

**GRAND HAVEN CHARTER TOWNSHIP BOARD
MONDAY, MARCH 28, 2016**

WORK SESSION – 6:45 P.M.

1. The Board discussed a request to change the Board meeting dates. Because there was some opposition to any change of the meeting dates, no action was taken.

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 Chief Gerencer 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: Larsen, French, Redick, Meeusen, Hutchins, Behm, Kieft
Board members absent:

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

IV. **APPROVAL OF MEETING AGENDA**

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

V. **APPROVAL OF CONSENT AGENDA**

1. Approve March 14, 2016 Board Minutes
2. Approve Payment of Invoices in the amount of \$165,510.28 (A/P checks of \$76,922.29 and payroll of \$88,587.99)

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

VI. **OLD BUSINESS**

Supervisor French accepted staff and public comments on the proposed Speedway PUD Rezoning, which included the following:

- a. Planner Fedewa noted the changes that were made pursuant to direction from the Board.
- b. Mike Bergman (8902 Vincennes Circle, Suite E, Indianapolis, Indiana) is the Construction Project Manager. He noted that the concerns regarding the metal canopy and the landscaping were addressed.
- c. Mandy Gauss (8164 Executive Court, Suite B, Lansing, Michigan) is the project

engineer and offered to respond to any questions.

- d. Mark Reenders (16616 Warner Street, Grand Haven Township) questioned why metal panels are not allowed on the Speedway canopy but are allowed on the HVAC screening on the proposed Health Pointe building.

1. **Motion** by Treasurer Kieft supported by Supervisor French to conditionally approve the proposed Speedway, North Star Commercial, 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 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. This is the second reading. **Which motion carried**, as indicated by the following roll call vote:

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

Nays:

Absent:

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 "Board") concerning an application by Speedway LLC, North Star Commercial, and Alice Bottje (the "Developers") for approval of a Planned Unit Development (the "Project" or the "PUD").

The Project will consist of two phases. The first phase including a Speedway gas station and convenience store with auto and commercial fueling canopies. The second phase will be future commercial and retail development. The Project as recommended for approval is shown on a final site plans, last revised 2/8/2016 (the "Final Site Plan"), final photometric plans, last revised 3/3/2016 (the "Final Photometric Plan"); 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 decision, and the Board's decision that the Developers PUD be approved as outlined in the above motion. The Developers shall comply with all of the Documentation submitted to the Township for this Project. In recommending the approval of the proposed PUD application, the 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, 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.

- 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 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.
- 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 Documentation provide 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 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 Documentation 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 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 Developers, which the Township would not have been able to negotiate if the PUD Chapter of the Zoning Ordinance was not used. The Developers were granted the following departures from the zoning ordinance based on the defined benefits received by the Township:
- A. The Board finds the combination of the parking study provided by the applicant, plus the possibility of disrupting the sensitive landscape if certain spaces were deferred does meet the requirements set forth in Section 15A.10.10 of the Zoning Ordinance. Therefore, the Board is able to justify the requested 28 parking spaces.
 - B. The Board finds the statement of purpose for the Overlay Zone (Section 15A.01) is to, "provide 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." The spirit and emphasis of this Chapter is aesthetics, therefore, the Board finds the corbels should be kept, which in turn justifies the request for the increased canopy height of 20'6".
 - C. The Board finds the wetland location precluded the applicant from maximizing the signage that is permitted under Section 24.13 of the Zoning Ordinance. The requested size is commensurate with a freestanding sign, the proposed location is setback farther than required, and the request exceeds the requirements of the Clear Vision Ordinance. Based on these conditions, the Board is able to justify the requested departure.
 - D. The Board finds the request to modify the wall sign/manual message board composition and justify a second message board for the rear wall is reasonable and is able to justify the request, so long as no other wall signs are permitted. Furthermore, the proposed configuration and design is significantly less than what is permitted by Chapter 24 of the Zoning Ordinance. This justification will ensure the aesthetics gained by the US-31 Overlay Zone are sustained because the three potential wall signs will not be allowed, and therefore, the building materials will remain visible.

