

HOLLAND CHARTER TOWNSHIP PLANNING COMMISSION
Regular Meeting
November 1, 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 and Assistant Planner/Zoning Administrator Kate White.

Absent: None.

Minutes:

** It was moved by Becker and supported by Barajas to approve the minutes of the October 4, 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 Mary Pathuis on behalf of 3303 John F Donnelly, LLC. Said lands are located at 13232 New Holland Street, described more specifically as Parcel Number 70-16-05-100-003. The petitioner is seeking to change the above land from I-2 General Industrial to AG Agriculture.

Present for this request was Mr. Ben Fogg of 5511 Clear Meadow Ct, West Olive, MI.

Mr. Fogg stated that he is seeking approval to change the whole 58.6-acre property from I-2 General Industrial to AG Agriculture. Fogg noted that there has recently been a sale for the 5-acre portion of the property that has the dwelling on it and stated that the reason he is seeking the rezoning is to ultimately get the 5-acre property to be zoned AG to eliminate the legal non-conforming status for said property.

Chairman Kortering requested clarification that the request presented tonight is to rezone the full 58.6-acre property. Fogg said the request is for the full 58.6 acres. Staff affirmed this request and noted the legal conforming status of the property. Staff noted that the only complicating factor for the property may be the farm-related structures on the property. To add to or extend the life of the farm structures or the dwelling may require Zoning Board approval for an extension of a non-conforming use.

Staff remarked that there was prior authorization from the Township for a lot split for the 58.6 parcel and it appears from Mr. Fogg's comments that the lot split has been act on after the submission of the rezoning application.

Mr. Kortering asked Staff what the designated zoning is for this parcel in the Future Land Use Map. Staff said that the parcel is designated for I-1 Light Industrial.

Mr. VanderMeulen asked Mr. Fogg about the purchase of the industrial property in 2021 and his understanding of the future planning for industry in the area and on the property. Mr. Fogg agreed and noted that he just wants the 5-acre farm property to remain as AG, and to leave the rest as I-2. However, he did not know how to ask for that through the application.

Chairman Kortering opened the meeting up for public comments.

No one was present from the public to speak to this request.

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

Mr. Becker noted that the Planning Commission could deny the request and Mr. Fogg could come back to rezone the 5-acre property.

Ms. Rynsburger asked whether the property has been split. Staff did not know the status of the split at the County level.

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

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

The proposed rezoning is not consistent 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 lot's residential and agricultural use is currently legal non-conforming given it is zoned I-2 General Industrial. The proposed district and use would be compatible with the current physical, geological, hydrological and environmental features 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.**

The property is currently bounded to the east by a single-family dwelling, to the south by the planned open space/detention area for the new ColdQuest Facility, and to the west by a railroad right-of-way and industrial uses. Approving the rezoning would create an AG Agriculture lot that over time will become less and less compatible with the surrounding industrially-zoned lots.

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

There are no known plans by a developer to expand utility services to the lot of record, so that is not an issue.

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

None.

Mr. Sharp noted that he is uncomfortable with the full rezoning of the 58.6-acre parcel and he is trying to determine whether he would be more comfortable with the rezoning of the 5-acre parcel to AG. Mr. Barajas echoed Sharp's comments.

Mr. VanderMeulen asked Staff what the downsides are to a house on an industrial-zoned property. Staff stated that financing can be a little challenging for a non-conforming property as financial lenders may not be aware of local regulations for a rebuild on a non-conforming property.

Ms. Rynsburger asked whether there could be a contingency on the parcel's rezoning that if the property were to sell, it would revert back to its original zoning? Staff noted that a conditional rezoning is an option, however, that is not the request that has been presented tonight.

Mr. Kortering asked about Staff's comfort level with the request. Staff noted that if the Planning Commission feels comfortable enough to make a decision, then they should do so. If the current request were to be denied and the Applicant were to seek a rezoning for just the 5-acre property, Staff's position on the rezoning would remain the same.

*** It was moved by Becker and supported by Rynsburger to recommend denial to the Township Board for the amendment to the Zoning Ordinance and Map, changing the subject land's zoning from I-2 General Industrial to AG Agriculture. A roll call vote was taken. Yes – 7, No – 0. Motion carried.

Chairman Kortering opened a public hearing for consideration of a Special Land Use Permit for a Minor Vehicle Repair, submitted by Armando Villafuerte of AV Towing Services. Said lands are located at 11328 Chicago Drive, described more specifically as Parcel Number 70-16-22-450-013. The subject property is zoned C-2 Community Commercial.

