

PROPOSED MINUTES
LAKETOWN TOWNSHIP
PLANNING COMMISSION
4338 BEELINE ROAD
ALLEGAN COUNTY
HOLLAND, MI 49423
(616) 335-3050

March 7, 2018

ARTICLE I. CALL TO ORDER

Chairman Bob Slikkers called the Planning Commission meeting to order at 7:00 p.m.

MEMBERS PRESENT: Bob Slikkers, Randy Becksvoort, Marcia Perry, Linda Howell
MEMBERS ABSENT: Jim Lorence
STAFF PRESENT: Al Meshkin – Township Manager
Ron Bultje – Township Attorney
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the February 7, 2018 meeting. **A motion was made by Howell and seconded by Becksvoort to approve the as written. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. DARBY PLANNED UNIT DEVELOPMENT REQUEST

Mr. Dick Darby, owner or agent of property located in Section 35 of Laketown Township, that being tax parcels #0311-035-018-20, #0311-035-018-30, #0311-035-021-00 and #0311-035-029-00, requests approval to develop a commercial planned unit development on these parcels. There is no update on this item.

ARTICLE IV. NEW BUSINESS

A. CROW'S NEST SITE PLAN REVIEW

John and Katie Palmer owners or agents of property located at 6711 Ridge Avenue, Holland, MI, that being parcel #0311-009-036-00 request a site plan review for the construction of a single family home.

No representation for the Crow's Nest Site Plan Review.

Slikkers asked Commissioners for feedback. Comments have been received from Fire Chief Den Bleyker recommending a sprinkler system. Howell said it was a well-designed plan. Perry said she was confused by the proposal. Slikkers explained the request. Perry expressed concern over erosion, the dune and alteration of the vegetation. Slikkers explained that the DEQ will be involved and Perry continued to express concern that the removal of the current structure might alter the dune. Meshkin stated an earth move and critical dune permit along with a few others will be necessary prior to construction. Slikkers agreed the applicant provided a good representation of the request. Becksvoort was pleased that the new structure is less square footage than the current.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to approve the Crow's Nest site plan for a single family home based upon it being in compliance with the factors in Sections 38-65 and 38-487. The conditions of approval are compliance with the application submitted; compliance with all federal, state, county and Township laws and ordinances; and compliance with the written representations provided by the applicant. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

B. GOBRIDGES LLC SPECIAL USE REQUEST

GoBridges LLC, owner or agent of property located at 6090 Blue Star Highway, that being parcel #0311-036-012-00 requests an amendment to its existing special use permit to allow for the construction on this property.

John Lamb of 6262 138th Avenue stated this is the old Starlite Drive-In Movie Theater and said he has owned the property for more than 24 years. He originally ran a construction company there for 22 years. Lamb explained he had intended to sell the property and while several parties were interested, no one came to buy it. He has leased the property for three years and is hoping to continue to do so, hence the request for the storage building. The current tenant is limited to four vehicles and it would be the same for the new building.

Slikkers opened the public hearing. No public comments or correspondence.

A motion was made by Becksvoort and seconded by Perry to close the public hearing. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Slikkers asked for comments from the Commissioners.

Becksvoort thanked Lamb for keeping the place looking good and well-kept. Howell encouraged Lamb to work with Meshkin regarding the ordinances for allowable uses of storage units. Perry seconded the others' comments and thanked Lamb for keeping the property in great condition and for being a good neighbor.

Following discussion, a motion was made by Howell and seconded by Becksvort to approve the GoBridges LLC Special Use Request based upon it being in compliance with the factors in Sections 38-65, 38-378, and 38-91. The conditions of approval are compliance with all prior conditions previously approved for uses on this site; compliance with the application submitted; compliance with all federal, state, county and Township laws and ordinances; compliance with the written and verbal representations provided by the applicant and recorded in the minutes of this meeting; and continued compliance with all building code requirements as the use of the building changes in the future. Slikkers called for a vote on the motion. **UNANIMOUS DECISION – MOTION APPROVED**

C. BUSTLE SPECIAL USE REQUEST

Ms. and Mr. Bustle, owner or agent of property located at 4562 Lovers Lane, Holland MI 49423, that being tax parcel #0311-460-012-00, requests a special use permit to split their parcel to create another building site.

