



PLANNING COMMISSION
REGULAR MEETING
October 20, 2009

DRAFT COPY

Present: LeeAnne Jachim, Bill Cole, Nicki Arendshorst, Ed de Vries, Joseph Lampen, Bob Ellis, Dan Martin, attorney and Eric Davis, Zoning Administrator

Absent: Steve Schaftenaar

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

MOTION

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

VOTE

Motion carried: 6-0

MOTION

A motion was made by Jachim and supported by Cole to approve the minutes for the August 18, 2009 regular meeting as presented.

VOTE

Motion carried: 6-0

PUBLIC COMMENTS

No one spoke.

AGENDA ITEMS

Item #1 PUD Amendment – Benjamin’s Hope - 15468 Riley St.

Joel Bouwens, attorney, stated that the applicant is asking to amend an existing Planned Unit Development (PUD) to create a farm-like community (“the community”) for developmentally challenged adults. He gave a brief history of the property and the existing PUD. He stated that the current PUD allows eight dwelling units. The proposed development would contain six dwelling units. He clarified that the Park Township Zoning Ordinance allows up to five unrelated persons to live in a dwelling unit as long as there is only one cooking facility.

Krista Mason, executive director of Benjamin's Hope, 980 Pine Ave., and mother of Benjamin, a teenager with autism, spoke of the need for this type of "community". She stated that the rate of autism is growing at an alarming rate. That will impact the Holland area.

Pete Lazdins, Design+, 230 E. Fulton, Grand Rapids, presented the site plan. He stated that the property is just less than forty acres. The surrounding area is mainly agricultural. There would be an identification sign by the entrance on Riley St. There would be a therapeutic horse facility. There would be farm production fields and a petting barn. The main building would be a community barn. A developmental treatment center would not only service on-site residents, but also off-site residents for counseling, treatment, etc. There would be an indoor pool. The project is not a dense use. They would "carve out" the woods in the south for the dwelling units. There would be a storm water retention basin. The residential dwellings would be single-story, approximately 3,900 square feet, and would have no basements. Each "condo" unit within the dwelling unit would be 450-470 square feet with a kitchenette and bath. Four of the dwelling units would have a bedroom for a caregiver(s). There would be a one-mile walking trail.

Jachim asked if they had received any of the required approval letters from the Ottawa County Drain Commission (OCDC), the Ottawa County Road Commission (OCRC) or the Ottawa County Health Department (OCHD).

Lazdins stated that a meeting had been arranged with the OCDC. There have been some test borings for the on-site sanitary system and it was found that the soil is sufficient for the system. The OCHD has given approval, but they have nothing in writing.

Jachim stated that at a final approval request before the Planning Commission (PC) there should be approvals from these agencies in writing.

Arendshorst asked about non-residents coming to the site each day.

Mason stated that Benjamin's Hope would exist to serve the community. People living somewhere else might come there to work or for treatment.

Arendshorst stated that she had a concern about the residents walking along the roads within this proposed community.

Lazdins stated that there would be limited traffic so they were assuming that the residents would walk on the road, but he stated that they would consider changing that for the sake of safety.

Ellis asked about the employment opportunities that would be available.

Mason stated that this would be similar to Kandu. They might also be bringing students in to work with the residents. She stated that, ideally, the community would need to be served with public transportation. The work would be agricultural based. The "product" would be grown on-site. There would be some delivery trucks bringing supplies, but not a lot.

Bouwens stated that they don't anticipate semi trucks coming there.

Arendshorst asked if the residents would be riding bicycles.

Mason stated that there are golf carts in their budget, but they may need to think about adding bike paths.

Arendshorst asked about the width of the road.

Lazdins stated that they would be twenty-four feet (24') wide in the community part and eighteen feet (18') wide in the residential area. These would be private roads.

Arendshorst asked if eighteen feet is adequate.

Davis stated that he was not familiar with the fire code.

Arendshorst asked about sign illumination.

Lazdins stated that if they have any illumination it would be coming from the ground up.

Arendshorst stated that the absent PC member, Steve Schaftenaar, had sent some questions. He wanted to know the intension of the market stand.

Mason stated that they would like to sell whatever the land lends itself to producing; flowers, blueberries, etc.

Davis clarified that roadside stands are a permitted use in the AG district when authorized by the Zoning Inspector. He stated that he could look at the stand later for approval.

Arendshorst stated that Schaftenaar asked if this can be sustained by a 501(c) (3) in perpetuity.

Mason stated that they have tried to structure their funding in a way that "follows the individual". Also, there is government funding that is "fluid". The goal for the future would be to have this be a self-sustaining community.

Arendshorst asked if the residents would buy a condo unit (a bedroom/kitchenette in a dwelling unit).

