

**HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION**  
**Regular Meeting**  
**July 12, 2022**

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

**Present:** Chairman Randy Kortering, Vice-Chairman/Secretary Jack VanderMeulen, Members Leo Barajas, Doug Becker, Steve Darrow, Miska Rynsburger and Evan Sharp. Also present were Community Development Director Corey Broersma, and Recording Secretary Tricia Kiekintveld.

**Absent:** None.

**Public Comment:**

**Mr. Kevin Hoeve** – Mr. Hoeve wanted to thank the Commission for the plaque they gave his father, Marion Hoeve, before he passed away earlier this year.

**Minutes:**

\*\* It was moved by Darrow and supported by Rynsburger to approve the minutes of the June 7, 2022 meeting with two corrections. All in favor. Motion carried.

**Public Hearings:**

**Chairman Kortering opened a public hearing for consideration** of a special land use permit submitted by Randall S. Schipper of Cunningham Dalman, PC on behalf of Nicholas Weaver of NKW Properties LLC. Said lands are located at 11931 E Lakewood Blvd., described more specifically as Parcel Number 70-16-22-100-045. Petitioner is seeking a permit for a contractors' facility with outdoor storage and outdoor display/sales. The subject property is zoned C-2 Community Commercial.

Present for this request was Mr. Randall Schipper of Cunningham Dalman, PC.

Mr. Schipper submitted a copy of his oral statement that he read to the Commission. See Appendix A for a copy of the oral statement read into the minutes.

Mr. Kortering asked how long items are staged on the property. It was answered that they can be there for a week but that can vary.

Mr. VanderMeulen said that he remembers back in 2008 when this was approved that the Commission went back and forth with the owners several times to get everything right with this property to set a precedent for these types of businesses since it was not a business that was covered in the zoning ordinance. He feels it is very consistent with what was approved in 2008 with exception of the paver displays in the front of the property. Mr. VanderMeulen stated that he feels they have kept the property neat and well organized.

Ms. Rynsburger appreciated Mr. VanderMeulen's description of the history of the property.

Mr. Schipper noted that the paver displays in the front of the building show what can be done with the items they sell and enhance the property.

The Commissioners then discussed the drainage issue. It was determined that there was no formal written record of approval by the drain commissioner. Mr. Schipper noted verbal approval was given because it is connected to the public storm water system.

Mr. Kortering then read the recommendation from the Staff report that says "Staff has no objections to the approval of this project, provided Outdoor Storage and Sale/Display setbacks are adhered, setback areas are returned to lawn, and additional tree plantings are shown on a revised site plan."

Mr. Schipper responded that this statement assumes that the displays are ancillary which then limits the business to only 20% of the property being allowed for outdoor displays and sales and has much larger building setbacks. He stated that this is their primary business and in 2008 there were no setback requirements for this type of use. They do currently have a 20 ft. front yard setback on both streets so they can continue to adhere to that.

Staff stated that they believe there is some contracting being done by this business. Staff noted that in Section 9.19 - Outdoor Display, Sales and Rental, it states that all sales areas have a 20 ft. front yard setback and are limited to 20% of the principal building square footage. If it is deemed a contractors' facility then the set backs are significantly larger: 15 ft. side yard, 25 ft. rear yard and 50 ft. front yard.

Mr. Kortering asked Staff if the Commissioners say the applicant needs to keep the 20 ft. front yard setback, then is it correct that they will not need to make any changes to the lawn but will they need to add trees? Mr. Schipper stated that trees along Lakewood Blvd. would affect their current display and there would be a concern of power lines above the property but did note that there are some trees along Garden Ave. Staff noted that if they have outdoor storage then the property needs screening in the form of trees, fence, berms, or a combination of those.

Mr. VanderMeulen noted that in 2008 the landscaping requirements were not in place and asked Staff why they would be required to add those things now. Staff indicated that because they are coming with a new request they need to adhere to the new requirements. Mr. Schipper stated that they do not want a new special use but rather would like an amendment to the original request and therefore they would not have to comply with the new landscaping requirements.

Ms. Rynsburger said that she feels good about granting them an amendment to the special use with a 20 ft. setback, but she also likes the idea of trying to adhere to some form of landscaping.

Mr. Becker asked the Commission if they feel this is a sales facility or a contractors' facility? He stated that he is leaning toward a contractors' facility. There was a consensus that this is a sales facility as they do not supply materials to landscaping companies but rather, they do direct sales to the end customer similar to a lumber company. Mr. Becker then agreed that he feels it is also a sales facility.

