

GRAND HAVEN CHARTER TOWNSHIP BOARD
MONDAY, AUGUST 27, 2018

WORK SESSION – CANCELLED

REGULAR MEETING – 7:00 P.M.

- I. CALL TO ORDER
- II. PLEDGE TO THE FLAG
- III. ROLL CALL
- IV. APPROVAL OF MEETING AGENDA
- V. 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
- VI. PUBLIC COMMENTS
 1. Craig Yoas
- VII. OLD BUSINESS
 1. Second Reading – PUD – Lakeshore Gardens – Multifamily Apartment Complex
 2. Approve Resolution 18-08-06—Vacate portion of Ammeraal Avenue
- VIII. NEW BUSINESS
 1. Approve Seventh Amendment to Sewer Authority Agreement
 2. First Reading – Rezoning – AG to RR – Glueck
 3. Private Road Exception – Lincoln Farm Estates
- IX. REPORTS AND CORRESPONDENCE
 1. Committee Reports
 2. Manager’s Report
 - a. July Legal Review
 3. Others
- X. EXTENDED PUBLIC COMMENTS/QUESTIONS ON NON-AGENDA ITEMS ONLY
(*LIMITED TO THREE MINUTES, PLEASE.*)
- XI. ADJOURNMENT

NOTE: The public will be given an opportunity to comment on any agenda item when the item is brought up for discussion. The supervisor will initiate comment time.

GRAND HAVEN CHARTER TOWNSHIP BOARD
MONDAY, AUGUST 13, 2018

WORKSESSION – 6:00 p.m.

1. Manager Cargo gave a brief update on the few pending pathway easements and will forward a more detailed email;
2. Manager Cargo will have Fedewa provide an update on the Zoning Ordinance project.
3. Attorney Ron Bultje presented the proposed land donation agreement with James Schmidt for the proposed Schmidt Heritage Park.

Concerns were expressed regarding the following:

- Correct the acreages listed in paragraph 3 on page 1;
 - The prohibition on a pedestrian access to the park from Cutter Park is contrary to sound planning; and, staff expects that pedestrians will still access from the cul-de-sac even without a pathway or sidewalk;
 - If a large contribution is provided for a sports field or other recreation facility within the park, can a brass plaque or other recognition be installed with the name of the donor;
 - Maintenance costs were discussed, no change to the current language was recommended;
 - Capital costs were noted to approach as much as \$12 million based upon the current plan and many of the improvements would not rank well for state or federal grants. Manager Cargo noted that the Board has set currently aside about \$550k for recreation.
 - It was noted that the development of the proposed park would likely occur in phases.
4. Trustee Redick noted that the GHAPS provided NORA with a letter of separation and its intent to update the Recreation Authority Articles of Incorporation. In brief, this means that NORA would no longer be housed under the school district and that the NORA employees would no longer be employees of the school district. NORA operating costs are expected to increase due to this change.

There is a special meeting on August 16th to discuss with the City of Grand Haven (*and/or Grand Haven Charter Township*) to provide administrative and financial support services to NORA. NORA will also need new space for work (*e.g., offices, etc.*).

Manager Cargo notes that the City of Grand Haven has provided a preliminary offer of between \$20k and \$25k to provide the necessary support services – similar to what is provided to Harbor Transit and the Sewer Authority. The Township has the capability to provide these services; but, is awaiting to see the City’s response before making any formal offer.

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

Board members absent:

Also present were Manager Cargo and Community Development Director Fedewa.

IV. APPROVAL OF MEETING AGENDA

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

V. APPROVAL OF CONSENT AGENDA

1. Approve July 23, 2018 Board Minutes
2. Approve Payment of Invoices in the amount of \$687,456.88 (*A/P checks of \$550,957.65 and payroll of \$136,499.23*)
3. Approve Re-Appointment of Planning Commission members for a term ending on August 1, 2021, which includes Bill Cousins, Steve Wilson, and Carolyn Taylor
4. Approve Re-Appointment of Zoning Board of Appeals members for a term ending on August 31, 2021, which includes Mike Voss, Cheryl Slater, and Jim Loftis
5. Approve Re-Appointment of DDA members for a term ending on August 31, 2021, which includes John Helder and Jim Loftis
6. Approve and Execute the Village at Rosy Mound PUD Contract and Private Driveway Maintenance Special Assessment Contract

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

VI. PUBLIC HEARING

Supervisor Reenders opened the public hearing at 7:02 p.m. on the proposed Lakeshore Gardens Planned Unit Development (PUD), which is a Multifamily Apartment Complex

Community Development Director Fedewa presented a staff memo on the proposed Lakeshore Gardens PUD, which includes 6 apartment buildings with a total of 156 units, community clubhouse and swimming pool.

Public comments on the proposed amendment included the following:

1. Ben Robbins (*13830 Lake Sedge Drive in Grand Haven Township*) represented the developer and offered to respond to any questions.
2. Jim Kocher (*15002 Madeleine Court, Apartment 219 in Grand Haven Township*) supports the project noting that affordable housing is important, especially for people with special needs.

With no further public comments, Supervisor Reenders closed the public hearing at 7:11 p.m.

VIII. OLD BUSINESS

1. **Motion** by Trustee Gignac supported by Trustee Meeusen to postpone further action until August 27th on the proposed 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 C-1 and I-1 to Planned Unit Development. This is the first reading. **Which motion carried.**

2. **Motion** by Treasurer Kieft supported by Trustee Behm to approve Resolution 18-08-01 to install a street light through Consumers Energy at Pierce Street and Lakeshore Drive. **Which motion carried** pursuant to the following roll call vote:
Ayes: Larsen, Gignac, Kieft, Meeusen, Redick, Behm, Reenders
Nays:
Absent:

3. **Motion** by Trustee Meeusen supported by Trustee Gignac to adopt the Water Interconnection Contract between the North Ottawa Water System and the West Michigan Regional Water Authority and authorize the Supervisor and Clerk to execute the contract. **Which motion carried.**

IX. NEW BUSINESS

1. **Motion** by Clerk Larsen supported by Trustee Gignac to approve the proposed replanting plan for the Witteveen Farm property as developed by Wildlife Management Concepts and instructing staff to use the plan for upcoming grant applications to redevelop the property and provide a wider range of habitat for native fauna and flora. **Which motion carried.**

2. **Motion** by Trustee Meeusen supported by Trustee Behm to instruct staff to receive quotes for razing the Mercury Park in-line rink and replacing the structure with a multi-purpose grass field. It is understood that a different recreational facility could be developed at this facility at a later date and that a budget amendment will be required prior to removing the rink. **Which motion carried.**

3. **Motion** by Trustee Meeusen supported by clerk Larsen to approve Resolution 18-08-02 that approves the submission of the grant application to the Michigan Coastal Management Program in the amount of \$39,300 for the improvements to Pottawattomie Park and commits that 50% local match if the project is funded. **Which motion carried** pursuant to the following roll call vote:
Ayes: Behm, Gignac, Meeusen, Redick, Kieft, Reenders, Larsen
Nays:
Absent:

4. **Motion** by Treasurer Kieft supported by Trustee Meeusen to approve Resolution 18-08-03 that updates and amends Section 5.3a of the Administrative Policies and

Procedures manual, which addresses the daily deposit policy for cash. **Which motion carried** pursuant to the following roll call vote:

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

Nays:

Absent:

5. **Motion** by Trustee Redick supported by Trustee Behm to approve Resolution 18-08-04 that authorizes the following individuals to open accounts, deposit monies, transfer funds, and are designated as the authorized signers for these accounts on behalf of Grand Haven Charter Township:

- William Kieft III, Treasurer
- Ashley Larrison, Deputy Treasurer
- William D. Cargo, Superintendent
- Andrea Sandoval, Finance Director

Which motion carried pursuant to the following roll call vote:

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

Nays:

Absent:

X. REPORTS AND CORESPONDENCE

a. Committee Reports

b. Manager's Report

i. July DPW Report

ii. June Legal Review

iii. July Building Report

iv. July Ordinance Enforcement Report

v. Manager Cargo noted that the audio in the Board room had been modified and appears to be providing better coverage within the audience.

c. Others

XI. PUBLIC COMMENTS

a. Carrie Rodgers (*15030 Fairmount Court of Grand Haven Township*) represents the 354 members of the Lakeshore Pickleball Club and supports the construction of new pickleball courts at Mercury Park, or any of the other two parks under consideration.

b. Carl Sorensen (*16410 Ferris Street of Grand Haven Township*) questioned how the Robbins Centre Pointe development could advertise the availability of medical offices in the strip mall given the referendum results. Manager Cargo noted that the referendum did not impact this development.

c. Craig Yoas (*16620 Pine Dunes Court of Grand Haven Township*) provided a handout to the Board and critiqued Manager Cargo's handling of the 172nd Avenue pathway repair related to the Z-Tire construction project, including not requiring a pathway permit. Yoas stated that Manager Cargo was not concerned with resident safety. Yoas also noted the amount of time that it took for completion on this project and the bike path to be reopened.

Manager Cargo noted that there were three permits related to the pathway cut that provided sufficient leverage to ensure repair and that the lack of available contractors resulted in the repair taking almost seven weeks. Manager Cargo determined another

- pathway permit was not needed and added unnecessary costs to the development. Yoas criticized Manager Cargo for not being placed as an agenda item and indicated he did not want to abide by the three-minute limit on public comments.
- d. Jolee Wennersten, DVM (*owner of the Robbins Road Animal Clinic*) expressed her opinion that people will drive across the green space between the Lakeshore Garden apartments and her office complex and requested that the board considered a barrier of some sort to be required.
 - e. Brett Tompkins (*12041 Goddini Court of Grand Haven Township*) asked how monies could be spent on recreation when the Township still has gravel roads with dust that created a health hazard for residents. Supervisor Reenders noted that the Township was examining the use of a primer and double chip seal to improve the quality of rural roads.

XI. ADJOURNMENT

Motion by Clerk Larsen and seconded by Treasurer Kieft to adjourn the meeting at 7:58 p.m. **Which motion carried.**

Respectfully Submitted,

Laurie Larsen
Grand Haven Charter Township Clerk

Mark Reenders
Grand Haven Charter Township Supervisor



Community Development Memo

DATE: August 22, 2018
TO: Township Board
FROM: Stacey Fedewa, AICP – Community Development Director
RE: Regency at Grand Haven PUD – Request for Extension

BACKGROUND

On September 25, 2017 the Township Board conditionally approved the Regency at Grand Haven PUD. The PUD approval is valid for 1-year, and substantial construction must begin within that time period or the permit will expire. Section 17.04.7.A governs this situation (*see right caption for specific ordinance language*) and requires the Planning Commission to make a recommendation to the Township Board.