Present for this request was Armando Villafuerte, owner of 11328 Chicago Drive.

Mr. Villafuerte noted that he has run this business for about 20 years and only bought said property about 3.5 years ago. He only wants to sell new and used tires from this location.

Chairman Kortering asked if the code enforcement issue with the sign has been addressed. Mr. Villafuerte noted that it had been addressed.

Mr. VanderMeulen asked how the fenced-off area on the property will be used. Mr. Villafuerte stated that the area will be used to park two tow trucks and customer cars for repairs. He noted that they will not be impounding cars in this area. Mr. Villafuerte's business is not on the Ottawa County Sheriff's list for impound services.

Chairman Kortering opened the meeting up for public comments.

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

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

The use is consistent with the general vehicle related uses in the area.

- 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.**

Similar uses have been here before so public service and facilities should not be an issue. Concerns exist over Fire Department accessibility to the site and subsequent eastern lots.

- 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.**

There are no proposed disturbances with the sale of new and used tires.

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

The Comprehensive Plan indicates “establishments within Community Commercial areas should include the sale of goods and services that can benefit the community on a wider scale”. The sale of tires would fall into that category.

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

The lot is almost entirely covered with impervious and improved surfaces. There are no proposed topographic modifications for stormwater management at this time. Staff does recommend adding front yard landscaping to bring the property closer to compliance with current Zoning Ordinance regulations.

- 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.**

Planning Commission acknowledges that people need tires from time to time.

Chairman Kortering ran through Staff's recommendation and conditions for approval:

1. The internal use and sewer connection of the building is reviewed by the Building Inspector;
2. The site's emergency access is reviewed and approved by the Fire Chief;
3. The Planning Commission is comfortable that "Fleet Truck Parking" south of the building will not evolve into a prohibited salvage and impound operation within a commercial zoning district;
4. There is no outdoor storage of wrecked vehicles or parts and equipment;
5. A front yard landscape is installed outside of the access easement; and
6. The Planning Commission recognize that a future lot combination is being considered and indicate whether that would impact their decision.

Chairman Kortering asked Staff what they envisioned for landscaping. Staff noted that given the new special land use request and the fact that little to no change is proposed for the property, Staff would like to see the property take a step towards compliance to current standards. Some front yard landscaping (i.e., shade trees) could be a closer step towards compliance.

Chairman Kortering asked Mr. Villafuerte if requiring shade trees would be a reasonable request. Applicant noted that the entire front yard is black-top. Mr. Villafuerte said that they did install a permanent raised flower box by the sign. He would prefer not to tear up the parking lot due to cost concerns.

Staff emphasized the point that the Applicant should work with the Building Inspector to review the property, its use, any changes to the building, and pull permits for any work done, if necessary.

*** It was moved by VanderMeulen and supported by Sharp to approve the request with Staff's recommendations, 1 through 6, and for recommendation 5, that the raised plantings around the sign are sufficient. A roll call vote was taken. Yes – 7, No – 0. Motion carried.

Chairman Kortering opened a public hearing for consideration of a Special Land Use Permit for a Major Vehicle Repair not including collision or painting services, submitted by Armando Villafuerte of AV Towing Services. Said lands are located at 11344 Chicago Drive, described more specifically as Parcel Number 70-16-22-450-012. The subject property is zoned C-2 Community Commercial.

Present for this request was Armando Villafuerte, owner of 11344 Chicago Drive.

Mr. Villafuerte stated he bought the property about 10 years ago and has been operating minor auto repair in that building. Previously, he operated his minor auto repair business in the adjacent building at 11352 Chicago Drive.

Mr. VanderMeulen asked about what is located in the back of the building; it looks like to be semi-trailers? Mr. Villafuerte said that he got the semi-truck trailer to store all of the tires.

Mr. Kortering asked if Mr. Villafuerte intends on removing the trailers. Mr. Villafuerte said that he plans on moving the tires from the trailers into the building at 11328 Chicago Drive once it is finished.

Mr. Sharp asked how loud the shop would be? Mr. Villafuerte stated that they have little rooms in the back of the property to house the compressors to limit noise impacts for the customers.

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 Rynsburger and supported by Darrow 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.**

The use is consistent with the general vehicle related uses in the area.

- 4. 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.**

Similar uses have been here before so public service and facilities should not be an issue. Concerns exist over Fire Department accessibility to the site and subsequent eastern lots.

