

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
PLANNING COMMISSION
MARCH 7, 2016

I. CALL TO ORDER

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

II. ROLL CALL

Members present: Kantrovich, LaMourie, Robertson, Kieft, Taylor, Cousins, Gignac, & Wilson

Members absent: Reenders

Also present: Fedewa and Attorney Bultje

Without objection, Kantrovich instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Without objection, the minutes of the February 24, 2016 Special Joint Meeting with the City of Grand Haven Planning Commission were approved.

V. CORRESPONDENCE – None

VI. PUBLIC COMMENTS ON AGENDA ITEMS ONLY

- Kristy Yonker – 12180 168th Avenue, Grand Haven Township:
 - Radiologic Technologist for the North Ottawa Community Health System.
 - Not in favor of the proposed project because it will be harmful to the community, and will cause traffic problems on Robbins Road and US-31.
 - Does not believe the property is zoned appropriately for the proposed land use.
 - Supported the statements made by the City of Grand Haven Community Development Director at the February 24th Joint Meeting as it relates to the Traffic Impact Study and requiring a market study.
 - Disappointed in the lack of media coverage.

- Mark Reenders – 16616 Warner Street, Grand Haven Township:
 - Director of Facilities for the North Ottawa Community Health System.

- Does not believe the scope of the Traffic Impact Study performed by Health Pointe was sufficient.
 - Supported the statements provided by the City of Grand Haven Planning Commission and Community Development Director.
- Jen VanSkiver – 7512 Treeline Drive SE, Grand Rapids:
 - Chief Communications Officer for the North Ottawa Community Health System.
 - Questions how “binding” the statements were at the February 24th Joint Meeting between the Township and City Planning Commissions.
 - Supported the statements made by the City of Grand Haven Community Development Director at the February 24th Joint Meeting as it relates to the Traffic Impact Study and requiring a market study.
 - Tourism is beneficial for this community, and believes it should have been incorporated into the scope of the Traffic Impact Study.
 - Referenced a recent article published by MiBiz concerning a tax exemption being sought by Spectrum Health in a different municipality.
- Fedewa noted the City of Grand Haven Community Development Director learned many of her statements made at the February 24th Joint Meeting were being misconstrued. In response, an email was provided to the Township expressing the true intent of her statements. Staff read the email aloud:
 - “At the joint meeting, I was careful to state that the Health Pointe project is not in the City’s jurisdiction, and that the Township’s laws and processes are different from the City’s. I stated that the City’s PUD ordinance allows for the Planning Commission to require an environmental study, traffic study, and market study for a PUD. I stated that such studies are not always warranted, but they are available based on the project scope. My intention for stating that information was to shed some light on how the City Planning Commission would review such a project if it were proposed in the City. I thought it would be helpful for the audience to understand where we were coming from.

I did not “call out” the Township Planning Commission for approving the project without conducting an environmental study or market study. I simply stated what the City’s laws allow for such studies to be conducted as part of our PUD process. If the Township’s laws don’t allow the Planning Commission to request/require such studies, then the Planning Commission would not have the authority to require them.

I did indeed question Spectrum's traffic study. I read the traffic study prior to the meeting and had some questions I wanted to ask of the traffic engineer, so I took that opportunity to ask them. I believe their methodology could be improved upon to get more accurate results that reflect our community's traffic patterns (summer traffic, proximity to schools, manufacturing shift change traffic, etc.). We were there primarily to make a formal recommendation on road improvements based on the results of that study. I did not feel comfortable asking my Planning Commission to do that based on the information provided by Spectrum's traffic engineer.

As I said in the meeting, I appreciate the Township inviting City staff and our Planning Commission to participate in the meeting. I look forward to more joint meetings in the future. Although these meetings can be uncomfortable and contentious, open communication is critical to our continued success as a community."

- Bultje provided an example of what kind of information can be included in a market study, and specifically referenced the Walmart PUD. A market study would not include information specific to a competing business.

VII. PUBLIC HEARING

A. Special Land Use – Soil Removal – Cech

Kantrovich opened the public hearing at 7:46 p.m.

Fedewa provided an overview through a memorandum dated March 3rd.

Representatives Joe Cech, co-property owner and Jim Milanowski, engineer from Milanowski & Englert were present and available to answer questions:

- Jim Milanowski, engineer from Milanowski & Englert:
 - The noise rating of the proposed construction equipment exceeds the maximum permissible sound levels described in the Noise Ordinance. However, these are standard pieces of equipment, so he is unclear what type of resolution could be identified.
 - Additionally, the haul road is along the north boundary line, which abuts industrially zoned properties, and not the residential properties to the south.
 - Noise will be sporadic, and not continuous.

