

AGENDA

Grand Haven Charter Township Planning Commission
Monday, November 21, 2016 – 7:30 p.m.

- I. Call to Order
- II. Roll Call
- III. Pledge to the Flag
- IV. Approval of the November 7, 2016 Meeting Minutes
- V. Correspondence
- VI. Public Comments/Questions on Agenda Items Only (Limited to 3 minutes)
- VII. Old Business
 - A. Brucker Beach Woods
- VIII. New Business
 - A. Village at Rosy Mound Parallel Plan Determination
 - B. Integrated Assessment – Proposed Ordinance Presentation
 - C. Discussion – Assign GHT email accounts to Planning Commission & ZBA
- IX. Reports
 - A. Attorney’s Report
 - B. Staff Report
 - C. Other
- X. Extended Public Comments/Questions on Non-Agenda Items Only (Limited to 4 minutes)
- XI. Adjournment

Note: Persons wishing to speak at public hearings, on agenda items, or extended comments, must fill out a “Speakers Form” located on the counter. Completed forms must be submitted to the Zoning Administrator prior to the meeting.

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
PLANNING COMMISSION
NOVEMBER 7, 2016

I. CALL TO ORDER

Cousins called the meeting of the Grand Haven Charter Township Planning Commission to order at 7:30 p.m.

II. ROLL CALL

Members present: Cousins, LaMourie, Kieft, Robertson, Chalifoux, Taylor, Reenders, Gignac,
and Wilson

Members absent: None

Also present: Fedewa and Attorney Bultje

Without objection, Cousins instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Without objection, the minutes of the October 17, 2016 meeting were approved.

V. CORRESPONDENCE

A. Brucker Beach Woods:

- Ben and Anna Braymer 17961 Brucker Street
- Norm Barkeley 18005 Brucker Street
- Richard and Claudine Weber 14654 Pine Island Drive
- Larry and Rochelle Gorey 17993 Brucker Street
- Fred and Wendy Beamer 17885 Brucker Street
- Stephen and Nancy Bowen 14679 Pine Island Drive
- A.W. Betts 14567 South Highland Drive
- Donald and Patricia Lipinski 14579 South Highland Drive
- Derrick Schabbel 16167 Heyers Place, Spring Lake
- Terry French 600 Washington Ave, Grand Haven
- Bill and Kima Johnson 17896 Hidden Acres Lane
- Brian and Catherine Haick 17864 Hidden Acres Lane

VI. PUBLIC COMMENTS ON AGENDA ITEMS ONLY – None

VII. PUBLIC HEARING

A. Site Condominium – Brucker Beach Woods

Fedewa provided an overview through a memorandum dated November 4th. Additionally, Fedewa noted the following:

- Site condominiums do not equal multi-family residential.
- Developer is proposing 7 single family dwellings, and no multi-family dwellings.

The developer, Steve Davis; Westshore Consulting Surveyor, Stephen Vallier; and attorney, Robb Robbins were present and available to answer questions. The following items were noted by Robbins during the developer's presentation:

- Regarding comparative lot sizes, it was noted if the 13 acre parcel owned by the land conservancy were removed the average lot size would be smaller.
- Does not believe sidewalks are necessary for this development.
- Desires the smallest buffer possible if the Planning Commission requires a visual buffer.
- Indicated the hash-marks on the plans identify a building envelope that meets setbacks, and should not be interpreted as a tree clear-cutting line.

Cousins opened the public hearing at 7:42 p.m.

- Rick Hunter – 17910 Brucker, does not support the development as currently proposed:
 - Lived in the area for approximately 45 years, and has experienced steady growth including 5 homes on the adjacent Pine Island Drive.
 - Multi-family condominiums would be a shocking change to the neighborhood.
 - Calculated, and provided, average lot size information.
 - Traffic concerns are more related to pedestrians and bicyclists rather than vehicles.
- Richard Weber – 14654 Pine Island Drive, does not support the development as currently proposed:
 - Believes 7 – 9 homes are not cohesive with neighborhood.
 - Has concerns regarding stormwater runoff and the amount of hardscaping that would exacerbate an issue. Swales would be better for stormwater disposition.
 - The pond adjacent to Pine Island Drive is a stormwater retention basin as well. Believes septic leaching and fertilizer use will result in a biomass within the pond.
 - Confident people will trespass on private property to visit and enjoy the pond adjacent to Pine Island Drive because people are attracted to bodies of water.
 - Requests the developer perform a water quality study for the area.
- Stephen Bowen – 14679 Pine Island Drive, does not support the development as currently proposed:
 - Moved to area because of the natural wooded area, and new residents deserve to enjoy the natural character just like existing residents.

