



PARK TOWNSHIP

MINUTES

**PARK TOWNSHIP
PLANNING COMMISSION**

Regular Meeting
February 15, 2011
6:30 p.m.

FINAL COPY

Chair Nicki Arendshorst called the regular meeting of the Park Township Planning Commission (PC) to order at 6:32 PM.

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

Others: Andy Bowman, Planning Consultant, Dan Martin, Legal Counsel

APPROVAL OF AGENDA

MOTION

A motion was made by Commissioner Cole and supported by Commissioner Ellis to approve the agenda as presented with one change: to move the Public Comment period to the end of the presentation and discussion of of Item #1 in order to accommodate the number of residents attending the meeting for this business.

VOTE

Motion carried: 6-0 .

APPROVAL OF MINUTES

MOTION

Commissioner Cole requested one correction in the January 18 minutes: on page three it

should be noted that Lisa Young is a resident of Holiday Haven instead of *across from* Holiday Haven.

A motion was made by Commissioner Cole and supported by Commissioner Schaftenaar to approve the minutes for the January 18, 2011 regular meeting, as corrected, and the January 31, 2011 special meeting as presented.

VOTE

Motion carried: 6-0

Chair Arendshort confirmed that any notice from the Township to a resident association is sent to every resident, not just to the secretary of that association.

AGENDA ITEMS

Chair Arendshort also reminded the Board members to refer to the Township Ordinance Book on PUDs when making any motions. All decisions should be supported by the PUD standards in this book. Also, topics should be discussed with civil discourse. She then recused herself from discussion of Item #1 and Vice Chair Lampen resided as chair of the meeting.

**Item #1 Preliminary PUD – Point West I, LLC
Preliminary Site Plan
(Continued from January 18, 2011 meeting)**

Acting Chair Lampen requested a motion to take Item #1 off the table so discussion may ensue.

MOTION

Commissioner Cole moved and Commissioner Jachim supported removing Item #1 from the table.

VOTE

Motion carried: 5-0

Acting Chair Lampen reminded the Commission members that discussion during the meeting of January 18, 2011 on this item ended with review of Planner Bowman's Staff

Memorandum of January 13, 2011 reviewing the considerations as outlined in Section 38.367 of the Park Township Zoning Ordinance. He noted that the Township staff has since updated that memo and highlighted several items that the Commission should review.

He suggested the Commission begin discussion on the density question since that is a concern to Commission members. He referred to a written review of past discussions that he has prepared as an aid to bring the Commission up-to-date on their considerations to date. He noted the property is zoned commercial (~~R-4~~)(C-2) and the original recommendation of the applicant was for 69-72 units. Looking at the Master Plan, the Commission subsequently felt 40-43 units would be more appropriate. Following further review of buildable land and potential traffic problems, the Commission thought 40 units would be advisable. A revised plan from the applicant suggested a total density of 45 units which calculated to be 12 attached Hillside units, up to seven attached one-family units (so-called "Flex" units), and 26 detached units. The commercial building was not counted as one of the units since it is not considered a dwelling unit. Now that the Commission has a plan to consider, Lampen stated the need to evaluate that in regard to the adjacent neighborhood and looking at several factors such as compatibility, variation in lot and structure size, setbacks, orientation to the adjacent neighborhood particularly in regard to setbacks, overall impact, traffic studies from the applicant and the Cottagers' Association, public health and services, the environment, and access to public features such as Big Red, Lake Macatawa and Lake Michigan. With regard to the boat slips, because a marina is considered special use, there is no density calculation for boat slips. Lampen felt this too is an impact we will have to consider any necessary restrictions.

Planner Bowman clarified that the marina and boat slips come under the shared jurisdiction of MDRE and the Army Corps of Engineers. They will be basing their decisions on distance into the water, how navigable it is, what disturbances there may be in the matter, and control of sediments at the shoreline. From the shore up to the buildable land, what we need to consider are parking access, sewer and water, and other services. The issue is not what is going on in the water. However, they would be willing to look at recommendations the Planning Commission provides.

Acting Chair Lampen referred to an analysis he made after talking with the cottagers and reading staff's comments. One of the major considerations is the spacing between existing and proposed houses. This may become important to the design compatibility and final density choices. Based on the information from the applicant's files, they had measured distances between the existing houses. Using those numbers, Lampen calculated the mean, median and standard deviation. Based on the standard deviation, Lampen removed extreme values and calculated a reasonable mean value. These data were shown in a chart that Lampen distributed to the Commission.