Ms. Lori Bustle of 4562 Lovers Lane in Castle Park explained that they would like to split off one section of the property as it had been in the past with the proposed lot size of 58 feet wide by 158 feet long.

Slikkers opened the public hearing. No public comment.

A motion was made by Becksvort and seconded by Perry to close the public hearing. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Becksvort said the size of the lot being created is a little under the required size and asked for the history of how it became one lot. Lori Bustle said she requested the consolidation of lots in the past to reduce the tax bill from three to one. The property has been in her family since 1922 and she and her husband made this their permanent home in 1972. The current house is five bedrooms and four baths and not practical for their use. They are looking to the future where they may want to downsize to a smaller home on this proposed lot. Becksvort thanked her for the explanation and has no issue with the request. Howell has no issues because it was a pre-existing parcel. Perry has no issue. Bultje said the lot does not have enough square footage by right but a special use permit can be given. There is no site plan right now so there should be a condition if and when building on the lot, a site plan is submitted to the Township for approval as well as a timeframe for construction. Slikkers suggested a five-year timeframe.

Following discussion, a motion was made by Howell and seconded by Becksvort to approve the Bustle Special Use Request based upon it being in compliance with the factors in Sections 38-65, 38-465, and 38-91. The conditions of approval are for a formal site plan to be submitted to the Township for consideration by the Planning Commission with construction completed five years from the date of this meeting; compliance with the application submitted; compliance with all federal, state, county and Township laws and ordinances;

and compliance with the written and verbal representations provided by the applicant at this meeting and recorded in the minutes. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

D. TUCKER SPECIAL USE REQUEST

Mr. Scott Tucker, owner or agent of property located at 6255 Blue Star Highway, Saugatuck, MI, 49453, that being tax parcel #0311-035-045-00 requests a special use permit to establish a contractor's yard with trucking/transport operations on this parcel. Perry was recused from the Planning Commission for consideration of this matter, because she lives across the street from the subject property.

Scott Tucker of 6308 Old Allegan Road explained that he is requesting the special use permit to create a lay down yard and storage for marine construction materials and equipment used to install and repair sea walls and docks. At this point Tucker does not intend to erect a storage building on this site.

Slikkers asked if it is the west nine acres and Tucker responded that it is and Crum owns the east eight acres. Tucker said the driveway would be put in the center of the property away from neighbors and a safer ingress/egress. Tucker currently leases the property as a lease-to-own from Randall Crum for the last year. Howell asked if Tucker has been using the property for a lay down site for the last year and Tucker responded yes.

Slikkers opened the public hearing.

Melissa Raywood of 6245 Blue Star Highway read the letter of objection that she submitted. Raywood expressed concern about the heavy equipment traffic that began in April 2017, several times per week and the types of materials being transported to the site. There was much activity with earth moving equipment being used at all hours of the day and night. Raywood also stated that Tucker had been convicted for violating waste disposal laws. Raywood contacted the owner of the property, Crum several times regarding her concerns. Raywood understands that her property is zoned as Mixed Use C-2 Commercial/Residential but feels this use is not harmonious with the character of the neighborhood.

Ellen Fitch of 3665 63rd Street stated that her property line borders this parcel and read from a letter of objection that she had submitted. Fitch said it is difficult to understand the real intent of the special use request because the application is very unclear. Is it a marine yard or trucking transport yard? Fitch commented on the activities that have taken place since April 2017 including tree removal and heavy equipment movement late in the day into the dark. The intensity of the activity and noise escalated into the fall with machinery that was extraordinarily loud and created a lot of dust. Fitch also discovered that the work was being done without an approved special use permit. Tucker is now operating a business without permits and is in violation of the ordinance. Fitch said this use is not harmonious with the surrounding area. Fitch said they have 1200 feet of boundary line with the Crum property and the impact of mixed use on residential is of concern.

