

**GRAND HAVEN CHARTER TOWNSHIP BOARD  
MONDAY, MARCH 14, 2016**

**REGULAR MEETING – 7:00 P.M.**

I. CALL TO ORDER

Supervisor French called the special meeting of the Grand Haven Charter Township Board to order at 7:02 p.m.

Fire Marshal Kriger discussed the emergency exits, the presence of emergency personnel, and what would occur in the event of an emergency.

II. PLEDGE TO THE FLAG

III. ROLL CALL

**Board members present:** French, Larsen, Behm, Redick, Meeusen, Hutchins and Kieft.

**Board members absent:**

Also present were Manager Cargo, Planner Fedewa, and Attorney Bultje.

IV. APPROVAL OF MEETING AGENDA

**Motion** by Clerk Larsen and seconded by Trustee Hutchins to approve the meeting agenda. **Which motion carried**, with Kieft voting no.

V. APPROVAL OF CONSENT AGENDA

1. Approve February 22, 2016 Board Minutes
2. Approve Payment of Invoices in the amount of \$525,493.43 (A/P checks of \$411,948.27 and payroll of \$113,545.16)
3. Approve Proclamation for National Library Week (April 10th - 16th)
4. Approve 2016 Street Paving Agreement with OCRC (\$275,405)
5. Approve Low Bid for Mercury Pathway Resurfacing (\$175,721)
6. Approve Low Bid for Lakeshore Pathway Resurfacing (\$88,894)
7. Approve Barbara VanHeest to the Board of Review for Term Ending 01/01/2017

**Motion** by Supervisor French and seconded by Trustee Behm to approve the items listed on the Consent Agenda. **Which motion carried.**

VI. PRESENTATION - Loutit District Library Annual Report

Caryn Lannon, Susan Robertson (*who are Board members of the Loutit District Library*) and John Martin (*who is the Director of the Loutit District Library*) provided a brief overview of the 2015 Annual Report and activities occurring at the Library

VII. PUBLIC HEARING

1. Opening Statement – Supervisor French opened the Speedway and North Star

Commercial PUD Rezoning hearing at 7:11 p.m. and welcomed the public and noted the general format for the public hearing.

2. Planning & Zoning Review – Planner Fedewa provided a review of the proposed project, which encompasses about 4.37 acres, includes a 4,600 square foot store, auto fueling canopy with 14 fueling stations, commercial fueling area with three stations outdoor seating, and other amenities. The project also encompasses Phase II, which is a 4.25 acre lot immediately adjacent.
3. Applicant’s Review & Explanation
  - a. Mandy Gauss is a civil engineer with CESO, Inc. (8164 Executive Court, Suite B, Lansing, Michigan). Gauss reviewed the site plan and exceptions; discussed improvements to Hayes Street at US-31 and 172<sup>nd</sup> Avenue at the entrance.
  - b. Mike Bergman (8902 Vincennes Circle, Suite B, Indianapolis, Indiana 46268) reviewed the architectural design and outdoor seating and merchandise sales, which will be enclosed with metal fencing.

It was noted that the current metal face of the canopy roofs do not comply with the standards of the Township’s Overlay District. The applicant noted that the metal face would be coated with a “stucco” like material in a neutral color. It was noted that the color and final decision on the material would need to be determined prior to passage of this PUD application.

There being no further comments, Supervisor French closed the public hearing at 7:35 p.m.

#### VIII. NEW BUSINESS

1. **Motion** by Clerk Larsen supported by Trustee Behm to postpone further action until the March 28<sup>th</sup> Board meeting on the proposed Speedway, North Star, and Alice Bottje Planned Unit Development application and rezoning of parcels 70-03-33-300-068 and 70-03-33-300-069 from Agricultural (AG) to Planned Unit Development (PUD). This is a first reading. **Which motion carried.**
2. **Motion** by Treasurer Kieft supported by Trustee Meeusen to approve Resolution 16-03-01 approving a one-year license agreement with Allied Waste for waste collection and hauling services in Grand Haven Charter Township. **Which motion carried,** pursuant to the following roll call vote:  
Ayes: Kieft, Meeusen, Larsen, French, Behm, Hutchins, Redick  
Nays:  
Absent:

#### IX. OLD BUSINESS

1. The Board received public comments on the proposed Zoning Text Amendments, which included the following:
  - a. Jana Reenders (16616 Warner Street, Grand Haven Township) provided a PowerPoint presentation that addressed the scale of a 55' building.
  - b. Mark Reenders (16616 Warner Street, Grand Haven Township) is the Director of

Facilities for NOCH and believes that medical offices cannot be included in a Commercial PUD; Building height should be limited to 40', which is the same as the City; the building height should be applied throughout the commercial zones in the township; the Planning Commission joint meeting minutes do not reflect the meeting.

- c. Charlie Hoats (6641 Fence Row Court, Caledonia) is an owner of Trio-Real Estate and owns 7 acres immediately north of the proposed Health Pointe facility. Believes that the 1998 Meijer PUD established that the highest and best use is commercial; that the ordinance amendments are supported by the Robbins Road Master Plan amendments; and, the Board has done what is required and beyond with regard to the review process.
- d. Matthew Zimmerman (333 Bridge Street, NW, Grand Rapids) is an attorney representing Mark Reenders. Believes that the Board should table or postpone indefinitely the ordinance amendments and there should not be changes to an established ordinance.
- e. Holly Lookabaugh-Deur (owner of Generation Care) is a vendor with Spectrum, Holland Hospital and NOCH. The proposed medical office should not be a reason for supporting the ordinance changes; zoning is a contract with the owner and the Township; rules should not change and if the rules are changed it will reduce the value of other properties that are zoned Service Professional.

Trustee Redick noted that he supported the proposal to lower the maximum building height from 55'; but, that he has concerns with the clause in Section 2 of the proposed ordinance that reads “, *or the Future Land Use Map designation of the property*”. Trustee Redick believes that this creates a situation in which any designated Master Plan land use could define the underlying zoning for a PUD.

**Motion** by Trustee Redick and seconded by Trustee Hutchins to approve the Zoning Text Amendment Ordinance, with a draft date of March 14, 2016, to revise sections of the Planned Unit Development Chapter of the Grand Haven Charter Township Zoning Ordinance, following the February 22, 2016 first reading of this Zoning Text Amendment Ordinance, with a draft date of December 28, 2015; the two differences between the March 14, 2016 draft and the December 28, 2015 draft are (1) that the clause in Section 17.06.2 that reads, “or the Future Land Use Map designation of the property” is deleted; and, (2) that the maximum structure height allowed by proposed Section 17.08.5 shall be 45 feet rather than 55 feet. This is the second reading. **Which motion carried**, pursuant to the following roll call vote:

Ayes: Larsen, Redick, Meeusen, Behm, Hutchins, French  
Nays: Kieft  
Absent:

2. The Board received public comments regarding the Health Pointe PUD amendment application, which included the following:
  - a. Haney Assaad (178 Independence Court, Norton Shores) is the Chief Medical Officer with NOCH. Questioned whether an out-patient operating room is allowed. (*Attorney Bultje opined that an outpatient operating facility is an ancillary use.*)

