

**GRAND HAVEN CHARTER TOWNSHIP BOARD
MONDAY, MARCH 26, 2018**

WORKSESSION – 6:00 p.m.

1. **Motion** by Trustee Behm and seconded by Trustee Redick 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: Behm, Reenders, Kieft, Meeusen, Redick

Nays:

Absent: Larsen, Gignac

Motion by Trustee Redick and seconded by Trustee Meeusen to exit the closed session at 6:29 p.m. **Which motion carried.**

2. Superintendent Cargo provided and reviewed a copy of a performance evaluation for Dickinson Wright. No action was taken.

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: Redick, Meeusen, Kieft, Behm, and Reenders

Board members absent: Gignac, Larsen

Also present was Manager Cargo, Fire/Rescue Chief Gerencer, and Community Development Director Fedewa.

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

IV. **APPROVAL OF MEETING AGENDA**

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

V. **APPROVAL OF CONSENT AGENDA**

1. Approve March 12, 2018 Board Minutes
2. Approve Payment of Invoices in the amount of \$640,123.40 (*A/P checks of \$523,603.09 and payroll of \$116,520.31*)

3. Approve Promotion of Lt. Shawn Shrader to Captain
4. Approve Standby Power Proposal with Century A&E (\$11,900)
5. Approve 168th Avenue Water & Sanctuary Place Sewer Bid Documents

Motion by Trustee Redick and seconded by Trustee Behm to approve the items listed on the Consent Agenda. **Which motion carried.**

VI. CEREMONY – Promotion – Captain Bars Presented to Schrader
Captain bars were presented, and the public was invited to a brief reception.

VII. OLD BUSINESS

1. Trustee Redick and Supervisor Reenders noted that the PUD application complied with all of the Township requirements. However, both opined that this specific development highlighted some issues (*e.g., parking, density, etc.*) that should be reviewed by the Committee re-drafting the Zoning Ordinance.

Motion by Treasurer Kieft supported by Trustee Meeusen to Robbins Centre Pointe PUD application and rezoning of parcels 70-03-33-100-047, 70-03-33-100-049, and 70-03-33-100-010 from Commercial (C-1) 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. This motion is subject to and incorporates the following conditions and report. This is the second reading. **Which motion carried** pursuant to the following roll call vote:

Ayes: Kieft, Meeusen, Reenders, Redick, Behm

Nays:

Absent: Gignac, Larsen

REPORT – ROBBINS CENTRE POINT PUD

Pursuant to the provisions of the Grand Haven Charter Township (the "Township") Zoning Ordinance (the "Zoning Ordinance"), the following report of the Grand Haven Charter Township Board (the "Board") concerning an application by Robbins Centre Pointe, which is comprised of Robbins Road Real Estate LLC and Bowling Family Investment LLC (the "Developers") for approval of a Planned Unit Development (the "Project" or the "PUD").

The Project will consist of six commercial buildings. The first phase being the existing gas station, which was approved via a Special Land Use application on 4/17/2017 and is hereby being incorporated into the Project. The second phase will be a 14,675 square foot multi-tenant retail building (denoted as "Building S" on the Project plans). The future phases will include four additional retail buildings, one of which could be a restaurant. These future phases are to be constructed as market demands, and prospective tenants will determine the final retail, commercial, or office use.

The Project as recommended for approval is shown on a final site

plan, last revised 2/16/2018 (the "Final Site Plan"), final site plan, last revised 3/21/2018 (the "Final Site Plan"), and final architectural plans, last revised 1/24/2018 (the "Final Architectural Plans"); 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 decision, and the Board's decision that the Robbins Centre Pointe PUD be approved as outlined in this motion. The Developers shall comply with all of the Documentation submitted to the Township for this Project. In recommending 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.
 - 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 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.
 - 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 Documentation 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 and City of Grand Haven 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 Documentation conform 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.
2. The Board finds that 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 will be 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 be able to negotiate if the PUD Chapter of the Zoning Ordinance was not used.
3. Section 17.01.5, 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 Developers have requested six departures. The Board makes the following findings.