Marcia Perry of 6248 Blue Star Highway said she lives across the street from the property and operates a seasonal tourist business and attests to the concerns mentioned. Perry asked about the definition of a junk yard and if it is permitted in the Township. Perry lives in her business 24 hours per day and witnessed the heavy traffic during the summer season and there was excessive noise and dust from this operation. Perry expressed concern that if this request is approved it will be a perpetual problem for her business and home.

Becksvoort read a letter submitted from Tom and Valerie Bouwman of 3677 63rd Street, owner of property on the eastern boundary of the Tucker/Crum parcel. Bouwman is concerned with the contamination of the water, noise and hours of operation. Bouwman asks that the permit be denied and if approved outlined several conditions.

Letters were received from the following: Tom and Valerie Bouwman of 3677 63rd Street, objecting to the request; Kevin and Ellen Fitch of 3665 63rd Street, objecting to the request; Melissa Raywood of 6245 Blue Star Highway, in objection to the request.

A motion was made by Becksvoort and seconded by Howell to close the public hearing. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Slikkers asked Tucker to address the noted concerns. Tucker said last year the hours and business of it went on beyond normal work hours and apologized for that and that is done now. The activity occurs one to two times a day between the hours of 7:00 a.m. and 7:00 p.m for loading and unloading for the day's work. The new driveway centered on the parcel will no longer cause a safety hazard. The material hauled in was clean fill, base and gravel for driveway and parking lot. Slikkers said it seems you would have had an opportunity to apologize last summer and the fact that you didn't is a concern; not having a permit for the business is a concern and the question of clean fill is also a concern.

Slikkers asked Commissioners for questions/concerns. Bultje asked the applicant if the special use is for a marine operation or trucking/transport operation. If it is a contractor's yard, Section 38-358 requires all materials be stored within an enclosed building. The current application does not indicate a storage building.

Slikkers said Tucker had not approached this well from the beginning by not researching what is necessary to start a business in this Township. What is being proposed cannot be granted based on the Township ordinances. A lot of work has been done without the proper permits. Meshkin said he did direct Tucker to make an application to get approval for this use. Bultje said he could seek a variance from the enclosed building requirement which would have to go before the ZBA. Bultje suggested the item could be tabled to allow the applicant time to clarify the intended use as the application was unclear. Howell stated that if tabled, she would want to see proper permits regarding earth change and other necessary permits pertaining to what has been done to the property in the last year before further consideration of the application.

Slikkers asked Tucker if he would like the request to be tabled and he said he would.

Following discussion, **a motion was made by Howell and seconded by Becksvoort to table the request until the next meeting to give the applicant time to provide additional information.**

Becksvoort noted that citizens should be advised that this item will not be re-noticed unless there is a significant change to the application. Bultje added that if a variance is requested to the ZBA, the public hearing will be noticed.

Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

E. HOLLAND BPW SPECIAL USE REQUEST

The Holland Board of Public Works/HBPW requests a special use permit to construct aboveground utility equipment (30 feet fiberglass poles for meter reading equipment) at or near the following locations: Property line of 4718 64th Street and Copper Leaf Development; roughly 450 feet south of 4544 64th Street; 300 feet south of 4727 66th Street; property line of 6476 Spruce Lane and 4646 Beech Street; property line of 6489 Wildwood Road and 4722 Wildwood Road.

Steve Bruinsma explained the intent is to relocate the current wooden utility poles used to support routers for water meter reads with 30 feet aluminum or fiberglass poles.

Slikkers asked if the Township ordinances have been reviewed and Bruinsma said they had reviewed the request with Meshkin but had not read through all of the applicable ordinances.

Slikkers opened the public hearing.

Jim Bakker of 4718 64th Street said he lives next to Copper Leaf Development and expressed concern that the bike path is on the edge of the right of way, not leaving space for a pole. Bakker stated that there is a pole in his front yard and asked if the router could be placed on the current pole.

Keith Hulst of 6489 Wildwood Road asked how the locations were picked.

A motion was made by Becksvoort and seconded by Perry to close the public hearing. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Slikkers stated that an email was submitted by HBPW noting a change in the location of the pole on 64th Street. Slikkers said it would have to be re-noticed due to the change in the location.