Commissioner Schaftenaar noted, for the sake of accuracy, that measuring between the cottages is one number and measuring from the lot line represents a different number. The setbacks between the existing buildings is all over the board because of irregularities.

Acting Chair Lampen further described his procedure for generating spacing statistics, and suggested the Commission consider increasing the total side yards to 14' ~~and a 4'~~ with a minimum setback of 4'. This would accomplish a total between buildings of no less than 8'.

Schaftenaar clarified that Lampen's proposal to mean a total of 14' when adding together the two side yards, but neither being less than 4'. Cole reiterated that this means there would be a minimum of 8' between houses.

Acting Chair Lampen noted we need to look at the orientation of the proposed houses when we make a final recommendation regarding setbacks. He asked the other Commission members for their input. Commissioner Ellis said that the proposed spacing should work better and agreed with the analysis presented by Lampen and thanked him for his work..

Acting Chair Lampen asked the developer to present the three slides he wanted to share with the Commission.

Mr. Jim Reminga, private consultant with Crossroads Ventures, representing the PUD applicant, showed three slides on the subject of setbacks. He and Greg Raad of Nederveld & Associates looked at the current plan which requires a 2' minimum with a total of 10' of the two side yard setbacks. He explained that this would have allowed a 4' total spacing between buildings (2' next to 2') which was not the intent. The intent was to allow the minimum distance between buildings of 10'. He gave an example that if there was a 4' side yard on one lot there would have to be a 6' side yard on the adjacent lot to total 10' between the two structures. The 10' is consistent with the minimum found in more urbanized residential areas such as Grand Rapids for example. He also explained it is consistent with the setbacks along Interlake because there is more consistency and less variation. He then described the various spacings on the neighboring properties and how they were determined, reminding the Commissioners that the existing housing has many jogs or offsets creating variations. He added that the proposed houses will be smaller structures that the existing cottages and their setbacks will visually appear to be larger as a result.

Lampen asked about a theoretical situation where a buyer would build on a lot next to an empty lot and both build 2' from the lot line. Mr. Reminga said this would not be allowed with the 10' total distance between houses. Further, this would require that their lots be coded so the correct setbacks would be known to potential buyers. This would be spelled

out in the final PUD.

Commissioners Cole and Scaftenaar asked for clarification of the minimum requirements between buildings. Mr. Reminga reiterated that *there will be a minimum requirement of 10' between buildings*. Commissioner Cole clarified that under this restriction if there was a 2' setback on one side it would have to be 8' on the other side.

Commissioner Jachim asked if the 10' measurement is counted from building to building and if a deck is built, is the measurement taken from the deck or from the wall of the house? She asked for clarification. Planner Bowman said it is a good point to consider the impact of deck structures, or anything else that might reduce the distance for access by emergency vehicles. Mr. Reminga agreed this was a good point and the developer will work this out with the architectural code. Commissioner Cole wanted to confirm again that the measurement of the recommended 10', or any setback, is to the nearest structure wall or to a substantially elevated deck that extends beyond a house, The developer agreed it would be measured from such a deck this kind of detail would be determined by the guidance codes being developed. Commissioner Cole also asked if the developer took the average distances between the structures in the remaining cottages or just the ones listed. The developer said it includes all of them.

Acting Chair Lampen said there will be variation in size and spacing between homes and was concerned that greater spacing between lots would necessitate narrower homes be built unless the number of lots is reduced.

Mr. Reminga made a case for flexibility and stated that if someone wants a bigger house they will buy two lots. He added, however, that the market information indicates that the size of homes will be smaller in the current market and will not be like some of the larger neighboring homes with have six bedrooms.

Planner Bowman reminded the Commission that they can set the maximum density then the developer will design and sell lots accordingly. Mr. Reminga said they are showing the potential for more units than what they will build. It allows the flexibility.

Mr. Reminga continued with his presentation. He showed the density plan with no more than 45 units planned at present. Lots 1-31 are defined as 31 detached single family sites. Lots 27-31 are flex lots. They could be developed with two attached buildings with four and three units for a total of seven. Hillside Building is lot 32. It is limited in height and area and is flexible in the number of units. Reminga went on to explain a chart he had developed indicating the variations of dwelling unit square footage and the number of units. He made the point that greater impacts could be created from lesser number of dwelling units based on square footage on bedroom capacity. The Hillside Building is the flexible element that allows the developer react to what happens to other lots. The

applicant does not have detailed market analysis yet so it is not clear where it will fall in terms of number of units.

