lot 15 or 10 would get awfully small. Mr. Barr stated that lot 15 is the wider lot however the east

side of that lot is not good for building because of front and rear yard setbacks would be too constrictive.

Staff also questioned the location of the storm water detention pond. They wondered if it could be combined with the detention pond in the development to the east to provide some efficiencies for the developer. Mr. Barr stated that to the east is Hillcrest Place that was built in 2003. He noted that detention pond was built to old standards that are now out of date so that would not work to combine both developments into that one. Mr. Barr also noted that there is a county drain that runs along the property line and the county doesn't like their drains running through detention ponds.

Mr. Bosma asked if lots 1 and 18 would have driveway restrictions that would require them to be located on the interior road. Mr. Barr stated that yes, they would.

Mr. Bosma also asked about the location of the mail kiosk and how driveway layouts would work? Mr. Barr stated that this is a similar situation to Patriot Meadows. The Road Commission requires the ability for vehicles to pull off the road, not just park on the side of the road. Mr. Barr stated the driveways need to be away from the flair for the mail kiosk. He pointed out that this makes for a sea of asphalt in that area but there is no way to get around this with the requirements.

Chairman Hoeve opened the meeting up for public comments.

There was no one from the public present to speak to this request.

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

Mr. Kortering asked if the Staff recommendations in the Staff Report should be part of the motion or if those are implied? Staff responded that they do not necessarily need to be part of the motion but it may be good for them to part of it for the record.

** It was moved by Kortering and supported by Rynsburger to recommend approval of the preliminary site condominium, noting the request is consistent with the standards, and with the following conditions:

1. At the time of final application, the applicant shall submit a landscape plan for Township approval.
2. At the time of final application, the applicant shall submit a schedule for site development and building construction.
3. At the time of final application, the applicant shall confirm school bus stop requirements, and shall indicate such on final plans.

All in favor. Motion carried.

Chairman Hoeve opened a public hearing for consideration of a proposed amendment to the Final Development Plan of the Macatawa Legends Planned Unit Development, located generally on New Holland Street east of 144th Ave., described more specifically as Parcel Number 70-16-06-100-045. The proposed amendment consists of a new detached reception and event pavilion building adjacent to the southwest portion of the existing clubhouse building.

Present for this request was Mr. Jack Barr of Nederveld Inc., 347 Hoover Blvd., Holland and Mr. Craig Smith from Redwater Restaurant Group.

Mr. Barr pointed out that Nederveld did not work on the original PUD development. He stated that they are asking if adding an event pavilion with a concrete floor and a solid roof would be a major or minor PUD amendment.

Mr. VanderMeulen said that he feels this is becoming be more and more commercial, where the original clubhouse is more of an amenity to the golf course. Mr. VanderMeulen is also concerned about parking if there will be multiple events happening at the same time. He is also wondering how they will control noise from disturbing the houses on the other side of the fairway?

Mr. Barr stated that he is not certain how the owner plans on using the pavilion but Mr. Smith from Redwater can answer that question. Mr. Barr did state that having an outdoor pavilion is becoming more commonplace at golf courses and event centers but does understand the concerns with noise.

Mr. Smith answered Mr. VanderMeulen's questions. He stated that they will have more than ample parking because they would not hold more than one event at a time. Mr. Smith said at their other locations they would normally use tents but Holland Township doesn't allow for that. Mr. Smith also stated that the event center, restaurant, and golf course have been open for public use since its inception and now because the membership is increasing is it actually becoming more private.

Mr. Bosma asked if they have surveyed the neighbors or the Associations. Mr. Smith stated that they have and the neighbors and the Master Association are in favor of the pavilion. Mr. Smith also said that they are aware of the Township's noise ordinance and would follow the ordinance.

Ms. Rynsburger addressed the issue of whether this would be a major or minor amendment. She cited section 16.9a and read through the qualifications of a minor amendment and based on those her interpretation is that it does not meet the qualifications of a minor amendment. Mr. Becker stated that he feels this request would actually fall under section 16.9b because it doesn't fit with items 1-6 of 16.9a. Ms. Rynsburger indicated that 16.9b says the proposed change would not alter the intent of the original PUD. Mr. Bosma stated that based on that he feels this would be a minor change as it is part of the atmosphere of the golf course and restaurant/event center.

Chairman Hoeve opened the meeting up for public comments.

Staff submitted a letter from Mr. Ron and Mrs. Judy Rhoades of 4406 Grand Point in support of the proposed PUD amendment.

As well as an email from the Master Association in support of the amendment was entered into the record.

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

** It was moved by Bosma and supported by Kortering that this would be a minor change to the original PUD. All in favor. Motion carried.

