



PARK TOWNSHIP

MINUTES

**PARK TOWNSHIP
PLANNING COMMISSION**

**Regular Meeting
June 21, 2011
6:30 PM**

DRAFT COPY

Commissioner Ellis called the regular meeting of the Park Township Planning Commission (PC) to order at 6:30 PM.

Present: Bill Cole, Dennis Eade, Bob Ellis, Jeff Pfof, Steve Schaftenaar, Tom Vanderkolk

Others: Andy Bowman, Planning Consultant and Dan Martin, Legal Counsel
Greg Raad, Mark Harmsen, David Smith and Jim Reminga for Point West I

Ellis presided as Interim Chair until the new officers were elected.

APPROVAL OF AGENDA

Cole suggested moving the Public Comment part of the agenda forward prior to other work items on the agenda and following a Point West Final PUD Plan presentation. The Commission agreed, if necessary, a second Public Comment period will be allowed following the discussion of Item #2, Medical Marijuana.

MOTION

A motion was made by Cole and supported by Schaftenaar to move the Public Comment part of the agenda as agreed.

VOTE: 6/0

Ellis welcomed new Board member, Dennis Eade. New Commissioner, Linda Dykert, is unable to attend the meeting tonight.

MOTION

A motion was made by Schaftenaar and supported by Cole to approve the agenda

VOTE

Motion carried: 6/0

ELECTION OF OFFICERS

Nomination for Chair: Vanderkolk nominated Pfof as the new Chair of the Planning Commission. Schaftenaar supported the nomination.

VOTE: 5/0

Nomination for Vice Chair: Pfof nominated Vanderkolk for the new Vice Chair position of the Planning Commission. Schaftenaar supported the nomination.

VOTE: 5/0

Nomination for Secretary: Cole nominated Eade for the Secretary position of the Planning Commission. Schaftenaar supported the nomination.

VOTE: 5/0

Nomination for Zoning Board of Appeals Representative: Schaftenaar nominated Dykert for the ZBA Representative position, if she is willing to serve. Ellis supported the nomination.

VOTE: 6/0

Pfof asked for approval of the minutes for May 17, 2011. Cole requested a few minutes to review the minutes.

APPROVAL OF MINUTES

Cole questioned the return of the Medical Marijuana item. As of the May 17 meeting he understood the item was to be passed on to the Township Board.

Bowman explained that the addition of new language and appointment of two new Commissioners requires another review by the Planning Commission.

MOTION

A motion was made by Cole and supported by Schaftenaar to approve the minutes of May 17, 2011 as written.

VOTE: 6/0

AGENDA ITEM

#1 – Point West I Final PUD Application

Pfost asked Bowman to provide a procedural update on the Final PUD then the representatives from Point West I will follow with their presentation. He noted Public Comment speaker time will be limited to three minutes.

Bowman reviewed significant procedural points from his June 18 staff memo. He gave a brief general history of PUD (Planned Unit Development) Zoning for the benefit of the audience and new Commissioners. PUDs are no longer considered districts. From their original concept of standard zoning districts, PUDs in Park Township were changed to a more tailored discretionary process for development proposals and mixed-use developments. This allows more flexibility and “give and take” negotiations in the community.

Bowman then discussed specific procedural aspects of the current Point West PUD application. Following the submission of a Preliminary Plan in 2009, the Planning Commission held a Preliminary Plan Review public hearing. It then began its discussion process. Transmittal of the preliminary plan was prolonged because the Planning Commission had requested significant changes to the development and new documentation was necessary. A revised Preliminary Plan was finally accepted and recommendations were transmitted to the applicant to proceed to the Final PUD Plan stage. Now that the Final Plan has been submitted to the Planning Commission, which is what the Commissioners are review at this meeting, it goes to the Township Board for their review and approval, denial or approval with conditions. The applicant submits the Final Plan to the Township Board and a public hearing is held.

Martin said recommendations for approval or denial will come back to the Planning Commission from the Township Board. A written report will be prepared by Legal Counsel which will then be submitted for the Planning Commission’s review to be sure all conditions and modifications are included.

Greg Raad of Nederveld Associates, representing Point West I, provided a brief history of the Point West I development area for the benefit of the new Commissioners. The community is over 100 years old. He showed slides of a map of the original development which included the old Hotel Macatawa which was torn down following a fire in 1956. Located near the hotel were retail stores, a pavilion, boathouses, and a trolley line which extended to the pier.