- b. Jen VanSkiver (7513 Treeline Drive, S.E., Cascade) is the Chief Communications Officer with NOCH and stated that there has been no communication from Spectrum; Certificate of Need is a regulatory formula that is “gamed” to gain market share with no regulatory oversight.
- c. Tami Harvey (1030 Oak Lane, Grand Haven City) is a Board member of NOCH and does not want the duplication of services; the project will take away business from NOCH and will create job loss; can’t be compared to a gas station; does not want another hospital.
- d. Holly Lookabaugh-Deur (owner of Generation Care) noted that when something new is built, the developer must tell you what the facility will include and the Board must examine the economic impact, taxes, and the content and scope of the business.
- e. Susan Thorpe (935 Pennoyer, City of Grand Haven) is opposed because of the duplication of services; an outpatient surgical facility is the same as a hospital; requires a CON that it does not have; and is not a taxable entity.
- f. Hillary Burns (15745 Grand Point Drive, Grand Haven Township) stated that health care is not a free market system; will create a second hospital when there is no need, no tax base, increased costs and income will leave the community.
- g. David Rehm (15360 Oak Point Drive, Spring Lake) is the general counsel for NOCH. Provided a letter. Noted that the expansion of the Spectrum physicians will not benefit the community; Township not following zoning ordinance or protecting the community.
- h. Dan Holwerda (5361 Fawn Creek Drive, Grandville) is the chief operating officer of NOCH. Noted that there is no identified community need and that the developer is being considered more than the community.
- i. Shelleye Yaklin (10287 Whitewood Drive, Robinson Township) is the President of NOCH. Believes the project is not necessary, that the intent and objectives of the zoning ordinance have not been met; and the project will undermine NOCH.
- j. Scott Alfree (516 Buena Vistas, Spring Lake) noted that it is a rare situation where the right thing is unrelated to zoning or legal analysis; need to ration health care and evolve NOCH; deny or postpone a decision until there is more discussion.
- k. Jack Steinmetz (15695 High Ridge Drive, Grand Haven Township) is the Chairperson of the NOCH Board and is appearing for the third time; approval of the ordinance was despicable; will not provide a tax base; adversely will impact NOCH; this will result in litigation.
- l. Katie Cather (17971 North Fruitport Road, Spring Lake) purchased a home in the area because of the sense of community; vote to delay the project.
- m. Madonna Kramer (18022 Woodland Trail, Spring Lake) left the military and moved to the area in 1998 because of sense of community; concerned about the economic base; this is not just about the mechanics, but the heart.
- n. Frank Durante (14834 Pine Ridge, Grand Haven Township) believes the Township is ramming the project down the throat and have not done their homework.
- o. Cynthia VanKampen (10510 River Bluff Trail, Zeeland) is the Chief Nursing Officer with NOCH. She questioned the amount of parking and the strain on the electrical power grid.

- p. Susan McKinnon (406 Lake Avenue, City of Grand Haven) stated that there is no tax revenue; traffic onto Robbins Road is detrimental; no new jobs; stealing jobs from NOCH; NOCH has specialists; duplication of services; will drive-up medical costs.
- q. Geri McCaleb (1235 Slayton Avenue, City of Grand Haven) is the Mayor of the City of Grand Haven. Believes that there is no recognizable or substantial benefits; competes with NOCH; Birthing Center is placed at risk if NOCH closes; no market study was done; and, it is a duplication of services.
- r. Mark Reenders (16616 Warner Street, Grand Haven Township) is the Director of Facilities for NOCH and believes that the Township should wait for the CON; the HVAC chiller is too close to the public and could create Legionella disease; does not meet the Overlay requirements, landscaping requirements or the zoning requirements.
- s. Matthew Zimmerman (333 Bridge Street, N.W., Grand Rapids) is an attorney representing Mark Reenders and provided a letter from Attorney Kracker. Reviewed five reasons why the application should be denied.
- t. Judy Hooyenga (17515 Ridgemoor Court, #105, Grand Haven Township) remains concerned with Health Pointe; community not large enough to support two hospitals; will have a major negative impact on the community.
- u. Jack Barr (217 Grandville Avenue, Grand Rapids) is an engineer with Nederveld and reviewed the revisions to the landscaping.
- v. Greg Koenig (2959 Crownview Court, NE, Grand Rapids) reviewed the revised building plans including the lower roof and the additional architectural features.
- w. Art Veneklas (139 Youell Avenue, SE, Grand Rapids) noted that there are no cooling towers that could spread Legionella disease.
- x. Dave Ottenbaker (17142 Majestic Court, Grand Haven Township) notes that the Spectrum physicians that are moving from the City to the Health Pointe facility have 20,000 patients and that 80% of these patients health care will be able to be provided on-site; many patients are leaving the area for health care; there is sufficient demand for both NOCH and Health Pointe; have collaborated in the past with NOCH; is not a hospital and has no ER or inpatient services.
- y. Mark Pawlak (8953 North Clearwater Drive, Zeeland) is the Vice President of Holland Hospital. Stated that Grand Haven patients deserve more options and higher care; would create 160 new jobs, have 5 transfers from Holland Hospital and would transfer 85 jobs from the Harbor Dunes facility for a total of 250 jobs; complies with the Master Plan, tax exempt status issue is not decided; Spectrum provides \$283 million in charity care free services while Holland provides \$44 million; Health Pointe is not a hospital and has no inpatient rooms only outpatient surgery.
- z. Jana Reenders (16616 Warner Street, Grand Haven Township) discussed her mother's outpatient surgery at NOCH that required a transfer to the ICU because of an error. If surgeries are the "bread and butter" for NOCH and NOCH is forced to close, where will outpatient surgeries be moved if there is no ER or ICU at NOCH?
- aa. Jeff Beswick (13623 Hofma Court, Grand Haven Township) is a Trustee of NOCH and Co-Chair of the ER Construction Campaign. NOCH provides \$4 million in charity care and free services; the Health Pointe services can be

