

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

April 4, 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, Jim Lorence
MEMBERS ABSENT: None
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 March 7, 2018 meeting. **A motion was made by Howell and seconded by Lorence 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.

B. 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. Bultje reported that Tucker requested the item be tabled until next month.

C. 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.

Kevin Koning HBPW Supervisor of Waste and Water Services explained the request is to update water meter reading technology. Lisa Kozlowski is the project designer for the project and reported that the pole in front of the Baker residence on 64th Street has been relocated and updated maps were provided.

Bultje said it was tabled at the last meeting and recommendation had been made to review the township ordinance to ensure compliance.

Slikkers opened for public comments. No public comment or correspondence

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

Slikkers asked for commissioners' feedback. Lorence asked how a resident is informed and Kozlowski advised the resident is noticed and there is some flexibility in placement of the poles. Becksvort asked about the required 50' setback and noted one pole is placed closer to the road south of Oakwood. Kozlowski responded it was due to the number of trees. Becksvort mentioned the Hulst concern and noticed fiberglass poles with lights and color deterioration. Kozlowski said they are Consumer Energy poles and HBPW has the ability to monitor and maintain the poles on a regular basis; she said HBPW would repaint the poles if their paint chips off.

Howell expressed concern that the township ordinance had not been fully reviewed for compliance and asked if that recommendation given at last month's meeting had been communicated to Kozlowski. Kozlowski responded it had not been communicated and asked if Consumers Power jumps through all these hoops and noted the project has been approved by Allegan County. Koning said HBPW is trying to meet the Laketown requirements. Slikkers clarified the ordinance and explained that Laketown is not trying to be difficult but the ordinance must be followed and reiterated the previous recommendation made last month to read and comply with it. Kozlowski asked if approval could be contingent on the conditions of the ordinance. Bultje responded that it would be possible, highlighting the notarized co-location statement and also noting the number of poles coming down versus new poles. Koning said it will take a period of time to transition from the old to new technology but eventually all outdated equipment and poles will be removed. The immediate plan is for five poles to be installed in Laketown. Perry said it is disconcerting that internal communications are not sufficient. Kozlowski said HBPW is eager to follow the necessary steps to complete the project.

Following discussion, a motion was made by Lorence and seconded by Howell to approve the special use application to install five utility poles based upon compliance with the factors in Sections 38-91 and 38-611(b)(2), and with final site plan requirements in Sections 38-64 and 38-65. The conditions of approval are that HBPW will provide a detailed plan to the Township Manager which will comply with Section 38-611(b)(1) and include the required collocation statement; erected poles shall be labeled by HBPW; existing poles will be removed by HBPW when no longer necessary, and HBPW will give the Township an annual status report on their removal until all poles scheduled to be removed have been removed; HBPW will comply with the information in its application, and with all federal, state, county, and Township laws and ordinances; and HBPW will comply with all written and verbal representations provided at this meeting and the March meeting and recorded in the minutes of those meetings.

Koning asked for a deadline on meeting the conditions and he was directed to Meshkin prior to commencing the work.

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

ARTICLE IV. NEW BUSINESS

A. HOLLAND BPW SPECIAL USE REQUEST

Holland Board of Public Works request a special use permit to install 30' fiberglass poles for meter reading equipment, at or near 4696 64th Street, Holland, MI, that being parcel #0311-080-001-00.

Item covered above under Old Business.

B. SLIVA SPECIAL USE REQUEST

Glenn and Judith Sliva, owners or agents of property located at 6339 140th Avenue, Holland, MI that being parcel #0311-023-038-10 request a special use permit to build an oversize accessory building on this parcel.

Glenn and Judy Sliva explained they are asking to construct a larger building aesthetically pleasing with a porch and overhang to match the colors of the newly constructed home. It will be at a lower elevation and the roof line will be in line or slightly below that of the house.

Slikkers opened the public hearing. No public comments and one letter of support received from Richard Sligh of 6355 140th Avenue. **A motion was made by Becksvoort and seconded by Lorence to close the public hearing. Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Bultje explained the rationale for allowing oversized pole barns and how the process transitioned from a request for variance from the Zoning Board of Appeals to a request for special use from the Planning Commission. Each application is reviewed to ensure that each fits within the neighborhood.

Slikkers asked for comments from the Commissioners. Lorence expressed appreciation for the aesthetics of the proposed building; Becksvoort, Slikkers, Howell and Perry had no issues.