On August 20th, the Planning Commission adopted a motion recommending the Board **approve the extension request**.

REQUEST

The written request for an extension was received from the applicant on August 3rd and requests a 1-year extension. The extension is being requested for the following reasons:

1. The new project manager was only recently promoted to the role of Director of Construction, and is bringing his team up to speed; and
2. Complete the Certificate of Need (CON) process again.

As staff understands the original CON expired and are in the process of reapplying.

SAMPLE MOTION

If the Board finds the extension request reasonable, the following motion can be offered:

Motion to approve the requested 1-year extension (*i.e., September 24, 2019*) for the Regency at Grand Haven PUD based on the request meeting the applicable requirements of Section 17.04.7.A of the Grand Haven Charter Township Zoning Ordinance.

SECTION 17.04.7.A

Approval of the PUD shall expire and be of no effect unless substantial construction has commenced within 1 year of the date of approval of the Final Site Plan of the PUD or any phase thereof. An extension for a specific period may be granted by the Township Board upon good cause shown, only if such request is made in writing to the Township Board prior to the expiration date. The Township Board, prior to making a determination, shall forward the request to the Planning Commission, and ask for a recommendation. If a recommendation from the Planning Commission is not offered within 21 days after being referred to the Planning Commission, the Township Board may act without input from the Planning Commission on the applicant's request for an extension.



SUPERINTENDENT'S MEMO

DATE: August 23, 2018

TO: Township Board

FROM: Bill Cargo

SUBJECT: Yoas Request

Attached, please find the August 20th email from Mr. Yoas.

Because responsibility for pathway repairs currently remains with the developer, utility company or contractor that makes the “cut”, the current practice for pathway repairs will – on occasion – lead to delays in repair.

If the Board is dissatisfied with this level of service and the repair delays that will occur, there are two possibilities that transfer pathway repair responsibility to the Township.

1. Purchase pathway repair equipment. This would allow for rapid repairs – assuming the bituminous asphalt companies were open. The problem with this approach is that the upfront capital cost would be relatively high – but, this could be reduced through purchasing used equipment. (*Staff would also need to undergo some training.*) Some of these costs could be recouped through an established service fee for pathway repairs.
2. Complete a “service” contract with a paving company. A service agreement could be negotiated to address all pathway repairs (*remove this responsibility from the contractors required to “cut” the path*). The problem with this approach is that the Township would likely pay a “premium” for this service. But, the Township would treat pathway cuts in a fashion similar to water main breaks where a contractor is “on-call” to complete the repairs within a specified period of time.

If you have any questions on either option, please let me know.

Bill Cargo

From: Mark Reenders
Sent: Tuesday, August 21, 2018 8:33 AM
To: Bill Cargo
Subject: Fwd: Citizen Complaint

FYI

Mark Reenders
Grand Haven Charter Township Supervisor

Begin forwarded message:

From: Craig Yoas <cmyoas@gmail.com>
Date: August 20, 2018 at 8:31:20 PM EDT
To: llarsen@ght.org, Mark Reenders <mreenders@ght.org>, bkieft@ght.org,
cmeeusen@ght.org, dgignac@ght.org, hbehm@ght.org, rredick@ght.org
Subject: Citizen Complaint

Dear Grand Haven Township Board,

After consideration of my experience with the responses to questions concerning safety of all users of the pathway system in this Township, I would like to register a formal complaint against the Township Supervisor/Manager, Mr. William Cargo, for his attempts to squelch my inquires for safety based issues with the pathways., and dereliction of duty as required of a charter township superintendent by **THE CHARTER TOWNSHIP Act 359 of 1947.**

The following is an excerpt from the emails where I asked for and was denied an agenda item, his denial, and my subsequent reason for requesting the agenda item as we saw he then tried to stop me at three minutes at the latest Township Board meeting. His sole purpose for this denial is to squelch public comment on is performance of his duties as required by State Law.

"I would like to request that this subject be added as an agenda item for the next Township Board meeting so I can ask the Board if this is how they want things related to these paths handled. If the ordinance is not to be applied, then it should be rescinded!" cy

"I believe you have spoken at a previous Township Board meeting. Every Board agenda provides time for public comment. If you would like to address the Board at their next meeting (*i.e., August 13th at 7:00 p.m.*), your comments would be appropriate during this time." wc

"The reason I am asking for an agenda item is because I do not want to be cut off at 3 minutes." cy

Mr. Cargo serves solely "at the pleasure of the township board". State Law specifically states, as superintendent, he is "to see all township ordinances are enforced, manage and supervise all public improvements, works and undertakings of the township, and to have charge of the construction, repair, maintenance, lighting and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all public buildings or other property belonging to the township."

I have shown where he is negligent in his duties to properly apply and enforce the sidewalks and paths ordinance of Grand Haven Township. He has stated in public forum, "I am the township manager, and can do anything I want."

He has placed tax paying citizens of this township in direct danger, and increased the liability of this Township, with his refusal to require completed work on pedestrian pathways to at least be made reasonably usable until permanent repairs are completed. His disdain is in evidence by his comment, "Just get off your bike and walk around." I have the ability to do that, does someone that relies on a wheelchair have that ability to just "get out and walk around"?

These issues I have brought before the board are not singular in nature, they have been a regular occurrence over at least the last five years. The latest of which exists at the corner of Lakeshore and Hayes pathway crossing. The road has been repaved, the roadway lines repainted, but the pedestrian crossing lines have not. In point of fact, the roadway cannot even be opened until the road lines are painted, but forget about the most vulnerable users of this system, the pedestrian!

I look forward to receiving your reply.

Craig Yoas
16620 Pine Dunes Court
Grand Haven, Michigan 49417
616.502.5832

THE CHARTER TOWNSHIP ACT (EXCERPT)
Act 359 of 1947

42.11 Township superintendent; tenure; qualifications; residency requirements; waiver.

Sec. 11.

(1) The township superintendent shall hold office at the pleasure of the township board and shall be selected by the township board on the basis of training and ability alone, without regard to his or her political or religious preference.

42.10 Township superintendent; appointment; delegation of powers and duties of township supervisor.

Sec. 10.

The township board in each charter township shall have power to appoint a township superintendent and may delegate to him any or all of the following functions and duties which functions and duties, unless so delegated, shall be exercised by the supervisor:

(a) To see that all laws and township ordinances are enforced;

(b) To manage and supervise all public improvements, works, and undertakings of the township;

(c) To have charge of the construction, repair, maintenance, lighting and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all the public buildings or other property belonging to the township;



Community Development Memo

DATE: August 22, 2018
TO: Township Board
FROM: Stacey Fedewa, AICP – Community Development Director
RE: Lakeshore Gardens – PUD – Multifamily Apartment Complex

BACKGROUND

As you likely recall, this development was originally proposed as affordable apartments that included storage units. That concept fell through, and the developer is proposing a similar project that is more in tune with the Township's master plan.

On June 4th the Planning Commission held a hearing, and tabled the application because environmental concerns arose. Additional environmental testing was conducted, and the Township's Engineering Firm, Prein&Newhof, provided a review of the environmental studies.

On July 16th the Planning Commission listened to the environmental engineers from P&N and the developer and ultimately recommended the Board conditionally approve the application. Meeting minutes from June 4th and July 16th are included in the packets for your review.

On August 13th the Board held a public hearing and first reading of the proposal.

PROPOSED PROJECT

The storage units are no longer part of the proposal. Instead, a sixth apartment building with efficiency units is proposed in its place. Specifically, the following is being offered:

- 6 apartment buildings
 - 4 buildings with 24-units
 - 2 buildings with 30-units
- 156-units in total
 - 12 – 1b/1b – 496 sqft
 - 39 – 1b/1b – 730 sqft
 - 12 – 2b/2b – 947 sqft
 - 87 – 2b/2b – 1,035 sqft
 - 6 – 2b/2b – 1,070 sqft
- 318 parking spaces
 - 94 enclosed garage spaces
 - 224 surface spaces
- 2.5-acres of open space is being preserved (or 21.88%) or the 11.47-acre site

Please be sure to read the project narrative from the developer, which provides in depth information about the rental market in the greater Grand Haven area along with floor area comparisons with other complexes.

Affordability

It should be noted—the developer is no longer promoting “affordable” apartments. Rather, they intend to address “affordability” in two ways:

1. The 496 sqft efficiency apartment will undoubtedly bring a lower price based on the floor area. The initial assumption based on conversations with the developer is the rental price will begin at around \$600.
2. The developer is providing amenities, but not luxury amenities such as Piper Lakes. Therefore, the units themselves will bring a lower price point.



Proposed 18 sqft entrance sign

Ultimately, no guarantees are being made for the rental prices, but the developers have designed the project in such a way to enable them to offer lower prices than their competitors.

Ottawa Housing Next

The Executive Director of the Ottawa Housing Next program has provided a letter of support for the project. The Director met with the developers and provided a variety of ideas to bring more affordability to Grand Haven. Floor areas as low as 350 sqft were discussed, but settled on the 496 sqft floor plan. The 12 efficiency apartments would only be found in Building F.

Gracious Grounds

Gracious Grounds has also offered a letter of support for the project. It was noted in previous meetings the developer intended to provide units and/or a building to Gracious Grounds to enable individuals with unique abilities to live independently in our community.

That is still the intention, however, there are too many variables at this time to make promises to the Township. That said, you'll notice in the letter that Gracious Grounds has been working closely with this development group on other projects, and fully expect that it will carry over to the proposed Lakeshore Gardens too, it's just a matter of when.

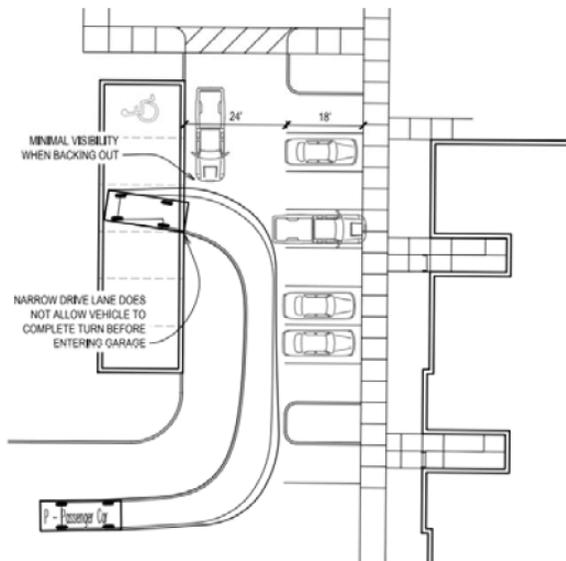
Connectivity

The developer has successfully negotiated two cross-access points with the adjacent D&W complex—a secondary access and sidewalk south of the D&W building, and another access point where the future A-1 and A-2 commercial lots will be developed (*A-1 and A-2 are not part of the PUD application*).