- If required by the Planning Commission, the applicant intends to follow through with performing a wetland determination and submitting to the DEQ to learn if a permit is required under part 303.
 - Final grade will assist with efficient percolation of soils.
 - Proposal will be demand-based excavation using an in-bank removal process.
 - Noted the parcel is zoned Agricultural, and master-planned for Medium Density Residential.
 - Intends to reclaim and rehabilitate property in 125' x 125' segments, which will restore the site much faster, and reduce the amount of stripped land that is exposed and could lead to sand blows. Meaning, each phase will be reclaimed incrementally before commencing to the next phase.
 - Haul road on the subject parcel is believed to be comprised of a combination of crushed concrete and milled asphalt. Understands that if dust is being created by the truck movements, the applicant will be responsible for treating the road to become compliant with the dustless surface requirement.
 - Confirmed the City of Grand Haven appears to be willing to grant the unobstructed use of the access road across their parcel for the duration of the project, but a fee is required before permission would be granted.
- Joe Cech, co-Trustee of the Anna Cech Trust, and applicant:
 - The current agricultural activity occurring on the 36± acre parcel are the growing of several types of berries, which comprises approximately 4 acres.
 - Long-term agricultural objective is to expand the berry farming operation.
- Ray Nelson – 16585 Sleeper Street, Grand Haven Township:
 - Lives adjacent to the subject property. Has reviewed the plans, and walked the property. Does not believe there will be any issues if the plans are followed.
 - Property is in an isolated location, and is not highly visible from the street.
 - Has two concerns:
 - Ensure reclamation and rehabilitation of the disturbed area is achieved.
 - Over the years the applicant has removed trees on the site and created a pseudo-berm around the property line. Believes this may have a negative effect on the surface waters ability to reach the wetlands. Furthermore, believes it is a physical barrier to wildlife movements.

- 61,000 cubic yards equates to approximately 3,000 truckloads of material leaving the site.
- Requests the applicant not be permitted to access 168th Avenue because that segment of road is not a designated truck route.

Kantrovich closed the public hearing at 8:07 p.m.

VIII. OLD BUSINESS

A. Special Land Use – Soil Removal – Cech

The application was discussed by Commissioners and focused on:

- Concerned about the lack of a designated access point for public roadways. The applicant has not secured permission from the City of Grand Haven to utilize the roadway on their parcel of land. Furthermore, the Jost International Corp permission is only valid until 12/31/2016.
- Questioned:
 - Anticipated number of trucks that would access the site each day. Likely 10 – 30 per day.
 - Noise rating of the equipment compared to the number of trucks access the site, and the proximity of the haul road.
 - Total depth of sand to be removed.
- Interested in requiring the applicant to schedule an inspection of each phase to ensure reclamation and rehabilitation has occurred prior to the commencement of a future phase.
- Compared the noise level of new residential developments to the applicant's proposal. New residential development may not have homes nearby. Whereas this proposal has approximately 8 adjacent homes. Furthermore, new development would not have the potential for dozens of trucks per day for a period of three years hauling excavation material off-site.
- 168th Avenue should not be utilized as a third option for access to a public roadway because that segment is not a designated truck route.
- Considered requiring the applicant to plant trees and shrubs to maximize erosion protection. However, the same effect can likely be achieved by utilizing a higher quality seed mixture. Requested staff contact the local branch of the US Department of Agriculture's Natural Resources Conservation Service for guidance.

Motion by Robertson, supported by Gignac, to **conditionally approve** the Anna Cech Trustees Special Land Use application for the Removal and Processing of Natural Resources for a period of 3 years, and up to 61,000 cubic yards of material. This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance and Master Plan, and based on the Special Land Use and Site Plan motion in the March 3, 2016 Community Development Memo. Approval shall be conditioned upon:

1. Prior to commencement, obtain a permit or Letter of No Authority from the DEQ as it relates to part 303, which is required if there are any wetland on the property that will be impacted by the road, stockpiling, excavation etc.
2. Prior to commencement, applicant shall submit a revised plan that identifies a higher quality seed mixture will be utilized around the perimeter of the Area of Disturbance. Shall be planted 30 feet to 40 feet in width to maximize erosion protection. Revised plans are subject to staff approval.
3. Prior to commencement, applicant shall submit documentation from the City of Grand Haven granting continuous and unobstructed access during the proposed three year removal process.
4. Minimally, staff must perform an annual inspection to ensure the reclamation and rehabilitation of each phase is adhering to the approved plans.
5. Required to adhere to the Truck Route Ordinance at all times.

