

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
PLANNING COMMISSION
APRIL 17, 2017

I. CALL TO ORDER

Cousins called the meeting of the Grand Haven Charter Township Planning Commission to order at 7:00 p.m.

II. ROLL CALL

Members present: Cousins, LaMourie, Robertson, Kieft, Taylor, Wilson, Reenders, and Wagenmaker

Members absent: Chalifoux

Also present: Community Development Director Fedewa and Attorney Bultje

Without objection, Cousins instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Without objection, the minutes of the March 20, 2017 meeting were approved.

V. CORRESPONDENCE

- Derek & Cristin Lenters – 18064 Sunset Drive – Brucker Beach Woods

VI. PUBLIC COMMENTS ON AGENDA ITEMS ONLY – None

VII. NEW BUSINESS

A. Site Plan Review – Parking Lot – Seaver Finishing

Fedewa provided an overview through a memorandum dated April 13th.

The applicant, Bob Tufts of Hughes Builders Inc. on behalf of Seaver Finishing, was present and available to answer questions:

- Repaving entire parking lot and driveways to keep cars off grass.
- Identified the stormwater discharge locations on the property and confirmed the OCWRC have approved the calculations.

The application was discussed by Commissioners and focused on:

- Inquired if the “no parking on grass signs” would be removed after the new spaces added.
- Questioned why part of the property was not identified on the site plan.
 - Appears the preparer forgot to include the land Seaver Finishing purchased several years ago.

Motion by Wilson, supported by Taylor, to **conditionally approve** the Seaver Finishing Site Plan Review application to expand the parking lot to a total of 65 spaces, which includes the existing and proposed spaces. This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning ordinance. The motion is subject to, and incorporates, the following report and conditions:

1. Applicant shall provide a revised site plan that details the full property prior to expanding the parking lot.

Which motion carried unanimously.

Report

1. The application meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, 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.
 - 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 Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 - F. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
 - G. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.
 - H. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.

- I. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate.
- J. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate storm water, prevent erosion and the formation of dust.
- K. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures.
- 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 site plans conform 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.

VIII. PUBLIC HEARING

A. Special Land Use – Outdoor Pond – McAlpine

Cousins opened the public hearing at 7:09pm.

Fedewa provided an overview through a memorandum dated April 10th.

The applicant, Shawn McAlpine, was present and available to answer questions.

There being no public comment Cousins closed the public hearing at 7:12pm.

B. Site Condominium – Single Family – Brucker Beach Woods (Revised)

Cousins opened the public hearing at 7:12pm.

Fedewa provided an overview through a memorandum dated April 12th.

The applicant, Steve Davis, was present and available to answer questions.

There being no public comment Cousins closed the public hearing at 7:14pm.

C. Special Land Use – Gasoline Station – SpartanNash

Cousins opened the public hearing at 7:14pm.

Fedewa provided an overview through a memorandum dated April 13th.

The applicant's representative, Brian Sinnott a Professional Engineer with Paradigm Design, was present and available to answer questions:

- Will be rebranding this site to a Spartan Fuel Store.
- Have obtained conceptual approvals from all required agencies.

There being no public comment Cousins closed the public hearing at 7:19pm.

D. PUD – Housing for the Elderly – Village at Rosy Mound

Cousins opened the public hearing at 7:19pm.

Fedewa provided an overview through a memorandum dated April 13th.

The applicant, Shirley Woodruff of RW Properties I LLC, and design professionals John Casserly PE of Nederveld and Daniel Tosch of Progressive Associates, were present and available to answer questions.

There being no public comment Cousins closed the public hearing at 7:26pm.

IX. OLD BUSINESS

A. Special Land Use – Outdoor Pond – McAlpine

The application was discussed by Commissioners and focused on:

- Question when/if a fence should be required around a pond. Recommends this item be clarified in the zoning ordinance update.
- Typically, the shallow 1:3 slope for the first 5 feet negates the need for a fence around a pond.

Motion by Kieft, supported by LaMourie, to **approve** the Outdoor Pond Special Land Use application for 16319 Fillmore Street, based on the application meeting applicable requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance. This motion is subject to, and incorporates, the following report. **Which motion carried unanimously.**

Report

1. This approval is based on the affirmative findings that each of the following Special Land Use standards has been fulfilled:
 - A. The proposed use is consistent with, and promotes the intent and purpose of this Ordinance.
 - B. The proposed use is of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
 - C. The proposed use does not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
 - D. The proposed use is reasonably compatible with the natural environment of the subject premises and adjacent premises.
 - E. The proposed use does not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.