Following discussion, **a motion was made by Lorence and seconded by Becksvoort to approve the Sliva Special Use Request based upon it being in compliance with the factors in Sections 38-471 and 38-91, and with final site plan requirements in Section 38-64 and 38-65; subject to the conditions of 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**

C. BRONDYKE SPECIAL USE REQUEST

Mr. Todd Brondyke, owner or agent of property located at 6222 146th Avenue, Holland, MI that being parcel #0311-011-001-00 requests a special use permit to build an oversize accessory building on this parcel.

Howard Brondyke represented Todd Brondyke explaining the request. Brondyke said the neighbor approves the request noting that 20.2 feet is the minimum allowed setback. Slikkers suggested the parcel be surveyed or a greater setback be given to ensure compliance.

Slikkers opened the public hearing.

Craig Cook of 4580 62nd Street said he is just to the west of the property and questioned the project as he has issue with dust in the summer due to the horse rodeo activities. Brondyke said this is not the residence in question.

Jim Windon of 6220 146th Avenue asked to clarify the size and Brondyke responded that it is 40 x 64 with a peak height of 20.5 feet. Windon said he does not have an issue with the barn but takes exception to the blank page in the application package showing his signature which clearly is not his. He cautioned the board on accepting such documentation which is invalid.

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. Perry feels it is sensible; Howell no questions; Becksvoort said make sure it does not get too close to the lot line; Lorence no questions.

Following discussion, a motion was made by Lorence and seconded by Howell to approve the Brondyke Special Use Request based upon it being in compliance with the factors in Sections 38-471 and 38-91, and with final site plan requirements in Section 38-64 and 38-65; subject to the conditions of compliance with the application submitted; compliance with all federal, state, county and Township laws and ordinances; and compliance with the writ Den 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. DEN HARTIGH SPECIAL USE REQUEST

Paul and Michelle Den Hartigh, owners or agents of property located at 4604 66th Street, Holland, MI, that being tax parcel #0311-004-020-10, request a special use permit to establish a home occupation Pilate's studio at the above location.

Michelle and Paul Den Hartigh of 4604 66th Street explained their request to construct a Pilates studio with class size limited to 4 clients but typically the class size is 1 – 2 clients. Traffic would not be an issue. The initial intent upon purchase of the home was to expand for personal family use. The Pilates equipment is 9' long and 10' to 11' tall which will be used for personal use in later years.

Slikkers opened the public hearing.

Wade Eldean of 2300 South Shore Drive referred to the letter submitted including the attachments from Den Hartigh objecting to the Gator commercial business requests. Eldean read one of the letters of opposition from Paul Den Hartigh regarding commercial business in this area of Laketown Township. Eldean uses the same sentiments for the Den Hartigh stating that there are other places for this business. The traffic generated is more than the boat traffic for the business he had proposed. Den Hartighs were against any commercial activity near their home.

Trish Lamar of 643 Appletree Drive stated that Den Hartigh should continue to run the Pilates business out of the facility on 140th Avenue and 64th Street. Lamar expressed concern regarding traffic. Lamar referred to Den Hartighs' high opposition to commercial business in this neighborhood causing the Lamars to seek alternatives for their property. Lamar is now considering high end residential due to the change in zoning from commercial to residential.

Jon Cusack of 4608 66th Street stated that he is caught in between two people who have a feud about the use of the property. He has now turned the office building into a home. Cusack added that he never received notice of the public hearing for this item and Meshkin responded that the notice had been returned with a wrong address. Cusack said in general, he does not like people being told what they can do with their property. Cusack's concern is that he converted his commercial building into residential and then one door down; a home business is allowed which does not seem consistent.

Bob Lamar of 4612 66th Street is against it because his commercial business was taken away after

78 years and he now has to try to recoup his investment. Lamar expressed concern regarding traffic and parking.

Betsy Marsh of 6281 Chippewa in Saugatuck explained that she is one of Den Hartigh's students and spoke in support of the requested special use. She feels that Den Hartigh should not be blamed for what happened last year as the requests are not comparable.

Adrienne Hass of 6261 Chippewa in Saugatuck spoke in support of the Den Hartigh special use request. Hass said the group sessions are very quiet, always capped at 4 people but often 2-3 adults per class. There will be minimal traffic and vast difference between boat storage and adding a small addition for a home Pilates studio. The Den Hartighs are excellent stewards of the environment and will take great care to preserve the area.