- Feels a high-density development is not cohesive with the neighborhood.
- The 200' x 200' divided lot could be divided again to create two lots rather than one. Resulting in what appears to be 9 lots rather than the 7 that are proposed. These lots would not be subject to Planned Unit Development requirements, so the land is less protected and the Township does not receive a benefit.
- Provided data on average lot sizes of the surrounding area.
- Believes all trees will be clear-cut and removed from the property because a lot of fill-dirt will need to be brought onsite to raise the grade for the road and septic system.
- Requests a substantial visual buffer be required. Either 50'-70' or 30'-50'.
- Richard Cromwell – 18008 Brucker Street, does not support the development as currently proposed:
 - Feels a high-density development is not cohesive with the neighborhood.
 - Believes the developer is falsely advertising the property by stating the road-end beach access is 211' in width when it's only 118' by his calculations.
 - More people accessing the beach will result in erosion and fire hazards.
 - Stated there is no routine cleanup of the beach, and because there are no public restrooms a public health hazard is present.
 - Upset about loud parties in the area.
 - Continues to have unpleasant interactions with beach-goers when he notified them of the rules governing the beach.
- Susan Arminio – 18005 Brucker Street, does not support the development as currently proposed:
 - Beach is already stressed, and if more people use it the stress will grow.
 - Questions what variances have been given to allow this development to happen.
 - Does not believe the R-1 zoning district regulations are met.
 - Feels a high-density development is not cohesive with the neighborhood.
 - Believes if development is approved a precedence will be set.
- Norman Barkeley – 18005 Brucker Street, does not support the development as currently proposed:
 - Upset with, and cannot trust, the Township because a dwelling was constructed that is too tall for the fire truck to provide fire protection.
 - More people creates more risk and leads to more fire hazards that can spread quickly and damage homes.
 - At the beach there too many cars, not enough police, no restrooms, and no trash cleanup.

- Suzanne Scholl – 14315 Lakeshore Drive & 18002 Brucker Street, does not support the development as currently proposed:
 - Has lived in the area for over 50 years.
 - Proposed development would have a significant impact on the existing wildlife. Because of the uniqueness of the wildlife the development site is “sacred.”
 - Traffic issues for residents are enormous simply due to visitors constantly turning around in their driveways.

- Brian Haick – 17864 Hidden Acres Lane, does not support the development as currently proposed:
 - Proposed density is uncharacteristic of the area.
 - Believes too many trees will be removed, which will disrupt the wildlife in the area. Likely to result in the wildlife relocating.
 - If too many trees are removed, it will negatively affect impervious surface runoff and further reduce stormwater disposition.
 - Thinks the Vincent Drain will have to be fixed again if this development is approved, which will require the neighborhood to pay for it again.
 - Opposed to the density, but not the development.

- Anna Braymer – 17961 Brucker Street, does not support the development as currently proposed:
 - Neighborhood has a quaint, wooded feel, which creates the charming character of the area.
 - Already dealing with short-term rentals in the area, and believes this development would result in more short-term rentals.
 - Tree removal is problematic.

- Don Lipinski – 14579 South Highland Drive, does not support the development as currently proposed:
 - Has lived in the area for about 40 years, and has transitioned into a full-time resident.
 - Believes he lives in a “high rent district” because of the proximity to Lake Michigan.
 - Stated that he has great neighbors, but indicated the Township does nothing to help patrol and maintain the beach so the Township is a bad neighbor. Does not understand why the Buchanan Beach receives the needed attention, but Brucker Beach does not.
 - Continues to have unpleasant interactions with beach-goers when he notified them of the rules governing the beach.

Cousins closed the public hearing at 8:23 p.m.

VIII. OLD BUSINESS

A. Site Condominium – Brucker Beach Woods

The application was discussed by Commissioners and focused on:

- Confirmed the DEQ had a pre-application meeting with the developer and received a Letter of No Authority stating that permits are not required unless someone impacts the Critical Dune Area, but the proposed building envelopes do not encroach into the regulated area.
- Private septic systems and drain fields is not ideal, but public sanitary sewer is approximately 3,900 feet away from the site. Developers are only required to extend sanitary sewer if it is located within 2,700 feet.
 - Private septic systems and drain fields within a subdivision or site condominium development are regulated by the State and are held to a higher standard when compared to Ottawa County regulations.
- Due to concerns raised by neighbors regarding short-term rentals it may behoove the developer to amend the Bylaws to further restrict or prohibit short-term rentals.
- Concerns were raised about stormwater:
 - Runoff in front yard directed to catch basins, but what about the rear yard?
 - Will gutters and downspouts be required to direct the stormwater?
 - Due to the sensitive landscape of this area it may be prudent to accept the Ottawa County Water Resources Commissioners recommendation that individual dry bio-swales be utilized rather than a single retention basin.
 - Agree that removing too many trees will negatively affect stormwater disposition.
- Cannot require off-site improvements such as installing a fence to prevent the possibility of people trespassing onto adjacent property. Can only require natural buffers to afford visual screening.
- At the request of the Planning Commission, Fedewa explained that Buchanan Beach and Brucker Beach are treated differently for a very specific reason. In the mid-1990's there was an adverse possession dispute between property owners at the Buchanan road-end and the Ottawa County Road Commission (OCRC) as it related to the right-of-way. A lawsuit was filed, and eventually all parties consented the OCRC would maintain ownership, but certain signage, fencing, restrooms, and a beach attendant would be required. Furthermore, those property owners agreed to have the cost of the improvements and employee be specially assessed against their property taxes.
- The previously divided 200' x 200' lot does appear to be an eighth, possibly ninth, lot within this development. Although this was not intentional the resulting development

