

HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION
Special Meeting Concerning Farm Stands
May 18, 2021

Chairman Hoeve called the meeting to order via ZOOM due to the Coronavirus (COVID-19) pandemic at 6:00 pm and asked for a roll call of members present.

Present: Chairman Marion Hoeve (Holland Charter Township, Ottawa County, MI), Members Doug Becker (Holland Charter Township, Ottawa County, MI), Ken Bosma (Park Township, Ottawa County, MI) and Randy Kortering (Holland Charter Township, Ottawa County, MI). Also present were Community Development Director John Said, Assistant Community Development Director Corey Broersma, Recording Secretary Tricia Kiekintveld and Township Attorney Ron Bultje.

Absent: Vice-Chairman/Secretary Jack Vander Meulen and Member Miska Rynsburger

Mr. Hoeve opened up the meeting by asking for any public comments.

Public Comment: None.

Staff opened up the meeting by giving an overview of the purpose of tonight's meeting. It was stated that there is not a current amendment request by an applicant, this is the Commission reviewing and studying where farm stands are currently allowed in the Township and determining if they would like to take any action on changing the areas allowed.

Staff then addressed some of their concerns with making a text amendment to Farm Stands. Staff asked the Commission what issues are they trying to address with a possible text amendment to allow farmers markets? What is the goal or desired outcome? What problem are we trying to solve? Staff also cautioned the Commission that making a change like this can set a precedent for other third party uses and they are concerned at a Staff level how they would move forward handling these requests on a daily basis if a change was made.

Mr. Hoeve stated that he is under the perception that the Township Board would like the Commission to bring to them a possible solution. Mr. Becker stated that the Board has a desire to meet the needs of the citizens and to do that without negatively impacting the Township.

Staff reiterated that they are still concerned that the only public comments they have heard are regarding one farm at one location and that no other farmers have come forward with similar requests for other locations. Staff also pointed out that when they contacted other municipalities none of the other municipalities allow farm stands beyond what MDARD allows.

Mr. Bosma asked for a bit of clarity regarding past discussion since he was not present for those discussions. He stated that from his understanding 67% of the township is controlled by MDARD rules. Mr. Bosma asked if we could make tighter restrictions on the land that is already allowed by MDARD? Mr. Bultje answered that the Township cannot go above MDARD. Mr. Bultje pointed out that if the Township decides to allow farm stands on additional land, MDARD would not have control over that land. The Township would have control over that additional land and can make

up their own rules for that land. Mr. Bultje asked if the Commission would want to have two sets of rules for farm stands? Having MDARD rules in place for the majority of the land allowed and then have a second set of rules set forth by the Township for the extra land allowed in the text amendment. Mr. Kortering asked if the Township could use MDARD rules for any additional land that we allow? Mr. Becker and Mr. Bultje agreed that they both like that idea.

Mr. Kortering stated that Staff has continually expressed concern about the risk to expand beyond where farm markets are currently allowed. He felt Mr. Bultje said at the last meeting that we could address that risk. Mr. Kortering asked Mr. Bultje's opinion on whether we should have them come before the Commission for approval each year, as Ms. Rynsburger suggested at the last meeting, or if Mr. Bultje has another process he can recommend. Mr. Bultje stated that he is neither recommending, or not recommending, that the Township move forward but stated that it can be done. He asked if an applicant puts up permanent stands do we still need to revisit that each year, because now they have made an investment in the land? Mr. Kortering stated that he would feel more comfortable having the chance to review the locations annually because it gives the Commission the control, even if it takes 10-15 minutes once a year, he feels it is worth the time to make sure that this is going the way the Township would want it to go and it reduces the risk.

Staff asked Mr. Bultje to address their concern over setting a precedent. Mr. Bultje stated that the Township can protect themselves by saying MDARD thinks this is a positive thing that they allow farm stands in this much of an area of the Township and the Township thinks it is such a positive thing that we want to increase the land that will allow farm stands to include this other land as well. Mr. Bultje stated that limiting it to the kinds of farm stands that MDARD says are preferable and beneficial, protects the Township. He also stated that if a particular stand is not something MDARD protects then it is not something that we are going to protect either. Using this gives the Township a rational basis without setting a precedent.

