

HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION
Regular Meeting
March 2, 2021

Chairman Hoeve called the meeting to order via ZOOM due to the Coronavirus (COVID-19) pandemic at 7:03 pm and asked for a roll call of members present.

Present: Chairman Marion Hoeve, Vice-Chairman/Secretary Jack Vander Meulen, Members Doug Becker, Randy Kortering, Norm Nykamp, and Miska Rynsburger. Also present were Community Development Director John Said, Assistant Community Development Director Corey Broersma, and Recording Secretary Tricia Kiekintveld.

Absent: Member Dennis Gebben

Public Comment: None

Minutes:

** It was moved by VanderMeulen, and supported by Kortering to approve the minutes of the February 2, 2021, meeting. A roll call vote was taken. All in favor. Motion carried, 6 - 0.

Public Hearings:

Chairman Hoeve opened a public hearing for consideration of an amendment to the Zoning Ordinance and Map submitted by Brad VanderZwaag of Baumann Building o.b.o. Elwin Dale and Lisa Helder to change land from AG Agricultural to R-2 Moderate Density Residential. Said lands are addressed as 11554 Greenly Street, described more specifically as parcel number 70-16-10-400-015.

Present for this request was Mr. Brad VanderZwaag of Baumann Building.

Mr. Kortering noted that this request is for moderate density residential when the standard for that parcel is for low density residential. Staff responded that the Comprehensive Plan allows for both R-1 and R-2 in terms of low density residential. They noted that the applicant will have to stay within the parameters of 5 units per acre. R-2 would allow 5.18 units per acre and R-1 would allow 4.15 units per acre on that parcel. Mr. VanderZwaag stated that they are looking to match the surrounding neighborhoods that are zoned R-2. Mr. Kortering pointed out that even though the surrounding neighborhoods are zoned R-2 they are built to meet or exceed R-1 standards. Mr. VanderMeulen pointed out that at this point they are not approving lot sizes or the layout of a potential subdivision they are only being asked to rezone the parcel to R-2. He sees this to be a good rezoning because it matches the zoning of the surrounding parcels.

Chairman Hoeve opened the meeting up for public comments.

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

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

** It was moved by Vander Meulen and supported by Kortering to approve a recommendation of approval to the Board of Trustees for the rezoning request from an AG District to an R-2 District noting that the request is consistent with the criteria for rezoning and with the understanding that this request does not represent any endorsement nor implied support for a future residential development request. A roll call vote was taken. All in favor. Motion carried 6 - 0.

Chairman Hoeve opened a public hearing for consideration of a Special Use amendment request for expansion of an existing mini-warehouse/self-storage facility (Tulip City Storage) submitted by Lynnelle Berkenpas of Holland Engineering o.b.o. Kurt Glupker of KDG Enterprises. Said lands are addressed as 23 James Street, described more specifically as 70-16-17-300-067. The property is zoned I-1 Light Industrial.

Present for this request was Ms. Lynnelle Berkenpas of Holland Engineering.

Ms. Berkenpas stated that they are looking for Planning Commission approval of Phase 3. She pointed out that Phases 1 & 2 have been completed.

Ms. Rynsburger asked if the applicant was aware of the fact that the township is requiring that there be no outside storage on the property. Ms. Berkenpas agreed to that stipulation.

Mr. Kortering pointed out that in the Staff Report there was a discrepancy in the unit count and that Building 12 looks to be larger than what is permitted. Ms. Berkenpas clarified that there will be 180 units in Phase 3. She agreed that Building 12 does have a higher square footage which is slightly higher than what is permitted. She stated that they will be sure it meets the maximum 600 square foot regulation by final submittal.

Chairman Hoeve opened the meeting up for public comments.

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

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

Mr. Kortering asked about parking. He asked if they need to have included in the motion that the applicant will need to complete a deferred parking agreement? Staff indicated that they should include that in the motion.

The Commission affirmed that this request met the Standards for Special Use.

