



PARK TOWNSHIP

PLANNING COMMISSION

Regular Meeting

January 18, 2011

Chair Nicki Arendshorst called the regular meeting of the Park Township Planning Commission (PC) to order at 6:30 PM

Present: Nicki Arendshorst, Bill Cole, Bob Ellis, Joe Lampen, Steve Schaftenaar

Others: Andy Bowman, Planning Consultant, Ron Bultje, Interim Attorney

Absent: LeeAnne Jachim

Ms. Arendshorst announced Mr. deVries has left the Planning Commission Board to assume another position as Co-Compliance Officer with Park Township. In Dan Martin's absence, Ron Bultje will serve as Interim Attorney for the meeting.

MOTION

A motion was made by Mr. Lampen and supported by Mr. Cole to approve the agenda as presented.

VOTE

Motion carried: 5-0

MOTION

A motion was made by Mr. Lampen and supported by Mr. Schaftenaar to approve the minutes for the November 16, 2010 regular meeting as presented.

VOTE

Motion carried: 5-0

AGENDA ITEMS

**Item #1 Proposed Amendment to the Conditional Rezoning Agreement
 Smitty's Pronto Pup
 2233 Ottawa Beach Road**

Ms. Arendshorst wished to clarify that this conditional rezoning matter is in regard to the ordinance only.

It is not about the Township being against a business despite allegations in the media.

Scott Geerlings, 933 South Shore Drive

Mr. Geerlings identified himself as the building owner of Pronto Pups Restaurant. He reviewed the three requests of concern: 1) Menu – we were limited at the onset and to avoid problems, at the Township's request, we want to make it a walkup restaurant; 2) Seasonality of business – we are asking to be open beyond the summer season if weather allows. We are not asking to be open year-round; and, 3) Hours - we are requesting our morning hours begin at 8:00 AM to serve coffee and morning menu items to our customers. This would be a change from the previous opening time of 10:30 AM.

Mr. Bultje asked whether these three items are a package or if the Board consider each separately. Ms. Arendshorst confirmed the Board will consider them as separate items. Mr. Geerlings agreed.

The meeting was opened to public hearing at 6:40 PM.

PUBLIC COMMENT

Joel Welsh, 679 Bosma - Expressed concern about the proposed changes in the original request for one menu item, the current request to change hours, and setting new precedents. Changing language presents an unspoken liability to the neighborhood.

Sally Pollock, 2285 Ottawa Beach Rd. - Expressed concern for her neighbors' welfare with regard to the operation of this business.

Cheryl Walters, 699 Bosma - The neighborhood was zoned residential when she purchased her home 30 years ago and does not welcome a commercial corridor. Conditional rezoning needs rules and regulations.

Carl DeYoung, 6746 Southpoint, Byron Center - As a 24 year member of the Holiday Haven Association he asked why past Township notices of public hearings have not been mailed to the residents. In the past notices were mailed to all residents. He questioned the need to revisit this issue after making satisfactory decisions in 2009 and 2010. He does not want the tranquility of the neighborhood disturbed in the morning.

Jack DeVries, 6770 Buck Creek Avenue - He is a summer resident of Holiday Haven and supported the concern about not receiving Township notices. With proposed zoning changes the menu is changing, the noise caused by music and the blowers will continue and will disturb the quiet of the neighborhood. The music is on for ten hours every day.

Lisa Young, Byron Center - She is a summer resident ~~aeress from~~ OF Holiday Haven and questioned the annual request of the Pronto Pup owner for additional changes. The

music all day long is an issue despite neighborhood requests of Mr. Smith who manages the business. The facebook campaign initiated by this business does not respect the Township, the neighborhood, or the history of the area.

Ken Bosgraaf, 2260 Buck Lake Ave - Stated there have been positive changes in the area. The restaurant has been an enjoyable addition.

Dwight Behrens, 2226 Ottawa Beach Rd. - He has been a summer resident at Lake Ranch for 12 years. Holland has lost a lot of business and this business needs our support.

David Zin, 663 Bosma - He is a satisfied customer of the restaurant but is concerned about changing the restrictions. There should be limits set on the operation of the restaurant. He complained about a constant cloud of smoke descending on the environment near his home which is close to the restaurant.

Dot Holoman, 1876 Columbus - She has lived in the area for 20 years and supports the business although she expressed concern about the noise in the immediate neighborhood of the trailer park.

Joel Welsh, 679 Bosma - Asked if the applicant has submitted any of the requests they say they have received for morning service at the restaurant.

Ms. Arendshorst replied that there have been 12 letters and 2 for. She asked Mr. Bultje if the Township secretary sent notices to Holiday Haven residents in the past. What is the status of this mailing?