Mr. Kortering stated that the Commission and the Board are supportive of this idea, however, it seems that Staff is appropriately less than enthusiastic about the idea because they have to deal with it on a day-to-day basis. We should direct Mr. Bultje and Staff to begin drafting a text amendment referencing MDARD which would offer protection.

Mr. Bultje asked if the Commission wants to open it up to the entire Township, or do they want to specify exactly where? Mr. Kortering would want to open it up but also stated they would want to follow guidelines such as signage, parking, safety of the infrastructure, access from the road or a parking lot, and the speed of the road. He stated he would like the Commission to retain control of monitoring each site yearly. Mr. Bosma asked if parking could be an issue based on MDARDs standards for parking which allows parking for a farm stand to be on vegetative ground. This could cause a lot of dust and make a mess in a potential area that we do not want to see that happening. Mr. Kortering said that the Commission could say that they require paved areas where MDARD allows the grassy parking lots. Mr. Hoeve asked if we would want them to pave an area that is currently not paved then have them not stay on that location and leave an awkward paved area where the Township may not want one. Mr. Kortering stated that he feels we wouldn't want to force them to pave a site that is currently not paved.

Staff asked the Commission to look at the larger picture of where would we want to allow these farm stands? MDARD does not allow in a platted lot, would we want to allow them in platted lots? Mr. Kortering answered yes, because he is not comfortable with the 67% of the land that is

currently allowed because of all of the platted land that is included in that percentage that doesn't allow farm stands. Mr. Hoeve asked Staff if they know why MDARD excludes platted land? Staff answered that they are not certain but it may be because platted areas are more predominantly residential focused. Mr. Bultje pointed out that platted areas and site condos are organized developed areas with a purpose that are either residential, industrial or commercial neighborhoods and we do not want to interfere with them.

Staff asked if it is reasonable to include all C-1, C-2 and C-3 zoned land. Mr. Kortering stated that he feels that would be the best way to avoid the site condo and platted areas. Mr. Bultje feels that would keep it away from a residential site condo, however, it may still be on a commercial or industrial site condo. He also pointed out that to open beyond MDARD does not mean to open up to everything beyond MDARD.

Staff stated that preparing a text amendment would require Mr. Bultje's assistance. Staff asked if a yearly review is something that is done in other types of uses? Mr. Bultje answered that is it done on temporary special land uses. He stated that we can do that as a condition of approval which is a legitimate rule.

Staff stated in regards to the special use process, and having two sets of rules, does the special use process cause Mr. Bultje any concern? Mr. Bultje answered no and that he is more concerned about them following the standards. Staff asked if the Commission supports the idea of requiring a special land use approval? The Commission all indicated their agreement.

Mr. Bosma asked if an annual review is really necessary? He is wondering what issue may have been brought up at prior meetings that would require an annual review. Staff answered that signage could be an issue. What if they need to have a sign for longer than what is allowed under a temporary sign ordinance, would they then need a sign permit? They are also concerned about zoning setbacks, restrooms, ingress and egress, pavement and building code requirements. Mr. Bosma stated that it looks to him like this would be handled in the upfront review process at the initial application and not need an annual review. Mr. Bultje answered it would be good to review each year to make sure that the characteristics of the location have not changed, that is has not created any traffic issues, that it is still safe to have in that neighborhood, etc.

Mr. Kortering said that we may not get it right the first time and he would like to have the means put in place to allow the Commission to make adjustments as needed. Mr. Kortering likes the idea of using the MDARD standards as well as the C-1, C-2 and C-3 standards. Mr. Bosma is concerned that coming back each year could be an administrative headache. Mr. Kortering is suggesting this because of Staff's concerns. Mr. Bultje supports the idea of annually reviewing each application so that if that location is no longer a good location for a farm stand, they are not grandfathered in and there is nothing that the Commission can do about it. Having that annual review would give the Commission the opportunity to make changes as needed.