Mr. VanderMeulen stated that he is good with the change as long as it does not increase the capacity of events being held on the property. He wants to verify that events would either be inside or outside and not both. Mr. Bosma asked how would we control that? He also asked if the hours would be the same as the restaurant? It was answered that the hours would be the same. Mr. Hoeve said that the many golf events he has been to over the years are all outside and he doesn't see both being used at the same time.

Ms. Rynsburger stated that this seems more suitable to the facility than a tent would be.

Mr. Hoeve permitted Mr. Donald Owens, a director with Macatawa Legends Master Association, to speak due to some confusion on Mr. Owens' part of not knowing when he could speak during the public hearing. Mr. Owens stated that Macatawa Legends has 11 residential Home Owners' Associations and a Master Association that deals with overall issues and he represents the Master Association. The Master Association is very pleased with what Redwater has done since taking over. They currently have 230 homeowners and eventually will have 600. He feels the pavilion would be a definite benefit to the facility. Mr. Owens has presided over many weddings and can see a huge benefit of having the pavilion for outdoor weddings and providing a shelter from the weather while still in an outdoor capacity.

Mr. Kortering asked Staff if they could clarify the noise ordinance. Staff stated that quiet hours are from 11pm to 7am. If a special event is within 500 feet of a residential area then the quiet hours begin at 9pm.

Staff noted that for final approval they will need 2 copies of the plans that show sidewalks leading to the pavilion as well as grading and that the pavilion is not in a drain easement.

** It was moved by Kortering and supported by Bosma to approve the request as a minor PUD amendment with the stipulation that Staff will approve the site plan. All in favor. Motion carried.

Chairman Hoeve opened a public hearing for consideration of an amendment to the Zoning Ordinance to allow accessory buildings in front yards and side yards ("an area other than a rear yard") of "irregular" lots if approved by the Planning Commission, submitted by William Sikkel on behalf of Brian Meiste.

Present for this request was Mr. Bill Sikkel of 42 E Lakewood Blvd., Holland.

Mr. Sikkel began by sighted Zoning Ordinance 8.3 that states accessory buildings are limited to rear yards. He stated that he understands concerns with allowing accessory buildings in front yards or other places. Mr. Sikkel pointed out that in some unusual instances there may no rear yard at all as is the case in through lots and multi-frontage lots. He stated that there are also irregular shaped lots, as defined under lot line definitions in the Zoning Ordinance. Where the rear lot line is defined as a line being perpendicular to the front lot line extending to a point where the rear lot line would be 10' in width in parallel to the front lot line, it also states that this is used to determine rear setbacks in lot depth only. Mr. Sikkel is questioning if this establishes a rear yard for accessory buildings at all? Mr. Sikkel stated that normally a homeowner would just get a variance which would be considered a use variance which the Township ordinance does not allow for. Mr. Sikkel stated that currently, the way the ordinance is written, there is no ability for a homeowner to obtain permission to allow an accessory building on an irregular lot or on a lot where, by definition, it doesn't have a rear yard at all.

Mr. Sikkel is proposing this Text Amendment to allow a homeowner to submit a site plan to the Commission and then have the Commission approve or deny each request individually based on the characteristics of that particular lot. Mr. Sikkel pointed out that they do not want an accessory building to cause a negative impact on neighbors. He stated that when looking at the standards for a text amendment he feels that this would qualify due to an oversight.

Mr. Hoeve stated that he feels this request is based on one owner for one lot and that the owner actually does have other options for where to place an accessory building on his property. Mr. Sikkel clarified that this is not just for one owner and that sometimes it just takes one owner to initiate making a change that will benefit many. Mr. Sikkel feels that this situation could happen to many owners with irregular lots.

Mr. Sikkel stated that this text amendment would be a way for homeowners to come before the Planning Commission to see if they could be allowed to put an accessory building on a lot that currently would not allow them to have one. Mr. Sikkel stated that this is not being done to allow his client to have his accessory building where he wants it on his lot.

Mr. Kortering asked Staff if they have had other homeowners ask for clarification on placement of accessory buildings on irregular lots. Staff answered that they get questions daily from homeowners on where they can put their accessory buildings. Ms. Rynsburger asked if this Text Amendment would help to clarify things for homeowners. Staff stated that they don't feel like the Zoning Ordinance is lacking in its description and have not had trouble explaining to homeowners where they can put their accessory buildings. Mr. VanderMeulen stated that he is on the Zoning Board of Appeals and when the request that initiated this Text Amendment was brought before the Zoning Board of Appeals the vote was a unanimous no for this specific request.

