

**HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION**  
**Regular Meeting**  
**February 7, 2023**

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, Members, Leo Barajas, Doug Becker, Steve Darrow, Evan Sharp and Russ TeSlaa. Also present were Community Development Director Corey Broersma, Assistant Planner/Zoning Administrator Kate White and Recording Secretary Tricia Kiekintveld.

**Absent:** Vice-Chairman/Secretary Jack VanderMeulen.

**Public Comment:** None.

**Minutes:**

\*\* It was moved by TeSlaa and supported by Darrow to approve the minutes of the January 3, 2023, meeting. A roll call vote was taken. Yes – 5, No – 0, Absent – 1, Abstain – 1. Motion carried.

**Public Hearings:**

**Chairman Kortering opened a public hearing for consideration** of an amendment to the Zoning Ordinance and Map of Holland Charter Township submitted by Todd Johns of Blue Water Industrial Development LLC. Said lands are located at 0 (vacant) Ransom Street, described more specifically as Parcel Number 70-16-04-200-018. The petitioner is seeking to change the above land from AG Agriculture to I-1 Light Industrial.

Present for this request was Mr. Justin Longstreth of Moore & Bruggink, Inc., 2020 Monroe Ave. NW, Grand Rapids.

Mr. Longstreth stated that they are here for the rezoning of the land on Ransom Street and he is available to answer any questions the Commission has.

Staff provided the history of this property, explaining that the applicant had applied for a Future Land Use Map Amendment that was approved by the Board on January 19, 2023. As a result of that approval, they are now here to change the zoning from AG Agriculture to I-1 Light Industrial.

Chairman Kortering opened the meeting up for public comments.

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

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

The Commissioners went over the criteria for Zoning Ordinance Map Amendments:

- 1. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Comprehensive Plan; or, if conditions have changed significantly since the Comprehensive Plan was adopted, whether the map change would be consistent with recent development trends in the area.**

The Commission noted that the Board approved the Future Land Use Map amendment for the subject property and changed the land's designation from Public/Quasi-Public to Light Industrial on January 19, 2023. They stated that amending the Township's zoning map to change the subject land from AG Agriculture to I-1 Light Industrial would now align with the amended Future Land Use Map.

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

The site is currently utilized for the cultivation of annual crops, any development of the vacant site will physically, geologically, hydrologically, and environmentally impact the site.

- 3. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values, and traffic impacts.**

The property abuts other light industrial uses to the west and is north of other properties that are zoned and/or designated for Light Industrial uses. The site is also very close to the US-31 corridor, which is why this land is so desirable for this use.

- 4. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including streets, sanitary sewers, storm sewer, water, sidewalks, and street lighting.**

Any future development on site will need to accommodate the County drains and/or designated streams.

- 5. Other factors deemed appropriate by the Planning Commission or Township Board.**

None.

\*\*\* It was moved by Becker and supported by Barajas to recommend approval to the Township Board for the amendment to the Zoning Ordinance and Map, changing the subject land's zoning from AG Agriculture to I-1 Light Industrial. A roll call vote was taken. Yes – 6, No – 0, Absent - 1. Motion carried.

**Chairman Kortering opened a public hearing for consideration** of an amendment to the Zoning Ordinance and Map of Holland Charter Township submitted by Caroline Kimmel on behalf of K&J Legacy LLC. Said lands are located at 3717 Beeline Road, described more specifically as Parcel Number 70-16-09-200-037. The petitioner is seeking to change the above land from AG Agriculture to R-3 High Density Residential.

Present for this request was Ms. Caroline Kimmel of Kittle Property Group, 310 East 96<sup>th</sup> Street, Suite 400, Indianapolis, IN, 46240.

Ms. Kimmel said they are planning to build multi-family workforce housing. She listed the amenities that they plan to include in the development. These amenities include: a pool, a fitness center, a business center, detached garages for rent, onsite maintenance, and onsite management. Ms. Kimmel noted that the main entrance would be on Greenly, not on Beeline. The Commissioners asked if they would be offering any playground space for children. Ms. Kimmel answered that they will have a playground as well as a dog park, a covered pavilion with grill(s) and picnic area, as well as an outdoor pool.