Staff asked whether it should be a permitting process or a special land use. Mr. Bultje answered it should not be a permitting process but keep it a special land use so that if in a few years we do not want to continue with this it is easy to disapprove a previous special land use. This would be just a special use with an annual review, which allows the ability to remove the farm stand at each review. Mr. Hoeve believe this is the best way to go.

Staff asked for clarification that this would include all C-1, C-2 and C-3 areas with no exclusions including platted areas? Mr. Hoeve answered that yes that is what they would like and that gives the Commission the ability to say no to certain lands. Mr. Kortering stated that yes that is what they are looking for and that the Commission will be assessing it from a traffic and parking perspective. He stated he would like to keep it simple and say all C-1, C-2 and C-3.

Mr. Bultje stated that they will be looking at all the special land use standards. Staff indicated that any special land uses will be based on a site plan review when brought to the Commission. Mr. Bultje reiterated that every special land use permit requires a site plan. Mr. Hoeve stated that the Commission's control will be at site plan review. Mr. Kortering stated that he does not feel they would need to adhere to landscaping requirements. Staff stated that they would be required to follow front yard and rear yard setbacks, and all other applicable zoning requirements.

Staff talked about the possibility of a few additional text amendments that the Commissioners may want to think about making. Staff wondered about adding those changes to this text amendment. Mr. Bultje suggested that he feels this should be a completely separate text amendment that way if any changes need to be made to it or if the Commission ever decides to do away with it all together it will not affect any other amendments.

Mr. Hoeve asked Mr. Bultje if he is comfortable moving forward with drafting a text amendment at this point. Mr. Bultje stated that he feels he has enough information from the last few meetings to move forward with a draft.

Staff talked about the time line needed to implement a text amendment and asked if the Commission would like to have the draft brought before them at the July meeting? Staff indicated that if the Commission would like to keep this moving quickly then we would need to have a draft ready by the application deadline of June 8 in order for this item to be on the July 6 legal notice for a public hearing. Mr. Bultje stated that there should not be a rush to do a formal process at a Planning Commission meeting until the Commission has had time to review a draft copy and has time to review and edit. Staff asked Mr. Bultje if he would have time to draft a text amendment in a week so that there can be an application ready by the June 8th deadline. Mr. Bultje answered that he would be able to get a draft copy ready by next week Tuesday, May 25, 2021.

** It was moved by Kortering and supported by Becker to ask Mr. Bultje to draft a text amendment for farm stands in all C-1, C-2 and C-3 areas. A roll call vote was taken. All in favor. Motion carried 4 - 0.

Staff noted that the agenda for this meeting indicated that the meeting was to start at 7:00 pm, however, the legal notice indicated the correct time of 6:00 pm. Due to the error the Commission would like to stay in session until 7:00 pm to allow for any further public comments from anyone that may join the meeting at the posted time on the agenda. Staff apologized for the error on the but wants to make sure that anyone that would like to speak to this issue has the opportunity.

Mr. Kortering asked if Staff has had a chance to kick off any of the items in the new Master Plan yet. Staff answered that it has been extremely busy so they have not been able to tackle any of the items yet. However, the 8th Street rebuild is slated for 2023 and is in the planning stages currently. Mr. Said stated that this is a great way to honor Mr. Nykamp because he was so involved in the Master Plan process.

Staff also indicated that Chris Corey from McKenna, the consultant on the Master Plan project, will be presenting our Master Plan at the Michigan Association of Planning in September as a model for other municipalities to use.

Mr. Hoeve opened up the meeting at 7:00 p.m. for any additional public comments for those that may have joined the meeting at 7:00 pm.

Public Comment: None.

Meeting was adjourned at 7:02 pm

Respectfully submitted,

Tricia Kiekintveld
Recording Secretary