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 required open space;
 - C. The Project will promote innovation in land use planning and development;
 - D. The Project will promote the enhancement of housing and traffic circulation for the residents of the Township;
 - E. The Project will promote greater compatibility of design and better use between neighboring properties;
 - F. The Project will promote more economical and efficient use of the land while providing harmonious variety of housing choices; and
 - G. The Project will promote the preservation of open space.
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 of contiguous land.
 - B. The Project exhibits significant natural features encompassing more than 25% of the land area, which will be preserved as a result of the PUD plan.
 - C. The PUD design substantially moves forward the Intent and Objectives of Section 17.01 of the Zoning Ordinance.
5. The Board also finds the Project complies with the general PUD Design Considerations of Section 17.05 of the Zoning Ordinance:
 - 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. 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. 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.
- J. 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.
- 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. Exterior lighting within the Project complies with Chapter 20A for an LZ 3 zone.
- N. 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.
- O. 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.
- P. The Project meets the access provision regulations.
- Q. The driveways providing access to corner lots shall gain access from the lesser traveled of the two intersecting streets.
- R. The Project satisfies the minimum open space of 25% required by the Zoning Ordinance.
- S. The open space in the Project is large enough and properly dimensioned to contribute to the purpose and objectives of the PUD.
- T. The open space in the Project consists of contiguous land area which is restricted to non-development uses.
- U. The open space shall remain under common ownership or control.
- V. 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.

- W. 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.
6. The Board also finds the Project complies with the US-31 and M-45 Area Overlay Zone findings and statement of purpose found in Section 15A.01 of the Zoning Ordinance:
- A. Accommodates a variety of uses permitted by the underlying zoning, but ensure such uses are designed to achieve an attractive built and natural environment.
 - B. 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. 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. Ensures safe access by emergency vehicles.
 - E. Encourages efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
 - F. Preserve the capacity along US-31/M-45 and other roads in the Overlay Zone by limiting and controlling the number and location of driveways, and requiring alternate means of access through shared driveways, service drives, and access via cross streets.
 - G. Reduces the number and severity of crashes by improving traffic operations and safety.
 - H. Requires coordinated access among adjacent lands where possible.
 - I. Provides landowners with reasonable access, although the access may be restricted to a shared driveway, service drive, or via a side street, or the number and location of access points may not be the arrangement most desired by the landowner or applicant.
 - J. Requires demonstration that prior to approval of any land divisions, the resultant parcels is accessible through compliance with the access standards herein.
 - K. Preserves woodlands, view sheds, and other natural features along the corridor.
 - L. 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. Implements the goals expressed in the US-31/M-45 Corridor Study.
 - N. Establishes uniform standards to ensure fair and equal application.
 - O. Addresses situations where existing development within the Overlay Zone does not conform to the standards of this chapter.

P. Promotes a more coordinated development review process with the Michigan Department of Transportation and the Ottawa County Road Commission.

7. The Board also finds the Project shall comply with the below additional conditions as well.

A. Approval and compliance with all requirements set forth by the DEQ, OCWRC, and OCRC. No building permits shall be issued until all permits have been obtained.

B. The legal descriptions of the PUD boundaries shall be finalized, thus, permitting the finalization of the land division application. This includes the necessary title conveyances.

C. The Declaration of Restrictions and Easements shall be reviewed, and approved by Township Attorney Bultje. The Developers shall submit a copy of the document recorded at the Ottawa County Register of Deeds. No building permits shall be issued until the condition is met.

D. The Developers 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.

E. The Developers shall enter into a Special Assessment Private Road Maintenance Agreement with the Township. The Agreement shall be reviewed and approved by the Township Board prior to the issuance of building permits.

F. The Developers shall supply documentation that confirms the vegetation proposed to be planted in the wetland is appropriately rated (i.e., native vegetation suitable to thrive in a wetland environment).

G. The Developers shall revise the Documentation to include landscape lighting within the center divider island at the Hayes Street entrance to increase its visibility.

