

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 16, 2018

I. CALL TO ORDER

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

II. ROLL CALL

Members present: LaMourie, Taylor, Kieft, Chalifoux, Reenders, Wilson, Hesselsweet, and Wagenmaker

Members absent: Cousins

Also present: Community Development Director Fedewa, Attorney Bultje, and Assistant Zoning Administrator Hoisington

Without objection, Wilson instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Without objection, the minutes of the December 4, 2017 meeting were approved.

V. CORRESPONDENCE – None

VI. PUBLIC COMMENTS – None

VII. PUBLIC HEARING

A. Special Land Use – Outdoor Pond – Pushaw

Wilson opened the public hearing at 7:02pm.

Hoisington provided an overview through a memorandum dated January 8th.

The applicant, Tom Pushaw, was present and available to answer questions.

There being no comments, Wilson closed the hearing at 7:04pm.

VIII. OLD BUSINESS

A. Special Land Use – Outdoor Pond – Pushaw

The application was discussed by Commissioners and focused on:

- Inquired if a Soil Erosion and Sedimentation Control permit and/or floodplain permit was required.
 - Staff explained that two conditions have been included with the sample motion to approve. Applicant will have to provide a new Soil Erosion permit (*current permit has expired*), Additionally, the applicant will need to provide a DEQ permit or a Letter of No Authority stating a permit is not required.
- Questioned if a fence should be installed.
 - Barriers of some kind are required for pools under the state construction codes. However, ponds are not required to have the barriers because it has a 1:3 slope. It would be the discretion of the Planning Commission, but historically it has not required a fence around ponds.

Motion by Taylor, supported by LaMourie, to **conditionally approve** the Outdoor Pond Special Land Use application for 14766 Ammeraal Avenue, 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 and conditions:

1. Shall provide the Township with a copy of the Soil Erosion and Sedimentation Control permit prior to digging the pond.
2. Prior to construction the applicant must submit an MDEQ permit for the Outdoor Pond, or provide a Letter of No Authority if a permit is not required.

Which motion carried unanimously.

REPORT – PUSHAW OUTDOOR POND

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. As appropriate, the Planning Commission has discretion to require 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.

IX. NEW BUSINESS

A. Discussion – Future Land Use Map

Fedewa provided an overview through a memorandum dated January 11th.

Discussions by the Commissioners included:

- Requested an explanation of the rezoning process, and how that is impacted by the Future Land Use (FLU) Map.
 - Rezoning application relies upon the FLU Map to determine if the proposed rezoning is consistent with the goals and objectives of the master plan and zoning ordinance. Ignoring this Map and approving a rezoning that is not consistent will be problematic in the future if other rezoning applications should be denied.
 - Per Attorney Bultje, the Michigan Planning Enabling Act has certain exceptions that allow revisions to the master plan and FLU Map, but changing the designation of specific properties on the Map is not allowed. That process requires the 42-day comment period and subsequent public hearings, in addition to the variety of mailings.
- Concerns were raised that the Map is taking away property rights.
 - Per Attorney Bultje, the zoning district and FLU Map establish the property rights, and at no time do these take away property rights. The zoning district lists the allowable uses, and the Map identifies the additional uses that may be allowed if rezoned. Although these may not be the uses desired by a specific person, they establish the property rights and are not equivalent to a takings.
- Some properties owners choose to buy large tracts of land for future investment purposes. Changes to the FLU Map can cause significant hardship for these investments because it limits their ability to split and develop.
 - If property owners have such investments and the key to their success is reliant upon the FLU Map it is important for the owner to stay apprised of potential changes to the Map in order to protect the asset.
- Expressed concern that residents are not made aware of the changes to the Map, so they do not have an opportunity to protect their assets.
 - Per Fedewa, although staff has complied with the law for noticing changes to the Map—more can always be done.

- Buying into a zoned community includes certain assurances and limitations to property. One property owners desire and intentions may not align with an adjacent property owner. Thus, the zoning ordinance and FLU Map dictate the outcome because appointed officials without a financial interest made a long-term decision as to how that area should be developed, or in some cases remain undeveloped.
- Existing infrastructure should be used as a guide for development. Their existence creates a natural development pattern.
- Questioned why so much of the FLU Map is shown as Agricultural Preservation.
 - Per Fedewa, there are three main reasons. First, historically that has been the rural area of the Township and the Map ensures that character will be maintained. Second, there is a thriving agricultural industry in the Township and it is important to support that use by protecting the land in rural areas. By not allowing large tracts to be subdivided the Township is ensuring there is additional land available for expansion. Third, this designation is a “safe” choice. Agricultural land is easily converted to another use. Whereas, if areas were master-planned for a more intense use it is extremely difficult and complicated to reverse development. Infrastructure, principal buildings, occupants, businesses, etc. have since located on the land. If the Township later realizes that was an inappropriate location for the development it cannot be undone. By master-planning for Agricultural Preservation the Township is protecting that asset until if/when it is ripe for development.
- Fedewa explained that anticipated changes to the zoning ordinance will likely result in the need to revise the Map in late-2018. It was then requested a roll-call be done to determine where each Commissioner stands on the question—do you want to begin the process of revising the Map today?
 - Ayes – Wilson, Wagenmaker, Reenders
 - Nays – Taylor, LaMourie, Hesselsweet, Chalifoux, Kieft

Based on a 5-3 vote to not begin the process of revising the Map, this discussion was closed.

X. REPORTS

A. Attorney Report – None

B. Staff Report

- The next Zoning Ordinance Update Committee meeting is scheduled for Thursday, February 1st @ 6pm in the Main Conference Room.
- The Robbins Centre Pointe PUD application will need a Joint-Planning Commission meeting between the City and Township. Inquired if Tuesday,

February 13th @ 6pm at City Hall would be acceptable. The majority of Commissioners agreed upon that date. Fedewa will confirm the scheduling.

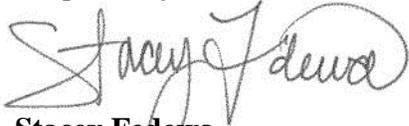
C. Other – None

XI. EXTENDED PUBLIC COMMENTS – None

XII. ADJOURNMENT

Without objection, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Stacey Fedewa". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

Stacey Fedewa
Acting Recording Secretary