Mason stated that the state has been looking for a "home-ownership model". The parents would be able to purchase a condo unit and it would be held by the child's special-needs trust.

Ellis asked for clarification on the two different associations.

Bouwens stated that condo laws require a condo association. That association would manage and maintain the elements common to the condo units. The developer (the 501 (c) (3)) would maintain and manage the other common elements.

Ellis asked, in light of recent water events in the township, who would maintain the retention pond.

Bouwens pointed out that the developer intends to stay involved with this property in perpetuity. He stated that the condo association would probably contract with the developer to care for their portion which would be paid for by condo association dues.

Arendshorst asked about taxes.

Bouwens stated that the developer would most likely be exempt, but the condo unit owners would pay taxes on their units.

Jachim asked who would be responsible for the common area in the dwelling units.

Bouwens stated that it would be a similar model to an assisted living home where the residents own their unit. The owners would own from the paint inward. The structure would be a general common element.

Arendshorst stated that Schaftenaar had asked if state licensing was a condition for occupancy.

Bouwens stated that the proposed covenants read "Ownership and occupancy of the Living Units shall be restricted to Developmentally Disabled Adults to the greatest extent permitted by law".

Cole asked if the caregiver unit would be a condo unit.

Bouwens stated that it would be a limited common element owned by all twenty owners but dedicated to the three units in that building.

Cole asked about the high water table. The proposed outlet for the storm water would be Drain #37 and that was a focal point of the township's recent water study. He stated that that drain has limited capacity and he urged Lazdins to study that issue carefully.

Jachim asked about the caregivers.

Mason stated that they would probably have a variety. Some dwelling units with high functioning residents will not even be staffed. The caregivers will have residences elsewhere in Holland and would be on site 3½ days and off 3½ days. They would not be nurses.

Lampen asked if they would build the dwelling units as the need arises. (i.e. 3-unit, 4-unit, etc.)

Lazdins stated that they would be custom designed. There would never be more than four living units in any dwelling unit.

Ellis asked about the timing, phases, have they received preliminary interest, etc.

Mason stated that they do have people that are interested. The capital campaign will dictate the timing.

Ellis asked about future expansion plans.

Mason stated that even though they know that they can't fully take care of the community need with this model, there are no current plans for replicating this.

Lampen asked about the total number of units.

Lazdins stated that there would be twenty-four (24) total living units, but only twenty (20) would be sold as condos. These twenty-four living units would be in six (6) dwelling structures.

Arendshorst asked about schools.

Mason stated that the school system in this area serves people up to the age of eighteen and sometimes to the age of twenty-six.

Arendshorst asked about lighting.

Lazdins stated that the community would be similar to a single-family residential district with twelve-fifteen foot (12-15') lights.

Arendshorst asked how many people would be on the property at any one time.

Mason stated that they would service sixty (60) people in a given week, plus staff. The community center would be used by youth groups, etc, so the number would grow over the weekends.

Lampen stated that he is wondering about parking and asked if family members would be visiting in the residential area or mostly in the community/barn/pool area.

Lazdins stated that they would do both. The parking in the residential area meets the ordinance, but they could add more, if needed, in the future.

Arendshorst asked about the bakery.

Mason stated that this is a work opportunity for the residents.

Arendshorst asked if there would be a green belt to separate this community from the neighbors.

Lazdins stated that they would leave as much of the natural woods as possible and then infill key areas. There would be natural, low-maintenance areas.

Arendshorst asked about a fence around the septic system.

Lazdins stated that that was not required.

Arendshorst asked if the horse "people" would have to be licensed.

Melissa Gray stated that she would develop the equine facilities and then an existing therapy program would take over. She stated that she didn't know if they need a license.

Jachim asked for further clarification on whether the bakery would be open to the public.

Mason stated that that would be their desire.

Jachim asked if the residents would do the lawn maintenance.

Mason stated that they want the residents to do as much on the farm as possible.

The public hearing was opened at 7:42 p.m.

Mike Stuk, 15358 Riley St., asked about state licensing. Who has that jurisdiction? He stated that he has concerns about traffic because Riley St. is already very busy. Does having outside clients coming for counseling change this to a commercial venture? Should there be any fencing put by his property so that the residents don't come onto his property to see his horses, etc.? What would be his liability if they did come onto his property?

Bouwens responded that they would follow all laws regarding state licensing.

Martin responded that that if the state law requires a license, the township can't waive that. They also cannot enforce one if the state doesn't require one.

Bouwens responded that Riley St. is designed to carry a higher volume of traffic, so it is good that it is already busy. They will put in any acceleration, deceleration lanes, etc. as required by the OCRC.

Lazdins responded that there isn't any specific fencing planned along the perimeter of the property.