H. The Developers shall revise the Documentation to more clearly state the center divider island at the Hayes Street entrance shall be measured from 'the back of curb to the back of curb.'

I. The Developer shall use the 'Stuc-O-Flex International SFT 311 Moonlight' coating spray on the metal canopies above the fueling stations.

J. The Board approves the Section 20.11.5 screening waiver request because the Project has over 1,000 feet of separation from the nearest parcel zoned R-5 or higher. Pursuant to Section 20.11.5 the waiver shall expire upon a building permit being issued by the Township for a residential structure within 200 feet of the Project.

Supervisor French accepted staff and public comments on the proposed Health Pointe PUD Amendment application, which included the following:

- a. Planner Fedewa noted that the two items listed within the motion to postpone further action on the Health Pointe PUD amendment application have been completed. Architectural changes were made and PILOT agreement was completed.
- b. Jeff Meyers (648 Monroe NW, STE. 410, Grand Rapids) is the director of Real Estate Development for Spectrum Health. He noted that the Health Pointe Board of Directors approved the proposed PILOT agreement and that the architectural design went through a substantial change after the architects “broke free” of the initial design concept.
- c. Sean Easter (648 Monroe NW, STE. 410, Grand Rapids) is the Manager of Planning and Design for Spectrum Health. Reviewed a number of massing changes that allowed for various roof lines, the use of arches, stone features, stepping of the roof line, sun shades and similar architectural features.
- d. Mark Pawlak (8953 North Clearwater, Zeeland) is a Vice President with Holland Hospital and a Health Pointe Board member. Stated that Health Pointe will be more efficient, less costly, more competitive and provide additional patient choices. Health Pointe is sized to meet current and future demands of an integrated care campus and is not a Hospital. A Certificate of Need was received for the outpatient operating facility from the State of Michigan. Opined that “duplication of services” is the first argument to competition. In response to Board questions, noted that he did not support defined hours of operation as a condition of approval
- e. Dave Ottenbaker (17142 Majestic Court, Grand Haven Township) is a local physician with Spectrum. Believes the approval process has been thorough and provides options for the Spectrum physicians currently located in Grand Haven. Health Pointe will not be a hospital. Integrated health care campuses have existed along side of private providers. Spectrum has collaborated with NOCH on some health services (e.g., oncology). Zoning should not block free market conditions.
- f. Hillary Burns (15745 Grand Pointe Drive, Grand Haven Township) noted that a group named Township Citizens' Voice has been formed in response to Zoning Ordinance amendments. Opined that the Township Board is acting in fear to the Health Pointe project. Stated there is no need for the project, the PILOT is too little, the impact on Robbins Road is too great, and that the project should be placed on a ballot referendum.
- g. Esther Gray (145 Stone Gate Court, Spring Lake Village) is a retired NOCH employee. Stated that senior citizens want NOCH to continue.
- h. Mike Fritz (225 Clinton Avenue, City of Grand Haven) is a City Council member. Stated that this is not just a Township issue and impacts all of the communities. The Board should look to the future of Health Care. Parents and Grandparents paid taxes to support NOCH. The traffic study is insufficient.
- i. Robert Lock (15917 Brucker Street, Grand Haven Township) believes that Health Pointe is needed in a growing community, there is a need for better medical facilities, and Health Pointe may prevent sending some patients to other communities.
- j. Mark Reenders (16616 Warner Street, Grand Haven Township) questioned the

metal fascia panels around the HVAC, opined that the roof line is not varied, should limit Health Pointe to one operating room; and does not meet the intent of the zoning ordinance.