Mr. Bultje said he has discussed this with Mr. Felix. He explained the notice requirements and indicated the property of Holiday Haven is owned under one name with four units. The Township has no record of residents in the park. We are obligated to notify property owners but there are no occupants of structures. In reality those are not structures under zoning ordinances. The Township has operated satisfactorily within notice requirements.

Ms. Arendshorst asked if the Township can send letters. Mr. Bultje said he interprets only the law.

Mr. Schaftenaar said there was no intent to keep anyone uninformed.

Mr. Ellis asked if we are preventing anyone from voicing their concerns. The matter may be complicated by the fact that residents do not live in that area year-round so communication is difficult.

Mr. Bultje said another option is to send a letter to the secretary of the association as a remedy.

Ms. Arendshorst recommended the Township locate the list for Holiday Haven and send notices to everyone.

The Public Hearing closed at 7:13 PM

Ms. Arendshorst reviewed the history of the Pronto Pups matter from 2007 forward. She reviewed the minutes to gain a better understanding of the Planning Commission's position with regard to the original master plan for the business.

Mr. Schaftenaar said no one wants to stand in the way of the success of this business and with conditional rezoning as it is we need to define the operation.

Ms. Arendshorst said the conditional rezoning has not been clear which has contributed to a lot of confusion. The issue of hours of operation has been clear but the changes in the menu have not been clarified satisfactorily. We do not want to define this matter by having the Township dictate – that's not what we are about.

Mr. Cole said legal counsel indicated it is our responsibility merely to accept or deny the requests. We are not to be placed in a bargaining position with the petitioner.

Ms. Arendshorst asked the Board members if they wanted to discuss each item individually.

Mr. Bultje said the off-site effect is much more of an issue. Noise regulations could be applicable to the music issue. The zoning ordinance says "nothing disturbing within 50 feet." He suggested the Board could add language to deal with it appropriately.

Mr. Geerlings said there are no grills outside the restaurant. He reiterated the business's intent is not to be obtrusive. Mr. Geerlings emphasized he lives in the neighborhood and is only trying to be accommodating to his neighbors.

Mr. Schaftenaar said conditional zoning is a different creature. The Board did not create this. He suggested the Board should comment on each item separately.

Ms. Arendshorst said some of these issues relates to just being a good neighbor.

Mr. Bultje advised to stipulate "no coolers or grills outside the business."

Mr. Ellis said we need to clarify these issues. We want to be able to enforce what we decide. The Board has wrestled with interpretation on the menu items so let's avoid this going forward. Music and the noise level are big issues for the neighborhood and we need to enforce this.

Mr. Cole suggested the owner and Planning Commission should get together on precise language - not in a public setting where this would take up too much time. We can vote on the three items and language can be decided later to save time.

Ms. Arendshorst summarized the situation. The closer you can keep it the way it is will be healthier for the community. What do we do about the music, odors, traffic and hours of operation? Mr. Geerlings said he would accommodate what the Board decides. He thinks there will be some positive changes.

Mr. Ellis said he wants the Planning Commission to not be a barrier to the business being successful. Policing the menu won't make a difference but the music issue should be addressed. Hours should be conservative. Policing the menu or seasonal operation won't make a difference. We don't have to list everything; so long as long as the business operates within Township ordinances it is okay with us.

Mr. Lampen suggested proceeding with selecting appropriate language.

Mr. Bultje recommended a straw vote on each of the three items then proceed with a motion on each one. Changes should include what has been offered by the applicant. Include language regarding hours of operation, no outside coolers, storage or grills, no food preparation in the morning until 10:30, and limiting music to current hours after 10:30 AM. This applicant is subject to nuisance requirements as everyone else and the ordinance will be enforced. He recommended the following procedure: straw vote, motion to recommend to the Township Board what you are in favor of, and include those conditions offered by the applicant, if they are acceptable.

Ms. Arendshorst reviewed the three items for a straw vote on each item:

2a – The use of the property shall be limited to a seasonal walkup-style restaurant.

Vote: 3 yes, 2 no

The board discussed the pros and cons regarding menu items. Ms. Arendshorst asked if these conditions transferred if the property were sold. Mr. Bultje concurred the ordinance would remain with the new owner.

2b – Seasonality: The restaurant will be seasonally operated from May to September. The property owner may request the Township to allow the owner to operate the restaurant during October, weather permitting, such approval not to be unreasonably withheld by the Township

Vote: 5 yes, 0 no

2c – Hours of Operation: The hours of operation of the restaurant shall be limited to 10:30 AM through 11:00 PM. The applicant has offered hours of 8:00 AM to 11:00 PM.

