

**Minutes of the regular meeting of the Georgetown Township Planning Commission, held
Wednesday, June 3, 2020**

Governor Whitmer's Executive Order 2020-75 provides temporary changes to the Open Meeting Act, allowing a meeting of a public body to be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means.

Due to these Executive Orders, the following Planning Commission members were present via video conferencing: Jessica Ulberg, Tim Smit, Tom Healy, Jeannine Bolhouse, Donna Ferguson, Josiah Samy and Richard VanderKlok. Mannette Minier, Zoning Administrator, and Rod Weersing, Assistant Manager, were also present via video conferencing, and nine members of the public were also present in the audience via video conferencing.

Meeting called to order by Chairman Smit at 7:00 p.m.

Present: Jessica Ulberg, Tim Smit, Tom Healy, Jeannine Bolhouse, Donna Ferguson, Josiah Samy,
Richard VanderKlok

Absent: None

Also present: Mannette Minier, Zoning Administrator; Rod Weersing, Assistant Superintendent

#200603-01 – Agenda for June 3, 2020

Moved by Richard VanderKlok, seconded by Jessica Ulberg, to approve the agenda as submitted.

Yeas: Jessica Ulberg, Tim Smit, Tom Healy, Jeannine Bolhouse, Donna Ferguson, Josiah Samy,
Richard VanderKlok

Nays: None

MOTION CARRIED UNANIMOUSLY.

#200603-02 – Minutes of the March 4, 2020 meeting

Moved by Richard VanderKlok, seconded by Donna Ferguson, to approve the minutes as presented.

Yeas: Jessica Ulberg, Tim Smit, Tom Healy, Jeannine Bolhouse, Donna Ferguson, Josiah Samy,
Richard VanderKlok

Nays: None

MOTION CARRIED UNANIMOUSLY.

#200603-03 – Old Business (PUD2001) Final Development Plan - Waterford Building Elevations

Jessica Ulberg asked to be recused due to a conflict of interest.

Moved by Richard VanderKlok, seconded by Josiah Samy, to approve architectural character of the [building elevations](#) for the final development.

Yeas: Tim Smit, Tom Healy, Jeannine Bolhouse, Donna Ferguson, Josiah Samy,
Richard VanderKlok

Nays: None
Abstained: Jessica Ulberg

MOTION CARRIED UNANIMOUSLY.

#200603-04 – PUD (PUD2002) Fairway Estates LP (Glen Eagle PUD) (**no public hearing**), Joseph Byker, 2905 Wilson Ave. SW, Grandville, is requesting REVISED preliminary planned unit development approval for parcels listed in the attachment and withdrawing parcels of land from the PUD described as follows:

- a. P.P. # 70-14-26-400-092, located at 1033 Parsons St.;
- b. Part of P.P. # 70-14-26-400-047, located 1015 Parsons St.;
- c. Part of P.P. # 70-14-26-400-048, located at 1003 Parsons St.;
- d. Part of P.P. # 70-14-26-400-024, located at 957 Parsons St.;
- e. Part of P.P. # 70-14-26-400-093, located off Castlebay Way.

Georgetown Township, Ottawa County, Michigan.

([PUD parcel list](#), [PUD plan](#), [overall PUD plan](#), [greenspace plan](#), [application](#), [narrative](#), [1998 plan showing Parsons St. access](#), [1999 plan showing Parsons St. access](#), [Gleneagle Moors petition](#), [Gleneagle East Condominium Association letter](#))

The chairman announced that the applicant has withdrawn the request and no action would be taken on the application.

#200603-05 – (REZ2002) Ordinance 2020-03 To change from (PUD) Planned Unit Development to (LDR) Low Density Residential parcels of land described as:

- f. P.P. # 70-14-26-400-092, located at 1033 Parsons St.;
- g. Part of P.P. # 70-14-26-400-047, located 1015 Parsons St.;
- h. Part of P.P. # 70-14-26-400-048, located at 1003 Parsons St.;
- i. Part of P.P. # 70-14-26-400-024, located at 957 Parsons St.;
- j. Part of P.P. # 70-14-26-400-093, located off Castlebay Way.

Georgetown Township, Ottawa County, Michigan ([rezoning site plan](#), [application](#), [parcels](#)).

The chairman announced that the applicant has withdrawn the request and no action would be taken on the application.

#200603-06 – (REZ2003) Ordinance 2020-04 Proposed Zoning Ordinance Amendments for Kennels (**public hearing**) ([application](#))

Sec. 16.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right, PROVIDED, that where applicable, the design standards defined in Chapter XX for these specific uses shall apply.

- (A) Any permitted use in the CS District.
- (B) Hotels and motels.
- (C) Veterinary/animal hospitals, **and** clinics.
- (D) **Kennels, subject to Sec. 20.4(V)(2)**

Sec. 20.4 SITE DESIGN STANDARDS.**(V) Kennels.**

- ~~(1) For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.~~
- ~~(2) Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.~~
- (1) For kennels within the AG or RR district:
- a. The minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
 - b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- (2) For Kennels located within the NS or CS district:
- a. The minimum lot size shall be one-half (1/2) acre.
 - b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any Residential District. Runs and/or exercise areas shall not be located in any required front, required rear, or required side yard setback area.
 - i. Any animal that is exercised outside of the building or other enclosed area must be in an approved exercise area and an employee must be with any such animal at all times while outside the building or other enclosed area.
 - ii. All exercise or other outdoor areas shall only be utilized during a continuous period of time not to exceed sixteen (16) hours, as approved by the Planning Commission.
 - iii. All exercise or other outside areas accessible to an animal shall be enclosed by a fence or other suitable barrier that is completely opaque and to a height that will contain the animals and prevent exit from the lot or premises.
 - iv. Any exercise or other outside area located within twenty (20) feet of a lot line shall be screened by a greenbelt which meets the minimum standards of Sec. 3.11(A) for the extent of the exercise or other outdoor area. In no instance shall an exercise or other outside area be located less than ten (10) feet from a lot line.
 - c. All Kennels shall provide the following:
 - i. Hours of operation, including outdoor animal activity
 - ii. The size, nature, character, and animal capacity
 - iii. The proximity to adjoining properties
 - iv. The noise, odor, or other disturbances for adjoining properties and the surrounding neighborhood as a result of the operation
 - v. Summary of operations and the handling of the animals, including, but not limited to, the number of employees, the

- number of handlers available to each animal, parking area, signage, and etcetera, any other information that the Planning Commission deems appropriate.
- vi. Measures to control sound from within the building and/or site
- d. Kennels are subject to reasonable conditions imposed by the Planning Commission to mitigate impacts related to the use to protect the health, safety, and general welfare of the surrounding area.
- e. Kennels shall comply with all applicable County, State, and Federal regulations.

Greg Ransford, Fresh Coast Planning, represented the applicant and presented the request. He noted that Leah Swathwood, Captain K-9, was also present. His comments included:

- The proposal was based on the assumption that setbacks and yards were as determined by the Zoning Administrator and as shown on his drawing.
- The proposal allowed the use by right in the HS district, however, still being subject to the standards.
- Even though the proposed language allows an unlimited number of animals, the Planning Commission could limit the number since they could place conditions.
- A kennel is subject to Ottawa County approval and they limit the number of animals.
- The Township's current ordinance uses a 25 foot setback for a greenbelt, but the proposal calls for anything within 20 feet and suggests an opaque fence to compensate for a smaller setback.
- The proposal does not stipulate the size of the fence but could be dependent upon the breed and what was needed to contain the animals.

The Zoning Administrator presented a [staff report](#).

Richard VanderKlok stated the following. When reviewing this application, the Planning Commission is not dealing with Captain K-9 and their business is not the issue. The proposed Zoning Ordinance amendment is what is being considered by the Planning Commission and, if approved, affects the entire Township. The staff report lists questions for the Planning Commission to consider and he has answered all the questions. However, in his opinion it was not necessary to go over all the individual questions because he is not in favor of adopting this proposed language due to the fact that it would not be in the best interest of the entire Township.

Tim Smit stated the following. He appreciates the feedback. However, it would be best if the Planning Commission discussed and drafted revisions to the current ordinance that they believe are best for the entire Township and not just this site. The responsibility of the Planning Commission is to approve or deny this proposal as submitted in the application. They do not have the authority to make major changes to this proposal if they are opposed to some of the stipulations contained in it.

Richard VanderKlok said that he was inclined to deny this proposal and for the Planning Commission to draft language that believed would be best for the entire Township.