Mr. Kortering asked about the challenge of getting sewer to the site. Ms. Kimmel answered that yes that is a challenge currently, however, she has been in conversations with Staff and it looks like it will be a temporary problem that can be solved by utilizing a temporary lift station. Staff clarified that the Township is planning sanitary sewer improvements for the service area. Ms. Kimmel added that they are not planning on starting construction until spring of 2024. Therefore, the lift station should only be needed for a short time frame as they open up the leasing office, a model home and as they finish the first buildings.

Chairman Kortering opened the meeting up for public comments.

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

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

Mr. Kortering noted that the long-range plan for this land is R-3 High Density Residential so this fits with the Township's plan for this property.

The Commissioners went over the criteria for Zoning Ordinance Map Amendments:

- 1. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Comprehensive Plan; or, if conditions have changed significantly since the Comprehensive Plan was adopted, whether the map change would be consistent with recent development trends in the area.**

We have confirmed that it does.

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

The site currently includes a single-family residence. The majority of the land is utilized for the cultivation of annual crops (blueberries). Any development of the vacant site will physically, geologically, hydrologically, and environmentally impact the site.

- 3. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values, and traffic impacts.**

The site is well positioned near the commercial corridor and the variety of jobs available within the industrial zoning districts. Any future development should anticipate the need to study the vehicular traffic impacts and opportunities for better connectivity, including pedestrian connectivity.

The available density at this site may be compatible with the surrounding multi-family uses that have been built or are in the process of being built.

**4. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including streets, sanitary sewers, storm sewer, water, sidewalks, and street lighting.**

There are sanitary sewer challenges and they have a plan for that. Any future development on site will need to accommodate the County Road Commission and coordinate utilities with planned system upgrades.

**5. Other factors deemed appropriate by the Planning Commission or Township Board.**

None.

\*\*\* It was moved by Darrow and supported by Becker to recommend approval to the Township Board for the amendment to the Zoning Ordinance and Map, changing the subject land's zoning from AG Agriculture to R-3 High Density Residential. A roll call vote was taken. Yes – 6, No – 0, Absent - 1. Motion carried.

**Chairman Kortering opened a public hearing for consideration** of a Special Land Use Permit for a Specialized training School, submitted by Brian Tomina and Rob Johnson of Aqua Tots Swim School on behalf of Nicole Miller of VEREIT Real Estate LP. Said lands are located at 12610 Felch Street, Suite 100, described more specifically as Parcel Number 70-16-16-300-029. The subject property is zoned C-2 Community Commercial.

Present for this request was Mr. Brian Tomina and Mr. Rob Johnson of Aqua Tots Swim School, 12610 Felch Street, Suite 100, Holland, MI, 49424.

Mr. Tomina said they are part of a franchise from Mesa, AZ and he and Mr. Johnson are developing locations in Michigan. They currently have 2 locations in West Michigan, one in Grand Rapids and one in Portage; they feel that Holland has a need for something like this. He said that they typically use a space that is 8,000 – 10,000 square feet and put in a 2,000 – 3,000 square foot pool in it and this space will work well for this. They offer swimming lessons for students ages 4 months old to adults. The hours of operation would be from 10:00 am – 7:00/8:00 pm. They would be closed for major holidays. He noted that some of their locations also offer rehabilitation as well if therapists in the area are interested in using their facility. They do not need to offer that here if the Commission is against that use.

Mr. Kortering asked if they feel there is a need in the Township and if they sell any merchandise in their locations. Mr. Tomina said that there is not a private facility like this in Holland. They are aware of the public facility that offers lessons in the City of Holland but that there is a need for private lessons in the area. They will have a wall measuring about 12' x 8' with swim diapers, goggles, towels, etc. Things that would be an immediate need for customers. Mr. Darrow confirmed that there is a need in the area for private swimming lessons as he and his family have had a hard time finding private lessons for their children.