Slikkers asked how the location is picked and Bruinsma said the equipment manufacturer bases it on radio coverage with water meters in existing homes for even coverage and accessibility to electric from Consumers Power.

Slikkers explained that the Township addresses utilities in its ordinances and referenced numerous applicable codes to be considered.

Perry questioned the necessity of this project and asked how it is addressed in neighborhoods where the residents have paid to have the utilities buried. Perry also questioned the potential of electronic transmission interference with other activities. Perry also expressed concern about the pole placement being a hazard on the roadways and/or bike paths.

Howell said the information required in the ordinance has not been included in the application. Howell questioned if the power is being obtained from Consumers Power, why their poles are not being used. Bruinsma responded that Consumers Power allows their poles to be used but it is difficult due to necessary clearance and interference during their maintenance activities. Howell asked if the routers gather information once per month, can they be turned off. Bruinsma responded that it is not possible and they must comply with all FCC rules. Howell said the one that is located on 66th Street is on an undeveloped parcel and asked if the property owner had been contacted and Bruinsma responded they had only spoken to the property owner on 64th Street. Howell asked about maintenance and Bruinsma responded that there will be a safe clearance around the pole.

Slikkers questioned the application in areas without the option of a pole. Bruinsma said there are no wires attached to the pole, only a router on the top of it. Slikkers stated that he is not a fan of more poles in the area. Bruinsma said the other option is manual meter readers and a lot of times having to go into basement of homes. Bruinsma said the current outdated wooden poles in the area would be removed. Howell asked why the existing poles cannot be used and Bruinsma said the systems are different and the locations are not conducive. Bruinsma said the new system will take reads four times a day to help make leak detections, which is the advantage of the new system. Slikkers asked if there is nothing better than this right now and Bruinsma said electric meter reading has more technology but water module is different and will hopefully last longer than 20 years. Howell mentioned pole co-location attachment agreement for other uses. Slikkers would want to force that agreement with Consumers Power to reduce the number of poles. Becksvoort asked about other technologies like Consumer Power uses; is there any existing option that can be put on the outside of a home? Bruinsma said there would have to be an agreement with every homeowner. Howell asked if any of the specified locations would require a street light and Meshkin responded no. Meshkin asked if Consumers Power will service the power underground or on a line and Bruinsma said it would be an underground line. Howell wants a notarized statement of co-location. Slikkers wants the ordinance requirements better reviewed. Howell noted the application will have to be revised if HBPW wants the option of the poles being aluminum or fiberglass.

Following discussion, **a motion was made by Howell and seconded by Perry to table the HBPW Special Use Request for further information.**

Becksvoort stated that this item will not be re-noticed to residents with the exception of the fifth pole for relocation on 64th Street.

F. SPECIAL MEETING DATES FOR MASTER PLAN DISCUSSION

Following discussion, it was decided that the kick-off meeting for the project will be scheduled for Thursday, April 12 at 6:00 p.m.

ARTICLE V. CITIZEN COMMENTS

Melissa Raywood of 6245 Blue Star Highway requested a cease and desist to all activity at 6255 Blue Star Highway until proper permits are obtained. Bultje responded that the Planning Commission has no authority to do so and the request must be made to Meshkin and the Township Board.

Ellen Fitch of 3665 63rd Street asked that the entire Planning Commission walk the parcel to see what has been done at 6255 Blue Star Highway.

Richard Geiger 6253 136th Avenue expressed concern regarding compliance with the conditions of the Pastor-Benson special use request for a dog daycare center. Geiger complained of barking dogs, gates not remaining closed and number of dogs outside exceeding that quantity allowed. Geiger also noted an unnamed resident who was granted approval for an oversized accessory building who is now running a boat detailing business out of the barn. Geiger asked what the process is for following up on the conditions set forth in the approvals granted for special use permits. Slikkers said the Planning Commission is not the mechanism for follow up and concerns should be addressed to the Township office, specifically brought to Meshkin's attention with evidence to support the complaint.

ARTICLE VI. ADJOURNMENT

A motion was made by Becksvoort seconded by Perry to adjourn the meeting at 9:06 p.m. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED