

MEETING MINUTES OF THE
GRAND HAVEN CHARTER TOWNSHIP PLANNING COMMISSION
NOVEMBER 16, 2009
REVISED

I. CALL TO ORDER

Chairman Redick called the regular meeting of the Grand Haven Charter Township Planning Commission to order at 7:30 p.m.

II. ROLL CALL

Members present: Worthington, Ransford, Taylor, Zambetis, Redick, Ralya, French, Williams, LaMourie

Members absent: None

Also present: Community Development Director Waterman, Attorney Bultje and Recording Secretary DeVerney

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Motion by LaMourie supported by Williams to approve the minutes of the October 19, 2009 meeting. **Which motion carried.**

V. CORRESPONDENCE

None.

VI. BRIEF PUBLIC COMMENTS

None.

VII. PUBLIC HEARING

A. Reenders Blueberry Farms – Special Land Use – Removal of Sand

The Public Hearing on the Special Land Use was opened at 7:36 p.m.

Waterman gave an overview of his memo dated November 6, 2009.

Jim Milanowski (Milanowski & Englert Engineering & Surveying Inc. representing Reenders) noted that there would be a low number of trucks impacted during the sand removal process because it's an "as man dictates" process so there won't be any stock piling. Reenders has indicated that they want to have the blueberries (on the North side) planted by the end of the next season so they will be removing sand as quickly as possible.

Milanowski noted that the Ottawa County Road Commission would dictate where the farm entrance would be, which is usually approximately forty (40) feet before hitting pavement.

Commissioners were concerned about the fifty (50) feet buffer but Milanowski assured them that it was only a couple feet differential. They were also concerned about other permits needed in the future. Milanowski stated that permits will be taken out at a later date.

The Public Hearing on the Special Land Use was closed at 7:47 p.m.

B. Zoning Text Amendment – Sliding Scale for Side Yard Setbacks

The Public Hearing opened on the Zoning Text Amendment was opened at 7:48 p.m.

Waterman gave a brief overview of his memo dated November 5, 2009.

There was a brief discussion on why the Sliding Scale for Side Yard Setbacks needed to be added, mainly because the ZBA was beginning to see many of the lakeshore property owners coming in for variances mostly due to the size of their lots.

The Public Hearing on the Zoning Text Amendment was closed at 7:52 p.m.

VIII. OLD BUSINESS

A. Reenders Blueberry Farms – Special Land Use – Removal of Sand

Chairman Redick modified a couple of the conditions and added three (3) more. Commissioners were concerned about the condition of not removing any soil from Phase II before Phase I is completely done, because the phases are so close together.

Motion by French and supported by Ralya to approve with conditions the Special Land Use application for removal of up to 42,500 cubic yards of sand from parcel 70-07-25-100-006, as indicated on the approved site plan (dated 11-6-09).

Approval of this application shall be conditioned upon the following:

- **No machinery shall be erected or maintained within fifty feet (50') of any property or right-of-way line;**
- **The end use of the property shall be blueberry farming or other permitted Agricultural uses;**
- **Proposed truck routes are adhered to;**
- **Hours of operation, dust and construction decibel levels are not of significant level to be considered a nuisance to neighboring properties;**
and,
- **The project shall be completed (i.e. all material is removed from the property and all phases of rehabilitation completed) within a five year period (i.e. no later than the end of 2014).**
- **Soil removal shall not commence in any phase until rehabilitation of the prior phase has been substantially completed.**
- **The permittee shall submit a written progress report to the Zoning Administrator by January 31 of each year (commencing January 31,**

2011), showing the progress of soil removal and the progress of site rehabilitation, and the location of any stock-piled material on the site.