Acting Chair Lampen asked Commission members for comments on how these proposals reflect on the restrictions they are concerned about. He asked the Commission how the lot widths relate to setbacks. In his opinion, there needs to be more space between the houses with a 14' average distance with a minimum of 8'.

Commissioner Jachim agreed and noted the safety issue. She supported more spacing and less density.

Commissioner Schaftenaar concurred and supported a total number to be at 40 units. Commissioner Cole supported keeping the single family units the same and allow the Hillside to remain as flex lots since they won't affect the setbacks.

Commissioner Ellis asked how Lampen's presentation differed from what was on the slides. He didn't see that much of a difference.

Acting Chair Lampen suggested that the Commission consider an minimum combined side yard setback of 14' with none less than 4' and the effect it will have on building size and total number of units. What are the other design features that we want to help the developer use to finalize a plan?

Commissioner Cole asked Mr. Reminga to confirm the current spacing between structures and Reminga confirmed that it was 10'. Cole also asked him to confirm that the structures would be 34' wide lots with 24' wide ~~units~~ *structures*. Reminga said that was correct. He added that the last cottage built in the area was 25' wide.

Acting Chair Lampen expressed concern that variation is important but the integrity of the unit size be kept intact. The Commission supported the number of 40 for the total number of units. Mr. Reminga asked the Commission members if they want to reduce density or improve the aesthetics. Commissioner Ellis said the Commission does not want row houses and favored variation. Reminga explained his position as a designer. Whenever a community tries to legislate aesthetic issues, it will prevent or limit creativity. He listened carefully to the Commission's intent and it will help him to move forward with the plan.

Planner Bowman clarified that the Commission is looking for spacing of mass and how that might reduce the number of total units. Jachim said the Commission doesn't want to limit the creativity in the design. Acting Chair Lampen said we don't want to limit the width of a house. We just want to know if the setbacks we want require a wider lot. From a design perspective we want the flexibility without having to combine lots. Commissioner Cole summarized the proposal: a 34' lot with 10' combined setback, but if we went to a

14' setback with the same design criteria it would be a 38' foot lot. Mr. Reminga confirmed that they would lose three to four lots going to a 14' space. Perhaps we could accept the minimum width between units of 10' and, thus, the maximum density would be 40. This would allow the developer creativity and more space for single family units.

All Commission members supported 10' spacing between the housing units with the total number of units at 40.

Acting Chair Lampen asked about the adjustment problem toward the proposed ancillary marina or common buildings for use by condo owners. Planner Bowman didn't see this as part of the density issue but agreed it should be discussed as a PUD design matter. He said it appears it will be part of marina area.

Commissioner Schaftenaar asked how much influence the Commission has on the regulation of its use. Acting Chair Lampen said he would like to see rules and regulations regarding the use of this area.

Commissioner Cole asked about the topic surrounding the disconnect with the Interlake walk and emergency traffic. Another issue discussed at the previous regular meeting was the number of boat slips.

Planner Bowman said he checked State rules on marinas. They will look at configuration rather than the number of slips, how they are laid out, the blockage of waterways, etc. He didn't find any guidelines about the total number in relation to the lake environment. He found that the State no longer uses boating capacity as an effective measure of lake pollution or degradation.

Commissioner Cole said he visited the area recently to look at the Interlake walk and parking lot. He asked Applicant Raad if he had an update on negotiations about the walk, the parking lot plan and how it will work with the proposed road. Applicant Raad said he had been meeting with the cottagers and representatives from the parking corporation. Eventually there will be a vote but until then the developer is going ahead with Plan A, the preferred option. At that point they will work with another plan but nothing is resolved to date about their concerns. Regarding the intersection coming down hillside at the bottom of Sunset Walk and how the lanes intersect, there has been conversation about reworking it to come up with a better solution. He is working with the cottagers on this as well. That intersection will be reconfigured. The lane may come down to a "T" with more spacing.

Commissioner Lampen asked if that will change how emergency vehicles come down that hill. Applicant Raad confirmed it will. Commissioner Cole asked if the sidewalk against the retaining wall will be affected. Raad said it would be affected and a new one will be constructed to provide a right of way with a slightly lower elevation. They are looking at

how this will affect the retaining wall.

