

**GRAND HAVEN CHARTER TOWNSHIP BOARD
MONDAY, SEPTEMBER 25, 2017**

WORKSESSION – 6:00 p.m.

1. **Motion** by Trustee Meeusen and seconded by Clerk Larsen to enter closed session at 6:00 p.m. for the purpose of considering a real estate purchase and/or lease agreement for land to be developed for recreational purposes. **Which motion carried**, as indicated by the following roll call vote:

Ayes: Reenders, Larsen, Behm, Kieft, Meeusen

Nays:

Absent: Redick, Gignac

Motion by Clerk Larsen and seconded by Trustee Behm to exit the closed session at 6:21 p.m. **Which motion carried.**

2. Human Resources Director Dumbrell reviewed Superintendent Cargo’s proposed employment agreement. It was noted that the four-year agreement could be terminated at any time with or without cause.

Four of the five members present indicated support for extending the Superintendent’s employment agreement.

Supervisor Reenders expressed concern with the level of the 457 Retirement contribution, which he believes should be at the 8% or 9% level. Trustee Meeusen noted that this was not a defined benefit program, rather a defined contribution program. Dumbrell noted that her review indicated that the retirement benefit was considered low for an executive reporting to a Board – with similar agreements providing the maximum retirement contribution allowed under the IRS rules.

Superintendent Cargo noted that he did not believe it prudent to “negotiate against himself” by agreeing to reduce a retirement benefit in response to a Board member that would still vote against the employment agreement.

REGULAR MEETING

I. CALL TO ORDER

Supervisor Reenders called the regular meeting of the Grand Haven Charter Township Board to order at 7:00 p.m.

II. PLEDGE TO THE FLAG

III. ROLL CALL

Board members present: Meeusen, Kieft, Reenders, Behm

Board members absent: Redick, Gignac, Larsen

Also present was Manager Cargo and Public Services Director VerBerkmoes.

Motion by Trustee Meeusen and seconded by Trustee Behm to appoint Treasurer Kieft as the Temporary Clerk. **Which motion carried.**

IV. APPROVAL OF MEETING AGENDA

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

V. APPROVAL OF CONSENT AGENDA

1. Approve September 11, 2017 Board Minutes
2. Approve Payment of Invoices in the amount of \$760,731.13 (*A/P checks of \$648,883.31 and payroll of \$111,847.82*)

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

VI. PRESENTATIONS

1. Aaron Bodbyl-Mast (*i.e., a Park Planner with Ottawa County*) provided an overview of the proposed Grand River Explorers Trail project. The project began in 1989 and currently covers over 27 miles of new trails and about 2,400 acres preserved since the 1996 Ottawa County Parks millage with the goal of connecting downtown Grand Rapids to the pier in Grand Haven, with much of the trail following the Grand River.

The project is expected to cost about \$21 million to complete with about \$14 million coming through public funding.

With regards to Grand Haven Charter Township, the County is asking to designate the Mercury pathway as part of the Grand River Explorers Trail. If approved by the Board, Ottawa County would provide and maintain both signage and certain appurtenances (*e.g., benches, mile markers, etc.*).

Pubic Services Director VerBerkmoes noted that this initiative was supported by the Parks and Recreation Committee.

2. Alex Horsay and Ian Overway, representing the Grand Have Area Public Schools STEM Team, provided an overview of the proposed Hofma Adventure Challenge. In brief, the challenge would encompass seven (7) signs with QR code that would be updated regularly by the students at the GHAPS elementary schools with information on exercise, history or nature facts.

Pubic Services Director VerBerkmoes noted that this STEM initiative was supported by the Parks and Recreation Committee.

Motion by Treasurer Kieft, supported by Trustee Meeusen to authorize the Grand Haven Area Public Schools STEM program to erect seven (7) signs within Hofma Park and Preserve and to update the QR codes on the signs with a variety of updated

information. **Which motion carried.**

3. Tiffany Bowman – the new Director of Harbor Transit – introduced herself to the Township Board members.

VII. OLD BUSINESS

1. **Motion** by Trustee Meeusen supported by Trustee Behm to conditionally approve the Regency at Grand Haven PUD application and rezoning of parcel 70-03-33-200-085 and part of 70-03-33-200-084 from Agricultural (AG) & Rural Residential (RR) to Planned Unit Development (PUD). This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance and Master Plan. The motion is subject to, and incorporates the following report. This is the second reading. **Which motion carried** pursuant to the following roll call vote:

Ayes: Kieft, Meeusen, Behm, Reenders

Nays:

Absent: Redick, Gignac, Larsen

REPORT – REGENCY PUD

Pursuant to the provisions of the Grand Haven Charter Township (the “Township”) Zoning Ordinance (the “Zoning Ordinance”), the following is the report of the Grand Haven Charter Township Board (the “Board”) concerning an application by Grand Haven Senior Leasing LLC (the “Developer”) for approval of a Regency at Grand Haven Planned Unit Development (the “Project” or the “PUD”).