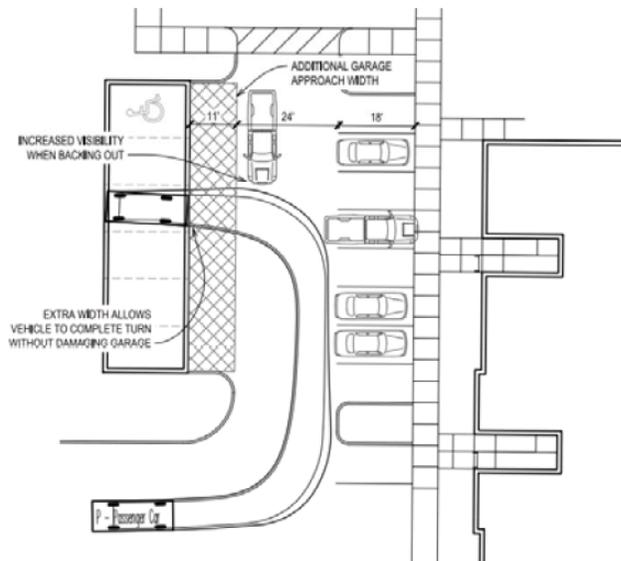
DEPARTURE REQUESTS

Departure requests are extremely minimal—there are only two.

Section	Requirement	Developer Request	Planning Commission Findings
24.04.1 <b style="color: green;">PC Recommends Approval	Maneuvering lanes in parking lots shall be 24-feet in width.	Requesting a 35-foot width in front of the garage buildings to enable easier turn movements.	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.
21.02 <b style="color: green;">PC Recommends Approval	Minimum floor area for apartments shall be 884 sqft	Requesting a reduced floor area for 51 of the units—12 at 496 sqft and 39 at 730 sqft	Acceptable to allow the reduced floor area because it will enable the developer to provide 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.



○ ORDINANCE REQUIREMENT
 SCALE: 1" = 20'



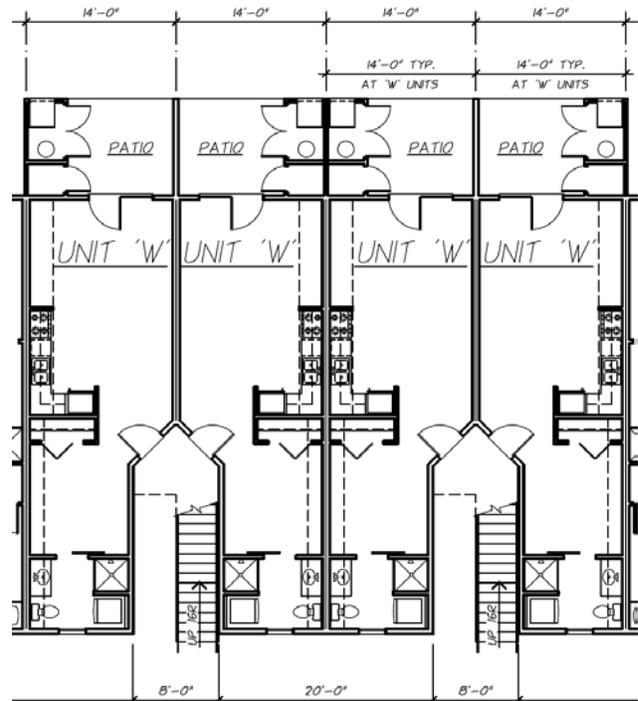
○ PROPOSED LAYOUT
 SCALE: 1" = 20'



The proposed efficiency units (*aka workforce housing, aka studio apartment*) are in the center of Building F, and are shown below. It would be four units on each floor.

Transitional Screening

Section 20.11.5 enables the Township Planning Commission to temporarily waive certain transitional screening requirements if adjacent residential structures are setback more than 200-feet. The waiver ends when a residential structure is built within 200-feet and then the developer would be required to plant the screening. Currently, the nearest structure is almost 1,000-feet away from the boundary line of the proposed development. **The Planning Commission has granted this waiver request.**



ENVIRONMENTAL STUDIES

Background

Around the time of the Planning Commission hearing concerns arose about environmental contamination. At first, the developer was not willing to share the studies, which was cause for concern. Eventually, the developer did provide a copy of the Phase 1 and Phase 2 Environmental Site Assessments (ESA), which staff forwarded to Prein&Newhof (P&N) to review and comment.

Based upon the P&N review and Planning Commission comments two additional documents were provided—Floor Drain & Holding Tank Assessment and a Due Care Plan.

The Floor Drain & Holding Tank Assessment was necessary because the Phase 1 and Phase 2 ESA's indicated the maintenance building discharged its waste into the sanitary sewer system. However, it does not. Thus, the environmental firm had to return to the site and reassess the point of discharge.

Ultimately, all concerns raised by the Planning Commission, staff, and P&N have been satisfied by the additional testing, Due Care Plan, and what actions the developer will take if additional issues are found when earthwork begins.

Findings

The ESA's did find contamination onsite. There were aboveground storage tanks (ASTs) that have since been removed. This 25 yd³ x 25 yd³ area has known petroleum-based contaminants.

In addition, a watermain will pass through this area of contamination, so P&N is recommending a different type of gasket be used.

The contamination is far enough away from apartment buildings that DEQ standards would not impose any additional requirements to protect the apartments.

P&N Recommendations

- 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.
- An assessment of salt spillage in soil and groundwater on utility construction. Salt can be corrosive to metal pipe.
- Prohibition on water wells (*except monitoring wells*) either through PUD approval or a restrictive covenant.
- Provide results of dewatering hydrogeological assessment.
- Provide results of groundwater monitoring.
- Provide results of volatilization to indoor air assessment and whether engineering controls are needed based on groundwater monitoring.
- Provide location of remaining impacted soils or groundwater on final plan in form that can be permanently referenced in the future.
- Provide confirmation of holding tank removal or closure in place.
- 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.
- 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 Prein&Newhof.

SAMPLE MOTIONS

If the Township Board finds the PUD meets the applicable standards, the following motion can be offered:

Motion 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.**

If the Township Board finds the PUD does not meet the applicable standards, the following motion can be offered:

Motion to direct staff to draft a formal motion and report, which will **deny** the Lakeshore Gardens Apartments PUD application, with those discussion points which will be reflected in the meeting minutes. This will be reviewed and considered for adoption at the next meeting.

If the Township Board finds the applicant must make revisions to the PUD, the following motion can be offered:

Motion to **table** the Lakeshore Gardens Apartments PUD, and direct the applicant to make the following revisions:

1. *List revisions*

REPORT (TO BE USED WITH A MOTION TO APPROVE)

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 sqft.
 - 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 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 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 Prein&Newhof.

SUPERINTENDENT'S MEMO

DATE: August 16, 2018
TO: Township Board
FROM: Cargo
SUBJECT: Ammeraal Avenue Abandonment

In January of 2000, the Ottawa County Road Commission abandoned a 218 foot section of Ammeraal Avenue in the Grand Forest Resort Subdivision. (*See attached Notice of Determination.*)

NOTICE OF DETERMINATION
BY THE
BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OTTAWA
ABANDONING A COUNTY ROAD

REGISTER OF DEEDS
OTTAWA COUNTY, MI

Notice is hereby given that at a meeting of the Board of County Road Commissioners of the County of Ottawa, duly held at the Road Commission office at Rosy Mound Drive at US-31, Grand Haven, Michigan on the 27th day of January, 2000 it was determined and the Commissioners do hereby determine that the road described as:

That part of Ammeraal Avenue adjacent to Lots 1, 20, and 21
(north 218 feet) located in Grand Forest Resort Subdivision,
Section 36, T8N, R16W, Grand Haven Township, Ottawa County,
Michigan

shall be abandoned and discontinued; that it is to the best interest of the public that said highway should be absolutely abandoned and discontinued; AND IT IS HEREBY DETERMINED THAT the same be and IT IS HEREBY ABSOLUTELY ABANDONED AND DISCONTINUED as a public highway.

It is further determined that an utility easement is retained over the east 33 feet of above described Ammeraal Avenue and that any existing public utility using the right-of-way of the road to be absolutely abandoned and discontinued shall maintain it's right of easement until such time as they cease to use this easement for public utility purposes and at that time such easement shall cease.

BOARD OF COUNTY ROAD COMMISSIONERS
COUNTY OF OTTAWA



Michael C. Mikita
Secretary

In March of 2018, the Road Commission provided the Township with a Quit Claim Deed for this right-of-way. (See attached Quit Claim Deed.)

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT: Ottawa County Road Commission, whose address is 14110 Lakeshore Drive, P.O. Box 739, Grand Haven, Michigan, 49417,

Quit Claims to Grand Haven Charter Township, with offices located at 13300 168th Avenue, Grand Haven, Michigan 49417,

the following described premises situated in the Charter Township of Grand Haven, County of Ottawa, and State of Michigan, to-wit:

That part of Ammeraal Avenue adjacent to Lots 1, 20, and 21 (north 218 feet) located in Grand Forest Resort Subdivision, SW ¼ of Section 36, T8N, R16W, Grand Haven Charter Township, Ottawa County, Michigan.

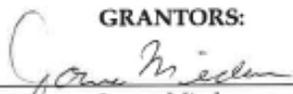
And

All that part of Alley east of Ammeraal Avenue adjacent to Lots 1, 2, 3, 4, 20, and 21 located in Grand Forest Resort Subdivision, SW ¼ of Section 36, T8N, R16W, Grand Haven Charter Township, Ottawa County, Michigan.

The above described public platted right-of-way being conveyed to Grand Haven Charter Township as the Board of County Road Commissioners, County of Ottawa have abandoned their public right of way rights, for the sum of less than (\$100.00).

Dated this 29th day of March, 2018.

GRANTORS:


Name: James Miedema
Title: Chairman


Name: Brett A. Laughlin
Title: Managing Director

Prior to this year, the property was bordered by two different land owners. However, the parcels bordering the abandoned right-of-way are currently owned by the same person – Thomas Pushaw.

Mr. Pushaw has requested that the Township abandon these right-of-way lands and transfer the property to the adjacent property owners.

Staff do not see any need or purpose for retaining this property that was quit claimed to the Township by the Road Commission. (See attached aerial map.)

If the Board agrees that the Township has no current use or future plans for the right-of-way, the following motion can be offered:

Move 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.

