

**GRAND HAVEN CHARTER TOWNSHIP BOARD
MONDAY, MAY 14, 2018**

WORKSESSION – 6:30 p.m.

1. The Board reviewed the 2018 Project List with staff.
2. The Board discussed a proposal to annex the Northwestern portion of Ottawa County into the Muskegon Community College (MCC) District. The Board expressed concerns with voter tax fatigue and limited benefits from the proposed expansion of MCC services; but, did not take a formal position. The Township will attend an upcoming lunch hosted by the Chamber for more information.

REGULAR MEETING

I. CALL TO ORDER

Supervisor Reenders called the regular meeting of the Grand Haven Charter Township Board to order at 7:07 p.m.

II. PLEDGE TO THE FLAG

III. ROLL CALL

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

Board members absent:

Also present was Manager Cargo and HR Director Dumbrell.

IV. APPROVAL OF MEETING AGENDA

Motion by Clerk Larsen and seconded by Trustee Behm to approve the meeting agenda with the “Approval of Pathway Extension Bids” added. **Which motion carried.**

V. APPROVAL OF CONSENT AGENDA

1. Approve April 23, 2018 Board Minutes
2. Approve Payment of Invoices in the amount of \$837,053.86 (A/P checks of \$622,905.38 and payroll of \$214,148.48)
3. Approve Hire of Part-time Fire/Rescue Personnel - Ahmad Hijazi
4. Approve Re-Appointment of Caryn Lannon as a Township Representative to the Loutit District Library Board for a term ending on June 30, 2021

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

VI. OLD BUSINESS

1. Supervisor Reenders left the Board table because of previous Board approval to recuse himself from the Village at Rosy Mound PUD matter due to family relatives’ financial connection to the development.

William Greene (13407 Redbird Lane) expressed opposition to the proposed PUD amendment that will allow a drive from the high school onto Rosy Mound.

Motion by Trustee Redick supported by Clerk Larsen to conditionally approve the proposed PUD Amendment for Village at Rosy Mound to allow the Grand Haven Area Public Schools to construct an occasional use, gated, exit-only, right-turn only driveway onto Rosy Mound Drive. This motion is subject to, and incorporates, the following report and conditions. **Which motion carried.**

REPORT – VILLAGE AT ROSY MOUND – PUD AMENDMENT

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 RW Properties I LLC (the “Developer”) for approval of a Village at Rosy Mound Planned Unit Development (the “Project” or the “PUD”).

The Project amendment will consist of an occasional use, gated, exit-only, right-turn only driveway onto Rosy Mound Drive for the benefit of the Grand Haven Area Public Schools to effectively discharge traffic from the Grand Haven High School. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”), last revised 2/15/2018, 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 determination, and the Board’s decision that the Village at Rosy Mound PUD Amendment 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. In addition, an internal sidewalk system and a non-motorized pathway within the Rosy Mound Drive right-of-way have been included.
 - 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 a modification of access standards pursuant to Section 15A.07. The Board makes the following findings.
- A. Section 15A.07.1 – practical difficulties exist on site that makes compliance unreasonable.
 - i. As part of the site plan review process the Board considered this condition and find that sight distance limitations, topography, wetlands, existing development, and unique site configuration warrant the requested modifications.
 - B. Section 15A.07.2 – involves an access improvement to an existing site.
 - i. As part of the site plan review process the Board considered this condition and find that access and dispersal of traffic from the existing Grand Haven High School site will be improved.
 - C. Section 15A.07.3 – modification is consistent with MDOT guidelines and MDOT staff support the proposed access design.

- i. As part of the site plan review process the Board considered this condition and find that MDOT staff have reviewed the driveway configuration and have no objections.
 - D. Section 15A.07.4 – modification is consistent with the general intent of the standards of the Overlay Zone and the recommendations of the U.S. 31 and M-45 Corridor Study.
 - i. As part of the site plan review process the Board considered this condition and find the requested modifications are consistent with the general intent and standards listed in Section 15A.01.
 - E. Section 15A.07.5 – if necessary, a traffic study will be provided that certifies the modifications will improve traffic operations and safety and is not simply for convenience of the development.
 - i. As part of the site plan review process the Board considered this condition and find that a traffic study is not necessary. The applicant, and representatives from Grand Haven Area Public Schools have supplied enough evidence to satisfy this condition.
 - F. Section 15A.06 – demonstrate such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.
 - i. As part of the site plan review process the Board considered this condition and find the Grand Haven Area Public Schools and Ottawa County Road Commission are the only adjacent property owners, and each have a vested interest in this project. Additionally, the two sites are built-out and nothing has been presented that suggests either will redevelop in the future.
 - G. Section 15A.07.7 – roadway improvements will improve overall traffic operations.
 - i. As part of the site plan review process the Board considered this condition and find that Grand Haven High School has a known history of problematic traffic dispersal after special events, and this occasional use, exit-only driveway will improve the overall traffic operations for that site.
 - H. Section 15A.07.8 – indirect or shared access is not reasonable.
 - i. As part of the site plan review process the Board considered this condition and find that based on existing development and the history of the Grand Haven Area Public Schools attempting to find a location for a separate exit-drive there are no other viable alternatives.
 - I. Section 15A.07.9 – modifications shall be demonstrated to be the minimum necessary.
 - i. As part of the site plan review process the Board considered this condition and find the applicant has demonstrated the requested modifications to be the minimum necessary, with the exception of the condition to reduce the width to a maximum of 14-feet.
- 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 greater compatibility of design and better use between neighboring properties;
 - E. The Project will promote more economical and efficient use of the land.

