

HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION
Regular Meeting
October 4, 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, Assistant Planner/Zoning Administrator Kate White and Recording Secretary Tricia Kiekintveld.

Absent: None.

Minutes:

** It was moved by Becker and supported by Rynsburger to approve the minutes of the September 6, 2022, meeting. A roll call vote was taken. Yes – 7, No – 0. Motion carried.

Public Comment: None.

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 Mark Tomasik of Innovative Design on behalf of KAL Properties LLC. Said lands are located at 0 James Street, described more specifically as Parcel Number 70-16-16-300-011. The petitioner is seeking to change the above land from R-2 Moderate Density Residential to C-2 Community Commercial.

Present for this request was Mr. Mark Tomasik of 1261 Leonard NE, Grand Rapids.

Mr. Tomasik said that he is here tonight to request a rezoning of his client's property from R-2 to C-2 following the Future Land Use Map amendment approval by the Board on September 1, 2022, that changed the property's designation to Community Commercial.

Chairman Kortering opened the meeting up for public comments.

Ms. Patricia Schaub of 12745 James St. said that she is concerned about the water in the creek and is concerned that developing that land will cause even more flooding as that creek floods very quickly now. She would like to know what the developer plans to do to control storm water.

Mr. Tomasik responded to Ms. Schaub's concerns by saying that they have three options for controlling storm water for this location. First, they can combine the flood plan and the storm water which reduces the amount of water overall. Mr. Tomasik feels this is the best option. Second, they can create retention basins, or ponds, to hold storm water. And finally, they could store the water underground.

** It was moved by VanderMeulen and supported by Rynsburger 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.**

Not an issue given Planning Commission recommendation and Board approval of the Future Land Use Map amendment.

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

Any development of the vacant site will physically, geologically, hydrologically, and environmentally impact the site. A 50-foot-wide buffer is anticipated along the western County Drain corridor.

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.**

Changing the zoning for this property to C-2 Community Commercial would be compatible with zoning to the east of the property.

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.**

A private road connection to James Street is feasible, however, the establishment of a private street without a secondary connection would need to be closely examined during Site Plan Review. Further, Staff is unaware of the site ability to secure a secondary water main connection in order to “loop” the system.

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

None.

*** It was moved by Becker and supported by Darrow to recommend approval to the Township Board for the amendment to the Zoning Ordinance and Map, changing the subject land’s zoning from R-2 Moderate Density Residential to C-2 Community Commercial. A roll call vote was taken. Yes – 7, No – 0. 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 Smithfield Development, LLC on behalf of Smith Trust. Said lands are located at 0 (vacant) 120th Avenue, described more specifically as Parcel Number 70-16-10-100-006. The petitioner is seeking to change the above land from AG Agriculture to R-2A Medium Density Residential.

There was no one present for this request.

Chairman Kortering opened the meeting up for public comments.

Mr. Gary Ludwig of 3965 Elm Ridge Dr. said that he is concerned about adding more traffic to the area with R-2A zoning.

Ms. Laura Bates of 3950 Elm Ridge Dr. said that she does not want a development on this property to connect to their neighborhood.

Ms. Amy Jachalke of 11952 Quincy Meadows Dr. asked how close the new development would be to the back yards of the homes on Quincy Meadows Dr. and what will happen to the ditch that drains storm water?

Mr. Ludwig then asked what their rights are as neighbors in this process?

Mr. Kortering explained the process for rezoning and said that this is the time and place for neighbors to express their concerns and ask questions to the Commission. The Commission takes those concerns into mind as they decide on the matter at hand.

Mr. Rich DeJonge of 11808 Quincy St. is concerned about the density of the homes that could go on this parcel if zoned R-2A. He stated that Quincy Meadows was limited to 4 units per acre. He also said that traffic can get very heavy and would really like to see a traffic signal on the corner of Quincy and 120th to make it easier for people to pull out onto Quincy. Staff responded that there are already plans to install a traffic signal at Quincy St. and 120th Ave.

Mr. Kyle Bates of 3950 Elm Ridge Dr. asked the Commission if they could give some clarification to the audience regarding the different zoning designations and also the difference between a condominium development and a single-family home?

Staff answered Mr. Bates by explaining that a Condominium is a version of ownership not a type of building. A condominium typically has an association attached to it. That association owns and maintains some of the public areas such as sidewalks, private roads, parks, green spaces, etc. Staff then explained the different residential zoning classifications. R-1 would allow single-family homes. R-2 would allow single-family homes, as well as duplex units (or 2 family homes). R-2A is the most diverse residential designation allowing single-family detached homes, 2 family homes, and multi-family units.