Chairman Kortering opened the meeting up for public comments.

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

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

The Commissioners went over the Standards of Approval for Special Land Uses.

**1. The use will be harmonious and appropriate with the existing or intended character and land uses in the general vicinity.**

The use could be harmonious with the existing land uses in the general vicinity. A comparable example would be Champion Gymnastics USA which is located further to the south along Van Ommen Drive. They provide a similar service in terms of providing lessons to younger individuals.

**2. The use will be served adequately by public services and facilities, including, but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.**

The facility is proposed to occupy approximately 10,000 square feet of the larger space formerly occupied by Art Van Furniture. There are currently no concerns with the proposed use in this location.

**3. The use will not involve operations, materials and equipment that will be detrimental, hazardous, or disturbing to any persons, property or the general welfare due to traffic, noise, smoke, fumes, glare, vibration, or odors.**

The proposed use is not anticipated to involve operations, materials, or equipment that will be detrimental to any persons, property or general welfare.

**4. The use will be consistent with the intent and purposes of this ordinance and the Holland Charter Township Comprehensive Plan.**

The use is consistent with the intent and purpose of the Township's use regulations and diversifies the services offered within the C-2 Community Commercial zoning district.

**5. The use will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.**

It would appear all work related to this proposed use would occur within the building. No topographic modifications are proposed.

The Planning Commission may wish to see some front yard landscaping be installed along US-31 or Van Ommen Drive.

Note, up to 14 parking spaces could be removed and still allow the entire property to remain compliant with the parking ordinance.

**6. The use will not result in traffic congestion, nor have an adverse impact on roads, nor cause hazards.**

The proposed use is not anticipated to have any major impact on roads compared to if the space was a traditional retail suite. The applicant should consider options for improving pedestrian access along the Van Ommen Drive frontage.

**7. There is need for the proposed use within the township, and the use will not be detrimental to the community.**

The Planning Commission has confirmed that there is a need.

Mr. Becker asked the Commissioners if anyone is against them using the facility for rehabilitation services? The Commissioners all agreed that would be fine. Mr. Kortering stated that they could add wording to the motion to allow that.

Mr. Kortering asked if they need to talk about landscaping along Van Ommen Drive? Mr. Tomina said that they are willing to add landscaping as needed and can work with Staff on this. Staff noted that this is a unique parcel as it was originally served by a private drive but then turned into a public road. Staff also noted that there are plenty of parking spaces on the property and that they could remove a few parking spaces to add a few trees along Van Ommen Drive.

\*\* It was moved by Becker and supported by Barajas to approve the request for a Special Land Use Permit for a Specialized Training School including the provision of rehabilitation services, subject to Staff's review and approval of landscaping along the western property line in accordance to the ordinance. A roll call vote was taken. Yes – 6, No – 0, Absent - 1. Motion carried.

**Chairman Kortering opened a public hearing for consideration** of a Special Land Use Permit for accessory Outdoor Display Sales and Vehicle Sales limited to new non-commercial utility trailers, submitted by Daphne Oly of Sam's Real Estate Business Trust. Said lands are located at 2190 North Park Drive, described more specifically as Parcel Number 70-16-21-100-069. The subject property is zoned C-2 Community Commercial

Present for this request was Ms. Daphne Oly, Store Manager, of Sam's Real Estate Business Trust.

Ms. Oly stated that she is here to request approval for outdoor display of swing sets, utility trailers and storage sheds. She noted that they would not need the whole front area of the building as noted on the drawings. Ms. Oly said that 75'-100' would be enough space. The space is right up next to the building running along the front (north) of the building.

The Commissioners expressed concern with the fact that there are no barriers between the items on display and the traffic lane. Ms. Oly said that she could put up some sort of fencing or cones. She also said that the swing sets could be displayed inside the building but they would prefer that they be outside. Ms. Oly also noted that there is currently a constructed swing set on display outside and would ask for permission to allow that to remain there until it was sold so they do not have to take it all apart to move it back inside the building.

Mr. Barajas asked if this area is designated as a fire lane? Ms. Oly noted that it is stripped off making it look like a fire lane but it is not the designated fire lane. They will maintain the necessary 26' wide fire lane around the building.

Mr. TeSlaa suggested that if they do not need the whole front of the building for display purposes maybe in the motion they could limit it to a specific area.

Mr. Kortering said that they are asking for general purpose which means they could in effect display anything they wanted to out there. He asked if the Commissioners had a problem with that. Mr. Becker said that he doesn't have a problem with the verbiage of general purpose. He is, however, concerned with how close to traffic this is, especially with the swing sets being there; he is very concerned about the safety of children. Mr. Becker asked if it would be possible to move the display area to a section of the parking lot to the east instead. He suggested then they could fence off the area and make it safer for customers. Ms. Oly said that she wouldn't want to take up prime parking by putting it in the middle of the parking lot but she could possibly put it in the last row of parking spaces along US-31 if the Commissioners didn't want it along the building.

Mr. Sharp stated that he doesn't like the idea of putting a playset so close to traffic. Mr. Becker said that if they are not able to move it to another location in the parking lot then he would like to see more permanent fencing that would safeguard pedestrians.

Staff pointed out that the 26' wide fire access lane was being maintained along the north side of the building. Staff also said that they are also concerned with the safety of shoppers/pedestrians, and it may be beneficial to see a fenced area similar to Lowe's. Staff agreed that the idea of putting the displays in a different area of the parking lot that could be fenced off could limit safety concerns.

Chairman Kortering opened the meeting up for public comments.

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

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

Mr. Sharp said that he is more concerned with the request being for general because of the increased possibility of more pedestrians in the area. Mr. Darrow stated that he is concerned with pedestrian safety. Mr. Becker reiterated that he really doesn't like it being along the front of the building so close to traffic. Mr. TeSlaa said that he is concerned with the play equipment and the safety of children. He would like to see it moved 25' or more away from the doors so that when vehicles pull up to load, they are not in front of the displays.

The Commissioners went over the Standards of Approval for Special Land Uses.

**1. The use will be harmonious and appropriate with the existing or intended character and land uses in the general vicinity.**

Outdoor sales areas have been approved for properties such as Walmart, Lowe's, Tractor Supply, and Blain's Farm & Fleet. The proposed use could be seen as appropriate; however, the limits of the outdoor sales area will need to be clearly and physically defined like those businesses mentioned above.

- 2. The use will be served adequately by public services and facilities, including, but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.**

The use is not anticipated to impact utilities, however, balancing pedestrian safety adjacent to the drive aisle and the 26' emergency access lane will be critical.

- 3. The use will not involve operations, materials and equipment that will be detrimental, hazardous, or disturbing to any persons, property or the general welfare due to traffic, noise, smoke, fumes, glare, vibration, or odors.**

This is not a concern.

- 4. The use will be consistent with the intent and purposes of this ordinance and the Holland Charter Township Comprehensive Plan.**

We allow this use in other locations.

- 5. The use will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.**

Not a big concern.

- 6. The use will not result in traffic congestion, nor have an adverse impact on roads, nor cause hazards.**

As long as they keep the 26' wide emergency access, it is good.

- 7. There is need for the proposed use within the township, and the use will not be detrimental to the community.**

The business has stated it is a need.

Mr. Becker stated that if the request is as is then he would vote no. Otherwise, he would like to see the Commission table it and give them time to come back with other options.

Staff said that this plan will be acceptable for the Fire Chief. He said they would like specifics from the Commission if there are going to be applying conditions to items being displayed so that they know how to work with the applicant moving forward.

Ms. Oly said that she would be good with just displaying trailers and sheds but she is also willing to implement extra safety precautions to allow the display of swing sets.

Mr. Darrow said that he would prefer not to have sheds displayed but he is ok with the utility trailers. Ms. Oly replied that she would be good with that, as she could put the sheds in the store if necessary.

\*\* It was moved by Darrow and supported by Barajas to approve the request for a Special Land Use Permit for outdoor display of non-commercial utility trailers only. A roll call vote was taken. Yes – 6, No – 0, Absent - 1. Motion carried.



**Chairman Kortering opened a public hearing for consideration** of a Special Land Use Permit for a vehicle wash, submitted by Prabhjeet Matharoo of CWP West Corp. on behalf of Chuck Rozema of Northgate Development LLC. Said lands are located at 415 E Lakewood Boulevard, described more specifically as Parcel Number 70-16-21-100-073. The subject property is zoned C-2 Community Commercial.

The applicant has requested the item be tabled.

Chairman Kortering opened the meeting up for public comments.

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

\*\* It was moved by TeSlaa and supported by Barajas to table the public hearing. All in favor. Motion carried.

**Chairman Kortering opened a public hearing for consideration** of a Special Land Use Permit for a Contractor's Facility with Outdoor Storage, submitted by Kraig Lamar of Masonry Arts Company on behalf of Lick LLC. Said lands are located at 12613 James Street, described more specifically as Parcel Number 70-16-16-300-049. The subject property is zoned C-2 Community Commercial.

There was no one present for this request.

Chairman Kortering opened the meeting up for public comments.

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

\*\* It was moved by Becker and supported by TeSlaa to table the public hearing. All in favor. Motion carried.

**Chairman Kortering opened a public hearing for consideration** of a Special Land Use Permit for a Contractor's Facility with Outdoor Storage, submitted by Kraig Lamar of Masonry Arts Company on behalf of Lick LLC. Said lands are located at an adjacent lot to 12613 James Street, described more specifically as Parcel Number 70-16-16-300-052. The subject property is zoned C-2 Community Commercial.

There was no one present for this request.

Chairman Kortering opened the meeting up for public comments.

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

\*\* It was moved by Becker and supported by TeSlaa to table the public hearing. All in favor. Motion carried.

## **Other Business**

**Smithfield Condominiums PUD – 0 (Vacant) & 3846 120<sup>th</sup> Avenue – Parcel Number 70-16-10-100-006 & -007** – Submitted by Smithfield Development, LLC on behalf of Smith Trust & Payback Properties, LLC. (Tabled October 4, 2022)

Present for this request was Ms. Kelly Kuiper of Smithfield Development, LLC, 3471 146<sup>th</sup> Ave., Zeeland, MI, 49464.

Ms. Kuiper said that they intend to combine the two parcels, however, they have not closed on the purchase yet and cannot combine them until after closing. She said that they have spent a lot of time with the engineers to make a public road that connects to Hickory Woods with a looped system in this development and she believes they are presenting a good plan to the Commission. Ms. Kuiper noted that Staff had a comment in the Staff Report about the shape of the retention basins. She acknowledged that they are very square in shape on the drawings, however, they intend to make them a more natural shape in the end. Ms. Kuiper said they have received preliminary approval from the Ottawa County Drain Commission and the Ottawa County Road Commission. Ms. Kuiper indicated that they are proposing 100 attached units on a looped public road with sidewalks on one side of the road that will connect to the sidewalks in the Hickory Woods Development.

Ms. Kuiper stated that the PUD meets the purpose of a PUD in a few ways: 1) It allows traditional condominiums that are closer to the road and closer to each other (side to side); 2) Efficiency of layout; 3) The plan allows preservation of vegetation as a buffer; 4) The plan allows for larger detention ponds because of the proximity of the homes to each other; and 5) A HOA will be in place in the Master Deed for maintenance of the natural features.

Ms. Kuiper said that the PUD meets at least 4 of the qualifications of a PUD: 1) Sidewalks along one side of the road connecting to the adjacent development; 2) High quality design; 3) Helps the flow from high density to low density in the surrounding area; 4) Good vehicular connection to the adjacent density; and 5) Mitigates impacts on public facilities.

Ms. Kuiper is asking for some deviations: 1) Front yard setbacks of 35' from edge of road and 18' from the right of way line and for units with sidewalks, front yard setbacks of 43' from edge of road and 23' from property line; 2) Side yard setbacks be reduced from 40' to 20', which she stated is typical of a condominium layout; 3) A building separation distance between the side and rear of a unit of 31'; 4) Landscape Buffer deviations along the property lines because this is a residential use next to a residential use, they should not need to put in a buffer; 5) The existing overhead high voltage line cannot be moved and putting it underground is cost prohibitive. All other electrical lines will be underground.

Staff stated that over time, these condominiums will sell to new owners and those new owners may want to add a 3- or 4-season room or a larger patio off the back and the Commissioners should be clear as to whether the building setbacks are per the setback lines shown or restricted to the building footprints as shown. The Commissioners accepted the setback lines and building separation distances proposed.

Ms. Kuiper stated that they have both limited common elements (such as driveways) and they have general common elements (such as green spaces). The master deed will not allow owners to build on the general common element (the green space behind their unit).

Ms. Kuiper noted that they want the ponds to be more natural in shape than what is shown here. She also said that they have variety in architectural style because they have basements, and their floor plans allow for a lofted space option if an owner chooses that option. She said that the units will have 2 or 3 bedrooms with 2 bedrooms on the main floor and the option of 1 bedroom in the basement.

Ms. Kuiper said that they have a landscaping plan that they feel meets the preliminary and final development plan qualifications. She said that they are asking for a variance in the buffer because she doesn't see a need for large buffers because it is single family next to single family. She said they have included landscaping along 120<sup>th</sup> on the landscaping plan.

Mr. Sharp asked about the utility easement extending a bit further east. Ms. Kuiper responded that Consumers wants to see complete and fully engineered construction plans before they will possibly reduce the utility easement.

Mr. Becker pointed out that there is not a playground in the plans. Mr. Kortering understands with this type of development there is not a big need for a playground for children, but he is happy to see a few areas of green space.

Mr. Darrow asked why Lot 96 is the only stand-alone unit. Ms. Kuiper stated that they wanted to provide at least one unit that was stand alone and this was the only place that worked on the layout with the engineers. She did note that in the final plan, it may be connected to Lots 94 & 95 to make a triplex building.

Ms. Kuiper said that they are planning 2 phases in construction. Phase 1 will be the whole road that connects 120<sup>th</sup> to Hickory Woods. Phase 2 then would be the loop.

The Commissioners went through the Preliminary PUD Planning and Zoning Analysis. Staff noted that they need to meet 1 of the 10 items.

The purpose of the PUD process is to provide as a design option to allow for one (1) or more of the following:

1. Innovative land development in terms of variety, design, layout, and type of structures constructed;
2. Efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
3. Adaptive re-use of significant or historic buildings;
4. Mixed use development projects and/or mixed-use buildings;
5. Preservation and protection of significant natural features, open space, and cultural/historic resources;
6. Promote efficient provision of public services and utilities;
7. Minimal adverse traffic impacts and accommodate safe and efficient pedestrian access and circulation;
8. Convenient recreational facilities;
9. Use and improvement of land where site conditions make development under conventional zoning difficult or less desirable; and
10. Open Space Development option, per Section 16.3 E.

Mr. Kortering read the Staff's note regarding these items: Staff appreciates the provided revisions as they do improve vehicular and non-motorized circulation, however, we are less inclined to consider the design innovative or containing any elements in order to deem this an open space development. The overriding factor seems to be the desire to utilize a PUD in order to reduce the front yard building setbacks.

### PUD – Pre-Qualifying Conditions

The applicant shall demonstrate that the PUD provides at least four (4) of the following site design elements, which could not be attained under conventional zoning.