would appear to violate the Zoning Ordinance that requires Large Scale Developments (*8 or more lots*) to be constructed as a Planned Unit Development.

Motion by Kieft, supported by Chalifoux, to **table** the Brucker Beach Woods Site Condominium application, and direct the applicant to make the following revisions:

1. Utilize dry bio-swales as the method of stormwater disposition, rather than a single retention basin.
2. Reduce the number of lots, so only 7 properties utilize the proposed road to eliminate the appearance of a Planned Unit Development violation.
3. Incorporate a 25' undeveloped natural buffer around the property to provide visual screening.
4. Add a sidewalk.
5. Amend Master Deed and/or Bylaws to require additional trees be preserved within the front and side yards.
6. Consider amending the Master Deed and/or Bylaws to restrict, or prohibit, short-term rentals.

IX. REPORTS

- A. Attorney Report – None
- B. Staff Report – None
- C. Other – None

X. EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS ONLY

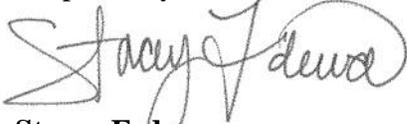
- Don Lipinski – 14579 South Highland Drive
 - Still has concerns about cars parking on Brucker Street.
- Richard Cromwell – 18008 Brucker Street
 - Questioned how to obtain traffic counts.
 - LaMourie provided information about how, why, and when traffic counts are conducted.
- Suzanne Scholl – 14315 Lakeshore Drive & 18002 Brucker Street
 - Brucker Street is not a typical road. Needs “no parking” signs.
- Norman Barkeley – 18005 Brucker Street
 - Quality of life will change if this development is approved.

- Too much E. coli from people utilizing the beach all day without a public restroom.

XI. ADJOURNMENT

Without objection, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stacey Fedewa". The signature is written in a cursive style with a large, stylized initial "S".

Stacey Fedewa
Acting Recording Secretary



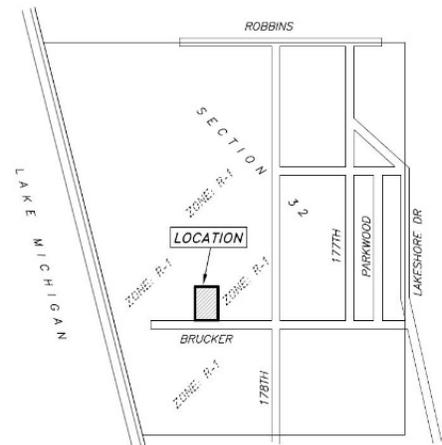
Community Development Memo

DATE: November 17, 2016
TO: Planning Commission
FROM: Stacey Fedewa, Community Development Director
RE: Site Condominium Application – Brucker Beach Woods – 7 Sites

BACKGROUND

On November 7th the Planning Commission held a public hearing on the proposed development and ultimately tabled the application citing the following items that needed to be revised:

1. Reduce the number of lots, so only 7 properties utilize the proposed road to eliminate the appearance of a Planned Unit Development violation.
2. Utilize dry bio-swales as the method of stormwater disposition, rather than a single retention basin.
3. Incorporate a 25' undeveloped natural buffer around the property to provide visual screening.
4. Add a sidewalk.
5. Amend Master Deed and/or Bylaws to require additional trees be preserved within the front and side yards.
6. Consider amending the Master Deed and/or Bylaws to restrict, or prohibit, short-term rentals.



WHAT'S CHANGED?

As requested, the developer considered, and revised, the plans to meet all 6 items.