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

*** It was moved by Rynsburger and supported by Sharp to table the request for an amendment to the Zoning Ordinance and Map, changing the subject land's zoning from AG Agricultural to R-2A Moderate Density Residential. A roll call vote was taken. Yes – 7, No – 0. 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 Smithfield Development, LLC on behalf of Smith Trust. Said lands are located at 3846 120th Avenue, described more specifically as Parcel Number 70-16-10-100-007. The petitioner is seeking to change the above land from AG Agriculture to R-2A Medium Density Residential.

There was no one present for this request.

Chairman Kortering opened the meeting up for public comments.

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

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

*** It was moved by Becker and supported by Rynsburger to table the request for an amendment to the Zoning Ordinance and Map, changing the subject land's zoning from AG Agricultural to R-2A Moderate Density Residential. A roll call vote was taken. Yes – 7, No – 0. Motion carried.

Chairman Kortering opened a public hearing for consideration of a request for a proposed preliminary development plan for Smithfield Condominiums Planned Unit Development (PUD), submitted by Smithfield Development, LLC on behalf of Smith Trust & Payback Properties, LLC. Said lands are located at part of 3846 120th Avenue and 0 (vacant) 120th Avenue, described more specifically as Parcel Numbers 70-16-10-100-007 and 70-16-10-100-006. The proposed development consists of 92 attached single-family units within a variety of two-, three-, and four-unit buildings.

There was no one present for this request.

Chairman Kortering opened the meeting up for public comments.

Carol Race of 11928 Quincy Meadows Dr. had several questions for the applicant. She would like to know what the time frame is for building the homes, how many phases they are proposing, if the homes will be 1 or 2 story homes, if they are targeting families or seniors, and how far away the homes will be to the property line that is adjacent to Quincy Meadows to the north? Ms. Race is also wondering what landscaping will be required.

Staff responded to the public stating that this is a very preliminary meeting for a PUD. He noted that the reason Staff suggested opening the public comment time even though the applicant is not present was to allow those present a chance to speak and have their concerns or questions voiced to the Commission. Staff noted that they will have a chance to make public comments again at the next meeting.

Staff stated that Hickorywoods was developed with stubs to the west and to the east for connectivity to the adjacent parcels. This was planned this way to give the Hickorywoods residents the opportunity to use the 120th outlet as well.

Ms. Laura Bates of 3950 Elm Ridge Dr. asked if there will be single family homes or traditional attached condos?

Staff said that an R-1 zoning classification would be the only designation that would limit a development to single family homes. This applicant is asking for a PUD which is an overlay over an area where you can make some specific changes to what is normally allowed in that zoning designation. Staff further explained that an R-2 designation would allow single-family homes and duplexes (2 family attached) while an R-2A designation would allow a single-family detached home, 2 family and multi-family units. He went on to explain that an R-3 designation would allow for larger multi-family structures.

Ms. Amy Jachalke of 11952 Quincy Meadows Dr. asked Staff if they could explain the site plan for the public present tonight and what the dark line by the water ditch is?

Staff explained that the dark line surrounding the property represented the property line and further indicated there is a Consumers Energy line that runs from the north to the south through the western portion of the parcel. The 2 larger empty spaces possibly indicate stormwater ponds but at this point, without the applicant present, Staff is not able to confirm if the ponds would drain dry or remain wet.

Mr. Rich DeJonge of 11808 Quincy St. asked if these will be rental units or owner occupied?

Mr. Kortering stated that even though we can't answer all of these questions without the applicant here, these are all good questions, and we will bring these up to the applicant when they come before us.

*** It was moved by Rynsburger and supported by VanderMeulen to table the public hearing and the request for a proposed preliminary development plan for Smithfield Condominiums Planned Unit Development (PUD). A roll call vote was taken. Yes – 7, No – 0. Motion carried.

Mr. Becker excused himself from the meeting at 6:55.

Chairman Kortering opened a public hearing for consideration of a Special Land Use Permit for a Self-Storage Facility with Outdoor Storage, submitted by Nick Disselkoen, consisting of 5 storage buildings. Said lands are located at part of 0 (vacant) & 213 E Lakewood Blvd., described more specifically as Parcel Numbers 70-16-20-200-025 & -026.

Present for this request was Mr. Nick Disselkoen of 14733 Valley View Ave.

Mr. Disselkoen stated that he is here to seek approval to construct 5 storage unit buildings on his property on Lakewood Blvd.

Mr. Sharp asked if the two lots will be combined. Mr. Disselkoen answered that they will be combined.