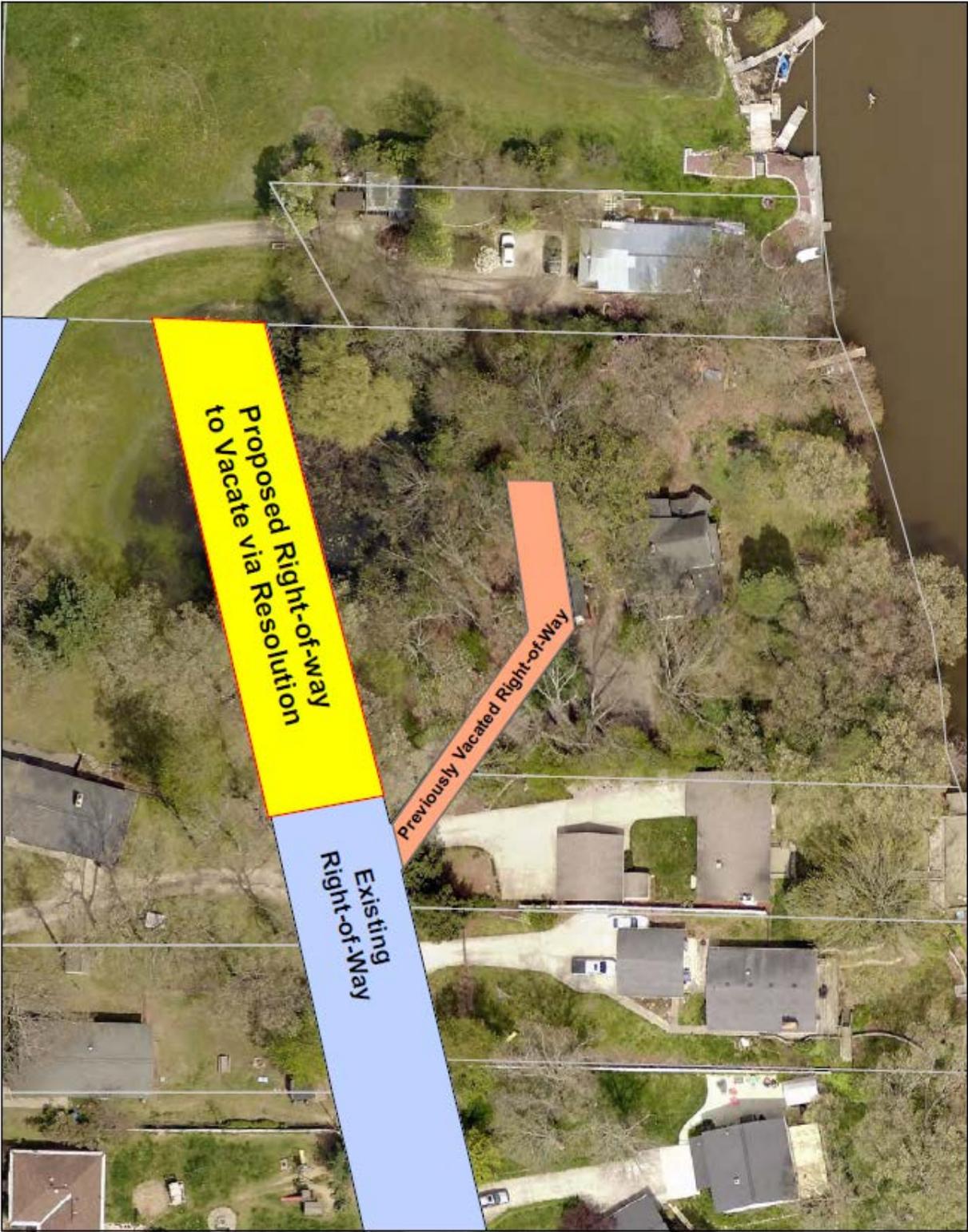
If you have any questions or comments, please contact me at your convenience.

Special Note:

Because abandoned areas of Ammeraal Avenue are in a plat, there is at least one school of thought which holds that a plat cannot be revised by the Road Commission through abandonment and that the Township cannot transfer property interests from the abandoned right-of-way to adjacent property owners. This school of thought would hold that a circuit court action would have to be initiated to truly amend the plat to eliminate the abandoned portion of the avenue and the alley.

If any property owner would care enough to go to circuit court to ensure there is no future question on their property interest, the Township would have no reason to object. But, I do not believe that the Township should initiate this proceeding.

Ammeraal Avenue Proposed Right-of-Way Vacation



EXCERPTS OF MINUTES

At a meeting of the Township Board of the Charter Township of Grand Haven, held at Grand Haven Charter Township, 13300 - 168th Avenue, Grand Haven, Ottawa County, Michigan, on the 27th day of August, 2018, at 7:00 p.m., local time.

PRESENT: _____
_____.

ABSENT: _____

After certain other matters of business were concluded, the Supervisor stated the next order of business was the consideration of a proposed Resolution for the Board to adopt concerning the relinquishment of jurisdiction over a road and an alley. The following resolution was offered by _____ and supported by _____.

RESOLUTION 18-08-06

RELINQUISHMENT OF JURISDICTION
OVER A PORTION OF AMMERAAL AVENUE AND
AMMERAAL ALLEY RESOLUTION

WHEREAS, this Resolution pertains to property commonly and historically referred to as Ammeraal Avenue, in Grand Forest Resort Subdivision, located in the SW ¼ of Section 36, T8N, R16W, Grand Haven Charter Township, including that part of Ammeraal Avenue (the “Ammeraal Avenue Portion”) adjacent to Lots 1, 20, and 21 (the north 218 feet), and including that part of the Ammeraal Alley (the “Ammeraal Alley Portion”) east of Ammeraal Avenue adjacent to Lots 1, 2, 3, 4, 20, and 21; and

WHEREAS, on January 27, 2000, the Ottawa County Road Commission abandoned and discontinued the Ammeraal Avenue Portion as a public highway and conveyed the Ammeraal Avenue Portion to Grand Haven Charter Township by Quit Claim Deed on March 29, 2018, attached as Exhibit A; and

WHEREAS, on January 13, 2000, the Ottawa County Road Commission abandoned and discontinued the Ammeraal Alley Portion as a public highway and conveyed the Ammeraal Alley Portion to Grand Haven Charter Township by Quit Claim Deed on March 29, 2018, attached as Exhibit A; and

WHEREAS, the Township has determined to relieve itself of control over the Ammeraal Avenue Portion and the Ammeraal Alley Portion; and

THEREFORE, on the basis of the above facts, the Township Board resolves as follows.

1. The Township Board abandons the Ammeraal Avenue Portion and the Ammeraal Alley Portion, relinquishes jurisdiction over them, and allows them 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, in accordance with the terms of this Resolution.

2. The adjoining property owners to the Ammeraal Avenue Portion and the Ammeraal Alley Portion, based upon Township assessing records, who will be given a copy of this completed and executed Resolution, including their mailing address, Parcel Number, and legal description, as on file with the Township, are attached as Exhibit B to this Resolution.

3. The Affidavit of Mailing, confirming that a copy of this completed and executed Resolution was properly mailed to adjacent property owners described in Paragraph 2, is attached as Exhibit C.

4. The Ammeraal Avenue Portion and the Ammeraal Alley Portion as abandoned shall revert to the ownership of the adjacent property owners, who shall take ownership of the abandoned Ammeraal Avenue Portion and Ammeraal Alley Portion in their entirety, which are adjacent to their property, except that a utility easement is retained over the east 33 feet of the street right-of-way.

5. All resolutions in conflict with this Resolution are repealed to the extent of such conflict.

YES: _____.

NO: _____.

RESOLUTION DECLARED ADOPTED.

Dated: August 27, 2018

Mark Reenders, Supervisor
Grand Haven Charter Township

Laurie Larsen, Clerk
Grand Haven Charter Township

CERTIFICATE

I, the undersigned, the Clerk of the Charter Township of Grand Haven, Ottawa County, Michigan, certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board at a meeting held on the 27th day of August, 2018. I further certify that public notice of the meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

Laurie Larsen, Clerk
Grand Haven Charter Township

EXHIBIT A

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT: Ottawa County Road Commission, whose address is 14110 Lakeshore Drive, P.O. Box 739, Grand Haven, Michigan, 49417,

Quit Claims to Grand Haven Charter Township, with offices located at 13300 168th Avenue, Grand Haven, Michigan 49417,

the following described premises situated in the Charter Township of Grand Haven, County of Ottawa, and State of Michigan, to-wit:

That part of Ammeraal Avenue adjacent to Lots 1, 20, and 21 (north 218 feet) located in Grand Forest Resort Subdivision, SW ¼ of Section 36, T8N, R16W, Grand Haven Charter Township, Ottawa County, Michigan.

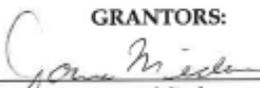
And

All that part of Alley east of Ammeraal Avenue adjacent to Lots 1, 2, 3, 4, 20, and 21 located in Grand Forest Resort Subdivision, SW ¼ of Section 36, T8N, R16W, Grand Haven Charter Township, Ottawa County, Michigan.

The above described public platted right-of-way being conveyed to Grand Haven Charter Township as the Board of County Road Commissioners, County of Ottawa have abandoned their public right of way rights, for the sum of less than (\$100.00).

Dated this 29th day of March, 2018.

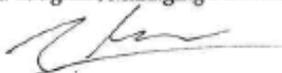
GRANTORS:


Name: James Miedema
Title: Chairman


Name: Brett A. Laughlin
Title: Managing Director

STATE OF MICHIGAN)
)ss
COUNTY OF OTTAWA)

The foregoing instrument was acknowledged before me in Ottawa County, Michigan, on this 29th day of March, 2018 by James Miedema, Chairman, and Brett A. Laughlin, Managing Director, of the Ottawa County Road Commission.


Zachary Paul Russell
Notary Public
Ottawa County, Michigan
My Commission Expires: February 20, 2024

Prepared by and after recording return to:
John H. Gutierrez
Ottawa County Road Commission
P.O. Box 739
Grand Haven, Michigan 49417

EXHIBIT B

Name of Adjoining Property Owners	Mailing Addresses, Parcel Numbers, and Legal Descriptions of Adjoining Property Owners
Thomas C. and Eve M. Pushaw	Mailing Address: 14766 Ammeraal Avenue Grand Haven, MI 49417 Parcel Number: 70-03-36-303-002 Legal Description: LOTS 1, 2, 3, 20, & 21, ALSO VACATED ALLEY EAST OF AMMERAAL AVE & ADJ TO SD LOTS, EXC E 1/2 OF THAT PART OF SD ALLEY ADJ TO LOT 4. GRAND FOREST RESORT SUB.

EXHIBIT C

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) ss.
COUNTY OF OTTAWA)

Laurie Larsen, being first duly sworn, deposes and says as follows:

1. That she is the Clerk for the Charter Township of Grand Haven, Ottawa County, Michigan.

2. That on _____, 2018, she did mail, by first-class mail, postage fully prepaid, a copy of the completed and executed Relinquishment of Jurisdiction Over a Portion of Ammeraal Avenue and Ammeraal Alley Resolution (the “Resolution”), adopted on _____, 2018, to the adjacent property owners at the addresses stated on Exhibit B to the Resolution.

Laurie Larsen, Township Clerk

Subscribed and sworn to before me
this ____ day of _____, 2018.

Notary Public, Ottawa County, Michigan
Acting in Ottawa County, Michigan
My commission expires: _____



SUPERINTENDENT'S MEMO

DATE: August 22, 2018

TO: Township Board

FROM: Bill

SUBJECT: Grand Haven – Spring Lake Sewer Authority – 7th Amendment to Agreement

As you may recall, in March of this year, the Township agreed to a bond contract to fund about \$13.5 million in improvements and renovations to the Sewer Authority.

Attached, please find a nine-page amendment will cover the issuance and repayment of the bonds for the proposed project to the Sewer Treatment plant and the new force main under the Grand River. As you may recall, the project has five components – two of which will benefit Grand Haven Township and will be paid, in part, by the sewer users from the Township.

The two components that will impact Township users are (1) the so-called “Headwork and Pumping Improvements” to the treatment plant at a cost of about \$4.2 million that will be shared by all of the sewer users; and, (2) the “Local Pump Station” improvements at a cost of about \$1 million that will be funded solely by the sewer users in Grand Haven City and Grand Haven Township.

The remaining \$8.3 million of improvements (*e.g., Grand River force main and local pump station improvements*) will benefit the other municipal units and will be funded by their sewer users.

Bottom line – the cost for sewer users in both Grand Haven Charter Township and the City of Grand Haven will be **\$0.59 per 1,000 gallons**. (*In comparison, the increased cost for Ferrysburg, Spring Lake Township and Spring Lake Village sewer users is expected to be \$1.19 per 1,000 gallons.*) Sewer rate increases will be addressed during the FY 2019 budget process.

This project is expected to be bid in three separate and distinct construction contracts. All of the bids will be opened on **November 8th**. Construction will not be completed until 2020.

The \$13.5 million bond sale is tentatively scheduled for **November 20th**.

To approve the Seventh Amendment to the Sewer Authority Agreement, the following motion can be offered:

Move 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 and authorized to execute the proposed 7th amendment on behalf of Grand Haven Charter Township.

If you have any questions or comments prior to the meeting, please contact me at your convenience.

SEVENTH AMENDMENT TO RESTATED CONTRACT

THIS SEVENTH AMENDMENT TO RESTATED CONTRACT, dated for reference purposes as of _____ 2018, is by and among the GRAND HAVEN-SPRING LAKE SEWER AUTHORITY, a Michigan public body corporate, of 1525 Washington Street, Grand Haven, Michigan (the "Authority"), the CITY OF GRAND HAVEN, a Michigan municipal corporation, of 519 Washington Street, Grand Haven, Michigan (the "City"), the VILLAGE OF SPRING LAKE, a Michigan municipal corporation, of 102 West Savidge Street, Spring Lake, Michigan (the "Village"), the TOWNSHIP OF SPRING LAKE, a Michigan public body corporate, of 106 South Buchanan Street, Spring Lake, Michigan ("S.L. Township"), the CITY OF FERRYSBURG, a Michigan municipal corporation, of 17290 Roosevelt Road, Ferrysburg, Michigan ("Ferrysburg"), the CHARTER TOWNSHIP OF GRAND HAVEN, a Michigan public body corporate, of 13300- 168th Avenue, Grand Haven, Michigan ("G.H. Township"; Collectively the City, Village, Spring Lake Township, Ferrysburg and Grand Haven Township or sometimes referenced as the "Constituent Municipalities"), and the COUNTY OF OTTAWA, a public body corporate created under the provisions of the Michigan Constitution, acting by and through its Board of County Road Commissioners, of P.O. Box 739, Grand Haven, Michigan (the "County"), and is made with reference to the following facts and circumstances:

- A. The parties have previously entered into a Restated Contract dated May 27, 1986 (the "Restated Contract");
- B. The parties have also previously entered into six amendments to the Restated Contract; and
- C. The parties desire to further amend the Restated Contract as is provided below.

In consideration of the mutual covenants and agreements contained in this Seventh Amendment and in the Restated Contract, IT IS AGREED:

1. That a new paragraph, paragraph 6B, shall be added to the Restated Contract after paragraph 6A and before paragraph 7. This new paragraph 6B shall provide in its entirety as follows:

6B. 2018 Bond Project.

A. Subject to the negotiation of the necessary contractual documentation among the parties, the parties state their intent to use the sale of County Act 342 bonds (for purposes of this paragraph 6B, the "2018 Bonds" or the "2018 Bond issue") to obtain the cash necessary to fund five projects referenced as:

1. Spring Lake Lift Station/ Force Main (SL SL/FM)
2. Headworks
3. Local Lift Station (Local LS)
4. Ferrysburg Lift Stations (FB LSs)
5. Grand Haven Lift Station (GH LS)

The five projects listed above are further described in **Exhibit 7F** and referred to herein as the “2018 Bond Projects.” The total estimated cost of the five projects is set forth in **Exhibit 7G**.

B. The parties intend that repayment of principal, interest and related costs (including agency and transfer fees, and other out-of-pocket expenses) and charges payable because of the 2018 Bond issues (the “2018 Bond Debt Service”) shall be fully funded by the 2018 Bond Debt Service charge and the 2018 Bond Direct Billings (as defined in subparagraph 6B.C) except that during the period from July 1, 2018 through June 30, 2019 the parties may agree to utilize other sources of lawfully available funds to supplement the 2018 Bond Debt Service charge.

C. The 2018 Bond Debt Service charge shall be calculated in three components (one for each of the 2018 Bond Projects shared by multiple Constituent Municipalities) by the County based on the wastewater flow from each Constituent Municipality which uses the respective 2018 Bond Projects. In addition, sixty (60) days before each 2018 Bond Payment due date, the County shall determine the Debt Service attributable to the two 2018 Bond Projects used by a single Constituent Municipality and invoice Ferrysburg for 100% of the 2018 Bond Debt Service attributed to the FB LSs, and invoice the City for 100% of the Debt Service attributed to the GH LS. (the “2018 Bond Direct Billings”).

D. The Constituent Municipalities which use the respective 2018 Bond Projects (the “Benefitted Constituent Municipalities” or “BCMs”) are as follows:

<u>Project</u>	<u>BCM</u>
SL SL/FM	S.L Township Village
Headworks	Ferrysburg S.L. Township Village Ferrysburg G.H. Township City
Local LS	G.H. Township City
FB LSs	Ferrysburg
GH LS	City

E. For the period from July 1, 2018 through June 30, 2019, the 2018 Bond Debt Service charge shall be as follows (each per 1000 gallons):

	<u>Project</u>	<u>Rate</u>	<u>BCMs</u>
1.	SL SL/FM	\$0.92 \$0.92 \$0.92	S.L. Township Village Ferrysburg
2.	Headworks	\$0.27 \$0.27 \$0.27 \$0.27	S.L. Township Village Ferrysburg G.H. Township City
3.	Local LS	\$0.32 \$0.32	G.H. Township City
4.	Total	\$1.19 \$1.19 \$1.19 \$0.59 \$0.59	S.L. Township Village Ferrysburg G.H. Township City

Notwithstanding the foregoing, such initial rates are subject to adjustment by the County at any time as reasonably necessary to fully fund the 2018 Bond Debt Service payable in that Sewer Plant Year if actual wastewater flows are less than projected, or otherwise insufficient to timely generate adequate cash flow.

F. For the period from July 1, 2019 through June 30, 2037, on or before May 1 of each year the County shall determine the total 2018 Bond Debt Service payable during the immediately following Sewer Plant year.

1. The initial cost allocation for each BCM and for each project is set forth in **Exhibit 7H**. After the 2018 Bond projects are complete and actual costs are available, the County shall recalculate the cost allocation of the five projects among the BCMS for each of the five 2018 Bond Projects.
2. The estimated wastewater flows for each future Sewer Plant year (July 1 through June 30) shall be determined on or before the immediately preceding May 1 based on the Authority Plant

Superintendent's estimate of the total wastewater flow to be discharged from each of the Constituent Municipalities for the immediately following Sewer Plant year.

3. Based on the determination of 2018 Bond Debt Service payable in the immediately following Sewer Plant year and apportioning it among the five 2018 Bond Projects as provided above, and after taking into account the then – current balance of the 2018 Bond Debt Service account attributable to each of the three 2018 Bond projects shared by multiple BCMs, the County shall calculate the 2018 Bond Debt Service charge for that Sewer Plant year by calculating each project rate component for each BCM based on relative wastewater flow. The County shall then add together the project rate components to determine the 2018 Bond Debt Service charge rate (per 1000 gallons) for each of the Constituent Municipalities. This rate is expected to vary among the Constituent Municipalities based on the variance of BCMs among the 2018 Bond Projects.

G. After the 2018 Bond Debt Service charge has been determined pursuant to subparagraph 6B.F above for a given year, the BCMs for each 2018 Bond project shared by multiple BCMs may unanimously agree in writing to adjust (up or down) the applicable 2018 Bond Debt Service charge rate component (thereby correspondingly adjusting the overall 2018 Bond Debt Service charge for that year for those BCMs). If a downward adjustment shall be agreed upon, then it is understood that funds already in the 2018 Bond Debt Service charge account referenced below will be used to supplement revenues received from the 2018 Bond Debt Service charge in the subject year in order to make the necessary payments to the County for the Bonds. If an upward adjustment shall be agreed upon, then it is understood that any revenues not needed to make the necessary payments to the County for the 2018 Bonds for that year will be added to the 2018 Debt Service charge account referenced below to be used to make future 2018 Debt Service payments. It is the intention of the parties that the 2018 Bond Debt Service charge may be used to build a fund balance in the 2018 Bond Debt Service charge accounts of not more than an amount sufficient to pay the 2018 Bond debt service anticipated in the next Sewer Plant year for the three 2018 Bond Projects shared by multiple BCMs. On a cumulative basis over the entire life of the 2018 Bond issue, the revenues from the 2018 Bond Debt Service charge and the 2018 Bond Direct Billings, plus interest thereon, plus surplus bond proceeds from the 2018 Bond issue devoted to the payment of debt service and interest earned thereon, shall equal the total 2018 Bond Debt Service except as may be supplemented during the period from July 1, 2018 through June 30, 2019 as provided in subparagraph 6B.B.

H. The 2018 Bond Debt Service charge for the City, Village, S.L. Township, Ferrysburg, and G.H. Township (excluding the 2018 Bond Direct Billings, which shall be billed separately by the County) shall be added to the charges and costs for operation and maintenance of the Plant which are billed on a

calendar-month basis as provided in paragraph 6 above. The Authority, or its agent, shall place all 2018 Bond Debt Service charges received by it in separate 2018 Bond Debt Service charge accounts.

I. In the event of a surplus in the 2018 Bond Debt Service charge account for one or more of the 2018 Bond projects after the 2018 Bond projects are completed and the 2018 Bonds are paid back in full, the BCM(s) for such project(s) shall share the surplus on the basis of the last month's flow percentage.

J. Commencing with the first 2018 Bond Debt Service payment that will be due and payable on or about December 30, 2018, the Authority itself, or such third party who, pursuant to contract, is receiving and disbursing Authority revenues, shall pay to the County on behalf of the City, Village, S.L. Township, Ferrysburg, and G.H. Township, to the extent of the funds available in the 2018 Bond Debt Service charge account, such amount as shall be necessary to pay the 2018 Bond Debt Service billing from the County, after taking into account any surplus 2018 Bond issue proceeds and interest earned thereon that are to be utilized for the payment of debt service. If the County reasonably anticipates there will be insufficient funds to pay one or more 2018 Bond Debt Service payments in full when due, ninety (90) days prior to such debt service payment due date(s), the County shall determine the extent to which the deficiency is attributable to each of the five 2018 Bond projects, and the actual wastewater flow for the previous Sewer Plant year. Based on that actual wastewater flow the County shall determine the portion of the deficiency attributable to each BCM for each project, and notify each affected BCM of the amount of the deficiency it shall pay. The parties recognize that time is of the essence for payment of deficiencies, and shall make such payments as soon as reasonably possible, but in any case within thirty (30) days of such notice.

2. That paragraph 10 of the Restated Contract shall be restated in its entirety follows:

10. Default. In the event any Unit or the County on behalf of any Unit shall fail to pay when due any operation and maintenance charge required to be paid pursuant to paragraph 6 hereof, or fails to pay its share of any capital improvement or acquisition or debt service therefor as otherwise provided in this Restated Contract, then the Authority shall give such Unit notice of its delinquency. In the event that such delinquency is not corrected, including the payment of all interest due on the delinquent payment or payments, within thirty (30) days from the date of such notice, then the Authority may, in its discretion, restrict or terminate completely the discharge of such Unit into the Plant until such time as such delinquency is corrected including the payment of all interest due on the delinquent payment or payments.

3. That paragraph 11 of the Restated Contract shall be restated in its entirety as follows:

11. Interest. In the event any Unit or the County on behalf of any Unit shall fail to pay when due any operation and maintenance charge required to be paid pursuant to paragraph 6 here of or fails to pay its share of any capital improvement or acquisition or debt service therefor as otherwise provided in this Restated Contract,

then interest on the amount of such delinquency shall accrue at a rate to be established by the Authority by resolution from time to time during the time such delinquency continues.

4. That paragraph 16 of the Restated Contract shall be restated in its entirety as follows:

16. Term: This Contract shall be in force and effect and continue in effect until December 31, 2038 and may be renewed and extended thereafter on mutual agreement of all of the parties hereto.

5. Ratification. Except as expressly amended and revised by this Seventh Amendment, the parties ratify and confirm the Restated Contract in all respects.

6. Effective Date. This Seventh Amendment shall be effective as of July 1, 2018.

IN WITNESS WHEREOF, the parties have executed this Seventh Amendment to Restated Contract.

(signature pages to follow)

Exhibit 7F: Project Description

Board of County Road Commissioners County of Ottawa

Grand Haven – Spring Lake Sewer Authority Wastewater Treatment and Collection System 2018 Improvements

The purpose of the proposed project is to construct wastewater collection system and treatment plant improvements that will replace aging infrastructure and improve the overall reliability of the system. The project has 5 phases that are described below.

Phase 1 – Spring Lake / Ferrysburg Lift Station and Force Main Project

- Replace three existing pumps with larger pumps that will provide a firm capacity of 3,400 gallons per minute.
- Replace and upgrade other lift station components, including piping, valves, HVAC, and electrical.
- Construct approximately 6,150 feet of 16" diameter force main from the lift station, then along Division Street, Exchange Street, Cutler Street, under the Grand River, Beechtree Street to the wastewater treatment plant.

Phase 2 – Headworks and Pumping Improvements Project

- Replace headworks building and expand to include a new garage.
- Replace existing screen with 2 new screens, each rated at 5 million gallons per day.
- Construct a washer/compactor for screenings.
- Construct a vortex grit removal system with pump and classifier rated for 10 million gallons per day.
- Replace two primary sludge pumps and four return activated sludge pumps.
- Replace and improve associated electrical equipment.

Phase 3 – Local Lift Station Project

- Replace Local lift station building.
- Replace three existing pumps that will provide a firm capacity of 2,400 gallons per minute.

Phase 4 – Ferrysburg Lift Stations Project

- Convert existing lift stations No. 3, No. 5, No. 6 and No. 7 from a can design to a submersible design, including new pumps, valves, piping, electrical and control upgrades.

- Upgrade existing Norfolk Drive Grinder Station with new pumps, valves, piping, electrical and control upgrades.

Phase 5 – Grand Haven Lift Station Project

- Replace existing pumps, valves, piping, electrical and control upgrades.

Exhibit 7G: Project Budget

**Board of County Road Commissioners
County of Ottawa**

**Grand Haven – Spring Lake Sewer Authority
Wastewater Treatment and Collection System 2018 Improvements**

Construction	
Spring Lake / Ferrysburg Lift Station and Force Main Project	\$4,850,000
Wastewater Treatment Plant Improvements Project	\$3,409,000
Local Lift Station Project	\$ 782,000
Ferrysburg Lift Stations Project	\$1,270,000
Grand Haven Lift Station Project	<u>\$1,165,000</u>
Total Construction	\$11,476,000
Engineering	\$ 1,111,900
Contingencies	\$ 1,147,600
Finance and Administration	<u>\$ 233,783</u>
Total Project Cost	\$13,969,283
Less: Estimated Construction Fund Interest Earnings	\$ (24,283)
Less: Cash on Hand	<u>\$ (500,000)</u>
Bond Amount Required	\$13,445,000

Exhibit 7H: Initial Cost Allocation

	SL Division Street Pump Station Improvements and Force Main	Headworks and Pumping Improvements	Local Pump Station	Ferrysburg Pump Stations	Grand Haven Adams Street Pump Station Improvements	Totals
Project Phase Budget						
Construction	\$4,850,000	\$3,409,000	\$782,000	\$1,270,000	\$1,165,000	\$11,476,000
Contingencies	\$485,000	\$340,900	\$78,200	\$127,000	\$116,500	\$1,147,600
Engineering	\$485,000	\$397,900	\$79,000	\$40,000	\$110,000	\$1,111,900
Construction Subtotal	\$5,820,000	\$4,147,800	\$939,200	\$1,437,000	\$1,391,500	\$13,735,500
Initial Allocations by Phase	42.37%	30.20%	6.84%	10.46%	10.13%	100.00%
Total Financing Costs	\$99,058	\$70,597	\$15,986	\$24,458	\$23,684	\$233,783
Total Cost	\$5,919,058	\$4,218,397	\$955,186	\$1,461,458	\$1,415,184	\$13,969,283
Less: Estimated Construction Fund Interest Earnings	\$ (10,289)	\$ (7,333)	\$ (1,660)	\$ (2,540)	\$ (2,460)	\$ (24,283)
Bond Amount Subtotal	\$5,908,769	\$4,211,064	\$953,525	\$1,458,918	\$1,412,724	\$13,945,000
Less Cash On Hand	\$ (500,000)	\$ -	\$ -	\$ -	\$ -	\$ (500,000)
Bond Amount Required	\$5,408,769	\$4,211,064	\$953,525	\$1,458,918	\$1,412,724	\$13,445,000



Community Development Memo

DATE: August 23, 2018

TO: Township Board

FROM: Stacey Fedewa, AICP – Community Development Director

RE: Glueck – Rezoning Application (AG to RR) – 6 Acres Only

BACKGROUND

The applicant, Marilyn Glueck, wants to divide her 40-acre parcel, 15901 Ferris Street (70-07-11-100-003), to create a 6-acre parcel which she requests to rezone from Agricultural (AG) to Rural Residential (RR). The remaining 34-acres would stay Agricultural. The 6-acre parcel would be accessed from 160th Avenue, and not the private road to the north known as Dana Lane.

The new parcel would be sold to a long-time friend of the family, and used for a single family residence. The rezoning application was tested against the “Three C’s” evaluation method.

COMPATIBILITY

*Is the proposed rezoning **compatible** with the existing developments or zoning in the surrounding area?*

The zoning for parcels that border the applicant’s parcel is:

Direction	Current Zoning	Existing Use
North	AG	Township Park
South	AG	Rod & Gun Club
East	AG	Township Park
West	RR	Single Family

The 2016 Future Land Use Map has master-planned the subject parcel for Low Density Residential (LDR), the applicant is requesting a rezoning to RR.



CONSISTENCY

*Is the proposed rezoning **consistent** with the goals and objectives of the Master Plan and does it coincide with the Future Land Use Map in terms of an appropriate use of the land?*

The Statement of Purpose for the RR district:

- The Rural Residential Districts are designed to be those semi-open areas of the Township where the conduct of agriculture and other rural-type activities may coexist with large-tract residential housing and residentially related facilities with the realization that adequate open and semi-open areas are essential to the health and welfare of the Township



CAPABILITY

*Does the proposed rezoning require an extension of public sewer and water, roadway improvements, or enhanced fire and police protection, and if so, is it in an area **capable** of being provided with such services?*

Parcels within the RR district should be supported by certain infrastructure features, including paved roads, and if available natural gas and municipal water. The new parcel would be accessed via a public gravel road and utilize private utilities.

It should be noted, the Zoning Ordinance Update Committee has conducted research on the existing RR parcels in the Township, and **nearly 200 lots zoned RR are accessed via gravel roads**. As such, the Committee will be recommending a change in the RR district in the new ordinance—minimum of 5-acres and only accessed from a paved road, if available.

To further affirm these findings, staff has identified there are 657 properties zoned RR in the Township. Of those, 190 lots are accessed from a gravel road. Meaning **nearly 30% of the parcels that are zoned RR are on gravel roads**, and the proposed change in the zoning ordinance would bring the vast majority into greater compliance with the district requirements.

SAMPLE MOTIONS

If the Board finds the rezoning application meets the applicable standards, the following motion can be offered:

Motion 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.**

If the Board finds the rezoning application does not meet the applicable standards, the following motion can be offered:

Motion to deny the rezoning application for part of parcel 70-07-11-100-003 from Agricultural (AG) to Rural Residential (RR) because the application does not meet the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance, Master Plan, and Future Land Use Map.

If the Board finds the rezoning application is premature or needs revisions, the following motion can be offered:

Motion to table of the Glueck rezoning application, and direct the applicant to address the following items:

1. *List the items...*

Please contact me prior to the meeting if you have questions.



GRAND HAVEN CHARTER TOWNSHIP

REZONING APPLICATION

Application Type	Fee	Escrow*
Rezoning	\$150	\$500

Applicant Information

Name MARILYN G. GLUECK
 Phone 616-842-9398 Fax _____
 Address 15901 FERRIS ST. GRAND HAVEN MI 49417
 Email Address _____

Owner Information (If different from applicant)

Name _____
 Phone _____ Fax _____
 Address _____

Property Information

Address/Location 15901 FERRIS ST. G.H. MI 49417
 Parcel Number 70-07-11-100-003 Size (acres) 40 A. - only rezoning 6 acres
 Current Zoning AG Zoning Requested RR
 Adjacent Zoning North: AG South: AG East: AG West: RR
 Master-Planned Zoning RR Consistent with Master Plan? yes

Other Information

Does Property Abut Township Border? No abuts Twp. Property - N - E sides
 Present Use of the Subject Property? CHRISTMAS TREES
 Number & Type of Existing Structures? NONE on 6 A to be rezoned *main Parcel*
 Subject Property Located on a Paved Road? ~~NO~~ YES - sm. parcel from split *1 house*
 Municipal Water within 2,700 Feet of Subject Property? No *on gravel rd.*
 Municipal Sewer within 2,700 Feet of Subject Property? No *3 pole barn*

NOTE: The architect, engineer, planner, or designer shall be responsible for utilizing the Township Ordinance books and following requirements for zoning amendments and procedures as stated in Section 27.08. Please submit fourteen (14) copies of the required information with the application.

I hereby attest the information on this application is, to the best of my knowledge, true and accurate.

Marilyn G. Glueck
 Signature of applicant

7-16-18
 Date

* To cover cost of legal and consulting fees, may be increased as necessary

NOTICE

IF I PLAN TO SPLIT THE PARCEL(S) AFTER THE ZONING APPROVALS ARE GRANTED, I REALIZE THAT I MUST APPLY FOR A LAND DIVISION WITH THE ASSESSING DEPARTMENT. ALL LAND DIVISION REQUIREMENTS MUST BE CONFORMED TO BEFORE PROCEEDING WITH FURTHER DEVELOPMENT.

Marilyn G. Gluck _____ 7-16-18 _____
Signature of applicant Date

For Office Use Only

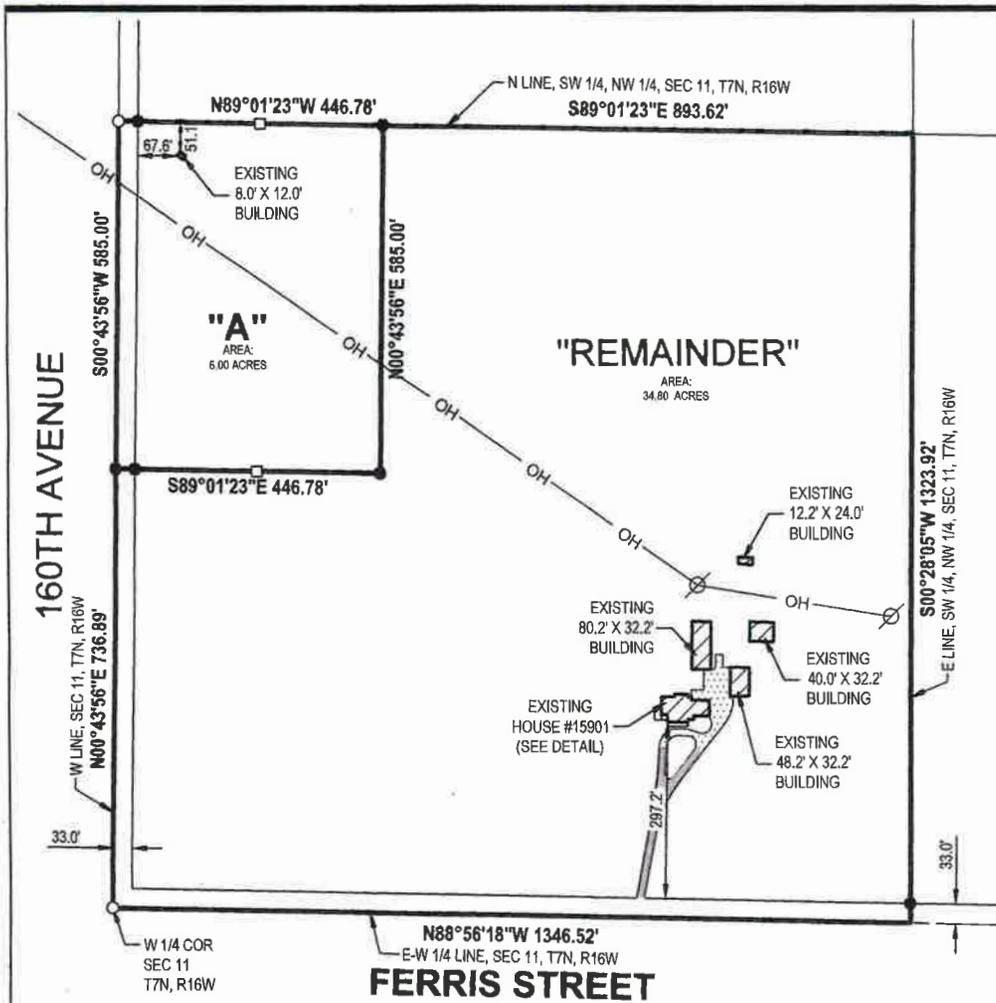
Date Received _____ Fee Paid? _____
Materials Received: Site Plans _____ Location Map _____
Survey _____ Legal Description _____
Dated copy of approved minutes sent to applicant? _____ Date Sent _____

PLANNING COMMISSION USE ONLY

Approval _____
Tabled _____
Denied _____
Conditional Approval _____

The following conditions shall be met for approval:

Signature of Planning Commission Chair Date



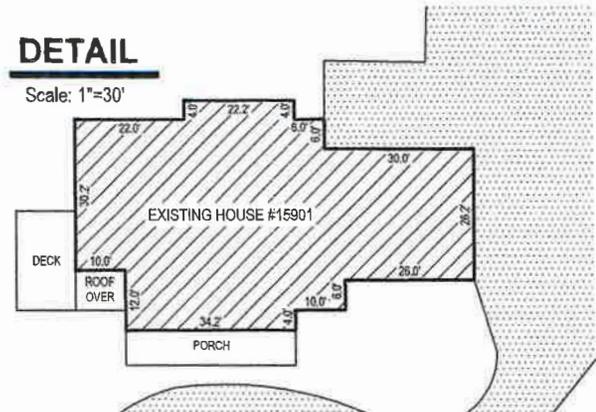
PARTIAL DESCRIPTION

Part of Northwest 1/4 of Section 11, Town 7 North, Range 16 West, Grand Haven Township, Ottawa County, Michigan.

(See sheet 2 of 2 for complete description.)

DETAIL

Scale: 1"=30'



LEGEND

- Iron - Set
- Iron - Found
- Set Wood Stake
- ⊙ Utility Pole
- OH — Overhead Utility
- X — X — Fence
- ▭ Asphalt
- ▭ Concrete
- ▭ Building

By: *Scott A. Hendges*
 Scott A. Hendges Licensed Professional Surveyor No. 47953



SCALE: 1" = 250' 0' 125' 250'



Drew Marod
 15901 Ferris Street
 Grand Haven, MI 49417

15901 Ferris Street
 DRAWN BY: CWS DATE: 07-02-2018 PRJ #: 18201052
 REV. BY: REV. DATE: 1 OF 2



We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

DESCRIPTION

PARCEL "A" DESCRIPTION: Part of Northwest 1/4 of Section 11, Town 7 North, Range 16 West, Grand Haven Township, Ottawa County, Michigan described as: Commencing at the West 1/4 corner of said Section; thence N00°43'56"E 736.89 feet along the West line of said Section to the Point of Beginning; thence S89°01'23"E 446.78 feet parallel with the North line of Southwest 1/4 of the Northwest 1/4 of said Section; thence N00°43'56"E 585.00 feet; thence N89°01'23"W 446.78 feet along said North line; thence S00°43'56"W 585.00 feet along said West line to the Point of Beginning. Contains 6.00 acres. Subject to easements, restrictions, and right-of-way of record. Also, subject to highway right-of-way for 160th Avenue over the Westerly 33.0 feet thereof.

"REMAINDER" DESCRIPTION: Part of Northwest 1/4 of Section 11, Town 7 North, Range 16 West, Grand Haven Township, Ottawa County, Michigan described as: Beginning at the West 1/4 corner of said Section; thence N00°43'56"E 736.89 feet along the West line of said Section; thence S89°01'23"E 446.78 feet parallel with the North line of Southwest 1/4 of the Northwest 1/4 of said Section; thence N00°43'56"E 585.00 feet; thence S89°01'23"E 893.62 feet along said North line; thence S00°28'05"W 1323.92 feet along the East line of the Southwest 1/4 of the Northwest 1/4 of said Section; thence N38°56'18"W 1346.52 feet along the East-West 1/4 line of said Section to the Point of Beginning. Contains 34.80 acres. Subject to easements, restrictions, and right-of-way of record. Also, subject to highway right-of-way for 160th Avenue over the Westerly most 33.0 feet thereof. Also, subject to highway right-of-way for Ferris Street over the Southerly 33.0 feet thereof.

NOTE: Parcel descriptions created hereon were based on parent parcel description contained in Warranty Deed recorded as Document No. 2017-0031549, dated August, 28, 2017, Ottawa County Records.

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

By: *Scott A. Hendges*

Scott A. Hendges Licensed Professional Surveyor No. 47953

SCALE: 1" = 250' 0' 125' 250' NORTH

Drew Marod
15901 Ferris Street
Grand Haven, MI 49417

15901 Ferris Street

DRAWN BY: CWS DATE: 07-02-2018 PRJ #: 18201052
REV. BY: REV. DATE 2 OF 2
REV.:

STATE OF MICHIGAN
SCOTT A. HENDGES
PROFESSIONAL SURVEYOR
NO. 47953

NEDERVELD
www.nederveld.com • 800.222.1866
Holland
347 Hoover Blvd.
Holland, MI 49423

SUPERINTENDENT'S MEMO

DATE: August 22, 2018

TO: Township Board

FROM: Bill Cargo

SUBJECT: Request for Exception to the Private Road Ordinance – Lincoln Farm Estates

OVERVIEW:

Attached, please find a request from Tami Swart, an agent acting on behalf of the owners of eleven (11) parcels located within the so-called “Lincoln Farm Estates” along Lincoln Street. Specifically, Swart is seeking a private road exception that will allow the Township to issue building permits after certain improvements to the private road are completed. (*See attached letter, road photos, and aerial map.*)

The parcels were created in May of 1991 – this is about one year prior to the adoption of the Township’s Private Road ordinance in 1992. That said, there was an “Access Ordinance” in place from 1978 that did provide some minimum standards.

With regard to the proposed private road, Lincoln Farm Estates would be non-conforming with regard to the following standards:

1. The roadway will not have a bituminous paving overlay, 19 feet wide, 2.5” in depth and meeting the current Road Commission standards;
2. The unpaved portion of the roadway would be within 50-feet of an adjacent residential property line;
3. The roadway will not meet minimum separation distances from other roads (*e.g., 410’ where 660’ is required*);
4. The roadway will not have municipal water; and,
5. The roadway will not have municipal sanitary sewer.

As you may recall, the Private Road Ordinance was amended in November of 2000 to prevent homes from being constructed along unimproved McNitt right-of-ways. (*See Section 6. Subsection 6 of the Private Road Ordinance.*) However, this ordinance amendment also covers homes being constructed on private roads and allows the township to review the safety aspects of these private roads to ensure they meet minimum safety standards.

Typically, Township staff would oppose any requested building permit for a lot created after 2000 along a non-conforming private road, unless the roadway was brought into conformity with the Private Road Ordinance. This is because the building permit would increase the non-conformity and could impact the ability of emergency vehicles to access the site.

However, since applicant only wishes to construct residential units on existing lots of record (*i.e., the lots have existed since 1991*), it is important to recall the Michigan Court of Appeals decision issued December 4, 1998 in *Dowork v. Oxford Charter Township*, which provides guidance to your deliberations on this exception request.

In brief, the Oxford Township Ordinance required the property owner to improve the entire road before approval was granted to divide the property. The property owner sought relief from this requirement by applying for an exception, which was denied. In addition, the property owner sought to create a special assessment district to improve the road, which was also denied after input from the other property owners.

The property owner sued Oxford Township, but the case that was dismissed by the Trial Court and affirmed by the Court of Appeals.

In brief, the Court of Appeals acknowledged that the Ordinance was intended to ensure access by emergency vehicles, and that this is “*clearly a legitimate governmental interest.*”

Furthermore, the Appeals Court held that the requirement of upgrading the entire road was related to, and imposed a burden in a reasonable proportion to, the traffic and public safety concerns which would result from the construction of dwellings on the parcels.

This ruling provides important direction for GHT in dealing with existing private roads. GHT can require property owners who want to divide or develop their property to bring a private road up to current standards at their own expense or with a SAD. However, without some clear governmental purpose related to safety (*e.g., fire/rescue vehicles are not able to safely respond to an emergency because of the condition of the private road*), the township is not allowed to deny a building permit to an existing lot of record located along a non-conforming private road.

After reviewing this private road, the Fire/Rescue Department determined that with certain improvements, the Lincoln Farm Estates private roadway could be constructed to meet minimal access requirements from a public safety perspective and to accommodate fire apparatus. Specifically, the Fire/Rescue department determined that the roadway, if improved, would be sufficient for a “*two-truck, large diameter hose lay for fire protection or could accommodate required tanker shuttle operations.*”

If the Board agrees and decides to approve the private road exception request, it will be important to clearly delineate the reasons for the exceptions because – according to the Private Road Ordinance – “*exceptions should be rarely granted*”.

Therefore, the following motion is proposed by staff regarding the Swart request for an

exception under Section 7 of the Township's Private Roads and Driveways Ordinance:

Move to approve an exception to the Private Road Ordinance allowing a residential building permits for existing lots of record on the Lincoln Farm 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 Farm 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 Farm 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.**

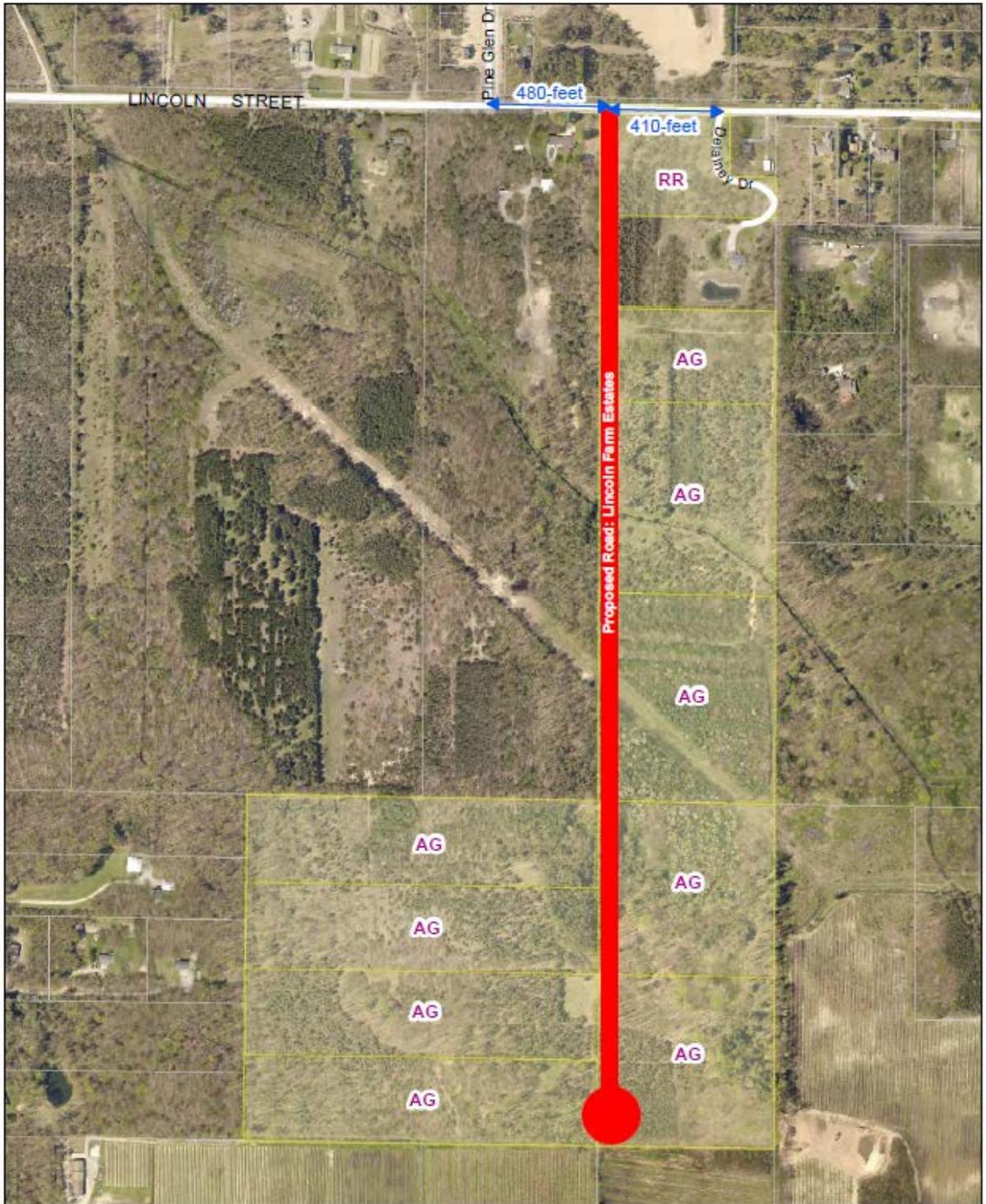
- k. The name of a private road shall be established only with the approval of the Township's Fire and Rescue Department in order to avoid confusion or duplication of names.**
- l. The property may not be divided or split inasmuch as an additional split would increase the private road non-conformity.**
- 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:

- 1) 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.**
- 2) That the aforementioned improvements to the Lincoln Farm Estates road system will ensure adequate access for emergency vehicles.**
- 3) That granting the exception would not alter the essential character of the surrounding neighborhood**
- 4) That the residential units to be constructed can meet the requirements of all other applicable state and township regulations.**

If you have any questions or comments, please call Cargo at your convenience.

Lincoln Farm Estates Private Road and Driveways Ordinance Exception Request



Email request for private road exception:

Dear Mr. Cargo,

My name is Tami Swart. I am a realtor with At Home Realty, representing the owners of the following parcels located on Lincoln in Grand Haven Township.

#70-07-13-200-012, 014, 015, 016, 400-008, 09, 10, 11,12, 13.

These parcels were created in February of 1991. We respectfully request the following exceptions to the current ordinances.

1. Minimum separation distance between roads (section 4.8)
 - a. There are two existing access easements in place for roads. Those two easements do not meet the minimum separation requirement of 660-feet; it's only 410-feet. Additionally, the western easement is only 480-feet from Pine Glen Drive, which is the main entrance to the Lincoln Pines subdivision.

2. Screening (section 4.10)
 - a. The western access easement has a tree line along the western edge. If that is to be preserved, perhaps the Board would allow those trees to act as the screening instead of having to plant new evergreen trees.

3. Paving (section 4.3H and 4.10)
 - a. The ordinance requires a road to be paved if it is within 50-feet of an adjacent residential property line. However, 9 out of the 10 lots for sale are zoned AG, and the one RR parcel fronts Lincoln Street. Because Ag activity has to occur on every parcel in order to build a dwelling, it seems to be an undue hardship to pave the road. Furthermore, all three departments that reviewed this beforehand agreed that a gravel road was most suitable and we began advertising the properties as such and creating budgets based on that information.

4. Installation of municipal water/sanitary sewer (section 4.6)
 - a. The ordinance requires municipal water and sanitary sewer to be installed whenever it's available within 2,700-feet of the site. Both are available within 2,700 feet. Similar to the above, the land is going to be used agriculturally as the primary use and residentially as the accessory use—generally Ag uses are not connected to public utilities. Staff agreed, and believed private utilities was most suitable. Furthermore, these are all legal lots of record and the access easements have been in place for many years. Since February 1991.

Thank you for your consideration of the above requests.

Truly,
Tami Swart

Photos of existing conditions:



View of entrance from Lincoln Street



Shortly after the entrance

Photos continued:



Further in...



Further in...