Acting Chair Lampen suggested the Commission continue the review of Planner Bowman's memorandum at this point in the meeting. This review was begun at the January 18 meeting. Planner Bowman noted the updates in his original memorandum and highlighted changes for Commission review. There are references to a pedestrian study that the Commission has not seen. There are also suggestions about the boat slips.

PARKING AND LOADING – Planner Bowman noted there was an error in the reference to the number of the slips and Bowman acknowledged there are more than enough. Bowman asked Applicant Raad if any design work had been done to indicate the number of boat slips on either side of the PUD lake front and Raad said he had not. Acting Chair Lampen asked about a special use permit for a marina in the C2 district which applies to this area.

Attorney Martin said you can allow for mixed use in this instance because it's a planned unit development. Lampen asked if we should expect a special use request on these boat slips. Martin explained you could approach it in one of two ways: as you approve the PUD you can state you want everything that's going to be used there with the mixed use of residential and marina components together for PUD approval, or you could say we will approve the residential with conceptual approval of the marina, but you will still have to come back to the Planning Commission for final approval for the special use. The Township Commission may have a say in that because that Board *does not* review special uses that the PC permits. However, the Township Board has the final approval on the PUD.

Planner Bowman said you could have an amendment to the PUD. Martin said this could be a third option. The Township Board could say this is such a sensitive issue that they will want to approve yes or no and all parameters concerning the marina and not leave it to the Planning Commission. It would then be as part of approval of the PUD or as an amendment to the PUD, and not having the PUD specify that the applicant would have to come back for a special use approval.

Acting Chair Lampen felt there was not enough information to have a discussion on this subject and approve this as part of the PUD at this time. If we could have this issue come back as a special use or an amendment to the PUD then we would have further guidelines to make a decision. Attorney Martin said the applicant could amend the PUD when they want to build the marina. Lampen asked Martin if the applicant would have to have MDEQ approval for the slips in the final PUD. Martin replied we would require that or as a condition the number of slips would be determined by MDEQ. You would have the parking requirement set for them in the final that approves the marina. The PUD will come back to the Planning Commission in its final form before it goes to the Township Board.

Commissioner Schaftenaar asked how involved the Commission can get with regard to the number of boat slips. The Commission members agree that 80 or more vehicles will create a substantial impact. Attorney Martin said the Commission should look at the standards in the ordinance with respect to marinas (Section 38-452 (23)). Planner Bowman thought a total number is not given but he felt the State would respect any number chosen through the local PUD. He did not know if MDEQ could be required to follow it, but did not think so. The ordinance addresses size, nature and character of the marina.

Planner Bowman offered his observation in talking with State authorities who would approve the marina that they would likely defer to the local decision-makers if they recommend a lower number than they would consider. Commissioner Schaftenaar said the Commission can control how much land can be committed to boat slips. We also have to consider limiting the number of spaces because of the impact on the traffic flow in the area. Commissioner Ellis concurred that we need to try to regulate the number of boat slips because of the impact on the character of the neighborhood. Lacking a standard on this subject, the Commission should to look at rules and regulations for guidance.

Acting Chair Lampen read a guideline from the C2 Resort Service District Manual, p. 136, that summarized marina use and standards. The questions we need to ask are: how does this harmonize with traffic flow and how do we manage behavior.

Applicant Harmsen, representing the applicant, shared a three page document on proposed rules and regulations for the marina. This was a draft proposal from the developer to help answer the Commission's concerns. He noted behavior control is a major component and emphasized this would be a privately owned and managed entity. Commissioner Cole asked about assurances that boat slip leases would not transition to another entity five or ten years from now. The Commission and the applicant agreed this could be a condition written into the PUD.

Attorney Martin said regulation is related to the use not the ownership. Approval can be written such that ownership transfers must be reviewed by Township Board. Such a condition or conditions could be written in as an exhibit. He pointed out, however, the difficulty involved with the Board imposing such conditions since this would make the Township responsible for enforcing them. The Board can say this contractual agreement would be is personal to the developer and can't be transferred without Board approval and consent. That consent has to be reasonably determined. With the developer managing the rules and regulations, if there is a violation they deal with it. If the Board includes it into the conditions and a violation occurs the Township has to issue municipal infractions and cite the property owner.