** It was moved by Kortering and supported by Rynsburger to approve the request subject to the following conditions:

1. There shall be no outside storage on the subject property.

2. Prior to approval of any permits, the applicant shall obtain Staff approval for a final site plan including landscaping and lighting.
3. Prior to approval of any permits, the applicant shall obtain Fire Department approval for the proposed turning radii and driveway widths for emergency access.
4. Prior to approval of any permits, the applicant shall address required parking; a deferred parking agreement will be required if determined necessary by Township Staff.

A roll call vote was taken. All in favor. Motion carried 6 - 0.

Chairman Hoeve opened a public hearing for consideration of a Special Use request for a proposed warehouse facility submitted by Mary Pathuis of 3303 John F. Donnelly LLC o.b.o. Ben Fogg. Said lands are addressed as 12521 James Street, described more specifically as 70-16-16-300-050. The property is zoned C-2 Community Commercial.

Present for this request was Mr. Jeremy Fogg.

Mr. VanderMeulen asked Mr. Fogg to clarify if this would be a contractor's facility? Mr. Fogg answered that they are planning on using it strictly for storage and do not plan to have it house contractors with trucks coming and going throughout the day.

Mr. Hoeve asked how it would be divided. Mr. Fogg answered that they would separate each unit with solid walls and that each unit would have its own heating system and water going to it.

Mr. Hoeve then asked how will they get large vehicles in and out of the building since the township doesn't allow them to have overhead garage doors on the front of the building? Mr. Fogg stated that they have multiple options and they are able to work through that with Staff. Mr. Hoeve stated that he is concerned about this because it looks to him like the really only accessible side of the building is the front because the building sits so close to the property line on the other sides. Staff responded that this request is just to approve the Special Use and not to approve the design of the building. They can work with the applicant and figure out something that could work for them.

Mr. Kortering asked Staff how they need to handle the legal non-conformities of the building as it stands. Staff noted that yes there are non-conformities of the building. First, the building is taking up about 35% of the land area when the maximum allowed is 25% and, they also do not comply with the legal setback requirements. Staff stated that most of the time with existing buildings like this it can be handled at Staff level but they can bring any issues to the Zoning Board of Appeals if they need to.

There was additional discussion about the feasibility of access to the building for larger vehicles. Mr. Fogg pointed out that there is an additional easement along the south side of the building that will give them extra space. Staff stated that they have not seen documentation of that easement and asked the applicant to get that to them. It was noted by Staff and Mr. Fogg that there are options and they can work the details out later.

Mr. VanderMeulen asked if they plan to keep all of the existing black top? Mr. Fogg stated that they do not plan to tear any of it out except what may be necessary to comply with landscaping requirements.

Mr. Becker asked if auto repair would be allowed in this building? Mr. Fogg answered that they would not allow commercial auto repair in the building and that could be a stipulation of approval.

Staff noted to allow that would require a Special Use, as would any contractors' facilities, and the current request is just for warehouse storage.

There was more discussion about the definition of an upward acting (overhead) door. Staff stated that Section 10.2 of the Ordinance talks about the use of the door more than the style or action of the door specifically.

Ms. Rynsburger stated that it looks to her like the request meets the standards and is wondering why Staff was suggesting that it did not? Staff responded that there are lots of ways to interpret the standards, and that the explanation is in the Report, and that Commissioners can certainly interpret things differently.

Chairman Hoeve opened the meeting up for public comments.

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

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

Mr. Kortering pointed out that they are making a motion on the Special Use and not on the doors.

Staff stated that the Comprehensive Plan on p. 54 states Community Commercial land uses are those that promote the sale of goods and services that serve the community. Staff wonders if they could use part of the building for the designated C-2 use and part of the building for warehousing storage to better comply with the Comprehensive Plan? Mr. Fogg responded that they do not have any plans for that at this point. If they do get a request from a tenant that would like to provide the sale of goods and/or services to the community then they can come back to the Commission for approval of that as a Special Use but currently the request is for the whole building to be warehouse storage.

Mr. VanderMeulen pointed out several items. He stated that this seems like a valuable piece of property and this doesn't seem like the best use for it; however, if it sits empty then it will start to look run down and grass will start growing through the parking lot and the township doesn't want to see that. In the market we are currently in he doesn't see new commercial businesses wanting to buy property like this right now so this could be a good intermediate use of this property so it doesn't get run down. Mr. Hoeve agreed that this may be the best use of this building right now due to how close it is to the neighboring buildings on three sides not allowing for many windows for commercial uses.