Jeannine Bolhouse stated the following. She agreed with Richard VanderKlok. She was not opposed to changing the kennel ordinance but she had concerns with the language that was specifically proposed. The Planning Commission does not need to go over every question in the

staff report. Her main concern is the lack of consistency this language proposes since it is without specific criteria to use to evaluate a request for a kennel. This language would have the Planning Commission determining the size of the fence based on the breed of animal. The Planning Commission won't know the breeds and the best heights for each. Ordinance language should contain more uniform standards to use to evaluate a request for a kennel.

Josiah Samy stated the following. He agreed with the Planning Commissioners. Some of the language in the proposal is open-ended such as no limit on the number of animals and no standards for the size and height of fence. The best interest of the Township would be best served by the Planning Commission drafting an ordinance limiting the number of animals based on the square footage of the building or based on lot size. The proposal presents a great starting point. The staff report also contains good questions for the Planning Commission to consider, which is a great tool. But this proposal is not the exact language that should be adopted to best serve the entire community.

Tim Smit stated the following. He agrees with what was said. The Planning Commission should set standards through open discussion and take a look at changes. This proposal caters to Captain K-9. There should be more discussion and the Planning Commission does not have the authority to make drastic changes to the proposal since it was submitted as an application.

Donna Ferguson stated the following. She agrees with her fellow board members. This language is not exactly what is needed for the entire Township, but this provides a great starting point. The Planning Commission can improve the current ordinance, but more time is needed to go over the language to make it right and effective for the entire Township.

Jessica Ulberg stated the following. She agrees with the concerns of the other Planning Commissioners and was also concerned with the setbacks, lot size and the different requirements for the AG and RR districts. The Planning Commission should have more discussion and draft language that best serves the entire Township.

Tom Healy stated the following. He concurs with the opinions of the other Planning Commissioners. The language should contain a uniform formula for standards to provide predictability for someone who wants to open a business of this nature so that they can at least make their own calculations and have some expectation of what the Planning Commission would do. He agrees that the setback requirements should be reviewed and there should be a cap on the number of animals by way of some predictable formula, which is essential. Those items are missing in this proposal. A special use assessment by different parcels should not be up to the Planning each time to make different assessments and establish different standards by parcel. The approvals are property permanent. So the fact that it might be a toy poodle today doesn't negate the possibility of a German Shepard tomorrow. Those considerations have to be taken into account. The current ordinance is based on parcel size to determine the number of animals allowed. In addition, as mentioned for the AG and RR districts, when it is considered relative to a NS or CS district, the requirement for a kennel in an AG or RR district is to have at least two acres for four dogs and another 1/3rd acre for each additional dog. If the density of population is considered, what essentially is being said is greater space is required for the AG and RR, while in the NS and CS districts no minimum amount of space is required. Further, there is no cap on the number of animals in this highly dense and populated and usage area. Given those considerations, this is an excellent framework for a great starting point; however, a lot of modifications need to be considered.

The chairman opened the public hearing and noted that the public hearing was not for a kennel for Captain K-9, but rather was for the ordinance language for kennels in the entire Township.

Leah Swathwood, Captain K-9, explained her business. She said that she agrees with standards and is open to advice and direction.

The chairman closed the public hearing.

Tom Healy asked about the possibility of rezoning the property to Industrial where kennel is allowed by right.

The Zoning Administrator explained the following. The Captain K-9 site is surrounded to the north, east and south by the Industrial district. The Future Land Use Map designated this entire area in 2010 as PUD because when Baldwin connected to the expressway, the hope had been that this entire area would be developed as one development. However, there was a possibility that this parcel could be rezoned to Industrial because that zoning designation would be compatible with the surrounding area. The site is also capable of sustaining the uses in the Industrial district. In 2016, when the Planning Commission reviewed the entire ordinance to become less restrictive, the determination had been to allow kennels by right in the Industrial because they would not have negative impacts on the industrial businesses, such as warehouses.

Tom Healy stated the following. All the properties surrounding this site to the east are zoned Industrial and this would be consistent and not particularly disruptive to this general neighborhood. Another NS site might not be able to accommodate this use without being disruptive. For example, the use might be more disruptive in the NS district on Georgetown Center. That might be a solution as opposed to an ordinance revision. The Township cannot adopt the ordinance change that was proposed because it needs some fixes.

Richard VanderKlok stated the following. Leah said that she was looking for guidance and that might be an option to go for a rezoning.

