



PLANNING COMMISSION
SPECIAL MEETING
January 5, 2010

DRAFT COPY

Present: LeeAnne Jachim, Steve Schaftenaar, Bill Cole, Ed de Vries, Joseph Lampen, Bob Ellis (delayed), Dan Martin, attorney and Eric Davis, Zoning Administrator

Absent: Nicki Arendshorst (Arendshorst, Chairperson, is recused from the Point West I, LLC (PWI) Planned Unit Development (PUD) item at all meetings. She was in attendance in the audience.)

Joe Lampen, Vice-Chairperson, called the special meeting of the Park Township Planning Commission to order at 6:30 p.m.

Lampen explained that the purpose of the meeting was to conduct a work session regarding the PWI PUD application. The township has retained the services of a consultant to help the processing of this item. He explained that while there would be a time for general public comments at the end of the meeting, this is not the promised continuation of the public hearing that was adjourned on December 15, 2009. Said continuation will occur at the regularly scheduled Planning Commission (PC) meeting on January 19, 2010.

Davis introduced Andy Bowman, consultant.

Bowman stated that his background includes twelve years with a township and twelve years with the Metro Council in Grand Rapids working with planning commissions, PUD's, etc. He stated that he was there as a guide so that an informed decision can be made. He stated that it is vital to look at this PUD proposal in light of the master plan. He stated that his goal was to help come up with a revised density number or at least consensus on a formula, after discussion and in light of the intent of the master plan. He stated that he would also like to open a discussion on public access to this area.

Davis read the four PUD standards found in section 38-365 of the township ordinance.

- (1) Whether the proposed planned unit development is consistent with and promotes the intent and purpose of this division and the considerations referenced in section 38-363 (Description & purpose).
- (2) Whether the proposed planned unit development is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the planned unit development.
- (3) Whether the proposed planned unit development is consistent with the current township comprehensive or basic plan (as then in force) adopted pursuant to state law, including, but not limited to, density calculations.
- (4) Whether the proposed planned unit development is consistent with the public health, safety and welfare of the township, including, but not limited to, traffic control, environmental concerns, lighting, pedestrian safety, and drainage.

Lampen stated that he would like to begin by discussing the first standard. He asked if that is the place to be considering how a proposed project fits with the current zoning and with the planned (master plan) zoning of a property.

Bowman stated that he felt that the PUD flexibility is aimed at setbacks, spacing, etc. and what is being proposed will most likely be able to be rationalized for some level of use and height and bulk. He stated that he felt that the use of the word “or” in ordinance section 38-363-c (referring to the current zoning or the projected (master plan) zoning) should be considered when figuring density for a parallel plan. How does the proposed project fit with both the current zoning and the planned zoning? He stated that the PC should decide which one to use when looking at the desired density for this project. The PC should make a commitment to what makes the most sense for the future. Could something in between happen here?

Lampen stated that that is the biggest challenge because there are spots in this area that are very dense.

Cole agreed that it is difficult to pin down the existing density in this area.

Bowman had a question for the PC. The township, through the master plan map, has said that they would like to see this area be a low-density residential area in the future. Does the PC agree that that is the best use for this land? If so, the density should be based on those figures. If the PC thinks that there is a flaw in the thinking of having this area be low-density (R-3) residential, and would be recommending a change to the master plan map in the future, then they should use current zoning or some other variant to figure density. He questioned if anyone knew what neighboring Laketown Township sees for the future for this area. He stated that the master plan should be the guide for PUD’s.

Lampen clarified that they haven’t seen a parallel plan for this area that uses R-3 to calculate density. He wouldn’t want to use that if it doesn’t make sense for this area. Perhaps a higher density makes sense.

Schaftenaar stated that the economy was languishing and so the update that was in process for the master plan was put on hold. He clarified that the current master plan map was not necessarily affirmed just because the timing was not ideal to complete the update.

Jerry Felix, township manager, stated that the township intends to update the master plan. Hopefully it will happen within the next twelve months.

Cole clarified that the property is currently zoned C-2. He asked for input on that, combined with the fact that the master plan shows this area planned mainly for R-3.

Bowman stated that C-2 does allow residential use. If the township doesn’t want commercial in this area, it shouldn’t be zoned that way.

There was a discussion on the master plan, the intent for the area, future uses, rezoning the property to match the master plan, the viability of a commercial use here, etc.