- k. David Rhem (15360 Oak Point Drive, Spring Lake Township) is the general counsel for NOCH. Discussed the complexity of competition in the Health Care industry. Opined that there is a “clash of egos” and urged caution and for the Board to listen to neighboring communities and experts on the duplication of services.
- l. Cheryl Slater (13136 152nd Avenue, Grand Haven Township) expressed concern regarding potential conflicts of interest related to relatives working for either NOCH or Spectrum. Manager Cargo noted that Treasurer Kieft at the time of the Health Pointe application disclosed that his spouse works for NOCH. This was discussed with legal staff who indicated that this is not considered a conflict of interest because there is no direct financial interest related to the applicant. Cargo further noted that there were rumors that Trustee Meeusen has a conflict of interest because his son is a physician with Spectrum. This is not true; rather his son is a physician with St. Mary Health system.
- m. Holly Lookabaugh-Deur (owner of Generation Care) offered to partially fund a study to examine the impacts of the proposed Health Pointe project; noted that a decision on whether the project provides a substantial benefit is decided by the Board and urged a no vote due to the unknown impact of the development.
- n. Geri McCaleb (1235 Slayton, City of Grand Haven) is the mayor for the City of Grand Haven. Opined that the Health Pointe project will not bring more choice, will not reduce costs, and will not provide a substantial benefit to the community. Noted that the PILOT monies will only be received by the Township.
- o. Jack Steinmetz (15695 High Ridge Drive, Grand Haven Township) urged a no vote on the PILOT agreement opining that the funds are not sufficient.
- p. Kris Jenkins (17304 Lane Avenue, Ferrysburg) opined that the traffic is not being properly reviewed and that good relations with the City of Grand Haven are not being maintained.
- q. Marrella Fase (400 Sand Drive, City of Grand Haven) noted that the Spectrum doctors will have to leave the NOCH facility by October of 2017. Noted that there is low doctor to patient ratio (about 1 doctor for every 1,620 patients) and that Health Pointe will allow for more physicians.
- r. Keith Frifeldt (16252 Woodcrest Drive, Spring Lake Township) opined that the Board can and should vote no on the proposal; Health Pointe will destroy NOCH; in abstract, choice is good, but, not in health care since it will duplicate services; Spectrum is shirking and exploiting the rules.
- s. Jessica Finn-Bloomberg (2063 LeTart Avenue, Muskegon) opined that opposition to Health Pointe is fear based and that NOCH will not close because of the project. Spoke on pediatric care and believes there is a need for better pediatric care without having to leave the area.
- t. Jeff Beswick (12623 Hofma Court, Grand Haven Township) is opposed to the PILOT agreement because Health Pointe would only pay taxes to the Township.
- u. Maria Busch (18128 Mohawk Drive, Spring Lake Village) opined that Health Pointe will increase access to health care and that there is a need for the project.
- v. Dennis Scott (1530 Waverly, City of Grand Haven) is a City Council member and

believes there is a need for an additional traffic study; Health Pointe could be the demise of NOCH; is a duplication of services that will undermine the local community hospital.

- w. Shelley Yaklin (10287 Whitewood Drive, Robinson Township) is the President of NOCH. Provided a one-page document to the Board regarding the Health Pointe project and reviewed the information contained.
- x. Kay Aardema (17809 Dewberry Place, Grand Haven Township) is a physician with NOCH. Urged the Board to deny the application because it will not be beneficial; revenues will be diverted to Grand Rapids; and, will duplicate profitable health care services that are needed by NOCH to support low profit services.
- y. Ray Swanson (11724 Garnsey, Grand Haven Township) opined that the Board has completed its due diligence; noted that choice is a privilege and that other providers are needed.
- z. Jana Reenders (16616 Warner Street, Grand Haven Township) noted that the Board has options to deny; opined that the PILOT monies are insufficient.
- aa. Haney Assaad (178 Independence Court, Norton Shores) is the Chief Medical Officer with NOCH. Questioned the length of stay for Health Pointe patients; noted that if NOCH fails that there may not be a local ambulance service or Emergency Room.
- bb. Betty Bierman (14100 Green Street, Robinson Township) believes that Spectrum is a big conglomerate and building Health Pointe within two miles of the hospital is too close.
- cc. Amanda Porter (City of Grand Haven) discussed the Health Pointe project and expressed opposition.
- dd. Jaclyn Hansen (11001 Lakeshore Drive, Grand Haven Township) stated that it is not “ok” to amend an ordinance for one business; questioned why the 2009 Master Plan building height issue was not addressed earlier; NOCH Board members are from the area communities; but not the Health Pointe Board members.
- a. Don Longpre (1725 Dykhouse, City of Grand Haven) is the NOCH Finance director and noted that Spectrum physicians has a lease with NOCH until October of 2017 and can renew the lease for another five-year term.