Commissioner Jachim asked about about the word “transient” on page 3 of the draft Rules and Regulations. She noted that the developer said there would be no transient boaters. Harmsen said that would be stricken from the wording. He said one thing missing that will be added is that no trailers will be allowed to be stored in the parking lot. The owner will also have the right to tow any boat left at the marina and not in an authorized boat slip.

Commissioner Schaftenaar asked about pumping out of boats. The applicant said there will be electrical service but there won't be pumpouts. Water, cable and internet service will be provided. Other services will such as pumpout capability will be referred to the larger adjacent marinas on a contractual basis.

Commissioner Jachim asked if it is necessary to have so many slips if many of the necessary services are going to be referred to other marinas. Applicant Harmsen explained it as a matter of economics and they need a certain level boat slip leases to support the cost of providing even a minimal set of marina amenities.

Acting Chair Lampen suggested other areas should be addressed in a revised rules and regulations guide such as boat maintenance and hours restrictions for this, times allowed for service calls, etc.

Commissioner Cole asked if it would appropriate to request a layout of the marina. Before the Commission makes any judgments, he would like to look at scale and size. He made several calls to other marinas in the area to find out what their size was to use as a comparison. Planner Bowman said the Commission could get a conceptual drawing of the marina area including the layout the slips for various boat sizes and the overall impact of the marina on existing property.

The developer said they hadn't done anything specific on this but are working on designs for the marina.

Acting Chair Lampen said this is an opportunity to avoid costly changes in the final stage of the PUD. The Commission would appreciate a visual perspective of how this will impact the land, the water, the existing neighborhood and the proposed units.

Applicant Raad asked for clarification of what is quantifiable on the impact concern. Commissioner Schaftenaar said the number of vehicles going in and out is a major concern. Planner Bowman said a perspective of what it will look like would help. Acting Chair Lampen said it should show how it compares to other structures. Commissioner Cole suggested the applicant provide a picture of the layout and how it will extend into the water, and how will it look along the lakeshore. This would be helpful for making a decision on the matter.

Commissioner Jachim asked about a study regarding the need for the number of slips as proposed by the applicant questioning the economic soundness of the proposal. The developer said they will be built in stages according to demand. Planner Bowman suggested a phase description as commonly done with PUDs to show phased development. The applicant will have to do a layout anyway so this would show the Commission how it would all work.

In summary, Acting Chair Lampen asked the developer to plan out and describe this marina concept as much as possible to help the Commission understand what it will look like. Commissioner Ellis supported the idea of a phased plan for the boat slips. Commissioner Jachim asked about bylaws and the policing of them. The developer said boaters will sign a contract and leases will be annual. She asked about regulation of boaters and noise. The developer assured her that the harbormaster will manage this. The Commission expressed concerns about sub-leasing and wanted to see rules about that.

The Commission agreed that a conceptual analysis of the marina before the final PUD, to be supplied by the applicant, would be helpful for Commission review.

DRAINAGE AND UTILITIES - Acting Chair Lampen asked about recommendations on how to handle water runoff. Applicant Raad said they have not changed their proposal for stormwater and will try to pre-treat water and include vegetation to absorb it rather than running it directly to into Lake Macatawa. Parking lot drainage would be addressed. They have looked at porous asphalt. Planner Bowman asked about shoreline filtering for any surfaces going directly to the lake. Raad said water would be treated and go into a collection basin. Commissioner Ellis asked if there is an overall standard for leaching and permeability. Mr. Reminga said sustainability is a good marketing tool and they will be following as many of these standards as they can. He added that many practices will not apply on this site due to its existing high level of soil porosity.

Planner Bowman requested that all the sustainability measures are included in the plan.

Acting Chair Lampen declared a temporary adjournment at approximately 9:00 PM. The meeting reconvened at 9:14 PM.

SCREENING AND BUFFERING – Acting Chair Lampen asked if there is a screening and buffering standard. He was particularly concerned about the Hillside Building since there have been no drawings on the plans. Also, he asked about the landscaping and screening at the intersection, in addition to the pool area and the building.

Commissioner Ellis asked about lighting standards. Planner Bowman said there are lighting dispersion patterns and standards that can be included in the Commission's recommendation. Mr. Reminga said there should be enough light but the area should not be lit up like a shopping center. Commissioner Jachim referred to the sign schedule for lighting restrictions. She felt that wattage is an important factor and restricting glare is important – the light goes down with no "spill" to property lines. The developer felt language could be generated for the final recommendation.