provided by NOCH; Board has sufficient reasons to vote No.  
bb. Don Longpre (1725 Dykhouse, City of Grand Haven) stated that outpatient surgery is done outside of a doctors' office.

Trustee Redick noted that the architectural changes were not responsive with regard to the roof line portion. The issue of whether Health Pointe will be detrimental to NOCH would be a tenuous basis upon which to deny the application. Further, noted that concerns on the possible tax exempt status may be a valid in that a tax exempt status would be a net drag or draw on public services. This is a discretionary zoning decision; but, there is little case law regarding the expected request for tax exempt status. A “Payment In Lieu of Tax” (PILOT) agreement should be considered. A medical facility would not necessarily be detrimental to commercial uses.

Trustee Hutchins noted that NOCH did not agree to participate in a meeting that he wanted to schedule with Spectrum to discuss collaboration. Believes that the Health Pointe development will offer a choice with regard to health care.

Trustee Meeusen noted that there is a great deal of misinformation regarding the Health Pointe application. As an example, he noted that many believe that NOCH is supported by local property taxes. Believes that requests for additional time to review the application are a stall tactic. Noted that the competitive concerns raised are not sufficient reasons to deny approval.

Treasurer Kieft noted that he disagreed with how the zoning text amendments were approved by the Board.

Trustee Behm noted that NOCH provides good services and has a number of close ties to the community. Appreciated the comments received that will help ensure a good decision.

Clerk Larsen agreed that NOCH provides good services and the comments and information received.

Supervisor French requested that Attorney Bultje respond to the following questions:

- Whether the certificate of need (CON) application should factor into the Township decision making process.
- Whether the perceived economic impact on NOCH should factor into the Township decision making process. He asked about the economic argument – protection of an existing competitor to the applicant.
- Whether an outpatient surgical unit – if approved by the State of Michigan through the CON process – is considered an ancillary use for a medical office building.

**Motion** by Trustee Redick and seconded by Treasurer Kieft to table the Health Pointe PUD Amendment application until (1) the architectural drawings with regard to the roofline are remedied; and, (2) the Township and applicant discuss the use of a PILOT agreement to address the possibility that the Health Pointe facility will secure

a property tax exemption. **Which motion failed**, pursuant to the following roll call vote:

Ayes: Behm, Kieft, Redick

Nays: Hutchins, French, Larsen, Meeusen

Absent:

**Motion** by Hutchins and seconded by Meeusen to conditionally approve the Health Pointe PUD Amendment, which includes the revised building height, revised elevations, revised landscape plan. This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance and Master Plan. The motion is subject to, and incorporates, the following report concerning the PUD Amendments, which report also references certain Zoning Ordinance amendments concerning planned unit developments in general, which received a first reading by the Township Board on February 22, 2016.

## REPORT

Pursuant to the provisions of the Grand Haven Charter Township (the "Township") Zoning Ordinance (the "Zoning Ordinance"), the following is the report of the Grand Haven Charter Township Board (the "Board") concerning an application by Health Pointe Corp (the "Developer") for approval of a Health Pointe Planned Unit Development Amendment (the "Project" or the "PUD").

The Project will consist of a 120,026 square foot three story medical office building. This 12 acre project will be located on the remaining five outlots from the original 1998 Meijer PUD. The Project as recommended for approval is shown on a final site plan, last revised 12/9/2015 (the "Final Site Plan"); final landscape plan, last revised 2/10/2016 (the "Final Landscape Plan"); and final building elevation renderings, last revised 3/7/2016 (the "Final Elevations"); collectively referred to as the "Documentation," presently on file with the Township.