Board discussion ensued, including the following:

- a. Supervisor French requested information on the concern raised regarding the metal panels screening the HVAC on the Health Pointe structure. Planner Fedewa noted that although metal fascia on canopies is not allowed under the Zoning Ordinance; metal partitions for the HVAC screening is authorized.
- b. Trustee Redick discussed six issues with Health Pointe PUD Amendment application and noted the following:
 - ✓ The height issue is resolved and that a 45 foot height is within the acceptable range for a PUD departure, under the terms of the ordinance that were in effect at the time of application.
 - ✓ The landscaping deficiencies previously noted have been corrected.
 - ✓ Based upon the most recent revision, Health Pointe has done enough to

comply with the architectural concerns related principally to the roofline variation

- ✓ The traffic impact study and provisions are not perfect. But, this is a difficult situation involving off-site improvements on roads within another jurisdiction, both of which raise significant legal issues for the Township. Trustee Redick commended Health Pointe, which offered partial funding for needed roadway improvements in the amount of \$132,000 and noted that it is a condition of approval.
- ✓ If Health Pointe becomes exempt from property taxes, it would be a detriment to the Township because it would still be a significant user of Township services. However, this issue is resolved with the PILOT agreement that provides \$43,200 in annual PILOT payments, adjusted for inflation, and noted that this is a condition of approval.
- ✓ Noted that his position has been that Health Pointe is not a permitted use in the C-PUD District. However, the Township attorney and Health Pointe's attorney have concluded otherwise. Like many interpretative issues, this does not have a black-or-white answer; it lies on a spectrum of various shades of grey. Although Trustee Redick believes his interpretation is more towards the correct end of the spectrum, he was certain of two other things:
 - The opposing viewpoint is not outside the range of principled outcomes, which is to say that reasonable persons can and have reached different conclusions about this.
 - Is reasonably certain that the ZBA, if asked to opine on this interpretative issue, would adopt the same interpretation being advanced by the Township attorney.

So, in this context, where his opinion is that the use should ultimately be approved (as shown by his vote on the PUD text amendments regarding permitted uses), Trustee Redick noted that:

- A denying vote on this one issue would be a meaningless, ideological vote; a vote based on nothing but empty protest or empty principle.
- A more pragmatic approach is required.
- There are enough useless ideologues in government already, who are willing to stop or delay all types of progress in promotion of their own ideological stances or beliefs.
- Trustee Redick has no intention of participating in that type of buffoonery, either now or in the future, and so he will not be holding out on this point, for the sake of nothing but principle.

Trustee Redick noted that he would be voting for approval.

- c. Trustee Meeusen noted that he did not believe that NOCH articulated how Health Pointe would harm NOCH and asked for a response. Shellee Yaklin the President of NOCH noted that Health Care is not actually a free market because of cost controls, government regulations, barriers to entry, etc. NOCH allows many physicians to utilize NOCH facilities; Spectrum will only allow Spectrum physicians to utilize its facilities. By duplicating services for profitable health care procedures, Health Pointe will undermine NOCH's ability to provide the high cost/low profit procedures.

- d. Treasurer Kieft noted that his opposition to the Health Pointe PUD Amendment application has remained consistent – Health Pointe is not a permitted use within a Commercial PUD. Believed that the application should be denied and should be resubmitted after the Zoning amendments are in effect.

2. **Motion** by Treasurer Kieft supported by (None) to direct staff to draft a formal motion and report, which will deny the revised Health Pointe PUD Amendment application, with those discussion points which will be reflected in the meeting minutes. This will be reviewed and considered for adoption at the next meeting. **Which motion failed** for lack of support.