The Commission affirmed that this request met the Special Land Use Standards of Approval.

** It was moved by Rynsburger and supported by Kortering to approve the request with the following conditions:

1. There shall be no outside storage on this property.
2. Prior to obtaining any permit, the applicant shall provide documentation, such as lease and title restrictions, indicating that there will be no manufacturing, assembly, or fabrication of any kind and that all uses within the building shall be limited to warehousing/storage.

3. Prior to obtaining any permit, the applicant shall obtain Staff approval for a final plan, including but not limited to, elimination of any proposed non-compliant overhead doors, landscaping, and lighting.
4. Prior to obtaining any permit, the applicant shall provide written documentation confirming the existing access easement for the driveway immediately south of the site.

A roll call vote was taken. All in favor. Motion carried 6 - 0.

Staff stated that they would like direction from the Commission on how to move forward on landscaping requirements. Mr. Hoeve stated that he feels the minimum would be enough since this will not be a typical commercial use. Ms. Rynsburger stated that even the surrounding parcels are not well landscaped and the parking lot will basically be an open unused lot. Staff commented that this could be a good starting point for that area for improved landscaping. Mr. VanderMeulen said that he would like to see some sort of landscaping along the street as well as a couple of islands with shade trees in the parking lot. But not to make them comply with new regulations.

Chairman Hoeve opened a public hearing for consideration of a Special Use request for minor vehicle repair submitted by Tom Miedema of Miedema Metal Building Systems o.b.o. Nick Markovic of M&M Equities. Said lands are addressed as 11039 Water Tower Court, described more specifically as 70-16-23-320-023.

Present for this request were Tom Miedema of Miedema Metal Building Systems and Nick Markovic of M&M Equities.

Mr. VanderMeulen asked what their plans for garbage are. Mr. Miedema answered that they do not plan on high garbage use and will just use roll away cans that will be inside the building and only be put out on garbage pick-up day.

Staff noted that it was confirmed by looking at prior Zoning Board of Appeals minutes that the maximum display vehicles allowed on this parcel would be 27 after the required parking lot canopy trees were added.

Chairman Hoeve opened the meeting up for public comments.

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

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

The Commission affirmed that this request met the Special Land Use Standards.

** It was moved by Becker and supported by Rynsburger to approve this request with the following conditions:

1. This Special Land Use Permit does not replace or supersede the Vehicle Sales Special Land Use Permit secured on October 6, 2020.
2. The approval shall also be for the repair of passenger vehicles only, and shall not include RV's, commercial trucks, boats, or any other types of vehicles;
3. The passenger vehicles shall be those to be sold or leased from the subject property.

4. There shall be no outside storage of any materials, equipment, or vehicles beyond the 27 display vehicles allowed in conjunction with the October 6, 2020, Special Land Use permit for Vehicle Sales.
5. At least 2 parking lot canopy trees must be added.

A roll call vote was taken. All in favor. Motion carried 6 - 0.

Other Business

13928, 13918, 13890 Westwood Lane - Multi-family (attached residential) residential – Michael Stubbs/Duneside Holdings LLC described more specifically as 70-16-07-231-002,-003, and -004. The site is zoned R-3 High-Density Residential.

The applicant seeks Site Plan approval for development of a multi-family residential project, consisting of three attached single-family residential buildings; one with 8 units, and two with 6 units each (20 units total). All the proposed units will be rental, and all will have 2 bedrooms and attached one-car garages. In front of the units, plans show a proposed common driveway with parking, as well as driveways. Plans also indicate a proposed dry-bottom detention area along the west edge of the site.

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

Mr. Molnar stated that they are looking to combine the three parcels, which are all owned by Mr. Stubbs, and fill them with similar density apartments to what is currently in the adjoining parcels.

Mr. Kortering asked what their plans are for trash, if they plan to use a community dumpster or individual rolling bins? Mr. Molnar answered that they plan to have roll out bins that will be stored in the garages. Staff indicated that this has caused problems at other apartment buildings where the garages get too full and the residents start leaving the bins in front of the buildings. Mr. Molnar stated that they could include in the rental agreements that the bins have to be stored in the garages. Mr. Molnar stated that putting in a community dumpster is an option they could take a look at.