Greg Ransford stated the following. He was made aware of the Industrial option but had concerns with the non-conforming maximum lot coverage. He would have to talk with his client about this. If there was a fire or act of God there could be implications. He understands that the Planning Commission wants to revise his proposed language. The current ordinance only includes three main items, including minimum lot size, maximum number of animals, and setbacks from where animals are kept. There are special use standards that give control. He has never taken the position that they couldn't make a recommendation to the Board without further even significant changes between the applicant and the municipality because the public hearing has been held and he has always continued on to make changes if needed. The reverse of that is true that if the Township initiated the text you are not required to hold another public hearing. The changes could be made through the course of many meetings. He asked what the basis was for not allowing him to work with the Planning Commission to make changes and not having to start the process over.

The Zoning administrator stated the following. She has been doing this since 1993 and discussion at the Planning Commission normally has taken place prior to the initiation of ordinance amendments. The Township initially worked with Paul LeBlanc, LSL Planning. The direction he gave to the Township, that has been practiced and followed throughout the years, was that the Planning Commission had the authority to "tweak" language. But never would the Planning

Commission, even as always stated by the former Planning Commission chairperson, do more than “tweak” the language. Once the notice is published, we have no authority to change what was published unless we want to change something small and definitely never more restrictive. So what was published for the public to see is what, at that point, what we have to work with. If we want to majorly change the language, the consistent practice was to republish a new notice with the change. That has not occurred often because most of the time the Planning Commission would discuss it on the front end so the right language is drafted before it is published. In the past history, changes have never been made to an ordinance that was published, other than very minor “tweaks” and never more restrictive, meaning no additional standards were added. What is currently proposed contains no limit on the number of animals based on the size of the building or on the parcel size. If the Planning Commission determines to add those standards to the proposal, that would make it more restrictive. They would not have the authority to do that unless it was published again with the more restrictive language. This has been the consistent practice for at least 27 years.

Tim Smit stated that it is how the Planning Commission has operated since he has been on the Planning Commission and it is the best practice they have had.

Greg Ransford stated the following. Everybody in this business knows Paul LeBlanc. What he was trying to do was work off of what was presented. It is up to the Commission as to how they want to proceed. He obviously wanted the Planning Commission to recommend to the Board to adopt this as presented, but that isn't going to happen. He wanted to know if there was a way to not send this to the Board for denial and have the Planning Commission continue to work on the language just because when things go to the Board twice they wonder why. He wanted to avoid confusion. He respects their history and practice, but was wondering if it was legal to stray from that practice and make revisions without another public hearing. It sounds like everyone is supportive of some type of revision.

Tim Smit said that they have been given direction from zoning on how this should be handled. He said that some action has to be taken tonight.

Richard VanderKlok said that he is in favor of recommending denial to the Township Board.

Jeannine Bolhouse said to reiterate there would be no benefit to table action on this item and they should just start over.

Josiah Samy stated the following. He is in favor of denial of this proposal. This is a good starting point but more language needs to be laid out for the future guidance. The standards should be more specific to provide guidance to an applicant before a request comes before the Planning Commission. He leans toward denial and is not ready to make changes today without additional public comments or feedback on those changes. As it stands today, that would be the final say if they recommended approval. Rather if they republished a revised proposal, the public would be able to provide more input on the changes.

Tim Smit stated that he was in agreement and changes should be made. He said that they have a thick book of ordinance revisions, and they need time at future meetings to make changes that will benefit the community.

Donna Ferguson stated that she agrees and thinks this proposal should be denied so that they can spend more time drafting an ordinance that benefits the community.

Jessica Ulberg said that she agrees and is in favor of denial and she is looking forward to discussing language that is best for the entire Township.

Tom Healy stated the following. He agrees that this should be denied for the reasons stated earlier, including setbacks. The outside area is an integral part of the use and is necessary when you have dogs. There should be caps on the number of dogs. This proposal does not include it, but his proposal is an excellent framework for moving forward.

Moved by Richard VanderKlok, seconded by Josiah Samy, to adopt the staff report as finding of fact and to recommend to the Township Board to **deny** the following resolution.

