

**GRAND HAVEN CHARTER TOWNSHIP BOARD
MONDAY, AUGUST 27, 2018**

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, Gignac, Larsen, Meeusen, Kieft, Behm, and Reenders

Board members absent:

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

IV. APPROVAL OF MEETING AGENDA

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

V. APPROVAL OF CONSENT AGENDA

1. Approve August 13, 2018 Board Minutes
2. Approve Payment of Invoices in the amount of \$723,876.83 (A/P checks of \$613,176.75 and payroll of \$110,700.08)
3. Approve - Regency at Grand Haven - Request for PUD Extension

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

VI. PUBLIC COMMENTS

1. Craig Yoas opined that Pathway ordinance was not being properly enforced by Manager Cargo and that he was concerned with the safety of the users of the pathway. He believed that the pathway signage was ambiguous and haphazard; that the Z-Tire pathway cut should have been repaired in ten days but took about seven weeks; and, that pathway projects are not being monitored.

Yoas also indicated he was unsatisfied with the description of his place on the agenda.

Yoas did appreciate the Township's pathway system and the new construction work being completed.

VII. OLD BUSINESS

1. The Board discussed the Lakeshore Gardens Apartments and the concern of the office

buildings to the east, that being vehicles could “*cut through into their parking area from the apartment’s entry drive*”. It was noted that a six-inch high-back curb and sidewalk would separate the entrance drive from the office buildings. Ben Robbins stated that the developer would not support installing any type of landscaping.

Motion by Trustee Redick supported by Treasurer Kieft to conditionally approve the Lakeshore Gardens Apartments PUD application and rezoning of 17134 Robbins Road, 17114 Robbins Road, and Parcel No.’s 70-03-33-200-056, -070 and -077 from Commercial (C-1) and Industrial (I-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: Larsen, Gignac, Kieft, Meeusen, Redick, Behm, Reenders

Nays:

Absent:

REPORT

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 Chad Bush (the “Developer”) for approval of a Lakeshore Gardens Planned Unit Development (the “Project” or the “PUD”).

The Project will consist of a multi-family apartment complex. This 11.47-acre Project will consist of six three-story buildings, four buildings will contain 24-units, the remaining two will each contain 30-units. The floor areas of the 156-units range from 496-sqft to 1,070-sqft. It also includes 94-enclosed garage spaces, 224-surface parking spaces. It will also include 2.5-acres of designated open space. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”), last revised 6/8/2018, including landscaping (the “Final Landscape Plan”), last revised 6/8/2018, and elevation renderings (the “Final Elevations”), last revised 5/15/2018; 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 that the Lakeshore Gardens PUD be approved as outlined in this motion. The Developer shall comply with all 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. In addition, an internal sidewalk system has been included and an external sidewalk within the Robbins Road right-of-way.
 - 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 stormwater, 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. 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 Developer requested two departures. The Board makes the following findings.
 - A. Section 24.04.1 – allow a 35-foot maneuvering lane in front of the garage buildings.
 - i. The Board finds it acceptable to allow the increased width to enable easier, and safer, turning movements within the site. Particularly for the barrier-free spaces that can accommodate a wheelchair accessible van. Developer is only required to provide 8 barrier-free spaces + 1 van-accessible barrier-free space. In this case, the Developer is providing 22 barrier-free spaces, or 144% more than required.
 - B. Section 21.02 – allow a reduced minimum floor area for 51-units; 12-units at 496-sqft and 39-units at 730 square feet.
 - i. The Board finds it acceptable to allow the reduced floor area because it will enable the Developer to provide some affordable housing to the community. In addition, the Developer provided compelling comparisons of other apartment sizes. The Executive Director of Housing Next supports the reduced floor area as well.
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 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 in the form of a clubhouse; 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 Project site has distinct physical characteristics which makes compliances with the strict requirements of the ordinance impractical.