Staff believes items 9, 10, and 11 have been met at this time with items 2 and 3 being considered “possibly” met:

1. Mixed-use development with residential and non-residential uses or a variety of housing types;
2. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear;
3. High quality architectural design beyond the site plan requirements of this ordinance;
4. Extensive landscaping beyond the site plan requirements of this ordinance;
5. Preservation, enhancement, or restoration of natural resources (trees, slopes, wetlands, water views, etc.);
6. Preservation or restoration of significant or historic resources;
7. Provision of open space or public plazas or features;
8. Efficient consolidation of poorly dimensioned lots or property with difficult site conditions (e.g. topography);
9. Effective transition between higher and lower density uses, and/or allowing incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;
10. Shared vehicular and pedestrian access between properties or uses;
11. Mitigation to offset impacts on public facilities (such as street improvements); or
12. Significant use of sustainable building and site design features such as: water use reduction, innovative wastewater technologies, low impact stormwater management, on-site renewable energy, reuse/recycled/renewable materials or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.

Commission agreed with Staff that site design elements numbers 9, 10 and 11 have been met and also deemed item 3 to meet the qualifications.

### PUD – Preliminary Approval Standards

A preliminary PUD development plan shall only be approved if it complies with each of the following standards and applicable standards established elsewhere in Article 16.

Staff believes items B, C, E, F, and G have been met at this time with items A and D being considered “possibly” met:

- A. Intent and Qualification. The proposed PUD complies with the intent and the applicable qualifying conditions of Sections 16.1 C and 16.2 C of this article, respectively.
- B. Uses. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with the Holland Charter Township Comprehensive Plan.
- C. Design. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D. Character. The PUD shall not change the essential character of the surrounding area.
- E. Impact. The PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- F. Public Service Capacity. The PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
- G. Utilities. Underground utilities, including telephone and electrical systems, are required within the limits of all PUDs. Appurtenances to these systems, which can be effectively screened, may be exempt from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

The Commissioners stated that items A through G have been met, therefore the preliminary PUD meets the approval standards.

\*\* It was moved by Barajas and supported by Becker to approve the preliminary PUD request as presented with building setbacks as shown on the plans and with the building separation distances as discussed to establish the buildable area. A roll call vote was taken. Yes – 6, No – 0, Absent - 1. Motion carried.

\*\* It was moved by TeSlaa and supported by Becker to reopen the Public Hearing for the consideration of a Special Land Use Permit for a Contractor's Facility with Outdoor Storage, submitted by Kraig Lamar of Masonry Arts Company on behalf of Lick LLC.

Present for this request was Mr. Matt Wickstra of Lick LLC, Kraig Lamar of Masonry Arts Company, 6465 144<sup>th</sup> Ave., Holland, MI, 49423, and Mike Louwsma of 8558 Adams Street, Zeeland, MI, 49464.

Mr. Darrow is abstaining from this item.

Mr. Wickstra said that in 2006 they developed the property and at that time one large lot was divided into 3 lots.

Mr. Wickstra noted that they have large racks that hold raw material. In 2014, they received a code enforcement citation that the rack was too tall and they needed to lower it one level. They complied with that citation and lowered the rack one layer. Mr. Wickstra stated that the rack storage is grandfathered in since it has been there for 17 years.

Mr. Wickstra said that they are now asking for contractor's facility approval. They have a purchase agreement for the land to the west. Their plan is to clean it up and put down gravel for trailer and other light equipment storage. He stated that they would add landscaping to the north, west and south of that property to create a buffer.

Mr. Wickstra said that the code enforcement issue in 2014 was resolved and the new code enforcement issue has also been resolved.

Staff stated that they do not agree that the storage is grandfathered. It was noted that this plan is contingent on the lots being combined and installing a buffer along the whole north property line not just along the north line of the adjacent vacant property.

Mr. Wickstra noted that they can slide the outdoor storage racks over to meet the setbacks.

Mr. Louwsma said that they currently have 2 fences in the area, a chain link fence and a wood fence, that already collect a lot of debris and if they have to add another fence for a buffer, they are concerned that this will create a space for critters to live. Staff noted that they do not need to add a fence as the buffer could be a fence, berm, trees, shrubs, or a combination of those options.