Mason responded that staff would have to be diligent to watch the residents. She stated that she felt that that is more reliable than trusting a fence.

Arendshorst stated that two letters had been received from Jeff Groenhof, 15600 Riley St. He has a large bee operation on his (abutting) property. He also stated a concern that the community residents might have complaints about his migrant camp that is along the property line and also about the pesticides that he sprays on his property. He wrote that he doesn't want to incur costs to bring water and sewer to the area and he doesn't want any de-watering to occur during his growing season.

Bouwens stated that if Mr. Groenhof has had a migrant camp on his property for twenty years with no problems then he has somewhat answered his own concerns.

Mason stated that they have met with the Groenhofs and have talked with them about their concerns.

Ellis asked for the chemical and de-watering concerns to be addressed.

Doug Stalsonburg, Exxel Engineering, responded that the nearest sewer is not deep enough to serve this property, so this will have an on-site sewage facility. Water would require a minor amount of dewatering. They are hoping that they might be able to get municipal water to this project and have had some preliminary talks with the township to see if this can be achieved.

Arendshorst stated concern about their “hope for a water main”.

Stalsonburg stated that this area is outside of the township’s master plan for water. They have requested that the township relook at their master plan and add this area.

Martin stated that it is in the master plan to have water there, but the township wants it to come from the Park Township retail water system and not from the Holland Charter Township retail water system. The dividing line is 152nd Ave. The township doesn’t want to continue to extend the Holland district further and further west.

Arendshorst stated that she felt that the applicant should not design their site plan assuming that they would have municipal water.

Bouwens, addressing the chemical issue, stated that the concern is *complaints* about pesticides. The farmer is protected by the right-to-farm act. Benjamin’s hope would explain and disclose to potential owners that farming and farm practices surround this property.

The public hearing was closed at 8:03 p.m.

Arendshorst asked about a refuse site.

Lazdins stated that they would only need normal trash services for the residences.

Jachim wondered about trash from the bakery, the produce stand, etc.

Lazdins stated that they would address that in the future if needed.

Arendshorst did a review of the required site plan content found in section 13.08 of the zoning ordinance and found that the conceptual letters from the OCRC, the OCDC and the OCHD were missing.

Arendshorst went over the standards found in section 13.03 of the zoning ordinance:

*(1) Whether the proposed planned unit development is consistent with and promotes the intent and purpose of this Ordinance and the considerations referenced in Section 13.01: **It is consistent.***

*(2) Whether the proposed planned unit development is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the planned unit development: **It is compatible.***

(3) Whether the proposed planned unit development is consistent with the Township comprehensive or basic plan (as then in force) adopted pursuant to Michigan Act 168

*of 1959, as amended, or any similar successor law, including, but not limited to, density calculations: **It is consistent.***

*(4) Whether the proposed planned unit development is consistent with the public health, safety and welfare of the Township, including, but not limited to, traffic control, environmental concerns, lighting, pedestrian safety, and drainage: **The developer has stated that they will make some adjustments to ensure greater pedestrian safety. The conceptual approval from the OCRC should address the traffic. With these changes it would be consistent.***

MOTION

A motion was made by Jachim and supported by Cole to table the item and direct staff and counsel to prepare a resolution and report recommending approval of the PUD amendment to the township board. The applicant must supply conceptual approval letters from the Ottawa County Drain Commission (OCDC), the Ottawa County Road Commission (OCRC) and the Ottawa County Health Department (OCHD). The walking path changes must be clarified on the site plan.

Cole asked about lighting in the parking lots.

Lazdins stated that the parking lots would be lit.

VOTE

Motion carried: 6-0

ANNOUNCEMENTS

1. Arendshorst informed the PC that the wind energy ordinance was approved by the township board.
2. Arendshorst stated that the S-2/Tiara application for a PUD amendment had been extensively discussed at the township board and has been sent to a joint subcommittee.
3. Arendshorst gave an update on the Master Plan process.
4. The PC members were given the Places and Spaces book (prepared by the township showing township-owned properties) along with a directive letter from township manager Jerry Felix.
5. Lampen brought up the application that had come to the PC of the Boy Scouts asking permission to sell firewood from a property on Ottawa Beach Rd. He wondered if the PC should look at amending the ordinance so that a non-profit organization would be able to do something like this without having to come for PC approval. A discussion ensued. This will be addressed at a future meeting in hopes of finding a solution.
6. Staff informed the PC members that the township is offering them township email accounts. After discussion the PC members stated they were in favor of having township email accounts.
7. Staff presented a handbook "New Planning Commission Member Resource Kit" that was obtained from the county. This is available to borrow.

MOTION

A motion was made by Jachim and supported by Cole to adjourn at 8:38 p.m.

VOTE

Motion carried: 6-0

Sandy Brodie, Recording Secretary