- C. 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 and other site features that could not otherwise be achieved under normal zoning.
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. 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 3 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 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.
7. The Board finds 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—Multiple Family Dwellings.
8. The Board also finds the Project shall comply with the below additional conditions as well.
- A. Must obtain permits from all applicable agencies including, the Ottawa County Water Resources Commissioner and City of Grand Haven. Permits shall be obtained before building permits are issued.
 - B. The Developer shall enter into a PUD Contract with the Township, which will be drafted by the Township Attorney and executed by the Township Board prior to receiving an occupancy permit.
 - C. Open Space Conveyance shall be recorded with the Ottawa County Register of Deeds and a copy provided to the Township.
 - D. The following conditions are imposed as a result of the Environmental Site Assessments and Due Care Plan:
 - i. Because utilities are proposed near a known area of impact, require a detailed plan for watermain and sanitary sewer construction including “petroleum resistant” gasket material.
 - ii. An assessment of salt spillage in soil and groundwater on utility construction. Salt can be corrosive to metal pipe.
 - iii. Prohibition on water wells (*except monitoring wells*) either through PUD approval or a restrictive covenant.
 - iv. Provide results of dewatering hydrogeological assessment.
 - v. Provide results of groundwater monitoring.
 - vi. Provide results of volatilization to indoor air assessment and whether engineering controls are needed based on groundwater monitoring.
 - vii. Provide location of remaining impacted soils or groundwater on final plan in form that can be permanently referenced in the future.
 - viii. Provide confirmation of holding tank removal or closure in place.

- ix. Provide copy of final Due Care Plan at conclusion of construction. This is important for Township utility workers in case they must make a repair to utilities in the future, both for health and safety of workers during the repair and the need for addressing groundwater and/or soil contamination during dewatering and excavation.
 - x. Install a petroleum-resistant vapor barrier, or other alternative remedies on all buildings that comply with DEQ standards, if results of additional testing warrant the need. All results shall be shared with and reviewed by the Township's Engineering Firm Prien & Newhof.
2. **Motion** by Trustee Meeusen supported by Trustee Redick to approve and adopt Resolution 18-08-06 that abandons a portion of Ammeraal Avenue and the Ammeraal Alley Portion, relinquishes jurisdiction over them, and allows property to revert or be transferred to the adjacent property owners, except that a utility easement is retained over the east 33 feet of the street right-of-way. **Which motion carried** pursuant to the following roll call vote:
 Ayes: Behm, Gignac, Meeusen, Redick, Kieft, Reenders, Larsen
 Nays:
 Absent:

VIII. NEW BUSINESS

1. **Motion** by Trustee Redick supported by Trustee Gignac to approve the Seventh Amendment to the Sewer Authority Agreement that details financial responsibilities regarding payment of the bonds for the upcoming improvements to the sewage treatment facility, force main and certain pump stations. Further, Supervisor Reenders and Clerk Larsen are authorized to execute the proposed 7th amendment on behalf of Grand Haven Charter Township. **Which motion carried.**
2. **Motion** by Trustee Meeusen supported by Clerk Larsen to present and postpone the Zoning Map Amendment Ordinance concerning the rezoning of 6-acres from part of parcel 70-07-11-100-003 from Agricultural (AG) to Rural Residential (RR), with the remaining 34-acres to remain Agricultural. Further action will be postponed until the next regularly scheduled Board meeting when the zoning map amendment ordinance will be considered for adoption. **This is the first reading.**
3. **Motion** by Clerk Larsen supported by Trustee Redick to approve an exception to the Private Road Ordinance allowing a residential building permits for existing lots of record on the Lincoln Pines Estates private road that does not comply with current private road standards.

This exception is conditioned upon the following:

- a. The private road must be at least sixty-six feet (66') in width for the entire length of the road.
- b. The private road must have a subbase of granular material (M.D.O.T. Class II), which is at least 12 inches (12") in depth for the entire length of the road.
- c. The private road must have an aggregate base course of compacted gravel, crushed concrete, slag, or similar material which is at least six inches (6") in depth for the entire length of the road.