The Board discussed the pros and cons of the request of the business to open early at 8:00 AM. Planning Commission members reminded the owner the business has to respect the neighborhood's concerns about the noise level of music all day long. Mr. Geerlings said he was willing to limit the music if the business could open early.

Vote: 2 yes, 3 no

Mr. Bultje said the Planning Commission can sign off on this matter tonight then it goes to the Board. The ordinance says no noise between 11 PM and 7 AM. He recommended making one motion to incorporate all the changes with the conditions included. He reviewed once again the conditions: food and drink items can be sold at any time; no outdoor grill, storage, freezers, or coolers; hours from 8 AM-10:30 PM with no food preparation from blowers, ovens, and deep fryers; no music from 8 AM-10:30 AM and after 9 PM.

MOTION

Mr. Bultje recommended the following motion: To approve items 2a, b and c with the conditions set forth and restrictions for time, music and food preparation as agreed. This is to be a self-contained structure with nothing outside. This motion was made by Mr. Ellis moved with no support.

Ms. Arendshorst requested advice from the attorney about how to revise the motion. Mr. Bultje explained a motion can be made to take each of the three items separately as individual motions, or just two, or to reject all items.

MOTION

Mr. Ellis moved to approve the first and second items only with the restrictions offered by the applicant, and to leave the third as it is. The motion was supported by Mr. Lampen.

VOTE

Motion failed: 2-3

Mr. Bultje advised the Planning Commission can recommend no change, or can approve only one of the items, but the board needs to adopt a motion one way or another.

MOTION:

A motion was made by Mr. Schaftenaar and supported by Mr. Cole to approve Item 2a as a walkup restaurant.

VOTE

Motion carried: 3-2

MOTION

A motion was made by Mr. Ellis and supported by Mr. Lampen to approve Item 2b seasonality with the conditions applied.

VOTE

Motion carried: 4-1

MOTION

A motion was made by Mr. Ellis and supported by Mr. Cole to approve Item 2c hours of operation with the conditions previously stated: no food preparation until 10:30, and no music after 9 PM.

VOTE

Motion failed: 1-4

Mr. Bultje recommended the Board members make a motion to the Township Board recommending the Planning Commission's denial of Item 2c, Hours of Operation.

MOTION

A motion was made by Mr. Bultje and supported by Ms. Arendshorst to recommend to the Township Board denial of Item 2c, Hours of Operation.

VOTE

Motion carried: 5-0

**** BREAK for 5 minutes at 8:30 PM ****

Item #2 Preliminary PUD - Point West I, LLC
Preliminary Site Plan
 Tabled from November 16, 2010 meeting

The meeting reconvened at 8:40 PM. Mr. Lampen, Vice Chair, continued the meeting as Ms. Arendshorst recused herself from the discussion of Item #2.

Mr. Lampen asked for a motion to take it off the table.

MOTION

Mr. Schaftenaar moved and Mr. Ellis supported to take this item off the table.

VOTE

Motion carried: 4-0

Mr. Lampen reviewed what occurred at the last meeting. The Board looked at the map of the original proposed site plan and heard a presentation followed by discussion of the initial concerns of the plan. The Board asked the Township staff to return to this meeting with a followup report.

Greg Raad of the firm, Prein & Newhof, represented the applicant and began with reference to a map of the proposed site plan. He shared copies of a memo with the Board members sharing findings of a traffic consultant dated January 5, 2011. He pointed out on the map how the parking space was redesigned to allow more buffer space. There would be signage toward the entrance and a crosswalk has been added including a buffer between the pedestrian walkway and the landscaping. He reviewed traffic flow recommendations and proposed changes such as a sidewalk to the

lighthouse. A designated path could be constructed with appropriate changes. He noted the traffic analysis tries to answer the Board's questions about traffic flow and management. The consultant also reviewed historic traffic flow uses of the area going back to 1880 through the 1950s, referring to the hotel that was there at that time, and into the 1970s.

The proposal for the site includes 45 housing units plus 80 boat slips. Based on these numbers the estimated current peak hour trips today are 120; the proposed 45 units would add 20 peak hour trips bringing the total to 140. Historically, the number has been 80 peak hour trips for comparison. With regard to unit mix and flexibility, the cottages are spaced appropriately whether the plan will be 40 or 45 units. He reviewed the unit plan and discussed the possibility of reconfiguring square feet per unit per floor. He emphasized there is flexibility in plan design without changing the footprint of the plan. Square footage for each unit can vary from 250 to 400 square feet depending on the configuration of the number of the units. Currently there are 20 parking spaces planned for the cottages.

