

HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION

Regular Meeting

August 1, 2017

The meeting was called to order by Chairman Marion Hoeve at 7:00 p.m.

Present: Chairman Marion Hoeve, Vice-Chairman/Secretary Jack Vander Meulen and Members Ken Bosma, Dennis Gebben, LaVerne Johnson, Norm Nykamp, and Ed Zylstra. Also present was Assistant Planner Corey Broersma, and Recording Secretary Sheri Thomassen.

Absent: None

The minutes of July 11, 2017 were approved as written.

Mr. Hoeve explained the public hearing process to the audience and an adjustment to the order to the night's hearings.

**Mr. Hoeve opened the floor to Mr. Mick McGraw with Eastbrook Homes.** Mr. McGraw was present to provide information requested at last month's meeting pertaining to an adjustment in the size of 12 units at Macatawa Legends PUD. For the northern 6 units, Mr. McGraw agreed to keep the northern unit lines in their original position per the approved PUD, however, asked that the southern 6 unit's southern unit lines be kept at their requested location. Without the adjustment he felt future lots would be very shallow (approximately 125').

Planning Commission asked if it was the intent that there would be screening. Mr. McGraw answered that some would be added considering the recently approved condominium development (Legends View PUD) to the south, but the relief being requested is important to create room for adequate screening.

Mr. McGraw also suggested installing the proposed sidewalk along Harington Landing on the north side of the road rather than the south. He felt this would create a good link to the park area within the Villas. Additionally the Sports Club condominium doesn't want the sidewalk on the south side as it would eliminate existing landscaping.

Finally Mr. McGraw indicated a desire to install monument signs similar to stone entry ways except smaller with logo only at 136<sup>th</sup> Avenue and 144<sup>th</sup> Avenue. Planning Commission asked that he work with staff and then bring the sign issue to next month's meeting.

\*\*Motion made by Mr. Bosma and supported by Mr. Gebben to approve unit line adjustment for the southern 6 units and relocated the proposed sidewalk to the north. Motion carried.

**Mr. Hoeve opened the public hearing for consideration of a Special Use Request** submitted by Jon D. Walcott on behalf of Tilbright, LLC at 118 Aniline (units 15-18). Topic tabled June 6 and July 11, 2017. Petitioner is seeking permission to operate a vehicle repair service, not including junking or wrecking, within 4 units of the Ottawa Beach Drydocks condominium. The property is zoned I-2, General Industrial.

Present to speak for this request was Jack Barr with Nederveld Inc., 347 Hoover Blvd. Additional documents requested by the Planning Commission have been provided, and they ask that the property be allowed to function as a car repair facility. Units 15-16 will be used for car staging primarily, and Units 17-18 will include hoists for repairs. It is a word-of-mouth business with no road frontage or signage.

Planning Commissions concerns included special use staying with the property forever, parking

and traffic flow. If this business is allowed, will others be allowed? Speaker indicated that other business/contractors are operating out of other units now. Customer vehicles are often picked up for repair by Mr. Walcott, so parking is not an issue.

Planning Commission discussed if Special Use can be terminated at the end of use. They agreed that it can with offer from the Applicant. Staff reminded the Commissioners of the two letters of objection were read at the June 6, 2017 meeting.

On July 12, 2017 a letter was received from two representatives of the Condominium's Board of Directors indicating support for the project. The letter further claims the condominium bylaws permit uses such as contractor suites, marine repair facilities, or accounting services. A letter from the project architect indicated the Building Inspector had no objections.

The facility is currently approved for storage. Underlying zoning makes this request a Special Use.

Applicant Jon Walcott, 1551 Perry St., was present to speak to this request. He plans to be in business for himself for the next 20+ years and offered to give up Special Use when no longer in business.

\*\*Motion to close hearing by Mr. Bosma, supported by Mr. Nykamp. Motion carried.

\*\*Motion made by Mr. Vander Meulen to deny special use request as it goes beyond original intent based upon the Planning Commission's findings. Supported by Mr. Bosma.

Mr. Gebben asked about applicant's willingness to give up the use when he leaves. Mr. Walcott indicated he would.

\*\*Motion carried 5 to 2 with opposition from Mr. Gebben and Mr. Hoeve.

**Mr. Hoeve opened the public hearing for consideration of a Re-zoning** submitted by Brent Nienhuis for vacant property at 135 Elberdene St. (Parcel No. 70-16-17-351-006). Petitioner is proposing the rezoning from Single-family and Two-family Residential (R-2) to Light Industrial (I-1).

Greg Raad with Nederveld, Inc. was present to speak to this request and asked that this lot be brought into compliance with the Future Land Use Map. Planning Commission's questions included how property is accessed. Mr. Raad clarified that this parcel is just one piece of the entire property and that there has been no discussion yet on how it would be accessed. Staff strongly suggested future access to any industrial use be from Commerce Street.

Present in the audience to speak to this request was Jerry Seabright, Sebright Machining. He said there is currently little traffic and would like to see zoning changed.

Present in the audience to speak to this request was Chad Bareman, owner of property to the north. He is against the masterplan because he feels the entire property should all be zoned Light Industrial.

#### Re-zoning Considerations:

1. Does this request result in spot zoning? No, adjacent properties to the north and east are zoned Light Industrial (I-1) and the re-zoning would be supported by the Future Land Use Map.