He noted the developer intends to bring back the historical character of the area and provide much-needed parking. Architecturally, the design will try to conform to the cottages already there. Point West I owns the property, the roads and walks. He showed a map of the existing site and current zoning for C-2 resort zoning. He discussed the original Parallel Plan proposal of 72 residential units and 80 boat slips. The Commission recommended a change to 40 residential units which were included in the final PUD. The Preliminary PUD plan was submitted November 16, 2010 and, after numerous recommended changes and modifications by the Planning Commission and applicant, the Final PUD is now presented to the Planning Commission for its review.

Raad reviewed several key points:

Traffic Flow: Circulation of the one-way road down the hill will be improved. The layout on waterfront has been changed to not restrict the lake view. The Interlake access road will have limited traffic. Offsite gatehouse improvements will move the gatehouse further to the south to avoid backup of traffic. The pedestrian walkway will be improved with a safer crosswalk at the intersection by the gatehouse. Cross striping will be added to guide pedestrian flow. A pedestrian walkway will be along the water side. Signage will be added to improve directional traffic flow for vehicles and pedestrians. A bike lane will be part of the water side.

Cottage Building placement: He described the frontage zone and build-to zone and showed the frontage setback design.

Architectural Styles: Designs of the flex cottages and hillside units will reflect tradition styles. The number of single family cottages will be about 23, flex area will be 6-10 units, and the Hillside homes will be somewhere between 6-18 units.

Cottage Building Arrangement: A slide illustrated various footprints of the proposed units and showed a map of the dimensions with bumpouts and setbacks.

Architectural Pattern: There will be a variety of components of the Macatawa cottage style.

Parking Plan: An illustration showed the layout of the parking plan with the requirement of 160 spaces although the plan provides 221. Raad shared a new parking plan to add landscaping with proposed islands. Crosswalks are designated on the plan.

Boat slips: There will be 80 slips with 80 parking spaces with no fuel, storage, retail sales or in/out service. Jurisdiction of the location of slips will be up to the MDEQ and Army Corps of Engineers, but he showed a slide depicting the

developer's preference for two areas which will allow a clear view of the lake. An additional drawing showed the proposed boathouse office/pool building with a slight elevation change in the design.

Traffic analysis: A traffic analysis study was done by Peter LaMourie. The approximate road capacity at peak hour is 250-500 trips. The analysis showed current 120 peak hour trips; the proposal is for 20 peak hour trips. He noted it will be controlled access.

Pfost asked Bowman to comment on his June 18 staff memo which describes the three items which necessitate further review or information.

Bowman said that except the three items listed, all Planning Commission preliminary plan recommendations are included in the Final PUD. Of the outstanding issues, the Park Township Fire Chief had several concerns based on newly adopted Township fire codes. The Chief recommended a slight increase in Interlake Walk with more pavement width to be added for emergency vehicles to pull off to the side. Another concern was management of access from Sunset Walk coming down from the bluff. This will have to be examined later as the flex units are developed. He is requiring that it be maintained with daily grading during the development of that particular area.

Schaftenaar asked if the Fire Chief was made aware of space between dwellings for emergency equipment.

Bowman said the Chief was not opposed to the 10' distance so long as there was a 6' "view" or straight clear distance between units. Bowman suggested the Fire Chief submit his requests in writing and they will become part of the conditions for the Final PUD.

Another outstanding item from the Preliminary Plan review was a request for green space planning in the parking area on the north side lakefront which the developer has provided.

The third item staff was asked to review was the potential impact of marinas on the land side of the proposed development.

Bowman reported that after study there is minimal land-based impact from a small private marina such as this development will have. If anything, his review of the literature indicated that small marinas are encouraged for this type of resort development.

Pfost asked Commissioners for discussion before opening the meeting to Public Comment. The Commissioners agreed to ask some clarifying questions of the developer prior to Public Comment.

Schaftenaar asked about the preferred location for the boat slips. He asked if the developer will inform the MDEQ and Army Corps of Engineers of the preference for the boat slips.

Raad confirmed that is the plan.

Schaftenaar asked about a contingency plan if only one location is approved and the number of slips is reduced.