The Project will consist of a Housing for the Elderly development. This 10.44-acre Project will consist of a one-story 120-bed state-licensed skilled nursing care facility for phase 1 and an additional 20-bed expansion for a future phase 2. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”), including landscaping (the “Final Landscape Plan”) and elevation renderings (the “Final Elevations”), last revised 7/31/2017; collectively referred to as the “Documentation,” presently on file with the Township.

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

1. The Project meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, pursuant to Section 23.06.7, the Board finds as follows:
 - A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

- B. Safe, convenient, uncontested, and well defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the Township.
- D. Removal or alterations of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Board has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- F. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.
- G. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the Fire/Rescue Department.
- H. All streets and driveways are developed in accordance with the Ottawa County Road Commission (“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 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 to reduce light pollution and preserve the rural character of the Township.
- 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. As appropriate, fencing will be installed around the boundaries of the Project if deemed necessary by either the Township or the Developer to prevent trespassing or other adverse effects on adjacent lands.

- O. The general purposes and spirit of the Zoning Ordinance and the Master Plan of the Township are maintained.
- 2. The Board finds the Project meets the intent for a PUD, as described in Section 17.01.3 of the Zoning Ordinance. By approving this Project as a PUD, the Township has been able to negotiate various amenities and design characteristics as well as additional restrictions with the Developer, as described in this report, which the Township would not have been able to negotiate if the PUD Chapter of the Zoning Ordinance was not used.
- 3. Section 17.01.5, and Section 17.02.1.B.1-4 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 four departures. The Board makes the following findings.
 - A. Section 19.07.28.E – allow a reduced front yard setback.
 - i. The Board finds this acceptable because it prevents a significant impact to a regulated wetland at the rear of the property that would otherwise be preserved as dedicated open space. Further, substantial landscaping has been included to reduce the visual mass of the building being closer to the public street.
 - B. Section 19.07.28.H – allow off-street parking within the front yard.
 - i. The Board finds this acceptable because the building and parking lot were moved closer to the public street in order to prevent a significant impact to a regulated wetland at the rear of the property that will otherwise be preserved as dedicated open space.
 - C. Section 24.02.2 – allow off-street parking within the required side yard.
 - i. The Board finds this acceptable because the Section 19.07.28.E establishes a 75-foot setback for nursing and convalescent homes. This setback would prevent parking in both side yards, and require parking in the rear, which would significantly impact a regulated wetland that will otherwise be preserved through the dedicated open space.
 - D. Section 24.03 – allow a total of 128 parking spaces.
 - i. The Board finds this acceptable because the majority of the facility will likely be dedicated to short-term rehabilitation rather than long-term nursing care. Utilizing a dual-use from the parking schedule (convalescent or nursing home at 30% and hospital at 70%) the proposed number of spaces is compliant.
- 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 the conservation of natural features and resources;

- C. The Project will promote innovation in land use planning and development;
 - D. The Project will promote the enhancement of housing and commercial employment for the residents of the Township;
 - E. The Project will promote greater compatibility of design and better use between neighboring properties;
 - F. The Project will promote more economical and efficient use of the land while providing a harmonious variety of housing choices and community facilities; and
 - G. The Project will promote the preservation of open space.
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 contains distinct uses relating to the care of residents—short-term rehabilitation therapy, bariatric care, and long-term skilled nursing care.
 - D. The Project site exhibits significant natural features encompassing more than 25% of the land area, which will be preserved as a result of the PUD plan and includes regulated wetlands.
 - E. The Project site has distinct physical characteristics which makes compliances with the strict requirements of the Zoning Ordinance impractical.
6. The Board also finds the Project complies with the general PUD Design Considerations of Section 17.05 of the Zoning Ordinance.
- A. The storm water management system for the Project and the drainage facilities will properly accommodate storm water on the site, will prevent 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).

- 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 service 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 characteristics of the Township such as brick, native stone, and glass products.
- 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.
- 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. A maximum of one driveway or street opening per existing public street frontage has been permitted, with a second driveway being permitted because it adjoins an adjacent development allowing shared access with another use.
- V. The Project provides adequate accessibility for residential development with more than 24 dwelling units.