The purpose of this report is to state the decision of the Board concerning the Project, the basis for the Board's recommendation, and the Board's decision that the Health Pointe PUD Amendment be approved as outlined in this motion. The Developer shall comply with all of the Documentation submitted to the Township for this Project. In granting the approval of the proposed PUD application, the Board makes the following findings pursuant to Section 17.04.3 of the Zoning Ordinance.

By this report, the Board affirms the tasks assigned to the Grand Haven Charter Township Planning Commission (the "Planning Commission") on January 25, 2016 have been completed. Specifically, the Planning Commission has recommended certain amendments to the Zoning Ordinance, has reviewed certain revisions to the Project, and has met with the City of Grand Haven Planning Commission to discuss the Project.

The Board notes that the Developer's Traffic Impact Study concluded the

Project would have "little or no additional impact on traffic operations" for Robbins Road or 172<sup>nd</sup> Avenue. Nonetheless, the Traffic Engineer for the Ottawa County Road Commission ("OCRC") has requested certain infrastructure improvements, and the Developer has voluntarily offered to help fund them (as noted in Section 8.T below).

1. The Project meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, pursuant to Section 23.06.7, the 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. 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 alterations 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 Board 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.
- 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 OCRC specifications, as appropriate.
- 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 stormwater, prevent erosion and the formation of dust.

- J. Exterior lighting is arranged so that it is deflected away from adjacent properties and so 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 Documentation conforms to all applicable requirements of County, State, Federal, and Township statutes and ordinances.
  - N. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.
2. The Board finds 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, as described in this report, which the Township would not have been able to negotiate if the PUD Chapter of the Zoning Ordinance was not used.
3. Section 17.01.5, Section 17.02.1.B.3, and Section 17.02.1.B.4 of the Zoning Ordinance, as well as Section 503 of the Michigan Zoning Enabling Act, allow for departures from Zoning Ordinance requirements; these provisions are intended to result in land use development that is substantially consistent with the goals and objectives of the Township Master Plan and the Zoning Ordinance, and consistent with sound planning principles. The Developer requested five departures. The Board makes the following findings.
- A. A maximum building height of 45 feet is permitted because of the following findings.
    - i. The Resilient Master Plan Draft encourages vertical expansion to reduce sprawl, preserve open space, and limit the cost of extending infrastructure.
    - ii. The Robbins Road Sub-Area Plan encourages new development to expand vertically by exceeding 2.5 stories and 35 feet.
    - iii. The Grand Haven Charter Township Fire/Rescue Department has an emergency vehicle with the ability to exceed the proposed building height, so public safety is not compromised.
    - iv. The Township has approved height departures for previous PUDs and even buildings outside of any PUD.
    - v. The Project is not surrounded by unique landscapes (e.g., wetlands, dunes, floodplains, etc.).

- vi. The Project does not abut residentially zoned properties, either in the Township or in the City of Grand Haven. The nearest single family dwelling is located in the City, over 1,100 feet away. The nearest dwelling located in the Township, is in a high density residential development, and is more than 550 feet away.
  - vii. The parcels abutting the Project are not master planned for residential use.
  - viii. In addition to all of the above, which the Board finds is adequate justification without more, the Board notes that it had a first reading to adopt a Zoning Ordinance amendment on February 22, 2016, and has just considered a second reading of that revised amendment at this meeting, which eliminates any doubt whatsoever that the increased height requested by the Developer for the Project is allowed in a commercial planned unit development.
- B. A total of 577 parking spaces, which is 93 spaces more than allowed by the US-31 and M-45 Area Overlay Zone (the "Overlay Zone"), is permitted because of the following findings.
- i. Sections 15A.05.13, 15A.10.10, 17.05.1.F, and 24.03.1 require a maximum number of parking spaces unless the applicant provides a parking study that demonstrates the need for additional parking. The Developer has an established history with similar developments which establishes the need for additional parking, and has submitted a parking study to further establish the need.
  - ii. Outside of the Overlay Zone this project would have been permitted 1,200 parking spaces.
  - iii. The excess parking will not be highly visible from US-31.
- C. Three ground signs, each 48 square feet in size and six feet in total height, are permitted because of the following findings.
- i. The original Planned Unit Development approval memorialized in the March 9, 1998 Township Board meeting minutes permits one monument (ground) sign for each outlot, not to exceed 52 square feet and five feet in height, subject to review by the Planning Commission for location. This PUD Amendment comprises five of the six outlots.
  - ii. The three permitted ground signs reduce the amount of signage permitted under the 1998 PUD by 116 square feet.
  - iii. A total height of six feet is permitted under Section 24.13 of the current Zoning Ordinance.
- D. Interior landscape islands shall be permitted to extend the length of the parking space, contrary to Section 15A.10.5 of the Zoning Ordinance, because of the following findings.
- i. Aesthetics to the surrounding area will be enhanced because the interior landscape island will screen the entire length of the parking space.