Mr. VanderMeulen explained that the Township Board has an approved Master Plan in place that this Commission is supposed to follow as a guide when making these types of decisions. The plan to put storage units on this parcel does not follow the mixed-use or low density residential designation that the Master Plan has for this land. Mr. VanderMeulen is hesitant to approve this request as it deviates so much from the Master Plan.

Mr. Disselkoen asked the Commission what the Master Plan would have them put on this land?

Mr. VanderMeulen answered that they would be looking for a mixed-use building(s), possibly something that is 2 stories with a business on the main level and something like office space or residential on the second story. Mr. VanderMeulen said that he would have to hear a very good reason to put storage units on this property.

Mr. Disselkoen responded that there are a lot of homes and rental units in the area and there is a need for storage units.

Mr. Kortering noted that it seems to him that they have approved quite a few storage units in the Township recently.

Ms. Rynsburger explained to the applicant that the Commission looks to the research that was done to come up with the Master Plan and she feels that storage units just do not meet the Future Use vision.

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 Rynsburger and supported by Sharp to close the public hearing. All in favor. Motion carried.

The Commission went over the Special Land Use Standards of Approval

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

Although Lakewood Boulevard is a higher volume street, Staff would not consider the proposed use to be harmonious with the intended character of the land.

- 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 would not have a significant impact on water and sewer facilities. Necessary stormwater management is unknown at this time. Concerns exist over turning radii for firetruck access throughout the site.

- 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 use is not anticipated to be a hazard to adjacent properties.

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

The use is eligible to seek a Special Land Use Permit. However, whether the project can meet the standards of approval in order to be granted such a permit or whether it is considered consistent with the Master Plan is unlikely in Staff's opinion.

- 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.**

Grading and landscaping plans have not been supplied, but the site does indicate room for landscaping and the construction of a wall/fence screen.

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

Information relating to unit sizes, unit numbers, and unit configurations has not been provided, so Staff cannot determine parking needs. Additionally, concerns exist over the distance of the gate from the road and whether that may create traffic hazards on Lakewood Boulevard.

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

In light of the Future Land Use Map, the applicant has not adequately addressed this standard.

Staff stated that they would need more information to give a definitive report on this project. Mr. Broersma stated that it seems there is enough room to have both storage and residential on the property either in the same building or in separate buildings. This would better adhere to the Master Plan and Future Land Use Map.

Mr. VanderMeulen said that if there was a way to mix in something with the storage he would be more in favor of the request. He said that there is probably better land that would work for this type of request in the Township.

Mr. Sharp said that this request is moving the Township away from where it wants to be with this land.

Mr. Barajas said that he likes seeing progress but at the same time as Commissioners we need to follow the Master Plan.

*** It was moved by Barajas and supported by Sharp to deny the request for a Special Land Use Permit consisting of a Self-Storage Facility with Outdoor Storage. A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

Other Business:

0 (Vacant) Ransom Street (70-16-04-200-018) – Blue Water Industrial Development LLC – Future Land Use Plan Map of the Holland Charter Township Comprehensive Master Plan amendment requested by Todd Johns of Blue Water Industrial Development LLC. Petitioner is seeking to amend the subject land's Future Land Use designation from Public/Quasi-Public to Light Industrial.

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

Mr. VanderMeulen asked Mr. Longstreth if they have gotten any answers regarding the little strip of land to the east of the property in question? Mr. Longstreth said that they were able to get an answer. He said that the reason the submitted map showed this strip of land as not belonging to any parcel was an error in the GIS mapping software. That strip of land does in fact belong with this property.

Mr. Kortering explained to the Commissioners and the public present that this parcel was previously owned by West Ottawa Schools with the intent to build an elementary school on the

land however their plans have changed and now Blue Water Industrial Development would like to buy the property from West Ottawa Schools and ultimately rezone the property to I-1 Light Industrial.

Mr. Kortering then read Staff's recommendation in the Staff report. Which reads "If the Planning Commission is satisfied with the Petition, they may direct Staff to prepare an initiation summary and forward their recommendation to the Township Board for review and for a determination that the proposed amendment is acceptable for distribution to the surrounding municipalities and designated agencies under the Michigan Planning Enabling Act, who will in turn have a 42-day comment period."

*** It was moved by VanderMeulen and supported by Rynsburger to recommend approval to the Township Board for review and determination that the proposed amendment is acceptable for distribution to the surrounding municipalities and designated agencies, who will in turn have a 42-day comment period. A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

390 Douglas Ave (70-16-30-201-006) – Special Land Use Permit for a Hotel/Motel, submitted by Mike Winkler of Building Safety Consultants LLC on behalf of Russ Shilander of Lightkeeper LLC. (Tabled August 9, 2022)

Present to speak to this request was Mr. Mike Winkler of Building Safety Consultants LLC.

Mr. Winkler requested to table the request until the next meeting when a full Commission is present.

Mr. VanderMeulen said that he would like to move forward with the request since they cannot guarantee 7 members would be present next month and because they have received comments from Board members since last month's public hearing. Mr. Kortering informed Mr. Winkler and the Commission that there are Board members that would not be in favor of approving a one-room hotel.

Mr. Kortering said that he has done some research to see if he could find a one-room hotel on the internet, as well as looking for a definition of a motel/hotel and in his findings. He could only find that a motel/hotel is defined as rooms in the plural. Mr. Kortering noted that in the previous meeting, he believed Mr. Winkler said that the owners would use VRBO to list the property and because of this, it would then be a short-term rental not a hotel. Mr. Kortering is also worried that this would set a precedent. His conclusion from his research is that this is not a hotel.

Mr. Winkler then made his presentation stating that the current owners turned what was a house into an ice cream shop in 2004 but that turned out to not be a viable business. The owners are now having trouble figuring out what to do with the building and what type of business would work there. Mr. Winkler then showed a site plan done by an engineer for the large items and the smaller details were drawn in by the applicant. He stated that the current fence would be maintained as a buffer from the mobile homes next door. Mr. Winkler stated that if the Commissioners would like them to add a loft, they would be able to do that it would just require additional engineering costs that they do not want to incur until they know that the Commission will approve the hotel. He noted that they do plan to combine the two parcels into one. Mr. Winkler said that Sec. 22.1.A.4 of the ordinance states "Unless the context clearly indicates to the contrary: ... Words used in the plural number shall include the singular number." He also said that this fits better into the definition of a motel/hotel more so than a dwelling.

Staff indicated that they agree with the applicant that there are likely less than 100 properties that could possibly have this type of situation.

Mr. Winkler stated that they believe it meets the standards of approval.

Mr. Winkler said that they plan to use VRBO as an advertising agent not a booking agent. The owner will take all reservations himself or hire someone to take them, he will not use a site like VRBO to book lodging requests.

Mr. VanderMeulen asked what would happen if he sold the business and someone else owns it. Mr. Winkler said that the conditions of approval would transfer to the new owners. Mr. Winkler pointed out that it also would need to be sold with the restaurant because it will all be one parcel.

Mr. Kortering asked what happens if there is a complaint, especially at night? Mr. Winkler said that they would contact the owner directly at Beechwood Grill and if it were after hours, they would contact the police and the police have the owner's information because of the restaurant and can get in touch with him. This would be a family owned and operated business.

Mr. Kortering said that he is very pro-business and struggles with it being defined as a motel/hotel.

Mr. Winkler pointed out that a motel MAY include restaurants, lounges, etc. not that they must.

The Commission went over the Special Land Use Standards of Approval

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

The use would not currently be considered harmonious with the intended character of the land given the setbacks/buffers have not been adhered to. We would not allow a newly constructed motel/hotel on this lot.

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 would not have a significant impact on the area's infrastructure.

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 use would not be hazardous, however, there is the possibility the use could create disruption for the adjacent residential properties depending on the occupancy load. It is acknowledged that there appears to be plans to institute quite hours beginning at 10:30 pm as well as a plan to maintain a patio, grill, and fire pit in areas generally away from the adjacent residences. The applicant has made some adjustments or clarifications since the last meeting.

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

The single room use does not seem to support the economic vibrancy, mixed use vision, and walkability of the surrounding area.

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.**

No permanent exterior changes have been identified, including no buffer upgrades. The 8' tall fence that is currently there will remain.

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

The use does not appear to have a major impact on traffic congestion or roads.

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

The perspective use could set a poor precedent for other small buildings in the Township with similar zoning.

Staff does not believe the described 1-room facility constitutes a hotel/motel based on the definition and believes the context of the definition for a hotel/motel is for multiple rooms. A proposed 1-room hotel/motel without amenities would be no different than a single-family dwelling. The applicant has the option to appeal this interpretation to the Zoning Board of Appeals.