- 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.**

Provided the proposed repairs occur with the building, there are no disturbances anticipated. Commission believes the concern about noise was addressed with the location and housing of the compressors.

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

The Comprehensive Plan indicates "establishments within Community Commercial areas should include the sale of goods and services that can benefit the community on a wider scale". This use fits.

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

The lot is almost entirely covered with impervious and improved surfaces. There are no proposed topographic modifications for stormwater management at this time. Staff does recommend adding front yard landscaping to bring the property closer to compliance with current Zoning Ordinance regulations.

- 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 Applicant has been doing this for a number of years in the area.

Chairman Kortering ran through Staff's recommendation and conditions for approval:

1. The site's emergency access is reviewed and approved by the Fire Chief;
2. There is no outdoor storage of wrecked vehicles or parts and equipment;
3. A front yard landscape is installed outside of the access easement.
4. The Planning Commission recognize that a future lot combination is being considered and indicate whether that would impact their decision.

Mr. VanderMeulen noted that it may be worth doing a stipulation on getting rid of the outdoor storage. Staff clarified that the outdoor storage/semi-trailers are being handled by an active code enforcement.

Mr. Barajas does not like the idea of ripping up the asphalt in the parking lot to install front yard landscaping, but he understands why this is a recommendation by Staff. The Applicant noted that they have another sign on this property and a raised flower box could be installed there.

*** It was moved by Rynsburger and supported by Barajas to approve the request for a Special Land Use Permit for Major vehicle Repair, not including collision and painting services with Staff's recommended conditions 1 through 3, and for recommendation 3, that the planter box will be sufficient for front yard landscaping. A roll call vote was taken. Yes – 7, No – 0. Motion carried.

Chairman Kortering opened a public hearing for consideration of a Special Land Use Permit for an expansion to an existing Mini-warehouse/Self-storage Facility consisting of 89 units, submitted by Mary Pathuis on behalf of 3303 John F Donnelly, LLC. Said land is located at 23 James Street, described more specifically as Parcel Number 70-16-17-300-067. The subject property is zoned I-1 Light Industrial.

Present for this request was Lynnelle Berkenpas of Holland Engineering, 220 Hoover Blvd, Holland, MI.

Ms. Berkenpas noted that Phase 3 of this self-storage development had received previous special land use approval from the Planning Commission. They are looking decrease the number units in this revised phase, while increasing the size of the units for the storage of larger items (e.g., boats, trailers, etc.).

Ms. Berkenpas stated that Staff called out unit size concerns, with some units exceeding 600 square feet. She noted that these units will be properly sized in the site plan review.

Mr. VanderMeulen did not see any plans for lighting but assumes this will be handled by Staff in the site plan review.

Staff noted that the new plan shown should eliminate the need for a deferred parking agreement. This will be verified once a final site plan and parking calculation is submitted.

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.**

The use remains consistent with previous approvals for Phase 1, 2, and 3.

- 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.**

Public services and facilities appear to be adequate to appropriately serve the proposed use.

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

This is a Phase 3 of a pre-existing use.

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

There is already a Phase 1 and the majority of phase 2 in place.

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

The proposed landscaping and buffers will incorporate more trees and diversity into the site. Staff has recommended the northern buffer should be extended east to the 132nd Street right-of-way to comply with today's zoning ordinance.

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

The use will not result in traffic congestion.

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

There is a need for the proposed use within the Township.

Chairman Kortering ran through Staff's recommendation and conditions for approval.

*** It was moved by VanderMeulen and supported by Sharp to approve the request, subject to the following conditions:

1. All units, including unconstructed building 6 within Phase 2, must comply with the 600 square foot maximum area per unit;
2. There shall be no outside storage on the subject property;
3. Prior to approval of any permit, the applicant shall obtain Staff approval for a final site plan including landscaping and lighting; and
4. Prior to approval of any permit, the applicant shall obtain Fire Chief approval for hydrants and driveway widths for emergency access indicate whether that would impact their decision.

A roll call vote was taken. Yes – 7, No – 0. Motion carried.

Chairman Kortering opened a public hearing for consideration of a Special Land Use Permit for a 2,800 square foot Warehousing Facility and 3,600 square foot Contractor's Facility without Outdoor Storage, submitted by Tom Miedema of Miedema Metal Building Systems, Inc. on behalf of Timothy Kraal of Butch Properties, LLC. Said land is located at 956 Black River Drive, described more specifically as Parcel Number 70-16-25-475-001. The subject property is zoned C-3 Highway Commercial.

Present for this request was Becky Page of Holland Engineering, 220 Hoover Blvd, Holland, MI.

Ms. Page stated that they are seeking approval for a special land use for a vacant 1-acre parcel, with one portion designated for Warehouse and another portion designated for Contractor's Facility. Ms. Page noted that Black River Drive has many similar uses.

Chairman Kortering opened the meeting up for public comments.

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

** It was moved by Becker and supported by 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.**

With the exception of the multi-family development to the north, the area around the subject property is largely vacant. To the south, however, Black River Drive appears to have become a convenient location for contractor facilities.

- 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.**

Public services and facilities appear to be adequate to appropriately serve the proposed use.

- 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.**

Highway Commercial land uses are generally intended for highway-oriented commercial land uses which may include restaurants (both sit-down and drive-thru), office spaces, medical buildings and facilities, and recreation facilities. Planning Commission noted that Warehouse and Contractor Facility uses are allowed as special land uses by the Zoning Ordinance. Planning Commission acknowledged Staff's comments on opportunity for the Commission to evaluate the variety of uses in the area, the site's proximity to Adams Street and the Interchange, as well as the ability to service the traveling public.

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

The subject site is vacant and nearly void of any trees or shrubs. Adherence to the Township and County regulations should enhance the area through its appearance and operations.

- 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 Applicant feels that there is a need in the Township.

Chairman Kortering restated Staff's recommendation: Staff has no objection to the Warehouse use provided the drive aisle is widened, the Planning Commission is satisfied with the receiving/distribution methods at the overhead door, and the site complies with all landscape requirements. Staff is less supportive of a Contractor's Facility without a known contractor type, therefore, does not support authorizing a Special Land Use Permit for the 3,600 square foot suite.

Mr. VanderMeulen asked about the drive aisle recommendation from Staff. Staff clarified that the Fire Chief would like to see a 26-foot drive aisle for the warehousing portion of the building.

Mr. VanderMeulen also remarked that knowing the contractor type may not be necessary given contractors can move in and out these spaces. The contractor type could easily change over time.

Mr. VanderMeulen noted concerns about the dumpster enclosure and access for tenants. Staff noted that dumpster enclosures must meet setbacks and, given the limited room on the site, that would be something for the developer to consider.

*** It was moved by Darrow and supported by Sharp to approve the request for a Special Land Use for a 6,400 square foot building containing a 2,800 square foot Warehousing Facility and 3,600 square foot Contractor's Facility without Outdoor Storage, including the condition to meet the 26-foot drive aisle. A roll call vote was taken. Yes – 7, No – 0. Motion carried.

Chairman Kortering opened a public hearing for consideration of a Special Land Use Permit for a Bed & Breakfast with one leasable bedroom, submitted by Juan Delgado. Said land is located at 11395 Stonehedge Drive, described more specifically as Parcel Number 70-16-10-494-001. The subject property is zoned R-2 Moderate Density Residential.

Present for this request was Juan Delgado, 11395 Stonehedge Drive.

Mr. Delgado stated he is seeking a special land use to operate a Bed & Breakfast in his residence. The lower level of the dwelling would be used for lodging guests.

Mr. VanderMeulen noted that Staff has pointed out the original building permit for the house had an unfinished basement, and the basement is now finished. He asked the Applicant how that happened? Mr. Delgado noted that he bought the house with a finished basement.

Mr. Becker remarked that he would oppose this special land use given guidance from the Township Board on short-term rentals, code enforcement finding the listing on AirBnB, and that neighbors may not be keen on having their neighbor rent out their basement.

Chairman Kortering pointed out that there was a previous Bed & Breakfast approval in the Township back in 2018. Staff noted that the previous Bed & Breakfast approval was given to 3335 112th Ave in December of 2018. The motion for the Bed & Breakfast special land use permit was approved with stipulations that the use ends at the time the house is sold, inspections are done according to Rental Housing Standards, and bookings are limited to one at a time with no more than two bedrooms and one vehicle.

Mr. VanderMeulen stated that an owner-occupied rental may help to limit any noise complaints vs. a whole-house rental. He also noted that if the Planning Commission were to approve, it is the responsibility of the Township to ensure that rooms rented to the public are safe and up-to-code, in terms of electrical, plumbing, heating etc. A higher standard of safety should be met once you start to rent out your property to the general public.