Trish Lamar expressed concern about the request being a business which does not follow the Master Plan as she had been told so one business cannot be told to get out and another allowed to come in.

Eldean suggested Den Hartigh relocate the business near the customers in Saugatuck.

Sam Martin of 4567 Audubon Road stated that he is a resident and customer of Den Hartigh. Martin affirmed that Den Hartigh has represented the business accurately. Martin asked for clarification of a home business versus commercial business. Bultje explained that the home occupation must be located within the same structure as the dwelling. Martin added that this is a very purposeful operation with no music but does have specialized equipment that is used in the class instruction. Martin supports the request.

Ed Stielstra of 6561 146th Avenue said he saw the site plan with a significant addition to the house and a second drive which seems more commercial than residential.

Correspondence was received from the following: Keri Woodwyk in support; Adrienne Hass in support; Maureen Murphy in support; Dr. Tim and Lynn Smith of 6685 Sunset Course in support; Robert and Trish Lamar of 643 Appletree Dr. / 4612 66th Street opposed; Gator Properties and the Eldean family members opposed.

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 for comments from the Commissioners.

Lorence support entrepreneurs but based on the site plan feels it appears commercial and not a residential home operation. Den Hartigh said the site plan shows the studio and the expansion of an outdoor accessory building for storage. The intent has always been to store the equipment and the other piece that extends out is the garage. Den Hartigh said he reached out to 2 of the 3 closest neighbors to review the plan and the only request made was to reduce the concrete which has been

done. Den Hartigh stated that if they had planned to do an addition to the home, they would not have had to ask permission.

Bultje cautioned the commissioners to use the appropriate rationale considering the request. By definition, a home occupation cannot be in a commercial zone and the ordinance does allow for home occupations as a special use. The request is for a home occupation and not a commercial business and should be considered as such.

Howell asked for confirmation on setbacks for parking and how dwelling is defined in regards to the addition. Bultje said the building code has language about what constitutes a single dwelling. Howell also asked if there would be employees and Den Hartigh said there would be no employees.

Perry felt the request meets the criteria of the standards for home occupations.

Slikkers said based on the site plan for the addition, the home occupation does not seem to be within the dwelling. Slikkers also expressed concern about parking and does not feel this is harmonious with the neighborhood nor within the direction of the Master Plan.

Meshkin said 38.488 speaks to restrictions and regulations of exterior evidence to imply other use than a dwelling. Den Hartigh reiterated that their initial intent was to expand the living space to accommodate their large family gatherings.

Howell asked for info on the square footage of the actual dwelling. Den Hartigh responded that the current house is approximately 1700 square feet and the addition would be approximately 1200 square feet which does not include the 28' x 28' garage.

Bultje said the decision for the special use could be addressed in the minutes or by doing a report and resolution. Lorence stated that he is not in a position to make a decision based on the discussion tonight.

Following discussion, **a motion was made by Howell and seconded by Lorence to table the item for more research to ensure consistency with the ordinance. Slikkers called for a vote on the motion. 2 to 3 VOTE – MOTION FAILED**

Michelle Den Hartigh said she did not realize the commissioners needed such detailed plans.

Following discussion, **a motion was made by Lorence and seconded by Howell to table the item for further consideration and to allow applicant opportunity to make modifications and/or provide further detail on the project. Slikkers called for a vote on the motion. 3 to 2 VOTE – MOTION APPROVED**

Becksvoort stated that this item will not be re-noticed.

ARTICLE V. CITIZEN COMMENTS

Trish Lamar of 643 Appletree Drive expressed confusion and concern for how decisions are made based on who the applicant is.

Bob Lamar expressed dissatisfaction regarding the request and how it is being addressed.

Ed Menken of 6341 144th Avenue asked for clarification on commercial business versus home occupation. Slikkers responded that in areas zoned for residential, commercial business is not allowed and a home occupation must be operated within the dwelling and not a separate building.

Jon Cusack asked that the township further address the home occupations and business owners storing items on their residential property.

Meshkin noted that one letter was received from Diane Pastor Benson regarding Camp Saugapup. Slikkers acknowledged receipt of the letter. Bultje stated the letter speaks to an issue with the Benson's interpretation of the report's condition noting the number of dogs allowed outside. Bultje stated the information he used to draft the report came from Pastor Benson's application.

ARTICLE VI. ADJOURNMENT

A motion was made by Becksvoort seconded by Slikkers to adjourn the meeting at 9:31 p.m. Chairman Slikkers called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED