

**GRAND HAVEN CHARTER TOWNSHIP BOARD
MONDAY, SEPTEMBER 24, 2018**

WORKSESSION – 6:30 p.m.

1. Manager Cargo reviewed the 2018 Project List, which will be the last review before a final review in December.
2. The Board discussed a request for increased financial support for the City of Grand Haven Housing Services program – which also provides housing services for Township residents. The Board instructed staff to agree to a contribution of \$8,100 for FY 2019.

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

Also present was Manager Cargo, Human Resources Director Dumbrell, Community Development Director Fedewa, and Deputy Treasurer Larrison.

IV. APPROVAL OF MEETING AGENDA

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

V. APPROVAL OF CONSENT AGENDA

1. Approve September 10, 2018 Board Minutes
2. Approve Payment of Invoices in the amount of \$367,934.41 (*A/P checks of \$249,568.18 and payroll of \$118,366.23*)

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

VI. PRESENTATION

- County Commission Bergman noted Ottawa County’s opposition to Proposal 1 (*i.e., the recreational use of marijuana*) and introduced Sheriff Kempker.
- Sheriff Kempker provided a PowerPoint presentation opposing Proposal 1.

VII. PUBLIC HEARINGS

1. Supervisor Reenders opened the 2018 “Truth in Taxation” public hearing at 7:37 p.m.

Deputy Treasurer Larrison provided an overview of the proposed 2018 millage rates noting that because the Township's taxable value will rise, the millage rate will be reduced from 4.6117 to 4.5861.

There being no further comments, Supervisor Reenders closed the public hearing at 7:40 p.m.

2. Supervisor Reenders opened the public hearing on the Grand Haven Professional Center at 7:40 p.m.

Community Development Director Fedewa presented a staff memorandum, dated September 19th, on a proposed two-suite medical office building that will about 14,907 square feet in size and include 70 parking spaces.

Supervisor Reenders noted that because he does not believe that the Zoning Ordinance allows medical offices in commercial PUDs that he will oppose the project.

There being no further comments, Supervisor Reenders closed the public hearing at 7:45 p.m.

VIII. OLD BUSINESS

1. **Motion** by Trustee Redick supported by Treasurer Kieft to adopt Resolution 18-09-03 approving the levy of additional allowable millage rate of 0.1187 and authorizing Supervisor Reenders and Clerk Larsen to sign the L-4029 2018 Tax Rate Request. **Which motion carried**, pursuant to the following roll call vote:
Ayes: Larsen, Gignac, Kieft, Redick, Behm, Reenders
Nays:
Absent: Meeusen
2. **Motion** by Treasurer Kieft supported by Clerk Larsen to approve a one-year extension of Grand Haven Charter Township's contribution to the Grand Haven Neighborhood Housing Services program in the amount of \$8,100. **Which motion carried.**
3. **Motion** by Trustee Redick supported by Trustee Gignac to conditionally approve the proposed Grand Haven Professional Center PUD Amendment application to construct a 14,907 sq ft two-story, two-suite office building on the south outlot of the Timberview PUD, with Parcel No. 70-03-33-200-072. This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance and Master Plan. The motion is subject to, and incorporates, the following report concerning the Planned Unit Development, including conditions of approval. **Which motion carried**, pursuant to the following roll call vote:
Ayes: Kieft, Behm, Gignac, Larsen, Redick
Nays: Reenders
Absent: Meeusen

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 Hudsonville Professional Center LLC – Bradley A. Dykstra, DDS (the “Developer”) for approval of Grand Haven Professional Center Planned Unit Development Amendment (the “Project” or the “PUD”).

The Project will consist of an office building. This 1.69-acre Project will consist of a two-story, two-suite office building with a building footprint of 9,662 square feet, and an overall gross floor area of 14,907 square feet. It also includes 70 surface parking spaces. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”), last revised 9/24/2018, including landscaping (the “Final Landscape Plan”) and elevation renderings (the “Final Elevations”), last revised 7/31/2018 and 8/16/2018; 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 recommendation, and the Board’s decision that the Grand Haven Professional Center PUD Amendment 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 Planning Commission 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 external sidewalk within the 172nd Avenue right-of-way has been provided.
 - 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 six departures. The Board makes the following findings.
 - A. Section 21.01.8 – allow a 23.7-foot side yard setback on the west property line.
 - i. The Board finds it acceptable because there is a 60-foot right-of-way from the centerline of 172nd Avenue. Furthermore, this property has three road frontages,

and corner lot side yard setbacks require 25-feet when only 9-feet is required for an interior side yard.