If the Planning Commission is considering approval of the Special Land Use Permit, Staff would suggest the following conditions:

1. A site plan based on a professional survey is provided for a Site Plan Approval either by the Planning Commission or Staff;
2. A commitment is made to combine the lots of record to reduce a lot area and side yard building setback non-conformity.
3. The Planning Commission accept the Quiet Hours offered to begin at 10:30pm, but also clarify the owner's proposed ending time. Note, per Chapter 18, 7:00am would be consistent with the rest of the Township.
4. The Owner understands that the project may require a change of use in conjunction with any building permits and an extension of a non-conforming use from the Zoning Board of Appeals.

Ms. Rynsburger appreciates the entrepreneurial effort and the novelty of Big Red. She stated that she understands all the hurdles with the building but also understands how this could spur others to try to do the same thing. She also noted that if this was new construction, they would not approve it.

Mr. Sharp said that he agrees with Mr. Kortering's research that this does not qualify as a hotel/motel.

Mr. Kortering is concerned that if they approve this then the next hotel would come back saying that you didn't make them follow the rules.

Mr. Barajas said that he likes the idea versus having a vacant building, but he also understands the other issues that the other Commissioners have brought up.

*** It was moved by Darrow and supported by VanderMeulen to deny the request for a Special Land Use Permit consisting of a Hotel/Motel facility. A roll call vote was taken. Yes – 4 (Kortering, VanderMeulen, Darrow, and Sharp), No – 2 (Barajas and Rynsburger), Absent - 1. Motion carried.

325 104th Ave (70-16-35-400-012) – Immanuel Church - Site Plan Approval associated with a previously granted Special Land Use Permit for a Place of Worship and associated outdoor amenities submitted by Russ Miller of Immanuel Church.

Present to speak to this request was Ms. Melinda Whitten of MCSA Group Inc. and Mr. Russ Miller of Immanuel Church.

Ms. Whitten stated that they are looking to add some outdoor amenities including a sail for shade that would be anchored to the ground. Staff noted that a sail shade would not meet the code.

Mr. VanderMeulen asked what their anticipated hours of operation would be. Mr. Miller said that they do not plan to hold events after dark. He did note that they do have security lighting that has in the past deterred people from being outside of the church building after dark. Mr. VanderMeulen would just like them to be thinking about that because he doesn't want to see anyone abusing their space.

Ms. Whitten said that the fire pits will not be able to be used because they will have controls and timers that will be locked. Mr. Miller said that between the safety lighting and the neighbors that border the field area they feel that will control people from abusing the property.

*** It was moved by VanderMeulen and supported by Barajas to approve the Site Plan for a Place of Worship and associated outdoor amenities with the condition that the applicant works out the sail shade with Staff. A roll call vote was taken. Yes – 6, No – 0, Absent - 1. Motion carried.

2352 North Park Dr. (70-16-21-100-045) – QCW Enterprises, LLC – Site Plan Approval for an access driveway connection between Tommy's Express and Chick-fil-A submitted by Mandi Brower of QCW Enterprises LLC.

The applicant has requested to postpone site plan review.

0 (vacant) Greenly St (70-16-10-100-048) – DeYoung Developments LLC – Preliminary Plat approval submitted by DeYoung Developments LLC for a residential subdivision consisting of lots 200-254 within an area containing approximately 10.8 acres.

The applicant requested a 3-month extension until the January 2023 meeting.

Staff noted that nothing new has been submitted yet.

Mr. Darrow said that he would prefer to deny the original request and have them start over.

*** It was moved by VanderMeulen and supported by Darrow to recommend denial of the Preliminary Plat and direct Staff to forward the recommendation to the Township Board for review and action no later than November 3, 2022. The Commission noted the reasons for denial as;

several lots that did not meet the zoning district code, a continual delay, and not providing a compliant set of drawings. A roll call vote was taken. Yes – 6, No – 0, Absent - 1. Motion carried.

Chairman Kortering noted that the applicant’s representative for items 4b, 4c and 4d is now present. The Commission agreed to allow the applicant time to present their requests.

0 (vacant) 120th Ave. (70-16-10-100-006) – Smithfield Development, LLC – Amendment to the Zoning Ordinance and Map of Holland Charter Township submitted by Smithfield Development, LLC on behalf of Smith Trust. The petitioner is seeking to change the above land from AG Agriculture to R-2A Medium Density Residential.

*** It was moved by Sharp and supported by Barajas to un-table the request for an amendment to the Zoning Ordinance and Map, changing the subject land’s zoning from AG Agricultural to R-2A Moderate Density Residential. A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

Present for this request was Ms. Kelly Kuiper of Smithfield Development, LLC, 2763 120th Ave.

Ms. Kuiper began by apologizing for getting the start time of the meeting wrong and thanked the Commissioners for allowing her to still present her requests.