- F. The proposed use does not interfere or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.
 - G. The proposed use is such that traffic to, from, and on the premises and the assembly of persons relation to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and the general character and intensity of the existing and potential development of the neighborhood.
 - H. The proposed use is consistent with the health, safety, and welfare of the Township.
2. The application meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, 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.
 - 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 Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 - F. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
 - G. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.
 - H. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.
 - I. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate.
 - J. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate storm water, prevent erosion and the formation of dust.
 - K. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures.
 - L. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, are screened.

- M. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.
- N. The site plans conforms to all applicable requirements of County, State, Federal, and Township statutes and ordinances.
- O. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.

B. Site Condominium – Single Family – Brucker Beach Woods (Revised)

The application was discussed by Commissioners and focused on:

- Thankful to see additional trees being preserved.

Motion by Wagenmaker, supported by Reenders, to recommend to the Township Board **approval with conditions** of the revised 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, Master Plan, and Private Roads and Driveways Ordinance. This action is based upon the findings and other information included in the Planning Commission report. Approval is subject to the following conditions:

1. Shall comply with the same conditions found in the 11/28/2016 Township Board meeting minutes.
2. The developer shall enter into a Private Road Maintenance Agreement with the Township. The Agreement shall be reviewed and approved by the Township Board prior to receiving a final occupancy permit.
3. The developer shall provide the Township with a copy of the Declaration of Joint Maintenance and Easement for the private road, which shall be approved by the Township Attorney before being recorded with the Ottawa County Register of Deeds. This shall be completed before a final occupancy permit is issued.

Which motion carried unanimously.

Report

1. This approval is based on the affirmative findings that each of the following standards has been fulfilled:
 - A. The proposed use is consistent with, and promotes the intent and purpose of this Ordinance.
 - B. The proposed use is of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
 - C. The proposed use does not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.

- D. The proposed use is reasonably compatible with the natural environment of the subject premises and adjacent premises.
 - E. The proposed use does not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.
 - F. The proposed use does not interfere or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.
 - G. The proposed use is such that traffic to, from, and on the premises and the assembly of persons relation to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and the general character and intensity of the existing and potential development of the neighborhood.
 - H. The proposed use is consistent with the health, safety, and welfare of the Township.
2. The application meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, 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.
 - 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 Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 - F. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
 - G. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.
 - H. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.
 - I. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate.
 - J. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate storm water, prevent erosion and the formation of dust.

- K. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures.
 - 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 site plans conform 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.
3. The application meets the site condominium project review standards of Section 18.03 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:
- A. The project plan provides adequate common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, and project layouts and design.
 - B. The project plan complies with the Condominium Act, other applicable laws, ordinances, and regulations.
 - C. The building site for each site condominium unit complies with all applicable provisions of the ordinance including minimum lot area, minimum lot width, required front, side, and rear yards, and maximum building height.
 - D. The project plans public street will be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Ottawa County Road Commission.
 - E. The project will provide public water facilities to the site condominium units, and is in accordance with Township standards.
 - F. The project provides for private septic system and drain field located within the condominium unit's building site, and have been approved by the Ottawa County Department of Health.
 - G. The project will provide the required street light fixture within the cul-de-sac.

C. Special Land Use – Gasoline Station – SpartanNash

Fedewa provided additional details on the parking situation. Ordinance does not allow parking within the required side yard, and for corner lots a 40' setback is required. However, there is only ≈45' between the building and right-of-way. Thus, a variance is needed if parking is to be located on the eastern portion of the site, which is necessary because the site is constricted and the existing fuel canopies, required maneuvering lane widths, and property lines do not leave enough room to install parking spaces on the other three sides of the project site.

The application was discussed by Commissioners and focused on:

- Like parking on the eastern lot line within the required side yard because it defines the circulation of the site and creates a throat for the entrance on 172nd Avenue.
- Believe the radius of the northern curb of this 172nd Avenue entrance should be improved to a 25' – 30' radius when the remainder of the site is redeveloped by the property owner.

Motion by LaMourie, supported by Taylor, to **conditionally approve** the Spartan Stores Fuel LLC Special Land Use application for a Gasoline Station at 17200 Robbins Road. This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance, Master Plan, and Robbins Road Sub-Area 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. The Developer shall apply for a variance to address the location of the parking spaces. In the interim, the Developer is permitted to commence construction, but shall not stripe the parking lot, or install landscaping along the eastern wall of the building, until the Zoning Board of Appeals has made a determination.
2. If the Zoning Board of Appeals denies the variance request, the Developer is authorized to revise the site plan, relocate the parking to the eastern wall of the building, and remove the landscaping along that same wall. The Zoning Administrator is authorized to approve this revision administratively.
3. Approval and compliance with all requirements of the Ottawa County Road Commission, Ottawa County Water Resources Commissioner, City of Grand Haven, and applicable divisions of the State of Michigan such as the Department of Environmental Quality and Bureau of Fire Services.
4. When the remainder of the site is redeveloped, the Township reserves the right to reopen discussions about improving the northern curb radius on the 172nd Avenue entrance to a 25' – 30' radius as determined by the Township and/or Ottawa County Road Commission.

