



PLANNING COMMISSION
REGULAR MEETING
February 17, 2009

DRAFT COPY

Nicki Arendshorst, Chairperson, called the regular meeting of the Park Township Planning Commission to order at 6:30 p.m.

Present: LeeAnne Jachim, Bill Cole, Jeff Ebihara, Jeff Wincel, Ed de Vries, Janet Magennis, Nicki Arendshorst, Steve Schaftenaar, Joseph Lampen, Dan Martin, attorney and Eric Davis, Zoning Administrator

Absent: None

MOTION

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

VOTE

Motion carried: 9-0

MOTION

A motion was made by Cole and supported by Wincel to approve the minutes for the January 20, 2009 regular meeting as presented.

VOTE

Motion carried: 9-0

PUBLIC COMMENTS

No one spoke.

AGENDA ITEMS

Item #1 Storage Building Committee Report

Jachim, committee chairperson, stated that a specific situation of boat storage had been brought to the attention of the township and subsequently to the state and so a subcommittee had been formed to see if an ordinance change was desired. She stated that the committee had a lot of discussion about this issue because the township is a boating community, but the township has not allowed storage facilities before and the committee consensus was that they wanted it left that way, with no ordinance change.

Schaftenaar asked if the precipitating occurrence was someone storing boats commercially.

Martin stated that the storage in question is being done at the property of Doug Dreyer, township trustee. He is using one of his farm buildings to store boats commercially during the winter season. He stated that this activity is also happening at the Ottawa County Fairgrounds.

Arendshorst asked if Dreyer had fire suppression in his building.

Davis stated that the size of Dreyer's building may require fire suppression, but that is a building code issue. The Planning Commission (PC) needs to make a decision on how to proceed with the zoning part of storage issues.

Wincel stated that the committee separated the ordinance question from the specific issue. He stated that they had decided that prior to the specific issue no one was asking for an ordinance change. He stated that the current ordinance does not limit personal or agricultural storage. The accessory building ordinance was recently changed to increase accessory building sizes and farmers are allowed under the right-to-farm act to have the storage buildings that they need to operate. There are some other ways to obtain permission for storage buildings such as applying for a Planned Unit Development (PUD) for a marina. The committee asked the question, "If the ordinance doesn't allow this type of storage, why not?" The answer was that the township at some point in the past had determined that this is not what they wanted to see as a characteristic of the township. The committee expressed that they would not want, due to the depressed economic times, to see the township progress into a township that is full of storage buildings that provide no appreciable value to the township.

Ebihara reiterated that the Fairgrounds is not operating within the ordinance.

Martin clarified that government is not bound by the ordinance. However, the Park Township Board has said that they intend to live by the ordinance.

Ebihara stated that the board has said that they would tell the Fairgrounds that they could not continue with storage in their buildings if the ordinance remains the same.

Schaftenaar stated that the Fairgrounds has been doing this prior to the adoption of the ordinance.

Martin stated that if that was true then the Fairgrounds could be distinguished from Dreyer's situation by being a grandfathered, non-conforming use.

A discussion ensued.

Ebihara stated that there are a lot of other people doing this in the township.

Cole stated that the Fairgrounds makes quite a bit of revenue from boat and RV storage.

Martin stated that the revenue from the Fairgrounds goes to the Fair Board and provides roughly 50% of their revenue.

Schaftenaar asked if the Fairgrounds has fire suppression in their buildings.

Davis stated that the Fairgrounds buildings are much smaller so they would not require that.

Wincel clarified that any resident that had this type of use prior to the ordinance would be allowed, as would the Fairgrounds, to continue with their non-conforming use.

A discussion ensued.

Magennis stated that someone doing this storage would be doing so in competition with the local commercial vendors.

Wincel stated that revenue and competition should not come into this decision.

Martin stated that perhaps it would be better to change the ordinance to allow a special use.

Magennis asked about the township liability regarding the storage at the Fairgrounds.

Cole stated that liability lies with the boat owner.

Martin stated that beyond the boat owner, it would not be the township; it would be the Ottawa County Fair Board.

Cole asked about the number of boats being stored at Dreyer's.

Davis stated that the building is approximately 450' by 50' and it is full. He stated that the township has gotten requests for storage buildings, for example from the Yacht Basin. He stated that Dreyer's operation is in cooperation with Anchorage Marina. Herb Eldean has approached the township regarding tearing down some old houses on the south side and building some storage buildings on the lots.

Ebihara stated that he would not want it to appear that the township was shutting down all of the other boat storage facilities so that "our" (i.e. the Fairgrounds) facility would be the only entity allowed to have boat storage.

Lampen stated that he felt that it would be difficult to communicate to the community that the Fairgrounds was a pre-existing, non-conforming use that would be allowed to continue storing boats.

There was a discussion on others residents storing boats, the Fairgrounds, the commercial aspect, other issues, etc.

Wincel asked if the township could legally force the Fairgrounds to stop storing boats if they truly are a non-conforming use that predates the ordinance.

Martin stated that the township couldn't force the abandonment of a non-conforming use, but they could disallow it in revised lease language.

Lampen asked if there were any areas in the township that allow boat storage buildings.

Davis stated that there are not. Marinas are allowed in C-2 districts and as PUD's and they can be used for boat storage.

Jachim asked if the Fairgrounds could come and ask for a variance.

Martin stated that they could come for a use variance but it would be difficult to prove that the property can't be used as zoned. He stated that a resident or the Fairgrounds could come and apply for a PUD for a mixed use development. He discussed the pros and cons of special uses versus PUD's.

Davis clarified that making this available as a special use would enable the township to set guidelines that would be listed in the ordinance.

Cole asked if there had been a big uproar in the community about this.

Ebihara stated that there most likely would be, once it is enforced.

Cole stated that he didn't have an issue with allowing it as long as the boats were stored inside.

Ebihara stated that he was concerned that the few farmers that are making large amounts of money would end up penalizing people who are storing a few boats. He wondered if it made sense to look at some neighboring municipalities and see what, if any, ordinances they have in place.

A discussion ensued.

Wincel stated that he did not want to change the ordinance just because people are not complying. He stated that he felt that that was bad policy. There are commercial businesses that do boat storage and they have done due diligence and paid for designing and building them properly. He stated that he has not heard a compelling argument for changing the ordinance "in a planning setting", other than that people are not complying.

Martin stated that not allowing boat storage in rural areas could lead to the proliferation of new facilities in the picturesque areas of the township.

There was a discussion on the Fairgrounds, non-conforming uses, violation consequences, etc.

Magennis stated that she didn't have a problem with the recommendation of the subcommittee.

Cole asked about storage at the airport.

Martin stated that the lease has been changed and it must be aeronautical equipment only.

Arendshorst stated that boat storage did seem to be a good use of some existing buildings.

De Vries stated that he agreed.

Wincel asked how the township would prevent farmers from building a lot of buildings for storage.

Martin stated that the size of the buildings could be limited; the style would have to be consistent with the look of AG buildings, etc.

A discussion ensued on the number of buildings, sizes, special uses, PUD's, how to proceed, good planning, storage in general, architectural guidelines, etc.

Cole stated that he would like to see the Fairgrounds held harmless.

Arendshorst acknowledged the committee's report recommending leaving the ordinance as is and she asked for a consensus on agreement from the PC members.

Cole – Leave the ordinance as is, but allow the Fairgrounds to continue if found to be a legal non-conforming use.

Ebihara – From a pure planning standpoint it makes sense when trying to balance the rural nature of the township, but there is more at issue here than just pure planning. The board will have a more difficult time looking at this because there are more issues involved than just planning and zoning. He's okay with the existing ordinance but doesn't like forcing residents to use the PUD process. It will not be palatable to the board and will "smack of government over-regulation".

Jachim - As a member of the subcommittee, she holds the view of the subcommittee.

Schaftenaar – The ordinance should be left as is.

Magennis – Inclined to go with the subcommittee's recommendation. It does not make sense to let someone try to subvert the process of getting proper permissions, building commercial buildings with permits, paying taxes, etc.

Lampen – A change needs to be made to the ordinance.

De Vries - The ordinance should be changed because this practice of storing boats and RV's is wide spread and long-standing.

Arendshorst - She would like to see a change in the ordinance to allow this as a special use.

It was determined to leave the ordinance as is per the subcommittee recommendation. Ebihara will take the consensus to the board. He stated that the PC should look at this on the merits of planning. The board gets pulled into economics, politics, representing the constituency, etc. He encouraged the PC members to attend the board meeting.

Item #2 Ordinance Discussions

1. Parking

Magennis stated that she felt that the parking regulations have been frustrating. She stated that she had looked at some ordinances from neighboring municipalities and felt that perhaps Park Township was a little out of step because the number of required parking spaces is calculated by seats rather than building square footage.

Davis commented that perhaps the parking ordinance requires too much paving and that may need to be looked at for its environmental impact.

It was decided that Davis would prepare a comparison of the surrounding municipalities that would be presented in a study session at 6:00 p.m. next month.

2. Overlay Districts

There are many areas in the township that have properties that are out of compliance with the standards of the zoning district that they are in. The master plan committee has been asked to look at whether to make some changes to the zoning map or zoning ordinance to accommodate those non-compliances and avoid a lot of variances. In the meantime, there is a simple wording change that could be done to the ordinance to view a broader geographical area when considering if a particular property is unique and able to meet variance standards.

Davis clarified that the wording change could be to go from “general conditions of the neighborhood” to “general conditions of the zoning district.”

It was decided that this change will be made.

3. Utility Trailers

Davis explained that this has to do with boats and trailers being parked in the front yard during the winter months. (Section 4.06) He clarified that the current ordinance does not clearly specify that utility trailers, like boats and travel trailers, are prohibited from being in the front yard during the winter months.

It was decided, after discussion, to add wording to the ordinance to clearly state that utility trailers are not allowed to be in the front yard between November 1 and the last day of February.

4. “Front” vs. “Required Front”

Davis clarified that certain sections of the ordinance (e.g. fences) have restrictions that say “in a front yard”. The question is whether that means the required front yard (i.e. the forty feet (40’) between the road right-of-way and the front setback line) or the space between the road and the front line of a house. He stated that it would make sense to clarify the ordinance language.

A discussion ensued. It was decided to have the ordinance sections say “required front yard”. Davis will find the pertinent ordinance sections and bring them to next meeting.

5. **Lawn maintenance**

Arendshorst stated that this discussion was precipitated because of the number of unkempt lawns due to foreclosures.

Davis stated that the City of Holland recently amended their ordinance to restrict grass to a height of eight inches (8”) from the previous restriction of twelve inches (12”).

Schaftenaar asked how this was working for the City of Holland.

Davis stated that now that the city has changed the ordinance and has the ability to have their maintenance workers go and mow the lawn, bill the property and place any unpaid fee on the taxes, it is working better.

Ebihara stated that Park Township Board members get a lot of calls on this. He stated that the township could go out for bid on this and outsource it.

Davis pointed out that Park Township has a lot more natural areas than the City of Holland so it would be much more difficult to make a clear-cut rule.

A discussion ensued about dune grass, ravines, natural and farm areas, environmental impact because longer grass filters ground water better, etc.

It was decided to have staff draft something to look at next month.

Item #3 Master Plan Committee Report

Wincel stated that he and Arendshorst met with a representative from McKenna & Associates to negotiate a contract for facilitating community input. He stated that he had received a draft contract that day and would be studying it and having Martin review it. A contract was negotiated for \$11,500 that will include an interactive online survey (those without internet access will have options) and two community input sessions that will include instant feedback.

A discussion ensued.

Item #4 “Proactive Planning” Article

a. “What are contiguous townships doing?”

Arendshorst stated that she had read an article a while back (“Proactive Planning”) and decided to use it to spur discussion on what contiguous townships are doing for planning and what Park

Township can or should be doing. She stated that she had contacted some of the surrounding municipalities and she gave a summary.

Holland Charter Township is adopting new housing standards, discussing foreclosures, rentals, property maintenance, wind energy, their federal district and form-based codes.

The City of Holland is looking at wind energy, redoing their entire master plan, declining corridors, housing task force, foreclosures, re-categorizing civil infractions, aging populations, combining fire and police power.

Saugatuck is looking at the Blue Star corridor, downtown, parks and the master plan.

Pt Sheldon Township is looking at wind energy.

Ottawa County is looking at traffic corridors, aging population, the changing economy and changes to the wind energy ordinance.

Michigan State Parks is looking at a master plan for this area.

Ebihara stated his need to leave. Martin stated that there was one item of business from later on in the agenda that he wanted Ebihara to be aware of. Martin stated that the Michigan Planning Enabling Act (MPEA) now requires the PC to submit a capital improvement plan to the township board each year unless exempted from it by the board. He asked Ebihara to convey to the township board that they need to pass a resolution exempting the PC from this requirement. Ebihara left.

b. “What your PC should be doing now while the economy is down.”

There was a discussion on aging, buses, sharing resources with other municipalities, videotaping the township meetings, etc.

Wincel asked, “What is Park Township doing to proactively plan and what is within the board’s purview to plan on the Planning Commission’s behalf? “

Item #5 County color-coded maps

Davis stated that the county has had standardized colors for several years, both for the future land use map and the zoning map. A township can adopt just the colors and let the county match them to the county description that matches the closest or a township can change their zoning designations to match the county’s. He stated that it is more of a tool for the county to have a coordinated map to do planning rather than something helpful for the townships.

Wincel (also a member of the county PC) stated that it is very valuable at the county level. He stated that it was his understanding that the county colors, but not the county designations, would be incorporated into the master plan map when it is redone.

Lampen asked if the county was paying to facilitate the changes.

Wincel stated that they are not.

The township could change to the county colors when the master plan map and the zoning map are updated.

Item #6 PC Bylaws for Transaction of Business – Update to comply with MPEA

There was a brief discussion.

MOTION

A motion was made by Magennis and supported by Cole to approve the updated Bylaws as presented.

VOTE

Motion carried: 9-0

ANNOUNCEMENTS

MOTION

A motion was made by Cole and supported by Wincel to adjourn at 8:55 p.m.

VOTE

Motion carried: 9-0

Meeting adjourned.

Sandy Brodie
Recording Secretary