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 three separate and distinct residential uses—congregate, assisted living, and cottages, and provides an alternative means for special event traffic dispersal for the nearby Grand Haven High School.
 - 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 forested areas and 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. The Project is reasonably compatible with the natural environment of the site and the adjacent premises.
 - G. 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.
 - H. Signage is compliant with Section 24.13 of the Zoning Ordinance.
 - I. 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.
 - J. 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.
 - K. A maximum of one driveway or street opening per existing public street frontage has been permitted, unless otherwise modified.
 - L. The Project abuts a single family residential district and a woodland will provide a sufficient obscuring effect and act as a transitional area.
 - M. The Project is consistent with the goals and objectives of the Master Land Use Plan.

7. The Board also finds the Project complies with the Overlay Zone findings and statement of purpose found in Section 15A.01 and 15A.04.6 of the Zoning Ordinance.
 - A. The Project accommodates a variety of uses permitted by the underlying zoning, but ensures such uses are designed to achieve an attractive built and natural environment.
 - B. The Project 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.
 - C. The Project ensures safe access by emergency vehicles.
 - D. The Project encourages efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
 - E. The Project preserves the capacity along US-31 and other roads in the Overlay Zone by limiting and controlling the number and location of driveways and requires alternate means of access through service drives.
 - F. The Project seeks to reduce the number and severity of crashes by improving traffic operations and safety.
 - G. The Project requires coordinated access among adjacent lands where possible.
 - H. The Project provides landowners with reasonable access, although the number and location of access points may not be the arrangement most desired by the Developer.
 - I. The Project preserves woodlands, view sheds, and other natural features along the corridor.
 - J. The Project ensures that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.
 - K. The Project implements the goals expressed in the US-31/M-45 Corridor Study.
 - L. The Project establishes uniform standards to ensure fair and equal application.
 - M. The Project addresses situations where existing development within the Overlay Zone does not conform to the standards.
 - N. The Project promotes a more coordinated development review process with the Michigan Department of Transportation and the OCRC.
 - O. The Project's existing views to natural areas, woodlands and other natural features, will be preserved to the extent practical.
 - P. The number of access points within the Project have been restricted to the fewest needed to allow motorists reasonable access to the site.
 - Q. The Project's access spacing from intersections, other driveways, and any median crossovers meet the standards within the Overlay Zone, and the standards of applicable MDOT and the OCRC, and are the maximum practical.
 - R. Provisions for this Project have been made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements.
 - S. Traffic impacts associated with the Project are accommodated by a road system that will not degrade the level of service below one grade, and in no case shall any movements be projected at a level of service below D, unless improvements are made to address the impacts.
8. The Board also finds the Project shall comply with the below additional conditions as well.
 - A. The width of the proposed occasional use, gated, exit-only, right-turn only driveway shall be decreased to 14-feet.

- B. Emergency vehicles shall be able to utilize the occasional use, gated, exit-only, right-turn only driveway if an emergency situation presents itself and it is impractical to gain access via an alternative location.
- C. Project shall comply with all the prior conditions of the prior PUD approval, to the extent relevant.
- D. Project shall comply with all applicable federal state county, and Township laws and ordinances.
- E. Developer shall execute a PUD Agreement between the Township and the Developer.
- F. A safety officer that is approved by a recognized law enforcement agency shall be onsite to assist with traffic control when each event concludes.
- G. The Township shall review this application again in 1-year to determine if any changes are warranted to improve the function and compatibility of the road. The Township intends to collect feedback from all relevant agencies, including, but not limited to the Ottawa County Road Commission and Ottawa County Sheriff's Office.

Supervisor Reenders returned to the Board table and resumed his duties as the Township Supervisor.

- 2. Carl Austin (*10687 158th Avenue*) expressed opposition to the proposed paving of 158th Avenue.

Motion by Treasurer Kieft supported by Trustee Gignac to discontinue and cease any action on the proposed 158th Avenue special assessment paving district petition process because of further input from area residents that indicates that support from property owners within the proposed district has fallen to about 45 percent and instructing Manager Cargo to cease any further action or expenditures. **Which motion carried.**

- 3. **Motion** by Trustee Meeusen supported by Trustee Behm to adopt Resolution 18-05-01 that adopts the May budget amendments for fiscal year 2018. **Which motion carried** pursuant to the following roll call vote:

Ayes: Larsen, Gignac, Kieft, Meeusen, Redick, Behm, Reenders

Nays:

Absent:

- 4. **Motion** by Trustee Gignac supported by Clerk Larsen to approve the funding for re-surfacing an additional 0.7 miles of streets and for the Township Superintendent to execute the Project Estimate agreement with the Ottawa County Road Commission at an estimated cost of \$171,806.25. **Which motion carried.**

VIII. NEW BUSINESS

- 1. **Motion** by Trustee Meeusen supported by Trustee Gignac to award the 168th Avenue and Lincoln Street Pathway Extension project to Weick Brothers, Inc. for the bid price \$790,519.20 and to authorize Superintendent Cargo to execute the necessary construction contract. Further, it is understood that Cargo will approve a change order in the amount of \$75,350 to address admitted errors made by Weick Brothers, Inc. on Bid Items #7 and #17. **Which motion carried.**

VIII.. REPORTS AND CORESPONDENCE

- a. Committee Reports
- b. Manager's Report
 - i. April Building Report
 - ii. April Ordinance Enforcement Report
 - iii. April DPW Report
- c. Others

IX. PUBLIC COMMENTS

None.

XI. ADJOURNMENT

Motion by Clerk Larsen and seconded by Trustee Behm to adjourn the meeting at 7:31 p.m. **Which motion carried.**

Respectfully Submitted,

Laurie Larsen
Grand Haven Charter Township Clerk

Mark Reenders
Grand Haven Charter Township Supervisor