Which motion carried unanimously.

B. PUD Amendment – Health Pointe Revisions

LaMourie recused himself due to a conflict of interest. His employer is under contract to render architectural and engineering services for Spectrum Health.

Fedewa provided an overview through a memorandum dated March 3rd.

The application was discussed by Commissioners and focused on:

- Requested staff provide a review of the Special Joint Meeting that occurred between the City of Grand Haven and Township Planning Commissions.
 - Scope of the Health Pointe Traffic Impact Study was appropriate for the project.

- The City of Grand Haven will likely perform an expanded Traffic Impact Study to obtain additional data on tourism traffic, manufacturing shift-change traffic, and the impact surrounding schools have on the traffic patterns.
- Fedewa noted the applicant has amended the height of the proposed building. Intend to remove mechanical penthouse from the roof of the third-story, which will result in a maximum building height of 45 feet.
- Bultje described the addition findings identified in the proposed report, which included building height, land use interpretations of the zoning districts, and the incorporation of the proposed Zoning Text Amendment Ordinance.

Motion by Robertson, supported by Gignac, to recommend to the Township Board **approval with conditions** of the Health Pointe PUD Amendment, which includes the revised elevations and revised landscape plan, after the Planning Commission met with the City of Grand Haven Planning Commission to discuss the Traffic Impact Study as it relates to the Robbins Road Sub-Area 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 recently recommended by the Planning Commission concerning planned unit developments in general. Further, the Planning Commission respectfully requests that the Township Board not return this matter to the Planning Commission again; rather, the Planning Commission requests that the Township Board approve this recommendation by the Planning Commission or else work out any differences directly with the developer. **Which motion carried**, as indicated by the following roll call vote:

Ayes: Kantrovich, Robertson, Cousins, Gignac, Wilson

Nays: Kieft, Taylor

Absent: Reenders

Abstained: LaMourie

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 Planning Commission (the “Planning Commission”) 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 120,000 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 2/19/2016 (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 Planning Commission concerning the Project, the basis for the Planning Commission’s recommendation, and the Planning Commission’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 Planning Commission makes the following findings pursuant to Section 17.04.3 of the Zoning Ordinance.

By this report, the Planning Commission affirms its prior recommendation of approval, made on December 7, 2015, after the Planning Commission has completed the tasks assigned by the Township Board at its meeting on January 25, 2016. 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 Planning Commission 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).

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 Planning Commission 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 Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

- 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 Planning Commission 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 Planning Commission makes the following findings.
 - a. A building height of 54' 10" (subsequently reduced to a maximum 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. Section 17.05.2.A.2 requires mechanical equipment to be visually screened from adjacent properties, public roadways, or other public areas.
 - v. The Township has approved height departures for previous PUDs and even buildings outside of any PUD.
 - vi. The Project is not surrounded by unique landscapes (e.g., wetlands, dunes, floodplains, etc.).
 - vii. 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.
 - viii. The parcels abutting the Project are not master planned for residential use.
 - ix. In addition to all of the above, which the Planning Commission finds is adequate justification without more, the Planning Commission notes that it has recommended to the Township Board a Zoning Ordinance amendment 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 Planning Commission 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 Planning Commission 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 penthouse 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 Planning Commission recommended the Township Board approve 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 Planning Commission 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 Planning Commission 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. The Developer shall preliminarily identify the easement area on the Final Site Plan, and the easement shall be drafted by the Township Attorney and approved by the Township Board prior to the issuance of building permits.
 - 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.
9. The Planning Commission 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 Planning Commission notes that it has recommended to the Township Board, and the Planning Commission anticipates that the Township Board will adopt, the Zoning Ordinance amendment 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.

IX. REPORTS

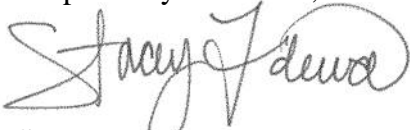
- A. Attorney Report – None
- B. Staff Report – None
- C. Other – None

X. EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS ONLY – None

XI. ADJOURNMENT

Without objection, the meeting adjourned at 9:01 p.m.

Respectfully submitted,



Stacey Fedewa

Acting Recording Secretary