Staff clarified that if the Commission decides that this is a sales facility then the owner will have a level of expectation that they will keep products away from the property line. They noted that there would be a 20 ft. setback all around the property with a 15 ft. side yard building setback, which is what was originally approved by the 2010 plan.

Chairman Kortering opened the meeting up for public comments.

**Mr. John Andrew McDonald of Holland PT, 304 Garden Ave.** Mr. McDowell stated that they are neighbors to the north of the applicant and have been there since 2005. He said that he drives past the property every day and feels it is aesthetically pleasing and is an improvement to what was there before Chip's moved in. Mr. McDowell doesn't feel that adding trees and/or berms to the site to block the view will enhance the look of the site. He also stated that he has never had any issues with items being too close to the fence.

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

There was discussion about approving an amendment and how that would affect setbacks and screening. Staff stated that screening requirements go away if the Contractor's facility is not to be considered and the use is considered outdoor sales. The Commissioners agreed to continue with the 20 ft. setback around the property. Staff said a new special use of outdoor sales/display would need a more detailed site plan submitted.

\*\* It was moved by Rynsburger and supported by Becker to approve the request for a special land use permit for outdoor display/sales with 20 ft. setbacks around the property with the condition that the applicant submit a new site plan for site plan approval.

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

#### **Other Business:**

**0 (Vacant) Campus Avenue (70-16-07-200-044) – 136<sup>th</sup> Avenue Apartments** – Site Plan Review Request for Site Plan Approval for a 40-unit multi-family apartment complex submitted by Kyle Friar of KMF Construction consisting of 2 buildings 3-stories in height for the dwellings and 2 buildings 1-story in height for garages. The subject property is zoned R-3 High Density Residential.

Present for this request was Mr. Adam Feenstra of Feenstra and Associates.

Mr. Feenstra said that they are looking for approval for 2 buildings 3-stories in height for the dwellings and 2 buildings 1-story in height for garages on a 4-acre piece of land on Campus Avenue.

Mr. Feenstra said that they have talked to the Ottawa County Road Commission who are requesting the road be upgraded to a permanent cul-de-sac. The apartments to the east do not want to connect their private road to this development, therefore, the applicant is proposing a 10-foot-wide bike path to connect to Carmella Lane but then add sand and gravel shoulders to make it wide enough for emergency access.

Mr. Feenstra acknowledged that there are concerns with a 3-story building in this area but noted that the ordinance does allow for them. Mr. Feenstra said that they are open to shifting the building on the south property line to allow for a 50'-60' setback. He said that they could switch to a 2-story layout, however, that would eliminate quite a bit of green space.

Mr. Feenstra said that they need to submit their plans to the Ottawa County Water Resources Commission for approval yet. He also noted that they have verbal approval from the Road

Commission to proceed but do not have final approval. They will submit that after they get approval for the project from the Township.

Mr. Kortering asked if the parking aisle northeast of the garages can be increase to 26 feet from the 24 feet proposed. Mr. Feenstra said that they agree to that.

Mr. Kortering noted that Staff would like to see the garbage dumpster moved to allow for an efficient one-way pick-up loop for a collection vehicle. Mr. Feenstra said that they could move the dumpster closer to the duplexes to the north if that would work better.

Mr. Kortering said that the landscape buffers are required to be Type C Buffers along the north, east and west property lines as well as a Type B Buffer along the south property line. Mr. Feenstra said they didn't feel that they needed a Type C Buffer along the north property line with the dog park being there but they can add that in if it is required.

Mr. Kortering pointed out that they will need to submit a lighting/photometric plan. Mr. Feenstra said that they plan to just have residential lighting fixture on the houses and garages so therefore they didn't do a photometric plan. Staff said that they will need to adhere to Article 12 because this is a multifamily development. Mr. Feenstra replied that they will provide a lighting/photometric plan.

Mr. Kortering asked the Commission how they each feel about a 3-story building in that neighborhood. Mr. VanderMeulen said that he is struggling with that a bit as he is already concerned with where kids will go outside to play and if they reduce the building height to 2-stories that reduces the amount of green space even more. Mr. VanderMeulen asked Mr. Feenstra what they are providing for outdoor space? Mr. Feenstra answered that they are providing a dog park, a picnic area along the detention pond and bike path, and a lot of open grass areas adjacent to the bike path.