Mr. Barajas stated he wants to make sure everything is proper with permits for the safety of the people renting it out and even for Mr. Delgado's safety.

Chairman Kortering asked what parking situation is. Mr. Delgado noted he has a two-stall garage. He is the only one who lives at the house.

Mr. Kortering asked about the code enforcement issue and whether it had been rented out previously. Staff noted it is a code enforcement issue, and they believe it has been rented out previously given reserved dates marked on AirBnB.

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 Darrow and supported by Rynsburger 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.

The use establishes a quasi-commercial use in an established subdivision without an understanding of the services provided, frequency of stays, or duration of stays. The applicant should confirm whether the subdivision has any deed restrictions concerning such a use.

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.

Public services and facilities appear to be adequate to appropriately serve the proposed use.

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 less likely to be a detriment to the neighborhood given the owners are required to live on the premises when the bed and breakfast is in operation.

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

Per the Comprehensive Plan, areas designated as Low Density Residential are suitable for single-family homes with neighborhood parks, open space, and convenient access/close proximity to schools, places of worship, and government facilities. The Planning Commission recognized Staff does not believe introducing the transient public to a neighborhood without sidewalks or proximity to the above amenities is consistent with the Township's vision.

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 outdoor changes are being proposed.

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

The use is not anticipated to have an adverse impact on roads or traffic congestion.

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

The Planning Commission shall determine if applicant has adequately addressed this standard or whether further study is needed.

Chairman Kortering restated Staff's recommendation: Staff does not support the request as presented. Depending on the applicant's ability to address the lower level's finished condition, Staff anticipates an additional enforcement should be started to address any work completed without the appropriate building permits and inspections.

Mr. Barajas asked if there were no building permit issues, how would Staff feel about the Bed & Breakfast special land use? Staff noted they would still oppose the Bed & Breakfast given the direction from the Township Board on short-term rentals. This request looks like a short-term rental, as there is no amenity space, multiple rooms, event space, etc.

Ms. Rynsburger noted that the sticking point for her is Standard 4 and agrees with Staff's perspective on this standard.

Mr. Darrow and Mr. Sharp echoed that this request is very similar to a short-term rental.

Staff noted that if the Planning Commission were to approve the request for the Bed & Breakfast, they could make a condition that rental inspections take place every three years, such is the case for the 3335 112th Ave Bed & Breakfast.

Mr. VanderMeulen re-emphasized the difference between owner-occupied and whole house rentals.

*** It was moved by Barajas and supported by Becker to deny the request. A roll call vote was taken. Yes – 6, No – 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.

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

Staff noted that the 8th Street sidewalk improvements are in progress, the berm in front of the old Hart and Cooley building has been installed, and with upcoming road diet project, the corridor is being set-up well for redevelopment.

Staff provided an overview of a potential mixed-use development project, along with presenting a preliminary massing and site layout plan.

Staff proceeded to present some draft language for the Federal District Overlay to get Planning Commission's input and direction on spatial and use standards. Chairman Kortering noted that he would like the Planning Commission to make some firm decisions on the draft language.

Staff discussed the internal composition of uses within the mixed-use building. Planning Commission expressed comfort with separating the residential entry from the commercial entry, providing some consideration for commercial/office use above the first floor, and noted they may be open to residential on the first floor.

Planning Commission discussed minimum floor area for dwellings and unit diversity (i.e., studio, 1-bedroom, 2-bedroom, etc.). Mr. VanderMeulen noted that he envisioned this area for young professionals. Planning Commission noted that more bedrooms in a unit will bring a higher need for parking spaces. The Commission discussed possibly requiring unit diversity, but some noted that it may be a legal issue.

Planning Commission discussed minimum lot width and area and feels like Staff is on the right track with the sizes in the draft language. The Commission noted comfort with a 51-foot front yard setback from right-of-way centerline, given the varied right-of-way in this corridor. Staff discussed a minimum front yard setback for upper floors to create terracing in buildings.

Staff then discussed minimum height requirements in the Overlay District. Planning Commission liked the idea of requiring a minimum floor height on the first story. Planning Commission discussed minimum side and rear yard setbacks. Staff noted that the northern side of the corridor would abut residential districts, so it may be worth including language about the type of buffer required between residential and commercial use. This could involve a smaller buffer width with a higher fence and canopy trees for screening between uses.

Planning Commission reviewed the tentative meeting dates and times for 2023.

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

The meeting adjourned at 8:10 pm.

Respectfully submitted,

Kate White
Assistant Planner & Zoning Administrator