TRAFFIC – Acting Chair Lampen asked about signage regarding pedestrian traffic and right of way signs. Applicant Raad said there will be sufficient signage and they will be on the plan for the various locations. The main crosswalk by security gate is an important location for signage. The developer said in separating pedestrians from cars, it is important to use structural devices such as curbs, etc. There are potential steps that we need to take to help drivers adjust to right-of-way locations. The developer will account for those areas. Cyclists should be planned for as well with more detail.

GENERAL COMPATIBILITY – Planner Bowman said the Commission has already connected the potential form-based code guidelines with the characterizations that have been made. This should be part of the final recommendations. Acting Chair Lampen asked about the sketches regarding the Hillside units and a sketch on the pool building. The Commission will want to look at these with regard to the design and conceptual layout. Lampen also asked the applicant to provide a plan for the marina for the next meeting. The developer said this would be submitted at the next meeting.

Planner Bowman will draft recommendations for the next meeting based on the discussion from this meeting.

MOTION

Jachim moved and Cole supported to table the request pending further submissions.

VOTE

Motion carried: 5-0

Chair Arendshorst returned to Chair the remainder of the meeting.

PUBLIC COMMENT

Chair Arendshorst reminded speakers of the two minute time limit for comments.

Dan Mitchell, 2433 Michigan Walk – He thanked the Commission for patience with the written material he has submitted. He appreciated the discussion on density and supported the direction of lower numbers for the units. He suggested the number of boat slips equal the number of dwelling units on the property.

Bonnie Roberts, 145 Crestwood Drive – She asked for clarification about the next meeting of the Planning Commission. Will the final preliminary plan be presented? Commissioner Lampen said the Commission expects to receive a more complete plan with the marina portion from the developer at the next meeting. The Commission will have a draft of formal recommendations to give to the developer. The developer will then redraft a final PUD to submit to the Commission.

At that point the Planning Commission will evaluate that document to see if it fits with the Commission's recommendations.

John Gronberg, 145 Crestwood Dr. – He explained the reference to Macatawa Parking Corporation. That is an entity that concerns only the parking lot. Walkways and road right-of-way within Macatawa are monitored by another group of people in the Cottagers' Association who make decisions for those two areas. Some of those people are also shareholders in the MPC. Commissioner Lampen asked if he could shed some light on a vote/decision by the MPC on this subject. Mr. Gronberg said they are still trying to get a package together in presentable form in preparation for a decision in reference to the parking lot. The other issue is the Cottagers' Association because they own roads and walkways.

Sally Pollock, 2285 Ottawa Beach Road – She suggested the Commission consider two parking spots per boat slip. Having been a sailor all her life she can state with authority that rarely does a boat go out without guests and there needs to be additional space for cars. If the final number of units is 40 then 40 boats slips would work.

Tom Guiseburg, 2385 Crescent Walk – He asked for the height dimensions for the Hillside Building. Commissioner Lampen said the proposed height is 55', and about a third of the building on the south side (rear) is 65'.

Marcia Bright, 2381 Crescent Walk – She lives above what will be the Hillside Building and expressed concern about potential noise pollution from air conditioners and other sources. She also asked if there is to be a stop sign or light at the bottom of the hill. Commissioner Lampen said nothing has been presented yet on these subjects.

Tim Hemingway, 2442 Bluebell Court – He supported the number of dwelling structures be kept at 40. With regard to the marina numbers, he recommended 3.2 parking spaces per boat slip. He suggested looking at the data from the existing marinas to see what the real densities are.

Richard Bennet, 2430 Grove Walk – He recommended the Commission obtain from the developer exact drawings of the Hillside unit and a conceptual drawing of the marina, precise to scale.

Sandra Olds, 724 Bay Rd – She is concerned about the traffic impact on Bay Road. Density and compatibility are major concerns as well. Parking will impact homes on Bay Road. She is concerned her house will be unlivable and unmarketable and will lose its view. Property values and quality of life are major issues to her and her neighbors.

Jean _____, 2426 Michigan Walk – She spoke to the parking issues and retaining the cottage character of the area.

Wade Eldean, 2305 South Shore Drive – He offered information about existing marinas. The Eldean marina is at 65% occupancy with a total number of 308 slips. The Yacht Basin has about 370-380 slips with 85% occupancy. The difference is that Eldean slip rental costs more. Marinas are required to have a pumpout facility or to contract with a nearby facility for such services. Eldean has a contract. Liveaboards are not that big an issue because there are no year-round facilities in this area.