Ms. Kuiper said that the rezoning is consistent with the Future Land Use Map and is compatible with the uses of the classification and with the surrounding parcels. She also stated that the site can support the utilities, homes and roads as well as community support services.

The Commission 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 in the area.**

Yes, it is consistent with the Comprehensive Plan.

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

Similar to the agricultural activities currently present, development of the vacant site will physically, geologically, hydrologically, and environmentally impact the site. It is likely an “in-fill” residential development would improve the hydrology of 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.**

A residential use has been identified.

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.

Staff anticipates the site will be able accommodate the public road extension and the necessary related residential utilities.

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

*** It was moved by Rynsburger 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 R-2A Medium Density Residential. A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

3846 120th Ave. (70-16-10-100-007) – Smithfield Development, LLC – Amendment to the Zoning Ordinance and Map of Holland Charter Township submitted by Smithfield Development, LLC on behalf of Smith Trust. The petitioner is seeking to change the above land from AG Agriculture to R-2A Medium Density Residential.

*** It was moved by Rynsburger and supported by VanderMeulen to un-table the request for an amendment to the Zoning Ordinance and Map, changing the subject land's zoning from AG Agricultural to R-2A Moderate Density Residential. A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

Present for this request was Ms. Kelly Kuiper of Smithfield Development, LLC, 2763 120th Ave.

Staff noted that they are requesting to rezone the entire parcel, including the western end with the existing dwelling and accessory building.

The Commission 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 in the area.

Amending the Zoning Ordinance and Map for said property to R-2A would align with the goals, policies and future land use map of the Comprehensive Plan.

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 generally a vacant wood lot with the exception of a single-family residence located east of the overhead utility corridor. Any development will substantially alter this site; however, the site is a good candidate for "in-fill" residential development.

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 potential for single-family lots or units would be compatible with the subject site as the property is currently bounded by detached single-family homes to the east and south.

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.

Staff anticipates the site will need to accommodate secondary access via the public road extension anticipated for the northern property and similarly coordinate utility connections.

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

*** It was moved by Darrow 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 R-2A Medium Density Residential. A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

3846 120th Avenue and 0 (vacant) 120th Ave. (70-16-10-100-007 and 70-16-10-100-006) - Smithfield Development, LLC – a request for a proposed preliminary development plan for Smithfield Condominiums Planned Unit Development (PUD), submitted by Smithfield Development, LLC on behalf of Smith Trust & Payback Properties, LLC. The proposed development consists of 92 attached single-family units within a variety of two-, three-, and four-unit buildings.

*** It was moved by Rynsburger and supported by Sharp to un-table the request and associated public hearing for a proposed preliminary development plan for Smithfield Condominiums Planned Unit Development (PUD). A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

Present for this request was Ms. Kelly Kuiper of Smithfield Development, LLC, 2763 120th Ave.

Ms. Kuiper said that her intention was to just have a preliminary discussion about the plan for a PUD and didn't realize that there would be a public hearing. Ms. Kuiper noted that she also worked on an amendment to Quincy Meadows and is very familiar with that development.

Ms. Kuiper explained that the proposed PUD consists of single family attached homes. She feels that this would be the best fit with the adjacent uses.

Ms. Kuiper stated that they are proposing a PUD because there are expected design aesthetics of a standard condominium development that can only be accomplished under a PUD. She stated that it is not being proposed to circumvent the criteria for R-2A zoning. She also said that they believe a PUD is the only way for them to get a standard condominium development that has building setbacks closer to the road. She noted that many other condominium developments in the Township are also PUDs and she believes that precedent has been set to use the PUD process for condominium development in the Township.

Ms. Kuiper said that they are working with Baumann Builders to build the condominiums and that building requirements and sketches will be included in the final submittal.

Ms. Kuiper noted that they are not proposing sidewalks because they plan to build private roads that would allow for safe walking on the side of the street.

Ms. Kuiper also addressed net density and they are at 5.2 per acre, which is well within allowances. She also stated that the proposal shows private roads. She stated that it looks to her like the precedent has been set in the Township for private roads in condominium developments. Ms. Kuiper said that the private streets will be maintained by the HOA with policies in place. She also noted that the only way to build cul-de-sacs in Ottawa County is with a private road as the county will not allow cul-de-sacs on public roads.

Ms. Kuiper also stated that the Road Commission will only allow one curb cut per building instead of one curb cut per unit. She stated that she doesn't think that it will feel right to have a single driveway with a huge amount of pavement in front of the condominium buildings as that is not how other condominium developments in the area are designed. Ms. Kuiper noted that the Road Commission is not against the private road.

Mr. VanderMeulen said that he likes condominiums as it gives the opportunity of homeownership to a wider variety of people. He noted that there are many concerns that were voiced tonight by residents of Hickorywoods. Mr. VanderMeulen also said that Hickoryrun Trail was built heading west for connection to a future development.

Mr. VanderMeulen said that he is having a hard time with these being private roads versus public roads. He noted that the majority of private roads in associations have speed bumps with narrowing roadways that are built differently only servicing the buildings built around it. This however would tie into Hickorywoods, increasing potential traffic. Mr. VanderMeulen also agrees that it wouldn't make sense to have so many driveways on a public road. He is wondering if there is a hybrid road option.

Ms. Kuiper said that it is really a design feature having each unit have its own driveway. She noted that these condominiums are expected to be \$400,000 and above; at that price point, buyers are going to expect their own driveway.

Mr. Kortering stated that he likes the idea of owner-occupied condominiums but thinks that this would be a lot of driveways so close together.

Ms. Kuiper said that they are not against a gate between them and Hickorywoods. She stated that Hickorywoods already has 3 points of connection and really doesn't need a 4th.

Mr. Darrow asked if instead of having 4-unit buildings could they go down to all 2-unit buildings, as that would decrease the number of curb cuts? Ms. Kuiper said that they really need to maximize the use of the land to keep their costs down to make this a viable project.

Ms. Rynsburger asked Staff what the pushback is on a private road. Staff responded that if the association goes into default/lien then there will be issues later on. He also said when Hickorywoods was developed, the intent was to put in a public road to avoid the gate. Staff is concerned that if a private road goes in there and a gate is installed, it will drive a wedge between the two neighboring communities and no one wants to see that happen. Staff noted that there is a way to do a condominium development on a public road and it does not have to be done on a private road. He stated that through the PUD process, they can do a public road with reduced setbacks.

A few of the Commissioners expressed how they like cul-de-sacs and that it is too bad that the county will not allow them on public roads anymore.

Staff clarified that the Road Commission didn't suggest abandoning the connecting road but said that they would accept the abandonment.

Mr. Sharp noted that the Commission has had a lot of sidewalk conversations and feels that this development should also have a sidewalk since we have been requiring them in other developments recently.

Mr. Barajas pointed out that those who spoke during the public comment period earlier in the night were very concerned with the increase in traffic, traffic going through Hickorywoods to Quincy, and drainage. He also realizes the importance of connectivity now and in the future.

Mr. Kortering asked whose property the ditch to the north is located on? Ms. Kuiper stated that it straddles the property line. She noted that a landscaping study is being done and that the ponds and underground stormwater retention they are proposing will aid in capturing stormwater so that will take some of the strain off the drainage ditch. Ms. Kuiper clarified that the ponds will be wet ponds.

There was discussion about the homes that will be built on the property. It was stated the structures will be single story, 3-bedroom units with 2 stall garages and that the boxes drawn on the map are the buildable area for each unit. Ms. Kuiper said that the main level will be 1,400 sq. ft. and the lower level will be 630 sq. ft.

Chairman Kortering opened the meeting up for public comments.

Mr. Gary Ludwig of 3965 Elm Ridge Dr. said that there has been some discussion on Hickorywoods Facebook page and people are concerned with Hickory Run Trail and connecting it to the new development. Mr. Ludwig said that he would like to see that become a walking trail instead of a connecting roadway. He also showed an alternate layout for the new development with two entrances onto 120th. Mr. Ludwig said that Hickorywoods has clear access to each of the main roads and therefore does not need an additional access point to 120th. He said that the community is worried about extra traffic in their neighborhoods.

Ms. Laura Bates of 3950 Elm Ridge Dr. said that she feels installing sidewalks in the new development is a big deal because if they do not have sidewalks, they will be inclined to come into their neighborhood to use their sidewalks and they are an HOA that maintains their own sidewalks. She pointed out that they use the Quincy entrance to get to I-196 and would expect the new development to do the same as it is the most direct route. Ms. Bates said that they have requested a stop sign be installed in their neighborhood on the corner of Elmwood Dr and Hickory Row Dr. by the playground several times but keep getting denied. The Commission suggested that she get in touch with the Ottawa County Road Commission regarding a new stop sign. Ms. Bates is also concerned that if there are 2 HOA's that are connected with a shared road that there could be contention between the two and she doesn't want to see that. She feels a gate could be an issue causing contention.