Mr. Bultje explained the difference between a use variance and a dimension or location variance. He also pointed out that some jurisdictions do allow accessory buildings in side yards and sometimes even front yards based on distance from the road, tree shielding, etc. Mr. VanderMeulen stated that in this case the question was, what is the front yard? Staff answered that the Zoning Board of Appeals agreed the applicant was asking to put the accessory building in the front yard. Mr. Hoeve asked if the Commission should tell the applicant to go to the Zoning Board of Appeals with the revised question? Mr. Bultje stated that if the applicant has not asked for a location variance of the Zoning Board of Appeals, he can still go back and ask that question.

Chairman Hoeve opened the meeting up for public comments.

Staff submitted emails from Ms. Ellen Kaines of 4732 Bella Court, and from Mr. Tim Easterling and Ms. Jennifer Danckaert of 4758 Bella Court, in support of the text amendment.

** It was moved by Kortering and supported by Rynsburger to close the hearing. All in favor. Motion carried.

** It was moved by Kortering and supported by Rynsburger to recommend denial of the proposed Text Amendment. All in favor. Motion carried.

Other Business

0 Quincy Street – Planned Unit Development (PUD) Amendment – Resolution and Report – described more specifically as parcel numbers 70-16-09-200-043. Robert McCaigue/Continental 512 Fund LLC seeking approval of amendments to a final PUD to install garage structures.

Present to speak to this request was Ms. Caitlin LaJoie of Continental 512 Fund LLC.

Mr. Hoeve asked if the PUD language should specify a date when the construction of the garages needs to be completed? Staff stated that in the past they have had language like that included for PUDs so the Commission could certainly add it to this document as well.

Mr. VanderMeulen asked Ms. LaJoie how the project is coming along? Ms. LaJoie stated that construction is going smoothly and that most of the buildings have been constructed and the plan is for the garages to follow in line with the current construction schedule. It was asked if they foresee them being completed within 2 years? Ms. LaJoie stated that that is a good time line. Mr. Bultje suggested they include language that they be completed by the determined date, but that date could be extended if the Planning Commission sees fit. Mr. Hoeve suggested giving them a date of December 31, 2023. Staff will add that date to the Resolution and Report.

** It was moved by Bosma and supported by Kortering to approve Staff providing the Board of Trustees with the favorable Resolution and Report and recommends its approval. A roll call vote was taken. All in favor. Motion carried 6 – 0.

Knollwood PUD – Ottogan Street west of 104th – Final Planned Unit Development (PUD) – Resolution and Report – PUD Amendment (Amend. #3) (front-loaded garages for Lots 83-94 and removal of pedestrian access for Lots 65-66).

** It was moved by Kortering and supported by Becker to approve Staff providing the Board of Trustees with the favorable Resolution and Report and recommends its approval. A roll call vote was taken. All in favor. Motion carried 6-0.

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)

There was no one present to speak to this request. Item to remain tabled.

There was discussion with Mr. Bultje if there are rules about how long an item can remain tabled? Mr. Bultje stated there are not clear rules and asked if this item has had a public hearing? It was answered that yes it did. He said that it shouldn't sit out there for too long because there may be other people wanting to know the outcome of this matter and it is not fair to keep everyone waiting. Mr. Bultje did say that the Commission can approve or deny the request based on its merits even if the applicant is not present. Staff asked if the Commission can set a deadline and if the applicant is not present at that meeting, then the Commission can make a decision? Mr. Bultje said they can do that. Staff is going to try to make contact with the applicant to get a status update.

300 N. Franklin – Patriot Meadows Preliminary Site Condominium – Brad VanderZwaag of Baumann Builders – request for preliminary site condominium for 42 detached single-family condominium units (Originally tabled April 13, 2021)

Present for this request was Mr. Jack Barr of Nederveld Inc., 347 Hoover Blvd., Holland.

Mr. Barr stated that they have met with Ms. LeFrance and made an agreement to deed to her the 30' of land to the east of her property. They also discussed the fence, tree and overhead powerline issues and have come to an agreement with her on those items as well.

Mr. Barr also stated that they moved the mail kiosk. It is now located off Felch and is now on the correct side of the road so that traffic will not be crossing the road. He also stated that they have Road Commission and Water Resource Commission approval of the preliminary plans.

Mr. Barr said that the change to Parcel A has been corrected to no longer show the property line going through the pond. He also pointed out that they submitted plans so show the buildability of a couple parcels that were in question.