He showed the drawings illustrating the recommended architectural character of buildings. There are 17 variations of the architectural character of the plan.

Mr. Lampen asked Mr. Bowman, Park Township Interim Staff Planner, to review his report for the Board.

Mr. Bowman referenced his memo of January 13 to the Planning Commission. With the new traffic study he is convinced the roadway can handle ingress and egress with traffic control improved, however, he proposes the Planning Commission make certain that service vehicles can use the roadway in addition to fire equipment and emergency vehicles. He agreed to cursorily review the nine considerations described in his memo: Ingress and Egress, Parking and Loading, Refuse and Service, Utilities, Screening and Buffering, Signs and Lighting, Setbacks/Yards, Density and General Compatibility.

INGRESS AND EGRESS – Mr. Bowman's assessment is that the roadway is designed to handle traffic at peak volumes with no difficulty. He referred to the itemized findings in his memo. He noted that average daily trips will increase about half the current trips, but this will still be well below the historical daily trips on this site. This includes trips for the 80 boat slips that are currently proposed.

PARKING AND LOADING/80 BOAT SLIPS – Mr. Schaftenaar expressed concern regarding the impact on usage with traffic potentially posing a problem. Mr. Bowman clarified the traffic study included consideration of those numbers. The plan provides adequate parking for the residents. A raised walkway would reduce speed through the area. 22 slips would be used by cottage residents; 58 would be used by others.

REFUSE AND SERVICE – One loading space will be provided at the marina but there is no need for it in the area. The individual units will be serviced by a handcart and pickup contracted by the condominium association.

UTILITIES – The Holland Board of Public Works and the Drain Commissioner have reviewed and tentatively approved the proposed facilities. Further review will be necessary as the site plan moves forward.

SCREENING AND BUFFERING – Screening does to appear to present a problem, although some screening may be necessary on either side of the Hillside building for the adjacent detached unit lots.

SIGNS AND LIGHTING – The applicant has indicated there is a program in place as part of the overall landscape plan.

SETBACKS AND YARD – It is intended in a PUD that lot size and setbacks can vary to meet specific design needs of the project. Mr. Bowman itemized the setback rules in his memo and noted that the building and pool at the shoreline will require setbacks as prescribed by the MDEQ.

DENSITY – This topic has resulted in intense discussion. The Planning Commission has recommended a total of 40 units, although Township staff has suggested there is some room for flexibility in that number. Based on the design there is ability to go higher, or lower. Market considerations should be part of the discussion on this issue. Mr. Bowman referred the Board to his density comparison chart in his memo (based on other development in the area). What is proposed is not far out of line in his judgment.

GENERAL COMPATIBILITY – It is important to look closely at the submission of the site plan with regard to the zoning codes with the understanding there will be no review by a Township architectural review board since that is not in place. The Zoning Administrator is going to need a set of administrative guidelines to determine if this fits into what we want in the Township so we can go ahead with a building permit. Does this proposed development fit the character of what we are looking for in the Township? He feels the proposal is a straightforward condominium development.

Board discussion followed Mr. Bowman's presentation.

Mr. Cole asked about traffic flow and routing for emergency vehicles. These vehicles would go through the parking lot from the walkway. Alternatively, the walkway could be reconfigured into a roadway.

The developer explained emergency vehicles will use the parking lot from the walkway. After Board discussion the developer said the parking lot could be reconfigured based on Board concerns.

Mr. Lampen asked the Board for their comfort level regarding the number of boat slips since this was an important matter for discussion at the November meeting. Mr. Schaftenaar asked for the number of parking spaces for the boat slips. The impact of 80 cars using the slips will be significant. Private users from other areas is also a consideration. The developer said 40 spaces are planned. Mr. Schaftenaar noted that

this could well develop into a separate community on the water and would definitely impact the community with heavy utilization on this restricted space. The developer explained that 22 of those slips would be used by the cottage residents so that reduces the traffic impact. Mr. Lampen asked about the impact on cottage residents with the traffic in and out of the boat slips as well as having to use the north parking lot. This indicates a lot of traffic between these areas. The developer explained the slips will be leased rather than be sold to exercise some control. Community restrictions regarding hours and types of watercraft will be published to those who lease and there will be an operations manager for the use of the boat slips to add an extra measure of control.

Mr. Lampen asked if Point West LLC would remain owners of the boat slips as well as control other associations within the development. The developer confirmed Point West would maintain control of the boat slips and added there would be four overall associations within the "super condominium." The first would be the overall master association for rules and regulations, with four sub-associations controlling the marina, the clubhouse, the cottages and the Hillside. Mr. Lampen asked about the pricing for the boat slips. The developer confirmed leasing will be expensive based on the market for that area.