2. Is the request consistent with the surrounding property? Yes, considering the adjacent I-1 properties, the rail corridor, and the separation distance created by the Elberdene public right-of-way. Additionally, the subject property will be strongly encouraged to provide access from Commerce Court.

3. Is the requested rezoning consistent with the general trend of future building and population growth in the area? Yes, considering the permit activity along Commerce Court.

4. Is the requested rezoning consistent with the Future Land Use Map/Master Plan?

The rezoning would comply with the Township's Future Land Use Map.

\*\*Motion to close hearing by Mr. Nykamp and supported by Mr. Zylstra. Motion carried.

\*\*Motion made by Mr. Bosma and supported by Mr. Zylstra to recommend to the Township Board of Trustees that the proposed rezoning from Residential (R-2) to Light Industrial (I-1) be approved based on the responses to the four re-zoning considerations as recorded in the minutes. Motion carried.

**Mr. Hoeve opened the public hearing for consideration of a Re-zoning** submitted by Kelly Kuiper from Nederveld, Inc. on behalf of T K P Investments LLC for vacant land on 120<sup>th</sup> Avenue (Parcel No. 70-16-16-400-088). Petitioner is proposing the rezoning from Single-family and Two-family Residential (R-2) to General Commercial (C-2).

Greg Raad with Nederveld, Inc. was present to speak to this request in Ms. Kuiper's absence.

Mr. Vander Meulen commented that he sees 120<sup>th</sup> as more residential as it is developed, a deviation from the masterplan which indicates mixed use for this property. Mr. Bosma added that the property has been like this for many years and his observation is that it is becoming less residential and more commercial.

Present in the audience to speak to this request was Charles Doherty, 2489 120<sup>th</sup> Ave., owner of adjoining 5 acres to the north. He wants to know what they're going to put in there and is opposed to anything that creates litter. His daughter also owns property abutting the property and wants her privacy protected. Planning Commission responded that a buffer of some kind would be required in the form of a building set-back of 50' and a 10' greenbelt along the property lines abutting a residential use. Mr. Doherty wants to see it stay Residential.

Re-Zoning Considerations:

1. Does this request result in spot zoning? No, considering the adjacent fuel station, however, the re-zoning would not be supported by the Future Land Use Map. The Future Land Use Map indicates this property is suitable for an arguably less intensive Mixed Use zoning district.

2. Is the request consistent with the surrounding property? No, considering the amount of existing low density residential adjacent to the property and the vegetated drain corridor.

3. Is the requested rezoning consistent with the general trend of future building and population growth in the area? A Special Use was granted for a hotel along James Street (located south and east of this property). The Planning Commission should discuss the proximity of the hotel and its nature compared to the uses permitted by right in the C-2 zoning district.

4. Is the requested rezoning consistent with the Future Land Use Map/Master Plan? No.

\*\*Motion to close hearing by Mr. Bosma, supported by Mr. Zylstra. Motion carried.

Mr. Vander Meulen asked Staff for any additional comments and Mr. Broersma directed the Commissioners to their copy of the Staff report.

\*\*Motion made by Mr. Zylstra and supported by Mr. Gebben to recommend to the Township Board of Trustees that the proposed rezoning from Residential (R-2) to General Commercial (C-2) be approved based on the responses to the four considerations as recorded in the minutes. Motion carried 6 to 1 with opposition from Mr. Vander Meulen.

**Mr. Hoeve opened the floor to Public Comment.** Mr. Doherty's daughter reiterated she would like to see the vacant land on 120th Avenue recommended for re-zoning stay Residential.

**Zoning Ordinance Update.** □ Next meeting/work session planned for Tuesday, August 8 at

5:30 PM. August 15

<sup>th</sup> meeting is still tentative at this point.

**Mr. Hoeve opened the floor to Dan Lewis**, of Prien & Newhof at 7123 Stadium Dr., Kalamazoo MI was present to seek a parking variance for 10855 Paw Paw Dr./Cross Creek Self-Storage.

Mr. Bosma recused himself at this time due to conflict of interest with 10855 Paw Paw Dr.

1. Lewis suggests that 47 additional parking spaces required by the ordinance are not needed since the existing 15 spaces are hardly ever filled. There is often only one car in the lot. In Mr. Lewis' opinion, one or two cars accessing climate controlled buildings might increase to 2-4 per month.

Planning Commission asked if Staff is okay with the variance. Mr. Broersma responded he was with a 26' drive aisle between buildings for emergency access and if deferred parking is shown on a site plan.

There was a discussion among the Planning Commission on who has the authority to approve parking variances. There was agreement that, going forward, Staff could approve parking variances and would bring to Planning Commission at their discretion. Variances will include letter for file addressing items A-F.

Parking Variation Authority Sec. 17.7 was reviewed. Mr. Broersma was asked if Item F would be legally defensible. He responded he felt it was but changes in use are not always brought to the Community Development Department's attention. Variances will include letter for file addressing items A-F.

Motion made by Mr. Vander Meulen and supported by Mr. Zylstra to grant the parking variation request based upon the Planning Commission's review of the provided documents for the

reasons set forth in the minutes. Motion carried.

**Next Meeting** scheduled for Tuesday, September 5, at 7:00 PM.

The meeting adjourned at 8:15 PM

Respectfully submitted,

Sheri Thomassen  
Recording Secretary