- ii. The parking spaces surround sides of the building, and each abut a private road or access road. Due to the high visibility of this parking lot this departure is approved in order to provide additional screening from adjacent roadways.
    - iii. This provision has not been uniformly enforced by the Township for other development projects in the Overlay Zone.
  - E. A departure from Section 15A.10.7 of the Zoning Ordinance, which requires concrete curb and gutter throughout the parking lot and paved areas, is denied because of the following findings.
    - i. The Board has consistently required curb and gutter throughout the parking lot and paved areas of developments in the Overlay Zone.
    - ii. As required by Section 15A.10.7, the Developer did not provide compelling evidence to find that overall stormwater disposition will be enhanced if the curbing requirement is reduced.
- 4. 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 innovation in land use planning and development;
  - C. The Project will promote the enhancement of commercial employment and traffic circulation for the residents of the Township;
  - D. The Project will promote greater compatibility of design and better use between neighboring properties; and
  - E. The Project will promote more economical and efficient use of the land while providing harmonious integration of necessary commercial and community facilities.
- 5. The Project meets the following qualification requirements of Section 17.02 of the Zoning Ordinance:
  - A. The Project meets the minimum size of five acres of contiguous land.
  - B. The PUD design substantially promotes the Intent and Objectives of Section 17.01 of the Zoning Ordinance; it further permits an improved layout of land uses and roadways that could not otherwise be achieved under normal zoning.
  - C. The Project, as part of the original 1998 PUD, contains two or more separate and distinct uses.
- 6. The Board also finds the Project complies with the general PUD Design Considerations of Section 17.05 of the Zoning Ordinance.
  - A. The stormwater management system for the Project and the drainage facilities will properly accommodate stormwater on the site, will prevent runoff 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), and the deviation from Section 15A.10.10 is covered elsewhere in this motion.
- G. Street lighting will be installed in the same manner as required under the Township's Subdivision Control Ordinance.
- 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 Documentation.
- I. Architectural design features visually screen the mechanical and services areas from adjacent properties, public roadways, and other public areas.
- J. The exterior walls greater than 50 feet in horizontal length or that can be viewed from a public street contain a combination of architectural features, variety of building materials, and landscaping near the walls.
- K. Onsite landscaping abuts the walls so the vegetation combined with architectural features significantly reduce the visual impact of the building mass when viewed from the street.
- L. The predominant building materials have been found to be those characteristic of the Township such as brick, native stone, and glass products. Pre-fabricated metal panels used to screen the mechanical equipment do not dominate the building exterior of the structure.
- M. 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.
- N. The Project is reasonably compatible with the natural environment of the site and the adjacent premises.

- O. 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.
  - P. Exterior lighting within the Project complies with Chapter 20A for an LZ 3 zone.
  - Q. Outside storage of materials shall be screened from view.
  - R. Signage is compliant with Section 24.13 of the Zoning Ordinance, and the Board approves a modification to the sign provisions found in the March 9, 1998 meeting minutes of the original PUD.
  - S. 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.
  - T. 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.
  - U. No additional driveways onto public roadways have been permitted.
  - V. 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.
7. The Board also finds the Project complies with the Overlay Zone findings and statement of purpose found in Section 15A.01 of the Zoning Ordinance.
- A. The Project accommodates a variety of uses permitted by the underlying zoning, but ensures such uses are designed to achieve an attractive built and natural environment.
  - B. The Project provides architectural and site design standards that are more demanding than required elsewhere in the Township in order to promote harmonious development and complement the natural characteristics in the western sections of the Township.
  - C. The Project promotes public safety and efficient flow of vehicular traffic by minimizing conflicts from turning movements resulting from the proliferation of unnecessary curb cuts and driveways.
  - D. The Project ensures safe access by emergency vehicles.
  - E. The Project encourages efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
  - F. The Project preserves the capacity along US-31 and other roads in the Overlay Zone by limiting and controlling the number and location of driveways, and requires alternate means of access through service drives.
  - G. The Project seeks to reduce the number and severity of crashes by improving traffic operations and safety.