Schaftenaar clarified that this is a PUD application and the applicant does have the right to place a PUD anywhere in the township within regulations.

Bowman stated that that is why a PUD needs to be anchored to the master plan because it is asking to do something outside the ordinance guidelines. Perhaps the PC could establish a density in-between what the current zoning allows and what the master plan calls for. There is room to move around on some decisions.

De Vries reminded the PC that there are uses that the applicant is able to do within the current zoning. He stated that the PC has to find a balance between what the applicant can do, what they are proposing and what the master plan is looking for. He stated that he felt that it would be unreasonable to hold them to the master plan density when they can develop at a higher density under the current zoning.

Martin clarified that they are allowed to put multi-family housing under the current zoning, not single family. He stated that they wouldn't be allowed, under the current zoning, to put in the seventy-one single family dwellings shown in their parallel plan. The density of the parallel plan should be based on the master plan or the current zoning.

Davis clarified that their parallel plan doesn't show single family dwellings.

Martin apologized. He stated that he must have misspoken. He understands that the parallel plan shows multi-family units.

Cole asked what the allowed density would be in a C-2 zone for multi-family units.

Davis stated that using 4,500 square feet of land per dwelling unit, it would be seventy-two (72) units.

Cole stated that he felt that the master plan was good to use as a guide, but given the "conundrum" he would like to see a compromise because he felt that no one would want to see seventy-two multi-family units there.

Bowman stated that they could compromise somewhere in the middle of the C-2 and the R-3 density.

There was a discussion on the size of the commercially zoned area, the density using different types of parallel plans, how much of the master plan shows C-2 for this area, calculating a hybrid density, etc.

After discussion Bowman stated that they had not yet talked about taking some of the uninhabitable elements out of the calculable area before determining density, i.e. dunes, roads, etc. He stated that it was not required, under the PUD ordinance, to take those elements out.

Schaftenaar stated that he felt that the master plan points them in that direction. He stated that he felt that it makes sense to remove some of the dunes as unbuildable when calculating density.

Bowman stated that they could use the master plan as a base for calculating the density and then work up from there.

A discussion ensued.

Lampen asked if there was consensus on using the master plan as a baseline for density. There was consensus that that was fine.

Bowman stated that most likely units would be added to that baseline density after looking at the actual land layout, etc.

Ellis arrived.

Cole asked for more information about removing undevelopable areas, such as the dune, before figuring density.

Davis stated that the applicant, with Department of Environmental Quality (DEQ) advice, would have to supply that square footage.

Bowman stated that they would have to define what features they wanted removed. He clarified that the ordinance doesn't necessarily use the term "unbuildable".

A discussion ensued.

Schaftenaar stated that he would like to know if the skeleton structure in the dune is even allowed, per DEQ, to be built upon.

Lampen stated that he would like to hear an estimate of what the DEQ says is undevelopable.

Davis clarified that the PUD ordinance does not require that any areas have to be removed. The subdivision ordinance says that these types of areas shall not be platted as lots. The parallel plan does not show lots going into that area.

Bowman stated that if you're going to calculate your parallel plan according to lots, they would not be allowed to go into there.

Cole reiterated that it is not known what can be done with the existing hillside structure as far as the DEQ is concerned.

Davis clarified that the DEQ has complex rules and many things are done as variances or special exceptions. They also, most times, require that the township give its approval first before the DEQ does their review.

Schaftenaar asked if they could even proceed without knowing that answer.

Bowman stated that they could, because the developer will not be able to proceed without their DEQ approval.

A discussion ensued.

Raad, Nederveld engineer representing the developer, stated that they have done extensive research on the question relating to any development in the dune. There is an area that they are able to build on because it is already impacted. They have letters from the DEQ explaining this. He stated that they intended to supply these during the final PUD process.

Lampen asked if they had anything from the DEQ stating what part of the dune is uninhabitable.

Raad stated that the DEQ does not provide that. The engineer calculates that area and submits it to the DEQ and then, if satisfactory, the DEQ signs off on it.

Cole stated that he would like to see the existing DEQ letters.

Bowman stated that he or Davis could also contact the DEQ and get their comments. He stated that this “exercise” is not to see if lots could be put into the dune but rather just to see the overall density picture. He stated that it may not be necessary, depending on how the PC wants to do their moderation from the current baseline. They may want to go up to a level that would have been allowed anyway.

