

**GRAND HAVEN CHARTER TOWNSHIP BOARD
MONDAY, SEPTEMBER 22, 2014**

WORK SESSION: 6:00 p.m.

1. JoAnn Arcand from WebTecs, Inc. provided an overview of the newly revised Township website. The Board authorized the site to go “live” and replace the existing web site. Board instructed staff to not password protect the Board packet and email the Board any non-FOIA-able information. Staff was also instructed to put direct phone lines of staff on the website instead of extensions.

REGULAR MEETING

I. CALL TO ORDER

The regular meeting of the Grand Haven Charter Township Board was called to order by Supervisor French at 7:08 p.m.

II. PLEDGE TO THE FLAG

III. ROLL CALL

Board members present: French, Kieft, Buitenhuis, Behm, Larsen, and Hutchins.
Board members absent: Meeusen.

Also present was Superintendent Cargo, Planner Fedewa, Public Works Director VerBerkmoes, and Assessor Chalifoux.

IV. APPROVAL OF MEETING AGENDA

Motion by Trustee Larsen and seconded by Trustee Hutchins to approve the meeting agenda. **Which motion carried.**

V. APPROVAL OF CONSENT AGENDA

1. Approve September 8, 2014 Regular Board Minutes
2. Approve Payment of Invoices in the amount of \$566,493.28 (*A/P checks of \$485,755.00 and payroll of \$80,738.28*)
3. Approve Leaf Handling Agreement with VerPlank Dock Company and Northwest Ottawa Communities.

Motion by Treasurer Kieft and seconded by Trustee Larsen to approve the items listed on the Consent Agenda. **Which motion carried.**

VI. PUBLIC HEARING

Supervisor French opened the Truth in Taxation public hearing at 7:12 p.m.

Chalifoux provided a staff overview noting that pursuant to state law, a taxing unit may not generate more revenue than it generated previously unless it holds a “Truth in Taxation” hearing. This is true even if the voters approved a millage increase, as

occurred with the Fire/Rescue department. The total increase will be 0.4433 mills.

There were no public comments.

Supervisor French closed the public hearing at 7:13 p.m. It was noted that the hearing was being recorded in response to a request from a disabled individual that could not attend the public hearing.

Supervisor French opened the Public Hearing on the proposed 168th Avenue Special Assessment Paving District at 7:13 p.m.

Chalifoux noted that a petition was received to pave about 1,365 linear feet of 168th Avenue north of Fillmore. The petition was signed by about 72% of the property owners, which excludes Ottawa County.

It was noted that the cost of the paving could approach \$259,000. With GHT paying 50% of the cost, the cost to the property owners could be \$12,950 each based upon the current engineer's cost estimate provided by the OCRC.

Public comments included:

1. Ron Scheibach, 9744 – 168th – wants price to pave without ditches, etc.; believes there is a need for the paving
2. Miklos Kovach, 9760 – 168th – feels there is a need; in favor of paving; would like to see a closer estimate
3. Brian Vliem, 9763 – 168th – in support of paving; believes it is a safety issue
4. Adam Clark, 9665 – 168th – in support of paving; believes there is a need

Motion by Supervisor French and seconded by Trustee Hutchins to hold the public hearing open to reconsider facts and for the Township Board to get more definitive costs on the paving project. **Which motion carried.**

Staff was instructed to get a more detailed estimate from the Ottawa County Road Commission.

VII. OLD BUSINESS

1. **Motion** by Treasurer Kieft and supported by Clerk Buitenhuis to approve and adopt the proposed rezoning of parcel 70-03-33-200-030 from Agricultural (AG) to Planned Unit Development (PUD) pursuant to the recommendation of the Planning Commission and the attached report. This approval is conditioned upon the applicant receiving the required permit(s) from the Ottawa County Water Resources Commissioner for storm water management and the Michigan Department of Environmental Quality and completion of a Planned Unit Development agreement as drafted by Attorney Bultje. This is the second reading. **Which motion was approved**, as indicated by the following roll call vote:

Ayes: Larsen, Buitenhuis, Hutchins, Kieft, Behm, French.

Nays: None.