- B. Section 21.01.8 – allow a portion of the dumpster enclosure to encroach into the required side yard.
 - i. The Board finds it acceptable to allow a portion of the dumpster enclosure to encroach into the required 25-foot side yard setback because it is a well-suited location to enable refuse removal to be less visible, and lessen the impact on vehicles maneuvering through the site. Furthermore, the dumpster enclosure would still be setback over 10-feet from road edge, which does not encroach into the Dune View Drive right-of-way.
 - C. Section 24.03 – reduce the required number of parking spaces from 149 to 70.
 - i. The Board finds this acceptable because it is not feasible to construct 149 parking spaces on this property because it would consume at least 55% of the total land area. Based on the applicants well-established experience, 149 spaces are excessive and unnecessary for this type of land use. Furthermore, it is a goal of the Resilient Master Plan to reduce impervious surface, and this departure request achieves that goal.
 - D. Section 24.13 – allow the commercial sign to be setback 10-feet from lot lines.
 - i. The Board finds this acceptable because additional right-of-way width demands the sign be setback an additional 27-feet than it would on a section of road with a standard right-of-way. Furthermore, the proposed language of the new zoning ordinance will be to require a setback of either 5-feet or 10-feet, which is consistent with the applicant’s request.
 - E. Section 24.12.12.A – allow the electronic message board on the ground sign to be 15 square feet in size.
 - i. The Board does not find this acceptable because there are no existing conditions that prevent the applicant from complying with the current sign requirements. Furthermore, there is no identifiable benefit the Township is receiving in exchange for the larger digital display.
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 commercial employment 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 integration of necessary commercial facilities; 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 original Timberview PUD design, with the PUD that will result from this Project, 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 stormwater management system for the Project and the drainage facilities will properly accommodate stormwater 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 Board before construction is commenced.
 - Q. 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 that the Project complies with the uses permitted for a commercial planned unit development, as described in Section 17.08.2.D of the Zoning Ordinance—Office Buildings.
- A. Office buildings, together with accessory buildings and uses customarily incidental to office buildings, have historically been and are currently permitted to be located in commercial planned unit developments.
 - B. “Office buildings” are not defined in the Zoning Ordinance, but they are commonly defined to include professional activities such as medical offices.
 - C. Although the Service Professional District specifically references medical offices, among other offices, since 1979, when the Service Professional District was established, the Township has consistently interpreted its Zoning Ordinance to not limit medical offices and other offices described in the Service Professional District to just being located in the Service Professional District. Rather, medical offices and other offices specifically described in the Service Professional District have since 1979 routinely been allowed in the Commercial District as well, which allows “office buildings.”
 - D. Chapter Six, Future Land Use Plan, of the 2009 Township Master Plan, states on page 6-9; as well as Chapter Nine, Future Land Use and Zoning Plan, of the 2016 Township Master Plan, states on page 66-67; that the Commercial, the Service Professional, and the Commercial Planned Unit Development Districts should **all** be considered as commercial, and that **any** commercial development proposal significant in scale or

scope (as the Board finds this Project is) should be considered as a planned unit development.

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 Ottawa County Road Commission. 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 certificate.
 - C. The Developer shall provide the Township with an easement for the external sidewalk along 172nd Avenue, which will be drafted by the Township Attorney and recorded with the Ottawa County Register of Deeds.
 - D. The Developer is responsible for clearing and maintaining the sidewalk until the time when an unobstructed and connected system of walkways occurs from the jurisdictional boundary with the City of Grand Haven to the nonmotorized pathway on Comstock Street. Clearing shall occur minimally when 3-inches of snow has fallen. Bi-annual maintenance of sweeping the sidewalk shall occur in the spring and fall of each year.
 - E. The Developer shall submit a full set of the Documentation, which includes all changes that have been required by the Township. The Documentation shall be submitted prior to the receiving an occupancy certificate.
 - F. This approval is also conditioned upon the Developer meeting all applicable Federal, State, County, and Township laws, rules, and ordinances.
 - G. The Developer shall comply with all the requirements of the Documentation, specifically including all the notes contained thereon, and all the representations made in the written submissions by the Developer to the Township for consideration of the Project.
 - H. In the event of a conflict between the Documentation and these conditions, these conditions shall control.

IX. NEW BUSINESS

1. **Motion** by Clerk Larsen supported by Trustee Gignac to adopt Resolution 18-09-04 that allows the Assessor of Grand Haven Charter Township to waive the penalty for failing to file a property transfer affidavit unless the information that would normally be collected from a transfer is necessary to accurately complete the assessment roll.
Which motion carried, pursuant to the following roll call vote:
Ayes: Behm, Gignac, Redick, Kieft, Reenders, Larsen
Nays:
Absent: Meeusen

X. REPORTS AND CORESPONDENCE

- a. Committee Reports
 - i. Personnel Committee will meet Wednesday, October 3rd at 7:00 a.m.
 - ii. Public Works and Transportation will meet Thursday, October 4th at 7:00 a.m.

- b. Manager's Report
 - i. August DPW Report
 - ii. August Legal Review
 - iii. Manager Cargo noted that staff are preparing and planning to collaborate with other local governmental units on Proposal 1
- c. Others
 - i. Trustee Redick discussed the actions that the Board may need to take if Proposal 1 is approved by the voters. Noting that a municipal ordinance would be sufficient to prohibit or regulate the number of marijuana businesses (which could be overridden by a voter initiative), the types of businesses that could be licensed by the state during the initial year following certification of the election, and other considerations.

Trustee Redick also noted that under Michigan law, edibles cannot be marketed that resemble candy (*e.g., gummy bears or worms*).

XI. PUBLIC COMMENTS

- 1. Brett Tompkins (*12041 Gaddini Court*) noted that a letter signed by about 70 residents was provided asking the Township to pave all 19 miles of gravel roads.

Manager Cargo noted that monies would be provided in the budget to prime and double chip certain gravel roads at an estimated cost of \$110k per mile. And, that this could be made available at the normal 50% SAD paving policy.

- 2. Laird Schaefer (*12543 Wilderness Trail*) thanked Public Services Director VerBerkmoes for repairing the School Zone sign on Lakeshore that had been struck by lightning.

XII. ADJOURNMENT

Motion by Clerk Larsen and seconded by Trustee Redick to adjourn the meeting at 8:13 p.m. **Which motion carried.**

Respectfully Submitted,

Laurie Larsen
Grand Haven Charter Township \Clerk

Mark Reenders
Grand Haven Charter Township Supervisor