(REZ2003) Ordinance 2020-04:

GEORGETOWN CHARTER TOWNSHIP
OTTAWA COUNTY, MICHIGAN
(Ordinance No. 2020-04)

At a regular meeting of the Township Board for the Charter Township of Georgetown, held at the Township Offices on _____, 2020, the following Ordinance/ordinance amendment was offered for **denial** by Township Board Member _____, and was seconded by Township Board Member _____, and to adopt the staff report as finding of fact, and upon recommendation from the Planning Commission:

AN ORDINANCE TO AMEND THE GEORGETOWN CHARTER TOWNSHIP
ZONING ORDINANCE

THE CHARTER TOWNSHIP OF GEORGETOWN (the "Township") ORDAINS:

Article I. The Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to as follows:

Sec. 16.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right, PROVIDED, that where applicable, the design standards defined in Chapter XX for these specific uses shall apply.

- (D) Any permitted use in the CS District.
- (E) Hotels and motels.
- (F) Veterinary/animal hospitals, **and** clinics.
- (G) **Kennels, subject to Sec. 20.4(V)(2)**

Sec. 20.4 SITE DESIGN STANDARDS.

(V) **Kennels.**

- (1) ~~For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.~~
- (2) ~~Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.~~

- (3) For kennels within the AG or RR district:
- a. The minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
 - b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- (4) For Kennels located within the NS or CS district:
- a. The minimum lot size shall be one-half (1/2) acre.
 - b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any Residential District. Runs and/or exercise areas shall not be located in any required front, required rear, or required side yard setback area.
 - i. Any animal that is exercised outside of the building or other enclosed area must be in an approved exercise area and an employee must be with any such animal at all times while outside the building or other enclosed area.
 - ii. All exercise or other outdoor areas shall only be utilized during a continuous period of time not to exceed sixteen (16) hours, as approved by the Planning Commission.
 - iii. All exercise or other outside areas accessible to an animal shall be enclosed by a fence or other suitable barrier that is completely opaque and to a height that will contain the animals and prevent exit from the lot or premises.
 - iv. Any exercise or other outside area located within twenty (20) feet of a lot line shall be screened by a greenbelt which meets the minimum standards of Sec. 3.11(A) for the extent of the exercise or other outdoor area. In no instance shall an exercise or other outside area be located less than ten (10) feet from a lot line.
 - c. All Kennels shall provide the following:
 - i. Hours of operation, including outdoor animal activity
 - ii. The size, nature, character, and animal capacity
 - iii. The proximity to adjoining properties
 - iv. The noise, odor, or other disturbances for adjoining properties and the surrounding neighborhood as a result of the operation
 - v. Summary of operations and the handling of the animals, including, but not limited to, the number of employees, the number of handlers available to each animal, parking area, signage, and etcetera, any other information that the Planning Commission deems appropriate.
 - vi. Measures to control sound from within the building and/or site
 - d. Kennels are subject to reasonable conditions imposed by the Planning Commission to mitigate impacts related to the use to protect the health, safety, and general welfare of the surrounding area.
 - e. Kennels shall comply with all applicable County, State, and Federal regulations.

Article II. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

Article III. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance/ordinance amendment shall be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance/ordinance amendment, and the balance of this Ordinance/ordinance amendment shall remain unchanged and in full force and effect.

Article IV. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after the date that this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote in favor of this Ordinance/ordinance amendment was as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/ordinance amendment adopted by the Township Board for Georgetown Charter Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By _____
Richard VanderKlok
Georgetown Charter Township Clerk

Yeas: Jessica Ulberg, Tim Smit, Tom Healy, Jeannine Bolhouse, Donna Ferguson, Josiah Samy,
Richard VanderKlok

Nays: None

MOTION CARRIED UNANIMOUSLY.

#200603-07 – Other Business

A. [Email about ducks](#)

The consensus of the Planning Commission was to not pursue revising the ordinance to allow ducks in a residential district for the following reasons:

- 1) They are already allowed in an Agriculture and Rural Residential districts as a farm animal;
- 2) Even though this person might do a great job caring for them and not letting them negatively impact neighbors, there is a potential for them to become problems in a neighborhood (as was the case in the past);
- 3) They are wild animals; and they could be messy and loud;

4) The Planning Commission reviewed ordinances in 2015 when the chicken ordinance was adopted and had decided at the time to only allow chickens and not ducks.

A Planning Commissioner suggested that the interested person contact someone who has a farm to see if they would let him keep ducks at their farm, a place where they would be allowed.

#200603-08 – Public Comment

There were public comments at this time.

#200603-09 – Adjournment

The meeting was adjourned at 8:19 p.m.