Martin explained that the Planning Commission will not have any control over the Department of Environmental Quality decision. It would be difficult to change the current plan without a firm rationale unless the MDEQ recommends a different plan.

Cole had two concerns. He asked if the Planning Commission has the authority to suggest a different number of slips and if 80 is the final number.

Martin said the Commission should look at the impact on the land. In limiting the number there must be a clear rationale in the governmental interest regarding this recommendation. The Township would not necessarily be preempted in regulating the number of boat slips based on a 1990 ruling by the Michigan Court of Appeals. The MDEQ will look at the boat slips and marina as to their interference with navigation or riparian rights. If the MDEQ decides against the proposed location, the Township will not have control over that decision.

Bowman said it would help the Township's position with the MDEQ if we designate the intended area for the boat slips in our Final PUD Plan.

Ellis said it is in the governmental interest to protect view sheds.

Cole asked if we have a right to look at it again.

Martin said the Planning Commission can make the condition that the MDEQ approve a certain number of boat slips in a preferred area. If the MDEQ should determine the slips must be in another location the developer will have to come back to the Township to request a new location and a change in the number of boat slips.

Pfost said, based on past experience, the MDEQ would seriously consider the PUD request unless there is cause.

Bowman confirmed the MDEQ will consider what has been approved by local government although they won't necessarily be compelled to follow the Township's recommendations because of their overriding issues.

Cole asked about the maintenance of roads. He requested a clear statement from Point West I whether it is responsible for the roads in the development and if the cost of maintenance will be passed on to the cottagers.

Harmsen explained that Point West I association maintains the roads and a pro rata share of the cost will be charged back to the new owners. This will be coordinated with the new association. He said there is not an agreement in place for Bay Road. Currently, Point West I has 100% responsibility until the new association is formed.

Pfost asked Martin if there is any legal consideration regarding the road access that the Planning Commission should take into account in its recommendations moving forward.

Martin said a condition can be that the developer will continue to allow access to the roads in that area for the current property owners. This condition can extend to responsibility for road maintenance and will state that the developer will be responsible for the operation and maintenance of those private roads. The developer will have the authority but not the obligation to charge some of those costs to the owners in the new association but cannot assess the existing neighboring cottagers' association.

Ellis asked about speed limits in the development since he didn't see anything in the documents about it. He also asked about lighting and more specific information.

Raad said speed limits haven't been determined and referred to the landscape plan and the notations about the lighting plan.

Ellis asked about the seasonal timing of construction.

Harmsen said there is no agreement on this topic, it is the developer's intention to do the construction in the off-season (Labor Day to Memorial Day).

Martin said the lighting design plan and the timing of construction could also be conditions.

Commissioner Ellis asked about the status of the main water line easement.

Bowman said he has discussed this issue with Township Manager, Jerry Felix. The 30" water main is part of the easement consideration but there is no decision to date.

Harmsen said they are aware of the water main and it will be part of the approval of the construction plan.

Cole asked who owned the water main.

Martin added that this will be part of the plan as part of the provision for public utilities, but it would be important to specify the easement requirement for the 30" water main.

Raad said it is the Township's line and has discussed the issue with HBPW.

Ellis asked about height of trees.

Raad said they are aware of height requirements and will select trees that have limited growth.

Eade said he has reviewed the deliberations for this process and appreciates the public input and open forum in which the discussions have taken place.

PUBLIC COMMENT

Dan Mitchell, 2433 Michigan Walk – has concerns about ordinance violations regarding density. Point West I asked for 40 units but he thinks 20 units is a better number. He says 26 homes have been credited to the commercial zone in the development and said the number is in error. This was added to the recommended 17 units which totals 43. With the marina now in the picture those 26 homes go away leaving 17. The Master Plan makes no provision for residential development in a commercial zone. He recalled in February 2010 the Planning Commission said that area should not be included if the marina is part of it. The right number is 20 according to the Master Plan. He asked why the recalculation has not taken place with the marina now in the plan.

Jack Siebers, 198 Lake Shore North – attorney for the existing Cottage Owners Association. He referred to the Beach Agreement with David Van Andel who has declined renewal of agreement. He criticized Bowman's interpretation of the PUD ordinance process. He referred to the Parallel Plan which he felt doesn't comply with the ordinance. He also expressed concern there is no retention pond to prevent pollution in Lake Macatawa.

John Gronberg, 145 Crestwood Drive – doesn't understand how a decision can be made regarding the overall impact to the area without having a better definition on the marina. It is putting the cart before the horse – most marinas in the Macatawa watershed have been developed with two parking spaces per slip. Point West I says one space per slip could be considered. The impact will be diminished with consideration of the cottage owners already having a slip.

Cort Lecklider, 2397 Interlake Walk – asked the Planning Commission to listen to the people. A group of 800 citizens representing 60% of the homes in the area

filed a petition which said the south side does not want commercial development added to the area.

Sandy Lecklider, 2397 Interlake Walk – asked the new Commissioners to read correspondence from Park Township residents. She listed the potential adverse effects on the architectural character of the community, the green area and the traffic. She invited the new Commissioners to visit the area for a tour. The Vision Statement has many false claims in her opinion and she doubts that this new urban city won't look like it's been there for 100 years.

Tim Hemingway, 2442 Bluebell Court and 1409 S. Shore Dr. – is an advocate of economic development. He is on the Board of Public Works for Holland and wants good development that is beneficial to all parties and is consistent to the Master Plan of the community. He suggested that two parking spaces per boat slip is the norm with most marinas. And the hours for the proposed Harbormaster have been decreased from 24/7 to 9/6. Former Planning Commission Board member, Joe Lampen, assured the cottage owners that the PUD would not go forward until regulatory agencies would grant approval on the marina. The application has yet to be submitted or reviewed. Why not table the Final Plan until proper approvals have been obtained?

Pam Los, 2430 Interlake Walk – said the PUD process is a mockery with failure to protect property owners and property in neighborhood. She feels the Final Plan is all flexibility with no detail and there are zoning inconsistencies in this plan. For example, the maximum height ordinance in Park Township is 35' with 2 ½ stories. Point West I allows 35' and three stories. She challenged the dimensions of the Hillside Building which will be much greater than the original.

Ward Dobbins, 2430 Interlake Walk – questioned the height of the proposed buildings and the flexibility for setbacks. He noted there is no definite time period for completion of the project.

Mort Olds, 734 Bay Rd. – said the biggest impact of this development is the marina. The developer calls the proposed marina a “small craft marina,” but the boat slips are designed for 65' to 80' boats. The developer says the majority of the slips will be owned by cottagers but says 75% of the slips will go to people who don't own cottages. This will have significant impact on the neighborhood.

Don McDaniel, 2359 Crescent Walk – a 42 year resident of the community, is concerned about the marina and asked where the funding is coming from to cover emergency and fire services for this development.

Nicki Arendshorst, Park Township - thanked the Planning Commissioners for their substantive discussion. As a cottage owner she had several perspectives to share with the Planning Commission. She suggested the Commissioners review the ordinance books. The PUD process is a flexible tool for the developer,

however, this development must not come at the expense of the community. She questioned the two story boat building which blocks the lake view, the density of this development in such a small area and the architectural look of the development. The marina is unique since it is a new area to be built inside an older community. It is a concern to have rental and leased spaces. She asked the Commissioners to be certain they are happy with the overall plan of the development before they vote.

Shirley Swaney, 2381 Interlake Walk, 1982 S. Shore Dr. – appreciated the opportunity to speak at the beginning of the meeting before the vote, if there should be one. She shared a conversation with the Township Manager and said public documents have not been made available early enough for sufficient review.

Ann Stuursma, 1977 S. Shore Dr. –asked Commissioners if they had read a letter from Larry Nix. She quoted Nix as saying the Parallel Plan does not comply with Township ordinances and asked for no vote on the plan at this meeting. She agreed with Nix’s assessment that the PUD plan should have an independent review.

Patty Bennett, 2430 Grove Walk – a 30 year Macatawa resident, stated there is no commitment in the number of condos in the Point West I plan. There is a lack of specifics and no stated limit of boat slips to people outside the development. There is little green space, no playground and no park. The only benefit of this plan is a financial one to the developer.

Peg Padnos, 651 Lakeside – expressed concern regarding traffic access. The traffic flow and access must be studied carefully.

