

**GRAND HAVEN CHARTER TOWNSHIP BOARD**  
**MONDAY, JANUARY 8, 2018**

**WORKSESSION – 6:30 p.m.**

1. The Board reviewed the 2017 Project List and preliminary information on the year's accomplishments.

**REGULAR MEETING**

I. CALL TO ORDER

Supervisor Reenders called the regular meeting of the Grand Haven Charter Township Board to order at 7:03 p.m.

II. PLEDGE TO THE FLAG

III. ROLL CALL

**Board members present:** Reenders, Behm, Meeusen, Gignac, Redick, and Kieft.

**Board members absent:** Larsen

Also present were Manager Cargo, Public Services Director VerBerkmoes, and Community Development Director Fedewa.

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

IV. APPROVAL OF MEETING AGENDA

**Motion** by Trustee Gignac and seconded by Trustee Behm to approve the meeting agenda with the previously notified Public Hearing regarding the Lincoln Pines PUD amendment included. **Which motion carried.**

V. APPROVAL OF CONSENT AGENDA

1. Approve December 11, 2017 Regular Board Minutes
2. Approve Payment of Invoices
  - a. December Demand bills in the amount of \$260,421.09 (A/P checks of \$167,239.70 and payroll of \$93,181.39)
  - b. First Run in January in the amount of \$404,612.16 (A/P checks of \$284,054.41 and payroll of \$120,557.75)
3. Approve Bid Package for Upgrade/Replacement of Existing Audio/Visual System - Township Board Room, with a bid open date of January 24<sup>th</sup>.

**Motion** by Treasurer Kieft and seconded by Trustee Meeusen to approve the items listed on the Consent Agenda with the bid opening for the Audio-Visual System extended to January 24<sup>th</sup>. **Which motion carried.**

VI. PUBLI HEARING – LINCOLN PINES PUD AMENDMENT

Supervisor Reenders opened the Lincoln Pines PUD Amendment public hearing at 7:06 p.m.

Community Development Director Fedewa reviewed the staff memo regarding the proposed amendment – converting 27 subdivision lots to 53 condominium units due to market conditions.

It was noted that Lunnelle Berkenpas, P.E. from Holland Engineering was at the meeting to represent the developer.

No other comments were offered.

Supervisor Reenders closed the public hearing at 7:09 p.m.

VII. OLD BUSINESS

1. The Board discussed the creation of an E-Commerce Exchange Zone at the Township facility.

**Motion** by Trustee Meeusen supported by Trustee Redick to instruct staff to create an E-Commerce Exchange Zone at a cost of approximately \$2,200 – which includes the purchase and installation of two 4k video surveillance cameras and signage – and to inform the public of the location that can be used to exchange used on-line merchandise and as an exchange location for children from blended families. **Consideration of the motion was postponed, without objection, to the January 22<sup>nd</sup> Board meeting following the discussion below.**

Diane Sheridan (*17273 North Fruitport Road, Spring Lake Township*) is the director of Grand Haven Main Street DDA. Sheridan stated that these types of Exchange Zones are normally monitored by police and the zone – as proposed – could result in crime and a potential liability for the Township. Sheridan expressed she is not concerned with “Craig’s List” type of exchanges; but, that this zone could be used by e-commerce businesses, which have an unfair competitive advantage over traditional brick and mortar stores.

Sharon Behm (*15898 Ridgefield Street*) is associated with the Grand Haven Main Street DDA and stated that proposed E-Commerce Zone could negatively impact brick and mortar stores that pay property taxes and support local governments. Behm noted that this region needs a vibrant downtown and that competition from this zone could have a negative impact on downtown businesses.

Trustee Behm noted that he supports the concept as a place for blended families to exchange children; but, that he has concerns regarding the impact of the E-Commerce Exchange Zone on the brick and mortar stores that pay property taxes and define the downtown area. He noted that there are already places where these exchanges can occur and expressed concerns regarding any liability that might be created for the Township.

Trustee Redick does not believe that the proposed zone will have any impact on the overall trends toward e-commerce and that it will provide a “safer” location for exchanges.

Manager Cargo noted that, because of governmental immunity and how the site would be advertised, that he does not believe it would impact the Township’s liability regarding any incident that might occur at the proposed zone.

Treasurer Kieft stated that he would be more comfortable with some formal input from the Township Attorney on the issue of liability.

The Board instructed staff to receive a brief opinion from Attorney Bultje on this matter of potential increased liability related to the proposed E-Commerce Exchange Zone.

Trustee Meeusen and Trustee Redick agreed to postpone further consideration of their pending motion until the January 22<sup>nd</sup> Board meeting.