Absent: Meeusen.

REPORT

Pursuant to the provisions of the Grand Haven Charter Township (the "Township") Zoning Ordinance (the "Zoning Ordinance"), the following report of the Grand Haven Charter Township Board (the "Township Board") concerning an application by HC Capital Partners IV, LLC (the "Developer") for rezoning of parcel 70-03-33-200-030 from Agricultural (AG) to Planned Unit Development (PUD). The Piper Lakes Apartments Planned Unit Development (the "Project" or the "PUD") was approved by the Grand Haven Township Planning Commission at a hearing held on August 18, 2014.

The Project will consist high density, multi-family residential development consisting eight (8), three-story apartment buildings with 204 units, a clubhouse, pool, dog park and children's play area, maintenance building and qualifying open space for a total development area of about 14.509 acres. The Project as recommended for approval is shown on a final site plan, last revised 09/2/2014 (the "Final Site Plan"), presently on file with the Township.

The purpose of this report is to state the recommendation of the Township Board concerning the Project, the basis for the Township Board's recommendation, and the Township Board's recommendation that the Developer's application to rezone the Project parcel 70-03-33-200-030 from AG to PUD be approved as outlined in the above motion.

The Developer shall comply with all of the documentation submitted to the Township for this Project. In recommending the approval of the proposed rezoning, the Township Board makes the following findings pursuant to Section 17.04.3 of the Zoning Ordinance:

1. The Project meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, the Township Board finds as follows:
 - 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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 has required 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.
 - f. 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.
 - g. 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.
 - h. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.
 - i. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate.
 - j. 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.

- k. 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.
 - l. 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.
 - m. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.
 - n. The site plans conforms to all applicable requirements of county, state, federal, and township statutes and ordinances.
 - o. The general purposes and spirit of this ordinance and the master plan of the township are maintained.
2. The Township Board finds that the Project meets the intent for a PUD, as described in Section 17.01.3 of the Zoning Ordinance. By approving this Project as a PUD, the Township has been able to negotiate various amenities and design characteristics, as well as additional restrictions, with the Developer which the Township would not be able to negotiate if the PUD Chapter of the Zoning Ordinance were not used.
 3. Compared to what could have been constructed by right, the Project has been designed to accomplish the following objectives from Section 17.01.4 of the Zoning Ordinance:
 - a. The Project will encourage the use of land in accordance with its natural character and adaptability.
 - b. The Project will promote the conservation of natural features and resources through the preservation of the required open space.
 - c. The Project will promote innovation in land use planning and development.
 - d. The Project will promote and ensure greater compatibility of design and better use between neighboring properties.
 - e. The Project will promote the preservation of open space for parks/open space and passive recreation.
 4. The Project meets the following qualification requirements of Section 17.02 of the Zoning Ordinance:
 - a. The Project meets the minimum size of five (5) acres required by the Zoning Ordinance.
 - b. The PUD site design substantially moves forward the intent and objectives of Section 17.01 of the Zoning Ordinance.
 5. The Township Board also finds that the Project complies with the general PUD design considerations of Section 17.05 of the Zoning Ordinance, as follows.
 - a. The storm water management system for the Project and the drainage facilities will properly accommodate storm water on the site, will prevent run off to adjacent properties, and are consistent with the Township's groundwater protection strategies.
 - b. The Project will not interfere with or unduly burden the water supply facilities, the sewage collection and disposal systems, or other public services such as school facilities, park and recreation facilities, etc.
 - c. Utility services within the Project shall be underground. This includes but is not limited to electricity, gas lines, telephone, cable television, public water and sanitary sewer.
 - d. The internal road system in the Project is designed to limit destruction of existing natural vegetation and to decrease the possibility of erosion.
 - e. Vehicular circulation, traffic and parking areas have been planned and located to minimize effects on occupants and users of the Project and to minimize hazards to adjacent properties and roadways.
 - f. Parking requirements for each use have been determined to be in accordance with Chapter 24 (Parking, Loading Space, and Signs).
 - g. Lighting within the Project complies with the Township's Outdoor Lighting Requirements for an LZ3 zone.
 - h. Buildings in the Project have been sited to protect natural resources. Natural features such as natural grade, trees, vegetation, water bodies and others have been incorporated into the Final Site Plan.
 - i. Landscaping, natural features, open space and other site amenities have been located in the Project

to be convenient for occupants of and visitors to the PUD.