Mr. Becker asked what they are storing? Mr. Lamar answered that they are storing skids of bricks, trailers and miscellaneous equipment.

Staff said that if they are not combining the lots then they can only have a contractor's facility with outdoor storage on 12613 James St, and not on the westerly adjacent vacant property. The Commission would not be able to approve an accessory use of outdoor storage on the westerly vacant property without a principle use on that lot. Mr. Wickstra stated that his lawyer said that they would not need to combine the lots to get this approved.

Mr. Kortering offered that the Commission could approve the special use permit for a contractor's facility with outdoor storage for 12613 James Street then table the special use request for 0 (vacant) James Street. That would give the applicants' attorney time to write a letter and come back before the Commission.

Chairman Kortering opened the meeting up for public comments.

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

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

The Commissioners went over the Standards of Approval for Special Land Uses.

**1. The use will be harmonious and appropriate with the existing or intended character and land uses in the general vicinity.**

Similar uses have been on-site for a number of years and there was an enforcement for outdoor storage back in 2014. Today, the use might be considered harmonious in the vicinity considering the legal non-conforming impound lot to north, however, the pending efforts for redevelopment to the west could make the outdoor storage less appropriate.

- 2. The use will be served adequately by public services and facilities, including, but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.**

We know that it already does.

- 3. The use will not involve operations, materials and equipment that will be detrimental, hazardous, or disturbing to any persons, property or the general welfare due to traffic, noise, smoke, fumes, glare, vibration, or odors.**

Just bricks and trailers.

- 4. The use will be consistent with the intent and purposes of this ordinance and the Holland Charter Township Comprehensive Plan.**

Yes, because it is C-2 Community Commercial.

- 5. The use will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.**

The site is void of any natural state, therefore, any landscaping required within a motion to approve the use would lead to the enhancement of the site and area.

- 6. The use will not result in traffic congestion, nor have an adverse impact on roads, nor cause hazards.**

Not an issue. Improved emergency access will need to be addressed along with the lot combination discussion.

- 7. There is need for the proposed use within the township, and the use will not be detrimental to the community.**

The business has stated it is a need.

Mr. Kortering asked if the Commissioners need to require landscaping? Staff said that outdoor storage standards apply which would include screening. Mr. Wickstra stated that there is not room for screening.

Mr. Becker asked what steps the applicant can take to get a variance for screening. Staff indicated that they would need to go to the Zoning Board of Appeals to get a variance. He said that the Commission can approve the special use tonight then the applicant could go before the Zoning Board of Appeals to apply for a variance.

Mr. Kortering noted that if we approve then we are being consistent with landscaping requirements. Staff said that the other option would be to table tonight and give the applicant time to work with his lawyer and come back at a later date. The applicant indicated that they would rather get the approval for the special use and then talk to their lawyer about what to do next.

\*\* It was moved by Becker and supported by Barajas to approve the request for a Special Land Use Permit for a contractor's facility with outdoor storage with the stipulation that the outdoor racking does not exceed 16 feet in height. The special land use will apply to the subject property rather than an individual suite. A roll call vote was taken. Yes – 5, No – 0, Abstain – 1, Absent - 1. Motion carried.

It was determined that the consideration of a Special Land Use Permit for Outdoor Storage at an adjacent lot to 12613 James Street, described more specifically as Parcel Number 70-16-16-300-052, will remain tabled.

**Planning Commission Discussion – Master Plan Sub-Area Overlay Zoning District(s):** Item to be discussed at a Special Meeting of the Planning Commission on Thursday, February 23, 2023 at 6:00 pm.

Staff noted that Park Township and the City of Holland have both sent letters to the Commission stating that they are revising their master plans.

The next regular Planning Commission meeting is scheduled for Tuesday, March 7, 2023, at 6:00 pm.

The meeting adjourned at 8:10 pm.

Respectfully submitted,

Tricia Kiekintveld  
Recording Secretary