Mr. Kortering commented that if height is a concern could they do something similar to North Point where the highest floor is not as wide as the lower floors to add architectural dimension to the building. Staff said that having the perimeter of the buildings being one story shorter would be a nice way to transition between the developments.

Mr. Barajas said that he is good with a 3-story building to help them maintain more grassy areas. Mr. Sharp said that he is more interested in green space than he is concerned about a 3-story building. He also noted that a 3-story building is really only one story taller than most houses. Mr. Darrow agreed. Ms. Rynsburger said she would be concerned that if they switched to a 2-story building, or mandated architectural changes to be made, that the price point would also increase and she doesn't want to see that happen. Mr. Feenstra indicated that the developer is looking to have apartments in the \$1,200/month range. Mr. Becker is in agreement with having a 3-story building.

Mr. Darrow said that there seems to be enough missing components that he would like to see the request tabled until the applicant can provide the missing information.

Staff noted that as for the plan for a bike path with added gravel shoulders for emergency access, the Fire Chief will have the final say on that and it may have to be a paved access road. Staff also noted that the turning radii for emergency access will need to be approved as well. The applicant agreed that they will comply with what ever the Fire Chief decides.

Mr. VanderMeulen asked the applicant to bring back a landscaping plan that shows how the green space will be utilized.

Mr. Kortering clarified for the applicant what the Commission is looking for them to bring back to the next meeting. The Commission would like to see a landscaping plan showing use of green space, clarity on the fire access and turning radius, relocation of the garbage container, the change in the parking aisle northeast of the garages increased to a minimum of 26 feet, site plan showing the mail distribution location(s), and lighting/photometric plan.

\*\* It was moved by Becker and supported by Rynsburger to table the site plan request for the 136<sup>th</sup> Avenue Apartments until such time as the applicant and provide the items noted above. A roll call vote was taken. Yes - 7, No – 0. Motion carried.

**0 (Vacant) Greenly Street (70-16-10-100-048) – Hickorywoods Farm No. 6** – Preliminary Plat Request for Preliminary Plat approval submitted by DeYoung Developments, LLC for a residential subdivision consisting of lots 220-254 located along an extension of Elderberry Drive, south of Quincy and extending south to Greenly Street.

This item to be postponed until August 9 per applicant's request.

**Amendment to the First Michigan Bank PUD** – Amendment Review of the Resolution and Report for the First National Bank PUD.

\*\* It was moved by Rynsburger and supported by Darrow to approve the Resolution and Report recommending approval of the Amendment to the First Michigan Bank Planned Unit Development Final Development Plan with a name change to Family Church Planned Unit Development and direct Staff to distribute the document to the Board of Trustees.

A roll call vote was taken. Yes - 7, No – 0. Motion carried.

**Amendment to the Macatawa Legends PUD** – Amendment Review of the Resolution and Report for the Macatawa Legends PUD.

\*\* It was moved by Rynsburger and supported by Darrow to approve the Resolution and Report recommending approval of the Amendment to the Macatawa Legends Planned Unit Development Final Development Plan and direct Staff to distribute the document to the Board of Trustees.

A roll call vote was taken. Yes - 7, No – 0. Motion carried.

### **Tabled Items**

**0 Perry Street (70-16-24-300-038)** – Eagle Meadows Preliminary Site Condominium Request – Joe Siereveld of Eagle Creek Homes LLC (Tabled June 7, 2022)

Present for this request was Mr. Don DeGroot of Excel Engineering.

Mr. DeGroot said that they have updated their plans adding a sidewalk to the west side of the street, adjusting Lot 13 to allow for future connection to the property to the north, and they

resubmitted legible house plans. Mr. DeGroot noted that Staff recommended the sidewalk be on the east side of the property so that it would better connect the residents to the mailbox location. Mr. DeGroot said they placed the sidewalk on the west side so that more homes would have direct access to the sidewalk including the 3 parcels on the north end of the development. Staff also noted that if children were to be riding their bikes to Huizenga Park, heading east, that would be one less driveway they would need to cross.

Mr. VanderMeulen expressed his concern with the small 20' x 20' garages that are being planned for this development. He noted that a normal parking space in a parking lot is 9' x 18' if you double the width, it is 18' x 18', so at 20' x 20' that does not leave enough room for a garbage can or bikes to be stored in the garage with 2 vehicles in the garage. Staff said that many of the starter homes tend to have these smaller garages, it is a problem with storage, but it is allowed. Staff noted that if the Commission wanted to make a change to the sizes of garages allowed that would require an amendment to the ordinance. Mr. VanderMeulen commented that this is a nice area and it doesn't seem like a good idea to him to have small garages which cheapen the home in such a nice area. He also noted the lack of overhangs on gabled ends which also cheapen the look of the home.