- **Excavation not permitted until the driveway permits and soil erosion permits are obtained.**

This approval is based on an affirmative finding that each of the following standards has been fulfilled:

- 1) The proposed use is consistent with, and promotes the intent and purpose of this Ordinance.
- 2) The proposed use is of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
- 3) The proposed use does not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
- 4) The proposed use is reasonably compatible with the natural environment of the subject premises and adjacent premises.
- 5) The proposed use does not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.
- 6) The proposed use does not interfere with or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.
- 7) The proposed use is such that traffic to, from, and on the premises and the assembly of persons relating to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and, the general character and intensity of the existing and potential development of the neighborhood.
- 8) The proposed use is consistent with the health, safety, and welfare of the Township.

And for site plan purposes,

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
- B. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the township.
- D. Removal or alteration of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The planning commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- F. The site plan provides reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.

- G. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.
- H. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this ordinance or any other township ordinance.
- I. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate storm water, prevent erosion and the formation of dust.
- J. Exterior lighting is arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures.
- K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, are screened.
- L. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.
- M. The site plan conforms to all applicable requirements of county, state, federal, and township statutes and ordinances.
- N. No fencing is required by the Planning Commission around the boundaries of the development.
- O. The general purposes and spirit of this ordinance and the master plan of the township are maintained.

Roll Call – Ayes: Worthington, Ransford, Taylor, Zambetis, Redick, Ralya, French, Williams, LaMourie

Nays: None

Which motion carried.

B. Zoning Text Amendment – Sliding Scale for Side Yard Setbacks

Concerns and comments from commissioners to Waterman and Bultje:

1. What was the rationale on a sliding scale?
2. Commissioners concerned that if the applicants can still go to the ZBA for variances regardless of the sliding scale, at what point do we say enough is enough?
3. Did the Fire Department have any input on the Sliding Scale?

Response from Waterman and Bultje to commissioners:

1. It was a percentage, rounded up to the next foot.
2. The ZBA has to go by the four (4) standards. Standard 1 seems to always be yes because of the small lot size. Many residents are converting their summer cottages into year round homes which means they are putting additions on. Typically, the side yard setbacks are what makes Standard 1 OK. Most of these cottages were conforming originally.
3. Yes, the Fire Department requested that the houses not be any closer than 20 feet apart so they could get their ladders to the windows of the 2nd floor.

Chairman Redick suggested adding the word “lawfully” before non-conforming under “P”.

Motion by Ralya and supported by Ransford to recommend that the Township Board approve the proposed Zoning Text Amendments to Chapters 8 and 21, as drafted (draft date 10/27/09) with addition to “P”.

Roll Call – Ayes: LaMourie, French, Redick, Zambetis, Taylor, Ransford, Worthington

Nays: Williams

Which motion carried.

IX. NEW BUSINESS

A. Extension of PUD Approval – Lincoln Pines Subdivision – Larry Hall

Waterman gave a brief overview of his memo dated November 6, 2009.

Chairman Redick noted that because there are no changes in our Master Plan or in the PUD chapter, he agrees with the extension.

Motion by LaMourie and supported by Williams to recommend to the Township Board approval of a one (1) year extension of the PUD approval for Lincoln Pines Subdivision, pursuant to Section 17.04.7A of the Grand Haven Charter Township Zoning Ordinance. The new effective expiration date of this approval shall be October 9, 2010. Which motion carried.

B. Recommend Appointment of Liaison to the Parks & Recreation Committee (to replace James O’Neal)

Motion by Ransford and supported by Ralya to recommend appointment of Zambetis to the Township Board as the Liaison to the Parks and Recreation Committee. Which motion carried.

X. REPORTS

A. Attorney Report

Planning Commissioners were all sworn in by DeVerney.

B. Staff Report

Waterman noted the Wind Farm Tour, in McBain, is Tuesday, November 24th. Also, the Township will be holding a Public Forum on WETs on Monday, November 30th.

C. Other

Official welcome to our new commissioner, Carolyn Taylor.

XI. EXTENDED PUBLIC COMMENTS

None.

XII. ADJOURNMENT

Motion by Ralya and supported by Williams to adjourn the meeting. Which motion carried. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Kristi DeVerney
Recording Secretary