3. **Motion** by Trustee Meeusen supported by Trustee Redick 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, and were adopted by the Township Board on March 14, 2016 - although they are not yet in effect, (per a notice of intent to file a petition seeking a referendum). **Which motion carried**, pursuant to the following roll call vote:
Ayes: Redick, Meeusen, French, Behm, Hutchins, Larsen
Nays: Kieft
Absent:

Before the roll call vote, Trustee Redick discussed the form of the motion with Attorney Bultje and both noted that the motion was based upon the current Zoning regulations and did not rely upon Zoning Ordinance amendments that received a second reading on March 14th.

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 3/24/2016 (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 172nd 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).

8. 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.
9. 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.
10. 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 adopted the Zoning Ordinance amendment on March 14, 2016, which would eliminate any doubt whatsoever that the increased height requested by the Developer for the Project is allowed in a commercial planned unit development. The Zoning Ordinance amendment is not yet in effect, per a notice of intent to file a petition seeking a referendum.
- 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.
 - 11. 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.
12. 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.
13. 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.
14. 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.
15. 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 172nd 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/172nd 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 Developer shall enter into a Payment in Lieu of Taxes Agreement with the Township prior to the issuance of any building permits. This Agreement is contingent upon the Project, in whole or in part, being deemed to be exempt from *ad valorem* real property taxes under the General Property Tax Act, Act 206 of 1893, as amended, and/or any other applicable law.
 - V. The Developer is prohibited from using the Project, or any part of the Project, as a hospital. Under the Michigan Health Code, referencing Article 17 of the Public Health Code; under the standards for hospitals according to the Department of Licensing and Regulatory Affairs; and under the Building Code, as enforced by the Township, a hospital offers inpatient care for one or more overnight periods, or one or more periods of more than 24 hours. The Project may not provide that type of care.
 - W. The Developer shall submit a full set of the Documentation, which includes all changes that have been required by the Board. The Documentation shall be submitted prior to the issuance of building permits.
16. 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, 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 adopted the Zoning Ordinance amendment on March 14, 2016, which would eliminate 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. The Zoning Ordinance amendment is not yet in effect, per a notice of intent to file a petition seeking a referendum.
17. The Township further notes that under the Building Code, the Project will be categorized as a Use Group "B" (i.e., offices), with any outpatient operating facility approved by the State of Michigan with a Certificate of Need also categorized as a Use Group "B" (i.e., ambulatory care facility). Alternatively, a hospital under the Building Code would be a Use Group "I-2," with standards significantly higher than those imposed upon Use Group "B." The Township finds that combining the offices portion of the Project with the ambulatory care portion of the Project in the same use group of the Building Code shows that the Project is not a hospital, but rather a medical office building with accessory uses incidental to medical offices.

VII. NEW BUSINESS

Supervisor French opened discussion on the proposed PILOT agreement with Health Pointe. Treasurer Kieft inquired as to why the agreement did not include school property taxes. Manager Cargo noted that the PILOT is intended to replace the revenues lost to

any possible future tax exemption that are used to provide certain direct services (e.g., police, fire, transit, etc.).

1. **Motion** by Clerk Larsen supported by Trustee Behm to approve and authorize the Township Supervisor and Clerk to execute the proposed Payment in Lieu of Taxes agreement with Health Pointe. **Which motion carried**, as indicated by the following roll call vote:
Ayes: Redick, Hutchins, Behm, French, Larsen, Meeusen, Kieft
Nays:
Absent:

VIII. REPORTS AND CORRESPONDENCE

1. Correspondence
2. Committee Reports
3. Manager's Report
 - a. February Legal Review
4. Others

IX. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Laird Schaefer (12543 Wilderness Trail) expressed opposition to the NORA Recreation Plan and requested that the Board adopted a resolution disagreement to the same.

X. ADJOURNMENT

Motion by Clerk Larsen and seconded by Trustee Behm to adjourn the meeting at 9:35p.m. **Which motion carried.**

Respectfully Submitted,

Laurie Larsen
Grand Haven Charter Township Clerk

Karl French
Grand Haven Charter Township Supervisor