- j. The predominant building materials have been found to be those characteristic of Grand Haven Charter Township such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products.
 - k. The Project is reasonably compatible with the natural environment of the site and the adjacent premises.
 - l. The Project will not unduly interfere with the provision of adequate light or air, nor will it overcrowd land or cause an unreasonably severe concentration of population.
 - m. The Project will not have a substantially detrimental effect upon or substantially impair the value of neighborhood property, as long as all of the standards and conditions of this approval of the Project are satisfied.
 - n. The Project is in compliance with all applicable Federal, State, County, and local laws and regulations. Any other permits for development that may be required by other agencies shall be available to the Township Board before construction is commenced.
 - o. The Project provides adequate accessibility for an apartment complex with more than 24 dwelling units (i.e. more than one separate access).
 - p. The Project satisfies and exceeds the minimum open space of 20 percent required by the Zoning Ordinance. The Project further satisfies and, in fact, exceeds the Zoning Ordinance requirement that at least 26 percent of the open space is open to the residents of the Project.
 - q. The open space in the Project is large enough and properly dimensioned to contribute to the purpose and objectives of the PUD.
 - r. The open space in the Project consists of contiguous land area which is restricted to non-development uses.
 - s. The open space shall remain under common ownership or control.
 - t. The open space shall be set aside by a means of conveyance approved by the Township Board, which conveyance satisfies the requirements of Section 17.05.5.G of the Zoning Ordinance.
 - u. The Project does not abut a single family residential district. The Project is consistent with the goals and objectives of the Master Land Use Plan. Specifically, it is consistent with the Master Plan designation of the property in question.
2. **Motion** by Trustee Hutchins and supported by Trustee Behm to approve Resolution 14-09-02 that approve the levy of an additional millage rate of 0.4433, pursuant to the requirements of the Truth in Taxation Law and establishing the 2014 Grand Haven Charter Township millage rate. **Which motion was approved**, as indicated by the following roll call vote:
Ayes: French, Behm, Hutchins, Larsen, Kieft, Buitenhuis.
Nays: None.
Absent: Meeusen.
3. **Motion** by Clerk Buitenhuis and supported by Trustee Larsen to instruct the Superintendent to pre-pay the Township's \$103,500 Vincent Drain, phase III project assessment to the Ottawa County Water Resources Commissioner from the General Fund and to prepare the necessary budget amendment for Board approval. **Which motion carried.**
4. The Board instructed staff to let Commissioner Bergman know it is not interested in a presentation with regard to the request by the County Commissioners to offer a second presentation on the Purchase of Development Rights for farmland preservation. However, the Board would be interested in a presentation regarding an update on the County.

VIII. NEW BUSINESS

1. **Motion** by Supervisor French and supported by Treasurer Kieft to approve the proposal submitted by Epic-MRA and award authorize the Township Superintendent to execute the contract to conduct the voter survey by way of telephone interviews using the 12-minute duration and 300 unit sample size. Further, staff is instructed to prepare a FY 2014 budget amendment to fund the phone survey. **Which motion carried**, with Buitenhuis and Hutchins opposed.

IX. REPORTS AND CORESPONDENCE

1. Correspondence was reviewed
2. Committee Reports
3. Superintendent's Report
 - a. August Legal Report
 - b. Discussion on scheduling the FY 2015 Business Plan meeting.
4. Others

IX. EXTENDED PUBLIC COMMENTS/QUESTIONS

Laird Schaefer, 12543 Wilderness Trail, commented that Bottoms Up topsoil should be promoted and added to the newsletter.

X. ADJOURNMENT

Motion by Trustee Larsen and seconded by Trustee Behm to adjourn the meeting at 8:23 p.m.

Respectfully Submitted,

Sue Buitenhuis
Grand Haven Charter Township Clerk

Karl French
Grand Haven Charter Township Supervisor