- H. The Project requires coordinated access among adjacent lands where possible.
  - I. The Project provides landowners with reasonable access through a service drive.
  - J. The Project requires demonstration that prior to approval of any land divisions, the resultant parcels are accessible through compliance with the access standards.
  - K. The Project preserves woodlands, view sheds, and other natural features along the corridor.
  - L. The Project ensures that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.
  - M. The Project implements the goals expressed in the US-31/M-45 Corridor Study.
  - N. The Project establishes uniform standards to ensure fair and equal application.
  - O. The Project addresses situations where existing development within the Overlay Zone does not conform to the standards.
  - P. The Project promotes a more coordinated development review process with the OCRC.
8. The Board also finds the Project complies with the conditions of approval described in the March 9, 1998 Township Board meeting minutes for the original PUD, which conditions are still applicable to the Project, and it shall comply with the below additional conditions as well.
- A. Outlot development was subjected to site plan review.
  - B. Parking lots are setback a minimum of 25 feet.
  - C. Outlot has architectural materials and landscaping compatible with that of the principal Meijer facility and site.
  - D. Location of monument (ground) signs have been approved.
  - E. Monument (ground) signs do not exceed 52 square feet.
  - F. Monument (ground) sign has a maximum height of six feet as permitted by Section 24.13 of the current Zoning Ordinance.
  - G. Revisions or changes to the conditions are made by the Township Board after a public hearing. These conditions are binding upon the Developer and all successor owners or parties in interest in the Project.
  - H. Drainage for the Project is approved by the Ottawa County Water Resources Commissioner ("OCWRC").
  - I. Any violation of the conditions constitute a violation of the Zoning Ordinance, and in addition to the remedies provided therein, shall be cause for the Township Board to suspend or revoke any zoning or building permit applicable to the project.

- J. The right is reserved by the Township to impose additional conditions if reasonably necessary to achieve the purposes of the Zoning Ordinance.
- K. The PUD approval is personal to the Developer and shall not be transferred by the Developer to a third party without the prior written consent of the Township.
- L. Except as expressly modified, revised or altered by these conditions the Project shall be acquired, developed, and completed in conformance with the Zoning Ordinance, as amended, and all other applicable Township ordinances.
- M. Approval and compliance with all requirements set forth by the OCRC, and if applicable the OCWRC. No building permits shall be issued until all permits have been obtained.
- N. The Developer shall enter into a PUD Contract with the Township. The Contract shall be reviewed and approved by the Township Board prior to the issuance of building permits.
- O. The Developer shall agree to an access easement to the Township for the purpose of realigning the north end of Whittaker Way directly with DeSpelder Street pursuant to the Robbins Road Sub-Area Plan, and an additional internal access easement for connection to the adjacent parcel at the corner of Robbins Road and 172<sup>nd</sup> Avenue. The Developer shall preliminarily identify the easement areas on the Final Site Plan, and the easements shall be drafted by the Township Attorney and approved by the Township Board prior to the issuance of certificates of occupancy.
- P. This approval is also conditioned upon the Developer meeting all applicable Federal, State, County and Township laws, rules and ordinances.
- Q. The Developer shall comply with all of the requirements of the Documentation, specifically including all of the notes contained thereon, and all of the representations made in the written submissions by the Developer to the Township for consideration of the Project.
- R. The parking areas in the Project are "backloaded," which means that the Final Site Plan has been revised to allow vehicles to enter or leave the parking areas as far from the building in the Project as possible.
- S. In the event of a conflict between the Documentation and these conditions, these conditions shall control.
- T. The Township understands it could not require this condition. However, the Developer has voluntarily made an offer, and the Township has relied upon the offer in considering this application. Specifically, the Developer offered to pay 15 percent of the cost of restriping Robbins Road, based on finalized scope and pricing, not to exceed \$7,000.00; and 50 percent of the cost of Box Span type traffic

signal upgrades at the Robbins Road and Ferry Street/172<sup>nd</sup> Avenue intersection, based on finalized scope and pricing, not to exceed \$125,000.00. The Township and the Developer shall enter into a contract for these payments by the Developer.