Cole asked the developer to provide the DEQ information.

Raad stated that they will provide the information that they have on file.

Lampen stated that he wanted to touch base on the “variances”, such as height, that would be required if this were developed “as zoned”. These items would not be variances if they are approved as part of the PUD, but he wanted the PC to give the developer some guidance on which, if any, of the “variance” items the PC was not comfortable with.

Bowman stated that some creativity should be allowed. The PC should look at the height, etc. in relation to how it fits the site, not necessarily in relation to ordinance regulations.

Lampen wondered if there was any need for “creativity limits”. He stated that he would like to know the elevations of the site.

A discussion ensued about elevations, the anticipated design of the hillside building, etc.

Bowman stated that he wanted to talk a little about public access. He would like, as a starting point, to get a feel about the following topics: vehicular access, pedestrian access and water access. Perhaps the developer might be able to show how pedestrians would travel through the area.

There was a discussion on pedestrian traffic on the peninsula, easement documents, the boat slips, etc.

Ellis asked if the attorney could look at the existing agreements to determine if there are some “sticking points” relating to the proposed PUD plan. He asked if the fact that these private roads were being used in a “public” setting should be looked at in relation to the density.

Bowman stated that they could probably look at the roads as if they were public in this instance.

There was a discussion on the current and proposed associations, the existing easements and agreements, etc.

Lampen stated that they would like to see the association documents before proceeding.

Davis stated that he didn’t understand how that information was going to make a difference in the decision making process.

Martin stated that it wouldn’t unless they were thinking about compatibility with adjacent land.

Schaftenaar stated that he wanted to know how this development would fit with the neighbors in perpetuity.

Bowman reminded the PC that the PUD process would be getting a feel for those characteristics. Perhaps they’d be able to ask for some aspect of the agreements to be changed to accommodate something, but the PC should state what exactly they wanted to look at rather than just the documents in their entirety. They don’t want to be the mediator for all of the agreements.

Lampen asked if the PC members had any specific questions they wanted to address tonight.

Cole stated that he would like to see the easement documents, pedestrian agreements, recorded agreements, etc.

A discussion ensued.

Lampen asked if any audience members had any comments. He clarified that this is not the continuation of the adjourned public hearing for this item which will be re-opened in two weeks at the regularly scheduled PC meeting on January 19, 2010.

Shirley Swaney, 2381 Interlake Walk, asked why the burden of proof is on the PC for the dune questions, the boat slip questions, etc. She said to the PC, "Go home. Do your homework and when you get all the facts that we need, then we'll address it."

Jack Siebers, attorney for the cottagers and past resident of Macatawa, stated that he did not believe the parallel plan would be permitted under the current zoning. They would need a 66-foot wide street for access. There are setback issues. Also, they are going for maximum density and then they are adding a marina on top of that. The proposed agreement doesn't limit the marina to condo users. It is assumed, but not spelled out. What about the next PUD applicant that asks for more than 2 ½ stories or more than 35 feet of height?

John Gronberg, 657 Lakeside Rd., representing the Macatawa Parking Corporation, stated that they are not trying to limit access; they are just trying to offer access with the appropriate amount of safety.

Dan Mitchell, 2433 Michigan Walk, stated that he felt that the election to use the master plan as a guideline is a credit and benefit to the township. He stated that he felt that in the future it might be beneficial to have the township come up with a figure for density on a project and give it to the developer.

Nicki Arendshorst, 2438 Blue Bell Ct., stated that she wanted to thank the PC for asking the necessary questions. She stated that she appreciated the rural character of the area, which is the intent of the master plan. She wanted to remind the PC that this proposed development would be a year-round neighborhood as opposed to a seasonal neighborhood. That changes things. A PUD should be creative. She stated that she is still looking for the benefit to the community. That is partly what is frustrating for the cottagers.

Wade Eldean, 2301 S. Shore Dr., stated that this is commercial resort community. What does that mean? It means people go out there for vacation. There's commercial there. There is residential there. His business is commercial and provides a lot of jobs for the community. This area has been a resort area for over one hundred years. This is exactly what the master plan calls for.

ANNOUNCEMENTS

MOTION

A motion was made by Cole and supported by Jachim to adjourn at 9:04 p.m.

VOTE

Motion carried: 6-0

Sandy Brodie
Recording Secretary