

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
PLANNING COMMISSION
NOVEMBER 21, 2016

I. CALL TO ORDER

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

II. ROLL CALL

Members present: LaMourie, Robertson, Taylor, Reenders, and Wilson

Members absent: Cousins, Chalifoux, and Kieft

Also present: Fedewa and Attorney Bultje

Without objection, LaMourie instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Without objection, the minutes of the November 7, 2016 meeting were approved.

V. CORRESPONDENCE

A. Brucker Beach Woods:

- Stephen and Nancy Bowen 14679 Pine Island Drive
- Bill and Kima Johnson 17896 Hidden Acres Lane

VI. PUBLIC COMMENTS ON AGENDA ITEMS ONLY

- Richard Cromwell – 18008 Brucker Street, does not support the development as currently proposed:
 - Zoning Ordinance does allow the Planning Commission to require a boundary fence to prevent trespassing.
 - Trespassing is an “expected consequence” because people are “impulsively drawn” to bodies of water.
 - Children do not understand boundaries so they are in danger without a fence.
 - Swales should not be in the rear yards because it limits the amount of area for kids to play.
- Richard Weber – 14654 Pine Island Drive, does not support the development as currently proposed:

- Believes when the site is raised all the stormwater will drain straight into the adjacent pond.
- Disagrees with having the septic systems and drainfields in the rear yards because it is too close to the pond and will cause contamination.
- Requests the developer perform hydrology testing to determine the natural drainage patterns.
- Seven single family dwellings is still too much density for that location.
- Stephen Bowen – 14679 Pine Island Drive, does not support the development as currently proposed:
 - The revised plans are an improvement.
 - Does not believe surface and ground water have been adequately addressed. Neither the developer or engineer have site specific knowledge to be able to address this topic.
 - Requests the developer perform “tracer studies.”
 - Expects drainage patterns to pass through drainfields in the rear yard and carry contaminates to the adjacent pond.
- Fred Beamer – 17885 Brucker Street, does not support the development as currently proposed:
 - Zoning Ordinance states adjacent owners have an expectation of reasonable visual and sound privacy, but the proposed development would provide no privacy and neighbors will “live in a fish bowl.”
 - Children currently swim in the adjacent pond, so it is important to guarantee the water quality.
 - Anticipate too many lights being added to homes resulting in light trespass. Existing streetlights already “look like the sun is shining” into the home. Additional streetlights will only worsen the problem.
 - Rows of homes will look unnatural. Believes the homes would be rotated to create a more natural appearance as they are on Pine Island Drive.

VII. OLD BUSINESS

A. Site Condominium – Brucker Beach Woods

Fedewa provided an overview through a memorandum dated November 17th.

The developer, Steve Davis, and Westshore Consulting Surveyor, Stephen Vallier were present and available to answer questions. The following items were noted during the developer’s presentation:

- Developer, Steve Davis:
 - Agrees the character of the neighborhood is important, which is why only 7 lots are proposed. Additionally, beach grass will be required within the road right-of-way to contribute to the character.
 - Anticipates the homes will be over \$500,000 in value and will contribute to the surrounding property values. Already have purchase agreements for each of the 7 lots.
 - Of the 7 potential buyers, none have young children, so there are no concerns related to trespassing.
 - Proposed lot sizes are “on par” with the neighborhood and exceed the Zoning Ordinance requirements.
 - OCWRC has granted preliminary approval of the stormwater disposition plan. Sandy soils drain very well and does not foresee any issues.
 - Requests the sidewalk requirement be removed because it does not add to the character of the neighborhood, will add to the impervious surface, is not desired by the potential buyers, and will not have connectivity to existing walkways.
- Westshore Consulting Surveyor, Stephen Vallier:
 - Stormwater disposition is calculated using back-to-back 100 year storm events. Therefore, the proposed system is more than capable.
 - Field studies were conducted. The findings indicate the groundwater flows west towards Lake Michigan and not toward the adjacent pond to the east.
 - Only Lots 3 and 4 could have the septic system and drain field relocated to the front yard, but that is not feasible for Lot 1.

The revised application was discussed by Commissioners and focused on:

- Some Commissioners believe the pond is an “attractive nuisance,” so a fence should be required to prevent trespassing and create a pool-type barrier to reduce the potential drowning danger.
 - Discussed what type of fence would be required if added as a condition of approval. Ultimately decided it would only apply to Lots 2 and 3 and would only have to be 4’ chain link to satisfy a pool-barrier requirement.
 - Fedewa noted it is likely trees within the natural buffer area would have to be removed in order to install the fence on the boundary line.
- Still unclear if stormwater will negatively impact the adjacent pond.
 - Fedewa read excerpts from an OCWRC email dated 11/21/2016. In summary:
 - The proposed stormwater disposition design is very capable.

- Site plan shows existing contours, not proposed contours. No official block grading plan has been created yet.
- Typical lot grading is anticipated. Front half graded toward street and rear half graded to either mimic existing drainage patterns or to follow a drainage easement.
- Any off-site flow would be the same, or less, in total volume.
- Questioned how an adjacent property owner would mitigate an issue if stormwater trespassed onto their property. Per Attorney Bultje the matter would have to be addressed through homeowner's insurance and/or civil lawsuits.
- Attorney Bultje recommends the Planning Commission add a condition of approval that the developer will enter into a Special Assessment District (SAD) agreement that is applicable if sanitary sewer is extended to that area in the future. Furthermore, recommends the Township be added as a third-party beneficiary in the Master Deed.
- Discussed whether or not sidewalks should still be required:
 - Typically required for large developments or those that abut existing pathways.
 - Would increase impervious surface.
 - Removing the requirement would allow a more natural aesthetic and support the wooded character of the neighborhood.
- If able, all septic systems and drainfields should be located within the front yards for properties on the east side of the development to increase the isolation distance from the adjacent pond.

Motion by Robertson, supported by Reenders, to recommend to the Township Board **approval with conditions** of the Brucker Beach Woods Site Condominium development. This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance and Master Plan. This action is based upon the findings and other information included in the Planning Commission report. Approval is subject to the following conditions:

1. If applicable, incorporate Master Deed restrictions from the Ottawa County Environmental Health Department, Ottawa County Water Resources Commissioner, and Ottawa County Road Commission.
2. Approval and compliance with all requirements of the OCRC, OCWRC, and OCEHD. Copies of approvals and permits must be submitted to staff and made part of the file. No building permits shall be issued until all permits have been obtained.

3. Enter into a Special Assessment Lighting District (SALD) Agreement with the Township. The Agreement and Resolution adopting the SALD shall be reviewed and approved by the Township Board.
4. Township Attorney shall review and approve all language within the legal documents including the Master Deed and Condominium Bylaws.
5. Township shall be included as a third-party beneficiary within the legal documents including the Master Deed and Condominium Bylaws. The revision shall be reviewed and approved by the Township Attorney.
6. Enter into a Special Assessment District Agreement with the Township for the possibility of a future sanitary sewer extension. The Agreement shall be reviewed and approved by the Township Board.
7. Remove sidewalks from the development.
8. Install a 4 foot tall chain link fence along the rear boundary line of Lots 2 and 3.
9. Relocate the septic system and drainfield into, or near, the front yards of Lots 3 and 4.

A roll call vote was conducted:

Ayes: Taylor, Robertson, LaMourie, Wilson, Reenders

Nays: None

Absent: Cousins, Chalifoux, Kieft

Which motion carried unanimously.

VIII. NEW BUSINESS

A. Village at Rosy Mound Parallel Plan Determination

Fedewa provided an overview through a memorandum dated November 17th.

The request was discussed by Commissioners and focused on:

- Development proposes 253 units.
- Land is master-planned for Medium-High Density Residential PUD, which is to act as a transitional land use between single family dwellings and more intense land uses such as Service Professional, Commercial, and Industrial.
- Questioned if the determination made for this project would remain applicable if this development withdraws and another project is proposed. Concerned about setting a base density that could allow a traditional high density apartment complex.

- Fedewa explained the land is zoned Service Professional and master-planned for a density that is less than an apartment complex. Therefore, a traditional apartment complex is not permitted on this property.
- Questioned if a precedence would be set by this determination.
- Discussed difficulty of determining an appropriate district and land use based on the complexity of the project.

Motion by Taylor, supported by Robertson, to set the Parallel Plan Equivalent Zoning Map Designation as **R-4 Multiple Family Residential** for the proposed Village at Rosy Mound PUD application. Which establishes a base density of 363 units and maximum PUD density of 519 units.

B. Integrated Assessment – Proposed Ordinance Presentation

Fedewa provided an overview through a memorandum dated November 17th.

The project team provided a presentation that identified preliminary options as well as pro's and con's for addressing Dunes and Fire Safety, and Low Impact Development Options.

The Planning Commission confirmed the information that has been compiled is on track with expectations. Fedewa recommended the final presentation and recommendations include specific options that are suitable for the Township particularly as it relates to Low Impact Development.

C. Discussion – Assign GHT email accounts to Planning Commission & ZBA

Fedewa provided an overview through a memorandum dated November 17th.

The item was discussed by Commissioners and focused on:

- Discussed do's and don'ts of email communication as it relates to the Open Meetings Act.
- Provided scenarios on when, and how, personal email accounts can be reviewed as it relates to FOIA requests and lawsuits.
- Receptive to the email accounts, but have concerns about remembering to check the account. Particularly because it will not be readily available and will require several steps to log into the system via the Township website.

Planning Commission directed Fedewa to share the concerns with Superintendent Cargo.

IX. REPORTS

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

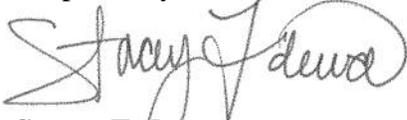
- Taylor shared information related to class sizes within the school district, and how the district plans for additional students and when new schools need to be constructed. Feels more comfortable now with the communication and expectations between the Township and school district.
- Inquired as to why the Planning Commission meeting time is set for 7:30pm rather than 7pm. Believe it is related to the schedule of a former Commissioner. Directed staff to discuss with Superintendent Cargo. If acceptable, would like to make that change when the 2017 meeting date schedule is adopted.

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

XI. ADJOURNMENT

Without objection, the meeting adjourned at 10:01 p.m.

Respectfully submitted,



Stacey Fedewa
Acting Recording Secretary