Mr. DeGroot responded that they do have 3-stall garage options and they feel they are offering affordable homes which is a huge need right now with housing prices so high and there are looking to fill that need. They are proposing homes that are significantly larger than R-2 requirements.

Staff asked who will maintain the sidewalks. Mr. DeGroot said that the homeowners that front the sidewalk will be required to maintain the sidewalk and they will put that in the master deed.

\*\* It was moved by Becker and supported by Sharp to approve the preliminary site condominium request and direct Staff to forward the request on to the Township Board. A roll call vote was taken. Yes - 7, No – 0. Motion carried.

**0 James Street (70-16-16-300-011) – Future Land Use Map Amendment – Mark Tomasik of Innovative design o/b/o KAL Properties LLC. (Tabled April 12, 2022)**

This item to remain tabled at this time, however, will be discussed at the August 9 meeting based on new information received.

**Planning Commission Discussion – Master Plan Sub-Area Overlay Zoning District(s)**

Mr. Kortering said that tonight the Commission's priority would be to come up with an intent and purpose for the 8<sup>th</sup> Street corridor.

There was discussion regarding the vision each Commissioner has for the area. It was a consensus that they would like to see the area be walkable, family friendly, safe, have people living there, new businesses, and possibly something unique to the area that draws people there.

The specific area was discussed again and determined to be just along 8<sup>th</sup> Street, not going down any of the side streets.

The Commissioners then discussed prohibited uses as well as building/lot requirements in regards to setbacks, building dimensions, and façade standards. Staff will compile the comments and bring them back to the Commission at the next meeting.

Mr. Kortering assigned the Commissioners to drive downtown areas and see what buildings they like and don't like and even come with pictures to share.

The next Planning Commission meeting is scheduled for Tuesday, August 9, 2022 at 6:00 pm.

The meeting adjourned at 8:05 pm.

Respectfully submitted,

Tricia Kiekintveld  
Recording Secretary

# Appendix A

*Oral Statement given by  
Mr. Randall S Schipper, Cunningham Dalman PC  
Planning Commission Meeting  
July 12, 2022*



What Chips is asking is that you approve an update to the previously-approved site plan for its operations to reflect long-existing conditions, including outdoor displays and storage in front of Chips building, without the storm water infiltration basins. No one is objecting to the current conditions other than Corey noting that those changes to the site plan were not formally approved. We want to fix that.

For background, Chips sits at the entrance to an industrial park with industrial zoning to the north and east and a railroad track and the City's dredge spoils disposal site to the south across Lakewood, and with a commercial site to its west. It is a transition parcel between industrial and commercial. Chips fits with the character of the neighborhood and neighbors have provided letters confirming they do not object to Chips operations, including the changes in the site plan mentioned in the staff report.

In 2008 Chips obtained a special use approval for the "operation of a landscape supply business with outdoor storage in a C-2 Commercial Zone." The site plan that accompanied that showed a 2400 sf bldg. with most of the rest of the site used for outdoor display and storage. Contrary to the speculation in the staff report that the PC likely approved it as a "Plant nursery or greenhouses", there is no mention of such a use and, in fact, the application reflected an equipment storage area outdoors, while the nursery and greenhouses use required equipment to be stored indoors. More plainly, the approval tells us what the approval was for: the "operation of a landscape supply business with outdoor storage in a C-2 Commercial Zone." While Corey is correct that the use approved in 2008 does not fit neatly within any use shown in § 12.3 of the ZO then in effect, it did not have to. The PC could and did approve it as a use similar to those listed.

The PC at that time requested a more detailed site plan and one was submitted early in 2009, with a slightly revised one submitted in 2010. Then, when Chips built out the site in 2011, it wanted some further adjustments, including placing displays in the SE corner of its site and filling the storm water infiltration basins because the site was connected to a public storm sewer. Chips met at the site with the zoning administrator and someone from the drain commission and was told it could make those changes.

Now, more than a decade after those changes were made, and only in response to a question Chips put to Corey about covering some outdoor storage bins, Corey started enforcement action as to these changes. (The staff report also mentioned a semi-trailer used for storage of material used elsewhere, which Chips removed right after Corey told Chips it violated zoning, and questioned storing materials on the ground, outside bins, along the fence on the north and west sides of the site, which Chips understands was permitted in their 2008 approval as long as storage structures were at least 15 ft. from the property line; neighbors cannot see such storage because of the full screen of the wood fence and do not object to it.)