Abe _____, 2426 Crest Walk – He expressed a concern about space for a fire truck to the North Hill. He requested language in the final plan to assure this access.

Shirley Swaney, 2381 Interlake Walk – She spoke to the density issue. The spacing is too limited between the units and the traffic will impact the entire area. She said the residents of North Hill have not had any input in the plan.

Commissioner Jachim asked why North Hill has not had any input. Mr. Mitchell replied that North Hill is not part of the Macatawa Parking Corporation which has worked with the developer. North Hill has its own parking. Commissioner Jachim questioned why North Hill residents are not aware of the plan. Chair Arendshorst stated that proper notices had been sent for public hearing and the issue has been amply covered by the media and Township newsletters.

Item #2 Medical Marijuana Referral from the Township Board for a “last look”

Chair Arendshorst presented a brief history of the topic. The Medical Marijuana Subcommittee crafted this ordinance which was then sent to the Township Board. This Commission passed a six month moratorium and has now referred it to the Planning Commission with a recommendation to do something.

Attorney Martin advised that the Commission may opt for more time to evaluate the matter further as some other municipalities have done. The issue is still being analyzed, interpreted and adjudicated. Basically, Federal law prohibits it; State law permits it. Park Township has developed a draft ordinance that permits dispensaries and places them under a special use permit category in a commercial district. This would not ban dispensaries but you would need a special use permit.

In order to make changes on the State level it will require a 2/3 vote of the House and Senate. This is because the law was passed by the entire Michigan electorate so it will be difficult to turn it around.

Planner Bowman recently attended a workshop on this topic and he agrees with Attorney . Martin that we should not count on the State to fix it given the political situation in Lansing. Most of the experts on the workshop panel claimed this is a period of experimentation for everyone involved, but lawmakers and courts are relying on municipalities to adopt for their own ordinances and see what happens. Unfortunately, –municipalities are all over the board right now. He went on to mention that the County Prosecutor should be considered as well. Attorney Martin stated that the Ottawa County prosecutor's view is that a dispensary (a caregiver providing this substance to a given number of patients) is illegal under the act. He added that Holland is considering prohibiting dispensaries.

Attorney Martin offered the reasoning that from a political standpoint, if other communities prohibit these dispensaries and Park Township allows them, they may concentrate in our township in an artificial manner. Martin said Holland Township has drafted an ordinance but they are waiting. They intend to prohibit dispensaries based on the direction they have gone so far. Allowing dispensaries in a commercial district as proposed so far, implies the leasing of a commercial building. This may be economically prohibitive for one caregiver. If several primary care caregivers come together it's called a dispensary. No one has ruled they are permissible yet. In some communities, if the caregiver is receiving compensation for growing and dispensing marijuana to patients, that caregiver must declare it as a home occupation. The proposed ordinance does not allow dispensaries as a home occupation.

Attorney Martin suggested the Planning Commission can recommend to the Township Board another six month moratorium to consult with other communities to see what approach they are taking, and see what the Ottawa County Prosecuting Attorney plans to do.

He also explained that licensing caregivers with special use permits for growing medical marijuana for dispensing purposes must be treated confidentially by the Township. The Act states identification of the caregiver must be kept confidential. In holding a public hearing for a special use permit, it would be better to identify a property rather than the person because of the need for personal confidentiality. The use permit would go to the property. From a zoning

perspective, the Commission deals with the property not the owner.

MOTION

Commissioner Schaftenaar moved and Commissioner Cole supported recommending a six month moratorium to allow participation in a regional approach with Holland Township and the City of Holland before determining a future course of action.

VOTE

Motion carried: 6:0

ANNOUNCEMENTS

Chair Arendshorst welcomed Andy Bowman as the new Township Planning Consultant. She also announced the name of the new Township Supervisor, Dr. George Jacob. She encouraged the Planning Commission to acquaint themselves with the updated Master Plan process that is in draft form and in the final recommendation phase. She thanked Commissioner Jachim for attending the Township Board meeting in her absence.

ADJOURNMENT

MOTION

Commissioner Cole moved and Commissioner Jachim supported adjourning the meeting at 10:17 PM.

VOTE

Motion carried: 6-0

Respectfully submitted,

Judith R. Hemwall Recording Secretary 2/19/2011
Corrections in Red by Andy Bowman, 2/24/2011
Final corrections from PC Board meeting, 3/15/2011