- U. The Township shall complete negotiations on a "Payment in Lieu of Taxes" agreement with the Developer that would become effective should the Health Pointe development obtain a property tax exemption and be incorporated into the development agreement.
9. The Board finds that the Project complies with the uses permitted for a commercial planned unit development, as described in Section 17.08 of the Zoning Ordinance
- A. Office buildings, together with accessory buildings and uses customarily incidental to office buildings, have historically been and are currently permitted to be located in commercial planned unit developments.
  - B. "Office buildings" are not defined in the Zoning Ordinance, but they are commonly defined to include professional activities such as medical offices.
  - C. Although the Service Professional District specifically references medical offices, among other offices, since 1979, when the Service Professional District was established, the Township has consistently interpreted its Zoning Ordinance to not limit medical offices and other offices described in the Service Professional District to just being located in the Service Professional District. Rather, medical offices and other offices specifically described in the Service Professional District have since 1979 routinely been allowed in the Commercial District as well, which allows "office buildings."
  - D. Chapter Six, Future Land Use Plan, of the 2009 Township Master Plan, states on page 6-9 that the Commercial, the Service Professional, and the Commercial Planned Unit Development Districts should all be considered as commercial, and that any commercial development proposal significant in scale or scope (as the Planning Commission finds this Project is) should be considered as a planned unit development.
  - E. In addition to all of the above, the Board notes that it had a first reading to adopt a Zoning Ordinance amendment on February 22, 2016, and has just considered a second reading of that amendment at this meeting, which eliminates any doubt whatsoever that all uses allowed either by right or by special land use in the Service Professional District are also allowed in a commercial planned unit development.

**Which motion failed,** pursuant to the following roll call vote:

Ayes: Meeusen, Hutchins, Larsen

Nays: Kieft, French, Behm, Redick

Absent:

**Motion** by Trustee Redick and seconded by Clerk Larsen to table the Health Pointe

PUD Amendment application until (1) the architectural drawings with regard to the roofline are remedied; and, (2) the Township and applicant shall complete negotiations on a "Payment in Lieu of Taxes" agreement that would be incorporated into the Development Agreement and would become effective should the Health Pointe development obtain a property tax exemption. **Which motion carried,** pursuant to the following roll call vote:

Ayes: Kieft, Larsen, French, Behm, Redick

Nays: Meeusen, Hutchins

Absent:

3. **Motion** by Trustee Hutchins and seconded by Trustee Behm to award the Witteveen Farm Hazardous Material Clean-up Project to Young's Environmental Clean-up at a not-to-exceed price of \$17,337 and authorize the Township Superintendent to execute the necessary agreement. Further, staff are instructed to prepare the necessary budget amendments during the first quarter budget amendment process for this expenditure. **Which motion carried.**

X. REPORTS AND CORRESPONDENCE

1. Correspondence
2. Committee Reports noted that the Superintendent's evaluation will be discussed at the April 5<sup>th</sup> Personnel Committee meeting at 12:00 noon.
3. Manager's Report
  - a. The February Building report.
  - b. The February Community Oriented Policing Services (COPS) report
  - c. The February Ordinance Enforcement Report.
  - d. The Department of Public Service report for February.
4. Clerk Larsen noted that the Presidential Primaries had a voter turnout of 5,193 or 41.8% for the Township.
5. Staff were instructed to prepare a zoning ordinance amendment that would increase the building height for all Commercial PUDs to 45 feet.

XI. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

XII. ADJOURNMENT

**Motion** by Trustee Hutchins and seconded by Clerk Larsen to adjourn the meeting at 10:26 p.m. **Which motion carried.**

Respectfully Submitted,

Laurie Larsen  
Grand Haven Charter Township Clerk

Karl French  
Grand Haven Charter Township Supervisor