Which motion carried unanimously.

Report

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 Ottawa County Road Commission 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 storm water, 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 site plan 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. This approval is based on the affirmative findings that each of the following Special Land Use standards has been fulfilled:
- A. The proposed use is consistent with, and promotes the intent and purpose of this Ordinance.
 - B. The proposed use is of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
 - C. The proposed use does not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
 - D. The proposed use is reasonably compatible with the natural environment of the subject premises and adjacent premises.
 - E. The proposed use does not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.
 - F. The proposed use does not interfere or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.

- G. The proposed use is such that traffic to, from, and on the premises and the assembly of persons relation to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and the general character and intensity of the existing and potential development of the neighborhood.
 - H. The proposed use is consistent with the health, safety, and welfare of the Township.
3. The Planning Commission 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.

D. PUD – Housing for the Elderly – Village at Rosy Mound

Fedewa provided a more thorough review of the April 13th memorandum. Next, staff and the Planning Commission addressed each item that required additional consideration and then each departure request, which will then be crafted into a motion and report of findings that will be considered at the next meeting.

Certain items required additional consideration by the Planning Commission. It is noted, the Planning Commission only provided verbal approval or denial for these items of consideration, and the role of the Commission is simply to make recommendations to the Township Board. The Board is the governing body granted the authority to make final determinations on PUD applications. As needed, the findings will be incorporated into the departure requests for the Township Board to consider:

- The Overlay Zone requires higher architectural standards for the garageport and carport accessory structures, which are proposed as basic metal structures.
 - Architect Tosch explained the two types of structures are purposefully low-profile with a mute color to ensure they do not block the view of residents. Requested the structures remain the same if a brick or stone accent veneer was applied.
 - The Planning Commission finds this acceptable because ensuring resident visibility is important, as well as requiring a higher aesthetic. This recommendation will be made to the Township Board.
- Screening material for refuse container is proposed as a concrete wall with sandblasted finish, but ordinance requires a wood or masonry solid wall. Typical understanding of masonry is the stacking and mortaring of blocks to create a wall, and not poured concrete.
 - Architect Tosch offered to apply a brick or stone veneer to the outside of the poured concrete to enhance the aesthetics of the screening.
 - The Planning Commission finds this acceptable because it meets the spirit and intent of the screening requirement. This recommendation will be made to the Township Board.
- The Overlay Zone requires the garages of Multi-Family housing types (*i.e., the Cottages*) to be varied and/or recessed to reduce the emphases on the garages along the street. The developer is proposing the same design for each unit.
 - Architect Tosch explained the Cottage garages are aligned with the covered front porch. There are slight variations to the roofline, and additional windows have been placed. The type and positioning of each building is varied.
 - Developer Woodruff explained the need to provide as much visibility and maneuvering room as possible for residents.
 - The Planning Commission finds the Multi-Family Overlay Zone architectural requirements were intended to prevent a “flat-faced” dwelling. Based on the varying building positions, rooflines, and architectural interest with the front porch the spirit and intent of this provision is satisfied. This recommendation will be made to the Township Board.

- Section 17.05.6 requires the Township to make a Transitional Area determination due to the proximity to single family dwellings. A 30' undisturbed buffer will be maintained along the southern property line that abuts the Cottage Hills Subdivision. In addition, there is approximately 100+ feet of separation between the proposed Assisted Living building and the existing dwellings.
 - The Planning Commission finds this proposal an acceptable Transition Area. This recommendation will be made to the Township Board.