- W. The Project satisfies the minimum open space of 20 percent required by the Zoning Ordinance.
 - X. The open space in the Project is large enough and properly dimensioned to contribute to the purpose and objectives of the PUD.
 - Y. The open space in the Project consists of contiguous land area which is restricted to non-development uses.
 - Z. The open space in the Project will remain under common ownership or control.
 - AA. The open space in the Project is set aside by means of conveyance that satisfies the requirements of Section 17.05.5.G of the Zoning Ordinance.
 - BB. The Project abuts a multiple family residential PUD district and a woodland and landscaped greenbelt will provide a sufficient obscuring effect and act as a transitional area.
 - CC. The Project is consistent with the goals and objectives of the Master Land Use Plan. Specifically, it is consistent with the Master Plan designation of the property in question.
7. The Board also finds the Project shall comply with the below additional conditions as well.
- A. That the Phase 2 expansion is subject to complying with an additional full parking review that will determine if parking is sufficient, or if additional parking is required; and, if more parking is required, whether additional parking can occur either within the current boundaries or outside of the current boundaries of the proposed Planned Unit Development.
 - B. Must obtain permits from all applicable agencies including the OCRC, Ottawa County Water Resources Commissioner, State of Michigan etc. Permits shall be obtained before building permits are issued.
 - C. 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.
 - D. A revised Open Space Conveyance shall be submitted and approved by the Township Attorney prior to the issuance of a building permit.
 - E. Any violation of the conditions constitutes 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.
 - F. The right is reserved by the Township to impose additional conditions if reasonably necessary to achieve the purposes of the Zoning Ordinance.
 - G. 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.

- H. 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.
 - I. This approval is also conditioned upon the Developer meeting all applicable Federal, State, County and Township laws, rules and ordinances.
 - J. 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.
 - K. In the event of a conflict between the Documentation and these conditions, these conditions shall control.
8. The Board finds that the Project complies with the uses permitted for a residential planned unit development, as described in Section 17.07.2.A of the Zoning Ordinance—Housing for the elderly.
- 2. **Motion** by Treasurer Kieft supported by Trustee Meeusen to approve the Zoning Text Amendment (with draft date 9/12/17) to revise the Special Land Use Chapter in the Grand Haven Charter Township Zoning Ordinance. This is a second reading. **Which motion carried** pursuant to the following roll call vote:
 Ayes: Behm, Meeusen, Kieft, Reenders
 Nays:
 Absent: Redick, Gignac, Larsen
 - 3. **Motion** by Treasurer Kieft supported by Trustee Meeusen to authorize the Township Superintendent to execute the proposed legal services agreement with Dickinson Wright at a rate of \$130 per hour and to complete a review of the legal services provided and report back to the Board at the April 9, 2018 Board meeting. **Which motion carried**, with Reenders voting nay.

VIII. NEW BUSINESS

- 1. **Motion** by Trustee Meeusen supported by Trustee Behm to pay the \$170,739 Hiawatha Drain assessment prior to September 30th using monies from the undesignated fund balance of the General Fund and to draft the necessary budget amendment. **Which motion carried.**
- 2. **Motion** by Treasurer Kieft supported by Trustee Behm to approve and adopt Resolution 17-09-02, agreeing to designate the non-motorized pathway along Mercury Drive as part of the Grand River Explorers Trails and to allow wayfinding trails and amenities to be installed and maintained by the Ottawa County Parks and Recreation Department. **Which motion carried** pursuant to the following roll call vote:
 Ayes: Kieft, Reenders, Meeusen, Behm
 Nays:
 Absent: Redick, Gignac, Larsen

VIII. REPORTS AND CORESPONDENCE

- a. Correspondence was reviewed
- b. Committee Reports
 - i. Supervisor Reenders noted that there is a Township meeting in Allendale on Thursday, September 28th, and that state representatives will be at the meeting to provide legislative updates.
 - ii. Supervisor Reenders requested that an update be provided on the status of the Zoning Ordinance re-draft.
- c. Manager's Report, which included:
 - i. August DPW Report
 - ii. August Legal Review
 - iii. Manager Cargo noted that a forester with the Ottawa County Conservation District would be reviewing the Witteveen Farm property on Tuesday, October 3rd.
- d. Others

X. PUBLIC COMMENTS

- 1. Chrys Moelter-Gray (*13243 Forest Park Drive*) noted that there will be a Town Hall meeting on Addition on October 9th at 6:30 p.m. at the Community Center. She also noted the Momentum Center for Social Engagement has opened at 714 Columbus Street.
- 2. Mark Stoll (*15735 River Side Drive, Spring Lake*) noted that the Hofma Vision recommended development of mountain bike trails within Hofma Park & Preserve. He noted that a local group of riders would provide volunteer work to help develop any trails.

XI. ADJOURNMENT

Motion by Trustee Meeusen and seconded by Treasurer Kieft to adjourn the meeting at 7:40 p.m. **Which motion carried.**

Respectfully Submitted,

William Kieft, III
Grand Haven Charter Township Temporary Clerk

Mark Reenders
Grand Haven Charter Township Supervisor