#### VIII. NEW BUSINESS

1. **Motion** by Trustee Redick supported by Treasurer Kieft to conditionally approve the proposed PUD Amendment for Lincoln Pines to convert 27 subdivision lots to 53 condominium units. This motion is subject to, and incorporates, the following report and conditions. **Which motion carried.**

#### **Report (Used with Motion to Approve)**

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 Signature Land Development Corporation (the “Developer”) for approval of an amendment to the Lincoln Pines Planned Unit Development (the “Project” or the “PUD”).

The Project will consist of the existing 38 platted lots in phase 1, and in phases 2 and 3 will have an additional 61 platted lots and 53 condominium units. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”), last revised 11/20/2017 and is 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 amended Lincoln Pines 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 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 development if deemed necessary to preventing trespassing or other adverse effects on adjacent lands.
- O. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.

2. The Board finds the Project meets the intent for a PUD, as described in Section 17.01.3 of the Zoning Ordinance. By approving this Project as a PUD, the Township has been able to negotiate various amenities and design characteristics as well as additional restrictions with the 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. 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 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
  - G. The Project will promote the preservation of open space.
4. The Project meets the following qualification requirements of Section 17.02 of the Zoning Ordinance:
  - A. The Project meets the minimum size of five acres of contiguous land.
  - B. The Project contains two separate and distinct residential uses—single family, and attached condominiums.
  - C. The Project site has distinct physical characteristics which makes compliances with the strict requirements of the ordinance impractical.
  - D. The PUD design includes innovative development concepts that substantially forward the Intent and Objectives of Section 17.01, and permits an improved layout of land uses that could not otherwise be achieved under normal zoning.
5. The Board also finds the Project complies with the general PUD Design Considerations of Section 17.05 of the Zoning Ordinance.
  - A. The storm water management system for the Project and the drainage facilities will properly accommodate storm water on the site, will prevent 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. 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.
- J. The Project is reasonably compatible with the natural environment of the site and the adjacent premises.
- K. 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.
- L. Exterior lighting within the Project complies with Chapter 20A for an LZ 2 zone.
- M. Outside storage of materials shall be screened from view.
- N. Signage is compliant with Section 24.13 of the Zoning Ordinance.
- O. 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.
- P. 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.
- Q. The Project satisfies the minimum open space of 20-percent required by the Zoning Ordinance.
- R. The open space in the Project is large enough and properly dimensioned to contribute to the purpose and objectives of the PUD.
- S. The open space in the Project consists of contiguous land area which is restricted to non-development uses.
- T. The open space in the Project will remain under common ownership or control.
- U. 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.

- 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.
- 6. 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—Single Family Dwellings, and provides them via traditional single-family dwellings and attached condominiums that are comprised of single family dwellings.
- 7. The Board also finds the Project shall comply with the below additional conditions as well.
  - A. Project shall comply with all the prior conditions of the prior PUD and plat approvals, to the extent relevant.
  - B. Project shall comply with all applicable federal, state, county, and Township laws and ordinances.
  - C. Project shall comply with the revisions required by the Township Attorney’s review of the declaration of covenants, the bylaws, and the master deed, all as noted in the November 14, 2017 email from the Township Attorney.
  - D. Developer shall execute a revised PUD agreement between the Township and the Developer.

IX. REPORTS AND CORESPONDENCE

- a. Committee Reports
  - i. Trustee Redick noted that Schmidt has authorized the public discussion of his proposed land donation (*i.e.*, 70± acres) and how the property could be utilized by the Township and NORA. Redick met with both NORA and the YMCA on the NORA recreation plan and the cooperation of the YMCA; both of whom agreed to continue to proceed forward with collaborative discussions on the development of a regional facility.
  - ii. Supervisor Reenders noted that he met with a group representing a number of community organizations examining a collaborative regional facility. He noted that there was some negativity regarding the location within the Township.
- b. Manager’s Report
  - i. December Building Report
  - ii. December Enforcement Report
  - iii. December DPW Report
- c. Others
  - i. Supervisor Reenders expressed concern that parking on the grass was occurring at the Witteveen and Wolf sites. Cargo noted that he would work with DPW to block access from the roadways leading onto these sites.

X. PUBLIC COMMENTS

- a. Laird Schaefer (*12543 Wilderness Trail*) noted that the YMCA Director has resigned.
- b. Bill Cousins (*15290 Winchester Circle*) is the Township's Planning Commission Chair. The Board Congratulated Cousins on completing the Master Citizen Planner certification through the Michigan State University Extension.

XI. ADJOURNMENT

**Motion** by Trustee Gignac and seconded by Trustee Behm to adjourn the meeting at 7:41 p.m. **Which motion carried.**

Respectfully Submitted,

William Kieft III  
Grand Haven Charter Temporary Township Clerk

Mark Reenders  
Grand Haven Charter Township Supervisor