Next, each departure request was considered. It is noted, the Planning Commission only provided verbal approval or denial for these departure requests, and the role of the Commission is simply to make recommendations to the Township Board. The Board is the governing body granted the authority to make final determinations on PUD applications. The following list constitutes the current departure requests along with the findings of the Planning Commission and the recommendation that will be provided to the Board:

1. Section 11.04 – convert the method of setback measurements to building separation.
 - a. The Planning Commission finds it acceptable to measure setbacks as building separations rather than distance from lot lines because the proposed parcel lines are needed for financing purposes and a building separation measurement satisfies the spirit and intent of setbacks.
2. Section 15A.04.5 – waive the requirement to receive separate special land use approval to relocate an existing overhead utility pole and electrical line.
 - a. The Planning Commission finds this acceptable because there will not be any additional overhead utility lines installed. This pole needs to be relocated to accommodate the stormwater retention basin.
3. Section 15A.10.3 – allow the landscaping that must abut the walls of the building to be planted 36” away to accommodate a stone maintenance strip, which is used to capture the roof runoff.
 - a. The Planning Commission finds this acceptable because it is unlikely the landscaping would survive if it was in the path of roof runoff. In addition, the applicant provided visual evidence of a similar senior living campus that have the plantings 36” from the wall and the spirit and intent of reducing the visual mass is still satisfied.
4. Section 15A.10.5 – allow more than 75% of the landscape islands be located around the perimeter of the parking lot instead of the interior.
 - a. The Planning Commission finds this acceptable because the proposed parking lots are not expansive. It is unnecessary to create a greater distance from entryways for residents that may have limited mobility. The trees and other landscaping that were required to be within this 75% were transferred to the perimeter, so there has not been a reduction in overall landscaping.

5. Section 15A.10.11 – remove the requirement to create a separate deferred parking plan and agreement.
 - a. The Planning Commission finds this acceptable because the Overlay Zone would allow up to 1,364 spaces but the applicant is only requesting 180, which is less than what is permitted by right too. Due to the type of development and site constraints it is not likely, or feasible, to expand parking in the future. Furthermore, granting this departure would require the applicant to apply for a Major Amendment to the PUD if additional parking was requested in the future.
6. Sections 15A.11 and 15A.11.3 – allow the Assisted Living building to be considered a Multiple Family use under the Overlay Zone land use categories as it relates to architectural requirements.
 - a. The Planning Commission finds this acceptable because the Congregate building and Cottages are Multiple Family, but technically the Assisted Living building would be considered Institutional. Institutional uses have a higher architectural requirement, but the Assisted Living building has the least amount of visibility. In addition, the development may lack cohesion if one building is treated differently than the others as it relates to architecture.
7. Section 15A.13.1.B – remove the requirement to vary the Cottage garage locations and/or recess them into the buildings.
 - a. The Planning Commission finds the spirit and intent of the architectural requirements of the Overlay Zone are satisfied because the Cottage design does not result in a “flat-faced” building. The covered front porch and varying rooflines add depth and dimension, which is satisfactory.
8. Section 17.05.1.E – requesting two departures—(1) permitted to classify the “roads” as driveways so long as they are constructed to Ottawa County Road Commission standards because the site is not conducive to a 66’ road right-of-way; and (2) find the separation between access points is sufficient to accommodate vehicular circulation even though they do not comply with the OCRC spacing standards.
 - a. Request 1 – the Planning Commission finds this acceptable because the “roads” will be constructed to OCRC standards and there is no potential for future road widening. Additionally, Fire/Rescue has approved the maneuverability as shown on the site plans, so there are no concerns about emergency vehicles having adequate access throughout the site. Furthermore, easements are still being provided for private and public utilities, so all organizations will still have access to their infrastructure. Lastly, driveways are considered private, so taxpayer dollars would not have to be spent on any “road” improvements.
 - b. Request 2 – the Planning Commission finds this acceptable because the established minimum spacing standards are prohibitive to this site and would not improve vehicular circulation. The applicant has taken significant steps to improve

maneuverability and reduce locations where vehicles could have negative interactions. Furthermore, because the “roads” are technically driveways the spacing standards could be considered a moot requirement.

9. Section 19.07.28.D – find the Assisted Living buildings frontage on the site’s main “road” is sufficient to comply with the Special Land Use requirement to front onto a paved roadway.
 - a. The Planning Commission finds this acceptable because it has a direct relationship to departure request and finding #8, which finds the driveways to be “roads.”
10. Section 19.07.28.E – allow accessory buildings, including the maintenance building, pergolas, and gazebos, to have a setback less than 75’.
 - a. The Planning Commission finds this acceptable because a 75’ setback for the maintenance building does not serve a good purpose based on the location, which is setback over 75’ from the south boundary line that abuts Cottage Hills Subdivision. Furthermore, there is a steep topographical incline along Lakeshore Drive, which will screen the maintenance building from view. The remaining accessory buildings are appropriately located within the courtyards and walking paths of the Assisted Living building, and should not be placed any farther from the building to ensure residents with limited mobility are able to utilize these amenities.
11. Section 19.07.28.H – allow parking spaces to be located in the front of the Assisted Living building.
 - a. The Planning Commission finds this acceptable because no good purpose is served by creating more distance for residents to travel from their vehicle to entryways. Additionally, parking in the rear would remove the transition area and screening between the project site and the Cottage Hills Subdivision. Furthermore, parking in the rear would remove the natural landscape, thus removing the view residents have from their rooms.
12. Section 20.12.5 and 20.12.6 – request a 6’-6” tall fence around the Memory Care Courtyard of the Assisted Living building because operational experience has found the additional 6” prevents patient escape.
 - a. The Planning Commission does not find this request acceptable because the residents can be monitored to prevent escape; other memory care facilities do not have a fenced enclosure and do not have issues with escapees; and approving this request without compelling evidence that creates a distinction between this situation and any other where a person could escape over a fence, could set an undesired precedence.
13. Section 21.02 – requesting two departures (1) allow a three-story 37’-6” Congregate building; and (2) reduce the minimum floor area requirement to 685 square feet.