A. Sections 15A.061 and 15A.06.2 - allow a total of four driveways; one - Whittaker Way, two - Robbins Road, and one - 172nd Avenue.

i. The Board finds this acceptable because the proposed access management plan is compliant, and supports, the Robbins Road Sub-Area Plan and Joint Robbins Road Corridor Plan. As well as, providing shared access to adjoining uses. Further, the proposed access management plan eliminates the continuous access along Robbins Road.

ii. Further, the Board already approved the gas station as a special land use, finding that it significantly improved the prior access for the predecessor gas station.

B. Section 15A.06.7 - allow reduction in spacing standards for signalized non-trunkline street.

i. The Board finds this acceptable because the curb-cuts are existing, and without keeping those driveways certain areas of the Project site would be unbuildable because they would be too narrow.

C. Section 15A.10.5 - allow interior landscape islands to be 9-feet wide.

i. The Board finds this acceptable because it will maximize the parking on-site while still providing for visual and paving breaks.

D. Sections 15A.10.3 - allow certain areas of landscaping to be adjacent to building walls rather than abutting said walls.

i. The Board finds this acceptable because it will provide flexibility in placement of door openings, reduce the likelihood of trip hazards along the main walking path, allow pedestrians to circulate farther away from vehicular traffic, and make snow removal easier. The planting areas consist of ornamental trees and shrubs to soften the visual appearance of the buildings from public roads.

E. Section 24.04.2 - allow the main drive aisle to be 27-feet in width.

i. The Board finds this acceptable because this increased width is along the main entrance from Robbins Road, which will provide additional space

for the high traffic corridor, and will allow more space for passing vehicles and/or delivery trucks.

F. Section 20.13.5.H - allow certain native tree species to be planted in "clumps," which collectively exceed the 3" caliper requirement and/or at a minimum caliper size of 2½" measured 6" above grade.

i. The Board finds this acceptable because it is the Township's preference to plant native species, and these trees either grow better in "clumps" or are only available in the smaller caliper size.

G. Section 15A.10.7 - generally, curbs must be used throughout the parking lot and paved areas. Requesting a rolled curb (*i.e.*, "short-back") along the segments of the property line to facilitate snow removal.

i. The Board finds this acceptable because this geographic area receives ample snowfall each year, and its removal is better facilitated by using a rolled curb instead of a standard 6" curb.

ii. Further, the Board finds the landscaping would prevent vehicles from parking in a non-parking lot area.

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 innovation in land use planning and development;

C. The Project will promote the enhancement of commercial employment and traffic circulation for the residents of the Township;

D. The Project will promote greater compatibility of design and better use between neighboring properties; and

E. The Project will promote more economical and efficient use of the land while providing the integration of necessary commercial facilities.

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 (5) acres of contiguous land.

B. The Project site has distinct physical characteristics and a prior development history which makes compliance

with the strict requirements of the Zoning Ordinance impractical.

- C. The PUD design substantially moves forward the Intent and Objectives of Section 17.01 of the Zoning Ordinance.
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 run off 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. Consideration was given to the bulk, placement, architecture, and type of materials to be compatible with like buildings within the PUD as well as generally compatible with buildings in the general vicinity.
 - I. Mechanical and service areas are visually screened from adjacent properties, public roadways, or other public areas.
 - J. Building walls greater than 50-feet in horizontal length, and walls which can be viewed from public streets, are constructed using a combination of architectural features, building materials, and landscaping near the

walls.