The two key changes we need ratified are outdoor display and storage in front of the building and the filling of the storm water infiltration basins.

The staff report says "a site plan may not be simply revised since it is specifically tied to a prior approval", and proceeds to say you should treat our application as a request for a special use

approval for a "contractor facility". We don't think a new special use approval is necessary or that one for a "contractor facility" is appropriate.

First, §5.15. A. of the current zoning ordinance provides that a change to site plan concepts that are associated with special land uses that are inconsistent with the intent of the planning commission approval, or conditions of its approval, shall be processed as a new special use application. That qualifier has meaning. It follows that changes to the site plan that are consistent with the intent of the PC approval or conditions of its approval are not treated as a new application but as an amendment to the existing special use approval to amend its previously- approved site plan. The changes we are requesting be ratified are consistent with the intent of the 2008 PC approval and conditions of that approval. We think you can approve an amendment to the 2008 special use approval approving the updated site plan showing the existing conditions, including the outdoor displays and storage in front of the Chips building, without the storm water infiltration basins shown on the previously-approved site plan.

Second, if a new special use approval is necessary, treating our use as a "contractor facility" is not consistent with the intent of the zoning ordinance. The analogy more consistent with the intent of the zoning ordinance is the sale of motor vehicles, RVs, boats, heavy equipment, and similar items. The zoning ordinance defines "contractor facility" as "An office and warehouse facility accommodating a construction contracting business. This facility may have associated outdoor storage." Chips' business is the retail sales of landscaping materials. Its outdoor display and storage of inventory is not ancillary, as with a contractor facility, but the principal use, as with the sales of motor vehicles, RVs, boats, heavy equipment and other similar goods. While its landscaping supplies do not look like motor vehicles, RVs, boats, or heavy equipment, the definition of " outdoor display" in your ZO includes "other similar goods" and, like them, the landscaping supplies cannot feasibly be stored indoors and most of the site is used to display and store the materials for sale outdoors, with the building occupying just a small part of the site.

Chips' use and operations are more analogous to that use than to a contractor facility.

Under the current ZO, there is provision for outdoor displays and sales as an accessory to a much larger retail operation, like Lowe's and Meijer, for which outdoor display and storage must meet the usual setbacks and is limited to just 20% of the footprint of the principal building on the site. That is clearly not what the PC had in mind when it approved Chips' special use in 2008. That would limit Chips to outdoor display and storage to less than 500 sf. Far more than that was shown on the site plan before the PC when it gave its special use approval in 2008. Chips use was and is more analogous to outdoor display and storage as a principal use rather than as a minor accessory use, and is consistent with the 2008 special use approval.

The outdoor displays in the front of Chips' site are advertising, like trucks, RVs, boats, or heavy equipment displayed in front of those businesses. They show customers what Chips has for sale at the site. Under§19.9 A.2. of the current zoning ordinance, outdoor displays and storage must be set back at least 20 ft. from the road right of way. Chips' displays and storage in front of its building meet that requirement.

We should be able to quickly dispose of the change to the storm water infiltration basins. The current Drain/Water Resources Commissioner reviewed the situation and has told both the

township and us that he is not recommending any action. He has no objection to the current conditions as to storm water handling because the property is connected to a public storm water drain and he has no records of any flooding problems related to this property.

Chips fits in with its neighborhood and neighbors have provided letters confirming they do not object to Chips operations, including the changes in the site plan mentioned in the staff report.

And the township did not object to those changes for over a decade after they were made even though this property is on a major thoroughfare and barely 500 ft. from the township hall. The outdoor displays and storage fit with the area and are consistent with the 2008 special use approval. The changes to the storm water infiltration basins, likewise, are consistent with the 2008 special use approval and the WRC has confirmed he does not see a need to change the current conditions to match what was shown in the site plan previously approved.

We request that you approve an amendment to the 2008 special use approval approving the updated site plan showing the existing conditions, including the outdoor displays and storage in front of the Chips building, without the storm water infiltration basins shown on the previously approved site plan. Or, if you would prefer, give a new special use approval to Chips for the "operation of a landscape supply business with outdoor display and storage in a C-2 Commercial Zone" based on the 2010 site plan as amended to reflect existing conditions.