Mr. Kyle Bates of 3950 Elm Ridge Dr. stated that he is concerned with additional vehicle congestion and no sidewalks in the new development that will push walkers to their subdivision to use their sidewalks. He also reiterated that they do not need an access to 120th as they have

one on Hickory Row Dr. Mr. Bates said their biggest concern is traffic from Elm Ridge Rd via Shagbark Dr. and Elderberry Dr. to Quincy.

Ms. Kuiper said that their price range is \$400,000. Mr. Kortering said that this is a good price range as that is a needed market right now.

Staff noted that they have received several letters or emails from the public and handed out copies to each of the Commissioners and read the names of those who sent in comments. They are:

1. Gary Ludwig of 3965 Elm Ridge Dr.
2. Brad Vredevoeg of 11803 Hickoryrow Dr.
3. Brooke McNeil of 11839 Hickoryrow Dr.
4. Brian & Amy Sisco of 3935 Elm Ridge Dr.
5. Olivia Garcia of 11954 Maplegrove Dr.
6. Dave Dekker of 3754 Elm Ridge Dr.
7. Anna Taets of 3774 Elm Ridge Dr.
8. Bethany McBride of 3684 Elm Ridge Dr.
9. Danica Donaldson of 3812 Elm Ridge Dr.
10. Marine & James Paterson of 3813 Elm Ridge Dr.
11. Jessica Carter of 11901Hickoryrow Dr.

Staff noted that traffic is the main concern.

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

Mr. Kortering read the purpose of a PUD process as follows:

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.

Staff clarified that this is a preliminary application for a PUD and that the Commissioners can table the request to allow the applicant more time to make some of the changes mentioned tonight or it could be approved or denied. He stated that at this point, the applicant is looking for the Commissioners approval that this is eligible for a PUD.

Mr. Kortering asked Staff to clarify how this development is different from the Hickorywoods PUD that would make it not qualify as a PUD? Staff responded by saying if current Staff was here at that time that they would not have approved Hickorywoods as a PUD because they believe it was done to circumvent zoning standards for the underlying Agricultural zoning district. Staff believes that this is also the case with this request given the private road smaller front yard setbacks, lack of housing diversity, and an unjustified density.

The Commissioners asked Staff if they could explain what the importance of connectivity is? Staff said it allows for vehicular circulation, pedestrian circulation, underground use for utilities, and it diffuses traffic. Staff would also like to see a public road so that it would be properly maintained by the County.

Mr. Sharp is wondering if a hybrid solution is a possibility here with a public main road and private cul-de-sacs.

Mr. Darrow asked Ms. Kuiper if something similar to Mr. Ludwig's design would work for them? Ms. Kuiper said that there would not be enough space for a large enough detention basin in that design and there are less units which makes the development less desirable to construct. Ms. Kuiper did note that they want this project to work and they just need direction from the Commission as to what they want to see and they will make the necessary changes. She noted that they will add sidewalks to the design. Ms. Kuiper did say that if they cannot be a PUD that takes away the ability to have a standard condominium design with each unit having its own driveway off from the main roadway.

The Commissioners asked if the main road running east and west could be a public road and the cul-de-sacs be private? Staff answered that it could.

Mr. VanderMeulen stated that he feels they haven't seen the best plan yet. He said that Hickory Run was made for connectivity so they can run utilities and a sidewalk through there. Mr. VanderMeulen said that he can see a gate for fire/emergency vehicles going in there as well. He is trying to be mindful of the neighbors.

The Commissioners each stated their opinions if the roads should be public or private. The consensus was 2 members would like to see a hybrid option and 4 members would like to see public roads.

Staff stated that there is also still a density question; if the density is too high, it could change the plan completely, including options for a public road vs private.

Staff asked with the front yard setbacks and a building footprint of 35' x 75', is the Commission comfortable with a 25' rear yard setback (which is a standard set back). The Commissioners said they are comfortable with that.

Ms. Kuiper said they will look into a fully public option, and a circular option that would not connect to Hickorywoods as well as possibly a hybrid option. She said they will create a couple parallel plans and bring what they feel is the best option back to the Commission after working with Staff.

*** It was moved by Darrow and supported by Barajas to table the preliminary PUD request, due to concerns with public verses private roads, density comparison, and would like to see a parallel plan. A roll call vote was taken. Yes – 6, No – 0, Absent – 1. Motion carried.

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

Due to the length of this meeting the Commissioners decided to discuss this item at the November 1, 2022, meeting.

The next Planning Commission meeting is scheduled for Tuesday, November 1, 2022, at 6:00 pm.

The meeting adjourned at 9:04 pm.

Respectfully submitted,

Tricia Kiekintveld
Recording Secretary