Staff asked about the “Lots 33 & 34 Common Element”? They would like to know what it is and how that will work? Mr. Barr stated that this is the land that touches both lots 33 and 34 as well as the pond. They are planning to have that land be land that both Lots 33 and 34 share as access to the pond. Mr. Barr stated that in a perfect world that land should go to Parcel A but due to width and depth restrictions that was not possible. Staff asked if there will be a separate condominium set up for lots 33 & 34 and a separate condominium for the other units with direct pond access in order to maintain the pond with items such as aerators. Mr. Barr said that the pond will be under a shared maintenance agreement for all of the lots that are on the perimeter of the pond. Mr. Bosma asked in regards to the “Lot 33 & 34 Common Element,” what if those two owners don't agree? Mr. Sikkel answered that this is a limited common element and there are other developments that have similar situations (such as common driveways and other common land elements) and on the rare occasion they need to get legal counsel involved to help with disagreements they do. The associations are in control of the pond and they will decide what maintenance needs to be done and will then assess the homeowners. Mr. Barr pointed out that the Master Deed will stipulate the maintenance standards for the pond.

Mr. VanderZwaag stated they do have other developments with similar situations that the association manages and are going well.

It was noted that Staff recommendations should be part of a motion.

Mr. VanderMeulen asked if the mail kiosk will be lit and he's assuming the association will take care of snow removal. Mr. Barr stated that yes, they will handle snow removal but that the kiosk will not directly be lit. He pointed out it is relatively close to the corner where there is a street light so it will get ambient light from that street light. Mr. VanderMeulen is concerned that in the winter months when people are coming home from work and stop to get their mail it will already be dark and he would like to see the area lit.

** It was moved by Rynsburger and supported by Kortering to approve the request acknowledging the standards and citing the following conditions of approval:

- 1) At the time of final application, the applicant shall submit a landscape plan for Township approval, including landscaping for the property at 10154 Felch.

- 2) At the time of final application, the applicant shall submit a schedule for site development and building construction.
- 3) At the time of final application, the applicant shall confirm school bus stop requirements, and shall indicate such on final plans.
- 4) At the time of final application, the applicant shall provide details of the maintenance concerning the common areas, including all stormwater facilities.

All in favor. Motion carried.

2763 120th – Brad VanderZwaag of G2G LLC – Special Land Use for a Contractor’s Facility
(Originally tabled January 5, 2021)

Mr. Brad VanderZwaag was present to speak to this request and stated that they are waiting for the Water Resource Commission’s approval and a few other items. They are asking that this item remain tabled until they are able to bring a completed application to the Commission.

0 Black River Ct. – Kevin Miller/Mission Design – Zoning Map Amendment (Rezoning) – C-3 Highway Commercial to I-1 Light Industrial (Originally tabled January 5, 2021)

This item should remain tabled at this time.

Staff had a few housekeeping items to talk about with the Commissioners.

Staff suggested to the Commissioners that if someone from the public comes to them with a Planning Commission question outside of a public hearing that they should direct them to Staff to go through the proper channels rather than trying to being put on the spot by applicants, as this helps avoid any uncomfortable situations. Recently this did happen to a Commissioner and that Commissioner did just that which worked out very well.

Staff noted that they received a letter from Greg Ransford representing Park Township that they are revising their Master Plan.

Staff stated the next item that they need to talk about would be the draft of the Farm Market Text Amendment.

Mr. Bultje stated that he feels they should keep it as simple as possible. He pointed out that in Section 9.9A letter A. The Township would have no control because that is all under GAAMPS control. Under letter B it would allow GAAMPS along with C-1, C-2, and C-3 with a special land use permit to be reviewed annually. Mr. Bultje did recommend that the Township update the use chart to reflect this change. He also pointed out that where GAAMPS is silent then then Township Zoning Ordinance would take precedent. Mr. Bultje did suggest they take a closer look at outdoor sales wording. Mr. Bultje said that parking would be covered either under the Zoning Ordinance or GAAMPS depending on the area. Mr. Bultje stated at this point he is looking to see if the Planning Commission likes the general concept and then he can work more closely with Staff to finalize the wording.

Staff stated that the deadline for applications to be submitted for the July 6 meeting is June 8.

Mr. Kortering asked if according to this amendment would these applications come to the Commission for approval or just go straight to Staff. It was stated that they would come to the Commission.

Mr. Kortering stated that Mr. Bultje suggested talking more about outdoor sales. He asked if now is the time to talk about Christmas Tree sales? Mr. VanderMeulen stated now may be a good time to handle that so it doesn't come back up again in a few years.

Mr. Becker stated that if this goes before the Planning Commission on July 6 then it should be able to be in front of the Township Board on July 15 for a first reading and a second reading on August 5. Mr. Bultje stated that after the second reading is approved that there is an 8-day waiting period before the amendment becomes effective after publication of the Text Amendment in the Holland Sentinel, this gives time to allow someone to file a referendum to start an appeal process.

The Commissioners verbally agreed to having Mr. Bultje continue to work with Staff on finalizing wording for the Text Amendment.

The meeting adjourned at 8:30 pm.

Respectfully submitted,

Tricia Kiekintveld
Recording Secretary