- a. Request 1 – the Planning Commission finds this acceptable because the building code requires ground floor units to ensure accessibility, and the requested height aligns with other departures granted for similar projects.
 - b. Request 2 – the Planning Commission finds this acceptable because unlike a typical apartment building the Congregate offers additional common areas and amenities within the building that are not typically offered at multiple family developments. Furthermore, if this additional common area were calculated as part of the minimum floor area the minimum unit size would be 815 square feet. Also, there are minimum age requirements to live in the Congregate building, so at most there are two tenants per dwelling, but according to the applicant 75% of the residents are single person households.
14. Section 24.04.2 – allow the minimum parking space size to be 10’ x 20’ because MSHDA-funded projects are required to have a minimum space of 10’ x 20’ to assist elderly residents with parking maneuvers.
- a. The Planning Commission finds this acceptable because documentation was supplied from MSHDA that establishes the 10’ x 20’ requirement.

Motion by Taylor, supported by Wagenmaker, to direct staff to draft a formal motion and report, which will recommend **conditional approval** of the Village at Rosy Mound PUD application, with those Zoning Ordinance compliance departures which were discussed and will be reflected in the meeting minutes. This will be reviewed and considered for adoption at the next meeting. Lastly, the Planning Commission directs staff to publish the notice of public hearing for the Township Board. Minimally, the project will be subject to the following conditions:

1. Must obtain permits from all applicable agencies including the OCRC, OCWRC, State of Michigan etc. Permits shall be obtained before building permits are issued.
2. The Developer shall enter into a PUD Contract with the Township, which will be drafted by the Township Attorney and approved by the Township Board prior to receiving a building permit.
3. The Developer shall enter into a modified version of the typical Private Road Maintenance Agreement with the Township, which will be drafted by the Township Attorney and approved by the Township Board prior to receiving a building permit.
4. The Township and Developer shall enter into a Payment in Lieu of Taxes (PILOT) agreement pursuant to the MSHDA requirements. The Agreement shall be drafted by the Township Attorney and approved by the Township Board prior to receiving a building permit.

5. The Developer shall provide documentation from the Grand Haven Board of Light and Power regarding streetlights—if they will be metered or if a Special Assessment Lighting District is required. This subject must be satisfied prior to receiving an occupancy certificate.
6. The Developer shall incorporate additional shielding to light fixtures along the southern boundary line that abuts the Cottage Hills Subdivision as well as the Northwest corner of the site that abuts the Rosy Mound Elementary School to ensure light does not spill into the adjacent dwellings.
7. Revise Sheet C-205 to reflect the true open space figures presented on Sheet L-100. This will ensure there is no confusion regarding the proposed 12.03 acres of designated open space.
8. Add an additional sidewalk from Cottage 1 to Rosy Mound Drive to provide greater walkability on the site.

X. REPORTS

A. Attorney Report

- Bultje provided a summary of the NOCH lawsuit dismissal and timeline for an appeal.

B. Staff Report

- Remaining project that still requires a public hearing is Regency at Grand Haven, which will likely occur within the next 2 months.
- First Zoning Ordinance Update Committee meeting is May 4th at 6pm in the Conference Room.

C. Other

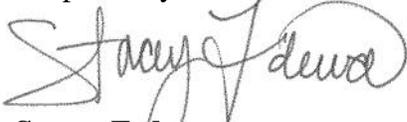
- Wilson noted the Speedway PUD is nearing completion of their mitigation plan with the DEQ. Cleaning out the Vincent Drain Extension has done a good job of resolving the fallow farmland/wetland that was created. Speedway is able to buy wetland credit now instead of mitigating. In process of finalizing the special stormwater agreement.

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

XII. ADJOURNMENT

Without objection, the meeting adjourned at 9:14 p.m.

Respectfully submitted,



Stacey Fedewa
Acting Recording Secretary