- d. The minimum width of both the subbase and the aggregate base course shall be at least twenty-three feet (23') for the entire length of the road.
- e. The private road shall have a vertical clearance of at least thirteen feet (13') for the entire length of the road.
- f. The private road must be "clear and passable" an additional two feet on each side of the road, which means it shall free of brush, shrubs, trees, obstructions, or any other debris.
- g. The "gravel" private road will end in a cul-de-sac with a minimum 40-foot radius.
- h. No occupancy permit for any building accessed by the private road shall be issued until the owner's engineer has certified to the Township that the private road has been constructed in compliance with all of the aforementioned requirements.
- i. The owner(s) of the property adjacent to the proposed Lincoln Pines Estates private road must record a document describing the private road and provisions of maintenance with the Ottawa County Register of Deeds and shall also provide a copy of this document to any purchaser of property served by the private road. The maintenance provisions (*e.g., snow removal, tree trimming, tree removal, and reconstruction*) shall apportion the maintenance responsibilities among the appropriate property owners.
- j. The owner(s) of the property adjacent to the proposed Lincoln Pines Estates private road shall sign a special assessment agreement. The agreement must be signed by all the owners of record of all the property to be served by the private road at the time of the application. The agreement shall provide that if the private road is not maintained in accordance exception, the Township shall have the option but not the obligation to establish a special assessment district to fund the required improvements. The agreement shall provide that all of the signatories and their successors shall be deemed in favor of the special assessment district, and all their property shall be included within the special assessment district. The agreement shall be drafted by the Township attorney, and it shall be recorded with the Ottawa County Register of Deeds.
- k. The name of a private road shall be established only with the approval of the Township's Fire and Rescue Department in order to avoid confusion or duplication of names.
- l. The property may not be divided or split inasmuch as an additional split would increase the private road non-conformity.
- m. The property shall meet all other environmental, building and zoning requirements that may arise during the course of the home construction.
- n. The property owner and the Township shall enter into an agreement based upon this motion, which agreement shall be recorded with the Ottawa County Register of Deeds

This exception is granted pursuant to the following findings:

- a. That the strict application of the literal terms of the Private Road ordinance would impose an undue and substantial hardship on the owners of Lincoln Farm Estates into compliance with the Private Roads and Driveways Ordinance and the benefits would be limited, pursuant to findings described below.
- b. That the aforementioned improvements to the Lincoln Farm Estates road system will ensure adequate access for emergency vehicles.

- c. That granting the exception would not alter the essential character of the surrounding neighborhood
- d. That the residential units to be constructed can meet the requirements of all other applicable state and township regulations.

Which motion carried.

IX. REPORTS AND CORESPONDENCE

- a. Committee Reports
 - i. Personnel Committee will meet on September 12th at 7:00 a.m.
 - ii. NORA Board will meet on September 5th at 5:30 p.m. to discuss a job search for a new director.
 - iii. The Township's proposed donation policy will be discussed by the Parks and Recreation Committee at their meeting on August 29th at 6:30 p.m.
 - iv. The September 10th Board work session will discuss the Township's pathway system.
- b. Manager's Report
 - i. July Legal Review
- c. Others

X. PUBLIC COMMENTS

- a. Bob Brown (*15012 Copperwood Drive*) asked if the Health Pointe project had indicated that they would be applying for an exemption. Manager Cargo indicated that Health Pointe was expected to apply for an exemption this Fall.
- b. Supervisor Reenders noted that the Planning Commission had discussed Master Planning the "old" Zelenka property along Lake Michigan Drive to Industrial PUD. Manager Cargo noted that the Chamber was also aware of this discussion.

XI. ADJOURNMENT

Motion by Clerk Larsen and seconded by Trustee Meeusen to adjourn the meeting at 7:50 p.m. **Which motion carried.**

Respectfully Submitted,

Laurie Larsen
Grand Haven Charter Township Clerk

Mark Reenders
Grand Haven Charter Township Supervisor