Mr. Lampen asked the attorney if the Board agreed to a different number of boat slips would the developer have to go along with the recommendation. Mr. Bultje confirmed the developer would have to agree with what the Board recommended. He said the Board is entitled to consider the appropriate impact and use of the property and the Township is allowed to regulate marinas, although the applicant is not defining this as a marina at the present time. Mr. Lampen said the density issue is a concern to all parties. This is a waterfront property and the neighborhood is so different from the rest of Park Township.

Mr. Ellis asked if there is any standard or guideline in looking at this to help us evaluate the traffic impact. Mr. Bultje said the Board can look at surrounding uses such as amount of water frontage, traffic, impact on residents, historical use of the land, and what is a legitimate use of the area. It is not easily quantifiable, but if we put a limit on something we need a rationale for doing that.

Mr. Bowman said we could also consider the lake capacity to help determine impact and use. The developer asked if it would help to provide rules for control and policing the use of the boat slips with an effort to define the "exclusiveness" of the lease controls. The Board members agreed it would help but it's only a small piece of the whole picture. Mr. Cole asked why 80 is the magic number. The developer said it is economic; it is a matter of cost-efficiency with how many you have to hire to manage the boat slips.

Mr. Lampen recommended tabling this item with continuation at the next meeting. There remain many issues yet to discuss.

MOTION

Mr. Schaftenaar moved and Mr. Ellis supported to table the item until the February meeting.

VOTE

Motion carried: 4-0

Ms. Arendshorst rejoined the meeting at 10:10 PM.

Mr. Lampen requested that the Point West item be listed as Item #1 on the agenda at the next meeting if that is possible.

PUBLIC COMMENT

Wade Eldean, 2305 S. Shore Dr. - Small marinas can't survive – that's why you have large marinas on Lake Macatawa.

Shirley Swaney, 2381 Interlake Walk - Did not oppose Point West to develop this area but questioned the boat slips. Cottages are fine but who says cottages want boat slips? She questioned the impact of the noise and impact on the dunes with the traffic impact of this development. It is her opinion that Proposal A is a disaster because of so many traffic problems.

Robert Miller, 2411 Interlake Walk – Questioned safety with potential traffic problems and increased congestion – there is one way in and one way out. The Cottagers Association commissioned its own study for traffic impact. He distributed copies of the report to the Board. No plan has been presented to deal with risk. There are increased pedestrian/ vehicle/ bicycle safety concerns. He requested the Board study the report carefully.

Pam Loft, 2430 Interlake Walk – Referred to an e-mail she sent the Township covering several issues. She reviewed the Township ordinance regarding marinas. Marinas are allowed if authorized for special use by the Township. She asked what amenities will be provided and questioned the impact on the area.

Dan Mitchell, 2433 Michigan Walk – Asked the Planning Commission to look carefully at the net density impact of this development. It is his opinion that the density chart in Mr. Bowman's memo distorts the real density impact. What is missing is that the Point West density is more than twice that of the cottages that adjoin it. He said there is almost no open space in the current plan and asked the Board to consider the net density.

Tom Nieswurst, 2385 Crescent Walk – He recommended the Board clarify the height of the building. 50% of the building can be up to 65 feet high which is 11 feet higher than the current structure.

Bonnie Roberts, 657 Lakeside - Asked the Planning Commission to look at the Cottagers Association traffic study and questioned the proposed high number of units in the Point West plan.

Ward Dobbin, 2430 Interlake Walk - Point West has stated it is trying to match the character and appearance of Macatawa. The homes are too close together as they are now so why repeat the same mistake with the Point West plan. The lot size of the cottages average 6170 feet and Point West single family lots average 2976 feet. This is not a good start in matching character and appearance.

John Arendshorst, Bluebell Court - He spoke to the density issue. In calculating the units per acre in Point West, the density is much lower compared to buildable acreage. He advised the Board to look at the buildable acreage in considering the density question.

ANNOUNCEMENTS

1. Jan. 29, 7:30 AM, Board of Trustees meeting to select a new supervisor
2. Jan. 31, 6:30 PM, review of proposed draft of new master plan at the Township offices
3. Jan. 17 & 18, Holland Community Kickoff for Community Energy Plan
4. Feb. 10, Board of Trustees meeting. Ms. Arendshorst will be unable to attend and asked if a Board member would like to attend in her stead. She will send a memo to the Board.

MOTION

Mr. Ellis moved and Mr. Cole supported to adjourn the meeting at 10:30 PM.

VOTE

Motion carried: 5-0

Respectfully submitted,

Judith R. Hemwall
Recording Secretary
January 21, 2011