- K. On-site landscaping abuts, or is near the building walls, combined with architectural features significantly reduce the visual impact of the building mass as viewed from the street.
 - L. The predominant building materials have been found to be those characteristic of Grand Haven Charter Township such as brick, wood, native stone and tinted/textured concrete masonry units and/or 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. All outdoor storage, if any, is screened.
 - R. Signage conforms to Chapter 24, unless specific modifications are made by the Township Board, after recommendation from the Board.
 - 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 before construction is commenced.
 - U. The Project meets the access provision regulations, and creates shared access with other adjoining uses.
 - 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.
7. The Board 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.
8. The Board also finds the Project shall comply with the below additional conditions as well.
- A. All transformers or other ground equipment shall be screened with live conifer landscape material that is a minimum 24" in height at time of planting, or taller if necessary to fully screen the object.
 - B. The proposed wall pack lighting on Building S, and all future buildings, shall be sharp cut off and downcast. Plans shall be revised accordingly.
 - C. The Developer shall be a signatory on the requested 425 Agreement.
 - D. The necessary descriptions and sketches shall be provided for the 425 Agreement.
 - E. The Developers shall enter into a PUD Contract with the Township. The Contract shall be reviewed and approved by the Township Board prior to the issuance of occupancy permits.
 - F. Approval and compliance with all requirements set forth by the OCRC, OCWRC, and City of Grand Haven, etc. No building permits shall be issued until all permits have been obtained.
 - G. A shared access and maintenance agreement for the connection to Whittaker Way shall be drafted by the Developer, and then reviewed, and approved by Township Attorney Bultje. The Developers shall submit a copy of the document recorded at the Ottawa County Register of Deeds. No certificates of occupancy shall be issued until the condition is met.
 - H. An easement, or shared access and maintenance agreement for the connection to the western retail property at 948 Robbins Road shall be drafted by the Developer, and then reviewed, and approved by the Township Attorney. The Developers shall submit a copy of the document recorded at the Ottawa County Register of Deeds. No certificates of occupancy shall be issued until the condition is met.
 - I. A sidewalk easement shall be drafted by the Developer, and then reviewed, and approved by the Township and City Attorney's. The Developers shall submit a copy of the document recorded at the Register of Deeds. No

certificates of occupancy shall be issued until the condition is met.

- J. The "pork chop" curb shall be installed within the main entrance on Robbins Road to prevent inbound left-turns.
 - K. The Developer shall submit a full set of the Documentation, which includes all changes that have been required by the Board. The Documentation shall be submitted prior to the issuance of a certificate of occupancy.
 - L. Any violation of the conditions constitute 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.
 - M. The right is reserved by the Township to impose additional conditions if reasonably necessary to achieve the purposes of the Zoning Ordinance.
 - N. 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.
 - O. 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.
 - P. This approval is also conditioned upon the Developer meeting all applicable Federal, State, County and Township laws, rules and ordinances.
 - Q. 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.
 - R. In the event of a conflict between the Documentation and these conditions, these conditions shall control.
9. The Board finds the Project complies with the uses permitted for a commercial planned unit development, as described in Section 17.08.2.A of the Zoning Ordinance—Retail Businesses where no treatment or manufacturing is required.
10. The Board finds the Project shall receive the following considerations to improve the approval process currently required for multi-phased commercial developments:
- A. The overall project, design, and concept are approved; and future phases are only subject to Site Plan Review with the Board. This would be applicable, so long as they

occur within 1-year of each other. For example, to be eligible for the Site Plan Review route, the next phase would need to be presented prior to 4/1/2019. If the following phase was presented on 9/1/2019, the phase after that would have to be presented prior to 9/1/2020.

B. Basic site plan conversions to Options A-2, B-1, and B-2 subject to being approved administratively by the Zoning Administrator. If this occurs, notification of said conversion will be provided to the Board and Township Board.

VIII. NEW BUSINESS

1. **Motion** by Trustee Redick supported by Trustee Behm to approve and adopt Resolution 18-03-02, which recognizes “Folds of Honor Michigan, Inc.” as a non-profit organization that operates within Grand Haven Charter Township. **Which motion carried** pursuant to the following roll call vote:

Ayes: Redick, Reenders, Kieft, Behm, Meeusen

Nays:

Absent: Gignac, Larsen

IX. REPORTS AND CORRESPONDENCE

- a. Committee Reports – None
- b. Manager’s Report
 - i. An initial meeting with the other Nows member units noted that the Township’s water loss numbers are also occurring with the north bank communities. Preliminary review of numbers has raised concerns with the water plant’s master meters and their “operating windows”.
 - ii. OPEB report has been completed and provided to the auditors.
 - iii. The Housing Services department will be seeking an additional \$10k from the Township, bring the annual “ask” to \$17k. This will be discussed at the next meeting.
 - iv. The Board Room AV project was delayed due to the proposed 15-inch monitors no longer being produced. Cargo authorized an upgrade to 20-inch monitors. Work will begin on April 3rd – which means that the next Board meeting will not have a working AV system.
- c. Others – Supervisor Reenders expressed concern with minor PUD amendments within the Overlay District being approved by the Supervisor and PC Chair, especially as they may relate to architectural standards.

X. PUBLIC COMMENTS

None.

XI. ADJOURNMENT

Motion by Treasurer Kieft 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 Township Temporary Clerk

Mark Reenders
Grand Haven Charter Township Supervisor