Robert Miller, 2411 Interlake Walk –is a year-round resident in Macatawa Park. He heard previously from Harmsen that construction would be done in 90 days not as long as the months between Labor Day and Memorial Day which was stated this evening. He said there is still a concern about traffic and pedestrian safety on Bay Road. Bay Road extends from guard house to Fern Walk. When 80 boat slips and 40 condo units are added to the mix this will create congestion. He asked for a review of this situation.

Gina Leppink, 2407 Interlake Walk – added her concerns about controlled access and parking spaces. She shared her personal experience with her assigned parking space in the community. It is her opinion that impact of traffic will create a major problem in the entire area.

Bonnie Gronberg, 145 Crestwood Dr. – expressed concern about the infrastructure improvements during construction in the off-season. She reminded the Commissioners that there are people who live there year-round. One road in

and one road out creates difficult access. There is no dedicated area for emergency vehicles.

Bill Tazelaar, 2264 South Shore Dr. - has lived in the area for 64 years and added his support of all comments about the traffic problems in the community.

Pfost proposed a ten minute break at 9:22 P.M.

Pfost resumed the meeting and asked Commissioners to ask questions of the developer.

Cole asked about entry into the development. He recalled discussion for a bypass with a code for cottagers and a separate traffic lane for visitors.

Harmsen said the subject of the second bypass was the result of discussions with focus groups and a walking tour. The consensus was that the second bypass wasn't necessary at the request of cottagers.

Cole asked about non-renewal of the beach agreement access.

Harmsen asked David Smith, attorney from Grand Rapids for Point West I to speak to this agreement.

Smith explained that there was a prescriptive easement as a result of an agreement with David Van Andel. This easement was in place to allow cottagers right of access. That easement agreement is no longer in effect and the beach is owned by Point West I. The existing cottage owners filed for the present easement to use the beach. Smith doesn't see any change in allowing access as non-exclusive use. When the property was platted the roads weren't allocated to the property owners. He doesn't expect a written agreement regarding road access.

Pfost asked Smith if he foresees any change in access of the roads and walkways to this property.

Smith said there would be no change.

Ellis asked should there be a need for a bypass lane how long will the cottagers have to wait.

Harmsen said there should not be an issue based on the input to date from the cottagers. He added that the beach study, the history and information from the cottagers indicate there should not be any change.

Ellis asked for clarification about the area before the guardhouse and where it fits in regarding property lines.

Harmsen said he does not know the answer - neither does the Ottawa County Road Commission. He noted that recently Van Andel Properties striped a walkway outside the guardhouse.

Eade asked about the 80 slips and 80 parking spaces and how will this work for visitors who do not have access to parking. Harmsen said studies show the number is usually one slip per one parking space. He added that the parking lot for boaters and guests will be restricted by use of the coded entry. He said "we are currently over-parked" in this development plan.

Ellis asked if a decision about the percentage of boat slip ownership has been made.

Smith explained that the new owners in proximity to the slips are candidates for use of those slips as well as existing cottage owners. Priority would be given within the PUD to people to minimize availability of slips to people outside the Macatawa Park community. As a unit is sold or up for lease there is the opportunity to rent a slip or purchase it. He said up to 50% would be candidates for the right of first offer.

Schaftenaar asked for clarification regarding the possession of slips. He thought they would not be sold or transferred. How many of those slips will be used by non-residents?

Harmsen said their marina consultant advises 50% of the owners will want to lease slips. Therefore, it is their best judgment that the number of cottagers who buy slips from Point West is anticipated to be 50%.

Cole asked what Point West's intention was in regard to leasing the boat slips.

Harmsen replied Point West I intends to lease the slips. In this way the developer will be in control of their management to ensure success. If Point West I were to leave, the association would enforce the slip leases.

Ellis asked Martin if the Township could enforce a percentage.

Martin explained there are two aspects to this issue. First, if the developer seeks to challenge such a condition, as in an argument that there has been a taking, the Township would have to have a legitimate governmental interest in imposing such a condition. The right of ownership would go to the cottage owners living within the Point West development rather than neighboring communities. The Township's position would be that some slips would be accessory to residential use. A mixed use development, with commercial and residential. He recommends offering, rather than requiring, boat slips. Martin pointed out that ongoing policing of slip rentals could be burdensome. More than likely, 50%

ownership would come from people living in that area and it could be a matter of good faith instead of strict conditioning.

Schaftenaar said there is no way to know what the scope of this marina will be with regard to these boat slips. He asked about reasonable conditions that can be made to accommodate the Commissioners' concerns on this issue.

Martin said one option could be the Township Board approve the final PUD plan as it pertains to the 40 residential units and as a condition of this approval it does not include Phase II for the boat slips, the number and location of which should be in the preferred area to protect the view shed. Regardless, the approval of the boat slips will be subject to special use approval by the Planning Commission or by an amendment to the PUD that will be approved by the Township Board. This would be a two-step process the Planning Commission could recommend to the Township Board.

Ellis suggested the Commission approve 40 slips conditionally for Phase I, then as the process moves forward, there would be another review prior to going on to Phase II.

Martin said in this way the Planning Commission could look at where the demand comes from. If the second phase should be denied, the standards for denying should be clear and added to the recommendation. The Commission would have to spell out what those standards will be. Impact would be analyzed as well as traffic issues. There would be a documented history of the impact on the area. This would indicate whether increasing the slips from 40 to 80 would be justified.

Martin said in this instance it would be a reasonable condition. He reiterated that if the MDEQ allows 80 slips and the Commission tries to reduce it you will need a strong and legitimate governmental interest in doing it. He recommended proceeding in phases. It helps understand the negative and positive effects. Specific criteria should be spelled out ahead of time. Some of the criteria are already in the ordinance for approving marinas. Martin and Bowman would work on defining criteria for a condition phasing the boat slips.

Pfost asked if the condition could be crafted in a way that the MDEQ understands the Commission is interested in preserving the view shed and would like to develop the marina in phases in preferred areas in order to determine impact.

Martin said it could be difficult to enforce if challenged in court by the developer that if they meet the requirement in their zoning for a marina for commercial use that we are also going to require some of these as residential accessories. It will be important to look at the impact of slips on the development and surrounding property by going forward in phases.

Commissioner Cole said it seems the consensus is to put some limitation on it by reducing the number. He asked if there could be a combined approach by including the phasing and criteria for ownership.

Commissioner Pfof asked if the ordinance says one slip per one space is there justification for going beyond that.

Martin referred to the June 20 staff memo. If the Planning Commission approves the marina for special use it is just not for parking.

Bowman reminded the Commission that these are really points of consideration and not specification based standards.

Martin said the Township ordinance says the minimum required number of spaces for a marina is one.

Cole asked if we could change the percentage later.

Martin said once the Commission establishes conditions in the PUD you cannot revisit it without the owner's consent.

Ellis liked the idea of phases and how it avoids difficult enforcement procedures and other legal issues.

Martin summarized the suggested process at this point based on the discussion. When you approve the PUD you cannot change it without the owner's consent. If you don't include conditions now you cannot change anything later without consent. The condition would be that the boat slips and marina should be built out in phases and that Phase I not exceed a certain number of units and a percentage of them be considered residential accessory and a percentage be considered commercial marina. The next phase of the marina will be permitted if certain conditions and requirements are met. Additional phases would have to come back to the Planning Commission or Township Board for approval based upon standards and criteria set forth in the PUD.

Martin noted it is important to establish the ground rules now. Martin and Bowman will devise guidelines for the Commission to review at a later date.

Vanderkolk recommended tabling the vote on the Final PUD until Martin and Bowman prepare the recommendations for conditions. This could be a separate proposal and the Commissioners would suggest additional conditions if necessary.

Cole suggested changing "lease not own" as part of the conditions.

MOTION

Ellis moved and Schaftenaar supported the recommendation that staff and legal counsel prepare a document for final approval of the PUD which would include possible conditions regarding marina and general construction. This would be subject to review and approval by the Planning Commission.

VOTE: 6/0

Item #2 – Medical Marijuana

Commissioners agreed to table the Medical Marijuana item.

MOTION

Vanderkolk moved and Ellis supported to table the Medical Marijuana agenda item.

VOTE: 6/0

ANNOUNCEMENTS

None

ADJOURNMENT

Schaftenaar moved and Ellis supported to adjourn the meeting at 10:50 P.M.

VOTE: 6/0

Respectfully submitted,
Judith R. Hemwall
Recording Secretary
June 24, 2011