Staff pointed out some issues they see with the plans that were submitted. The first is with the parking design. Staff is very concerned with some of the parking being so close to the front doors and the safety of the residents with a vehicle parked right by front doors. They are suggesting removing those spaces and creating a common parking area away from the buildings. Second, is no common open space nor play areas indicated for the enjoyment of residents. Third, the applicant will need to confirm that dwelling unit sizes and storage area sizes meet minimum Zoning Ordinance requirements. Fourth, the landscape plan does not meet minimum requirements specified in the Zoning Ordinance; the applicant is responsible for such landscaping, and revised plans will need to indicate that. Fifth, the applicant should identify if there will be a common-area dumpster/recycling enclosure, it must be indicated on the plans (and meet setbacks). If there will be individual trash/recycling containers, the applicant needs to identify how such receptacles will be prohibited from being placed outside of units other than during trash pickup periods. Finally, the applicant needs to identify what type of on-site management and maintenance will be done for this project; no on-site office is indicated.

Mr. Kortering asked what the criteria is for needing on-site management and or maintenance? Staff indicated that there are not specific requirements, that they are just asking what their management plan is, and that this is an appropriate part of the site plan review.

Parking was further discussed. Mr. Molnar stated that they could add additional green space between the building and the parking spaces or look at creating a community parking area.

Mr. Molnar felt that they were in compliance with landscaping requirements and would like clarification on what is required. Staff answered that they do not remember in specific numbers what was missing but they do recall there being a deficiency. Mr. Molnar stated that they were not looking for any exemptions and are willing to meet requirements. They will work with Staff on meeting landscaping requirements.

Ms. Rynsburger asked if they can table this request to allow the applicant time to work with Staff on making the improvements discussed tonight and then come back with a new plan at a future meeting? Staff indicated that this would be a good option.

Chairman Hoeve opened the meeting up for public comments.

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

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

** It was moved by Nykamp and supported by Rynsburger to table this request. A roll call vote was taken. All in favor. Motion carried 6 - 0.

12191 – 12199 Felch Street – HOM Flats Planned Unit Development (PUD) Amendment

Staff is looking for direction for a proposed amendment to the approved PUD as it relates to the previously required deferred parking agreement and associated landscaping.

The developer (Vishal Arora from Magnus Capital Partners) is interested in eliminating the deferred parking agreement as investors view it as a future liability. In order to retain the walking trail and a majority of the natural buffer along the northern portion of the property, Staff has recommended the installation of approximately 33 spaces of the 87 deferred in order to void the need for the deferred parking agreement.

Present for this discussion was Vishal Arora from Magnus Capital Partners. Chairman Hoeve welcomed Mr. Arora's input.

Mr. Arora stated that they would like to install all of the differed parking that was approved now. Staff suggested that they install 33 spaces now and void the rest of the differed parking permanently. There was discussion that originally there were 87 deferred parking spaces which was more than needed. It was also pointed out that the Commission was highly in favor of the natural green space at the north end of the property where some of the proposed 87 differed parking spaces would be located and they would hate to see that green space lost to parking. Mr. Arora appreciates the Commission's approval of the green space at the North end of the property

and stated that they are planning to add even more improvements to both that green space as well as the green space in the southern court.

It was determined that this is a minor change and a consensus was taken that all members present agree to approve the elimination of the deferred parking agreement provided the additional 33 parking spaces were added and landscaping adjusted accordingly.

1226 136th Ave – Multi-family Residential (Signature Estates; amendment to previously approved project)

Staff stated that the Ottawa County Road Commission would not allow the number of driveways originally proposed. The developer has adjusted the layout of the units at the cul-de-sac to reduce the number of driveways. Staff also pointed out that the Water Resource Commission wanted buildings 17 and 20 moved forward on the property to avoid pinch points. Staff is asking if the Commission has any objections to these changes? It was verified that the unit count remains the same.

A consensus was taken that all members present agree to approve that these minor changes can be made.

The meeting adjourned at 8:32 pm.

Respectfully submitted,

Tricia Kiekintveld
Recording Secretary