1. The **200' x 200' lot has been recombined into the development**, so now all 7 lots encompass the entire 6.29 acre parent parcel. Due to this revision the length of the road was

reduced from 411' to 344', but with the addition of the sidewalk the net increase in impervious surface is ≈1,300 sqft. **Overall impervious surface reduction↓ of about 15%.**

2. The single stormwater retention area has been removed, and **7 dry bio-swales have been incorporated.** Additionally, the developer has added another requirement in the Bylaws to have beach grass within the right-of-way + 4' opposite the sidewalk.
3. A **25' natural buffer zone has been added** around the outside perimeter of the development. In addition, the developer noted that some of the trees within that buffer zone lack foliage and likely will not provide the type of visual screening the Planning Commission desires. Therefore, another provision was added to the Bylaws that states for every tree removed because it does not add to the visual screening must be replaced on a caliper-by-caliper basis and have a minimum height of 6 feet.
4. A 5' wide **sidewalk** has been added around the entire road.
5. The Bylaws have been amended to require a minimum of 2 trees be protected within the front yard and both side yards, which equates to a minimum of **6 trees within the front and side yards.**
6. The Bylaws have been amended to restrict short-term rentals and establish a **minimum stay of 6+ months.**

LOT SIZE COMPARISON

On average, the **lot sizes grew by 25%.** The new lot sizes range from 0.56 – 1.46 acres, with the average size being 0.76 acres (33,280 sqft). Keeping in mind the minimum lot size for the R-1 zoning district is 15,000 sqft.

Staff performed additional lot size comparison calculations to gain additional perspective. A 300 foot and 1,000 foot buffer were used, and the subject property and vacant land were excluded from the list. So, the following calculations are for properties with existing dwellings.

	Proposed	300 feet	1,000 feet
Average Lot Size	0.76 acres	1.08 acres	0.78 acres
Smallest Lot Size	0.56 acres	0.31 acres	0.05 acres
Largest Lot Size	1.46 acres	2.09 acres	3.85 acres

In summary, the proposed parcels are 0.32 acres (29%) smaller than properties within 300 feet. However, when expanded to 1,000 feet the proposed parcels are 0.02 acres (2%) smaller.

If the Planning Commission finds the Brucker Beach Woods Site Condominium application meets the applicable standards, the following motion can be offered:

Motion to recommend to the Township Board **approval with conditions** of the Brucker Beach Woods Site Condominium development. 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 action is based upon the findings and other information included in the Planning Commission report. Approval is subject to the following conditions:

1. If applicable, incorporate Master Deed restrictions from the Ottawa County Environmental Health Department, Ottawa County Water Resources Commissioner, and Ottawa County Road Commission.
2. Approval and compliance with all requirements of the OCRC, OCWRC, and OCEHD. Copies of approvals and permits must be submitted to staff and made part of the file. No building permits shall be issued until all permits have been obtained.
3. Enter into a Special Assessment Lighting District (SALD) Agreement with the Township. The Agreement and Resolution adopting the SALD shall be reviewed and approved by the Township Board.

If the Planning Commission finds the Brucker Beach Woods Site Condominium application does not meet the applicable standards, the following motion can be offered:

Motion to recommend to the Township Board **denial** of the Brucker Beach Woods Site Condominium development, and direct staff to draft a formal motion and report 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 Planning Commission finds the applicant must make revisions to the Site Condominium application, the following motion can be offered:

Motion to **table** the Brucker Beach Woods Site Condominium application, and direct the applicant to make the following revisions:

1. *List the revisions.*

Please contact me prior to the meeting with questions or concerns.

1. The application meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:
 - A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site.
 - B. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
 - C. Safe, convenient, uncontested, and well defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
 - D. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the township.
 - E. Removal or alterations of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 - F. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
 - G. The 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.
 - H. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.
 - I. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate.
 - J. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate storm water, prevent erosion and the formation of dust.

- K. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures.
 - L. 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 site plans conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances.
 - N. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.
2. The application meets the site condominium project review standards of Section 18.03 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:
- A. The project plan provides adequate common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, and project layouts and design.
 - B. The project plan complies with the Condominium Act, other applicable laws, ordinances, and regulations.
 - C. The building site for each site condominium unit complies with all applicable provisions of the ordinance including minimum lot area, minimum lot width, required front, side, and rear yards, and maximum building height.
 - D. The project plans public street will be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Ottawa County Road Commission.
 - E. The project will provide public water facilities to the site condominium units, and is in accordance with Township standards.
 - F. The project provides for private septic system and drain field located within the condominium unit's building site, and have been approved by the Ottawa County Department of Health.
 - G. The project will provide the required street light fixture within the cul-de-sac.

Section 15. Tree Management Plan

The following requirements have been imposed on the project by Grand Haven Charter Township upon unit sales within the Site Condo Development defined as Brucker Beach Woods. The requirements may not be modified without the approval of Grand Haven Charter Township.

15.1 No-Cut Buffer. A 25 foot rear yard no-cut buffer is mandated. No trees within 25 feet to rear property line of any unit may be cut or removed. No buildings or other improvements may be erected in 25 foot rear yard buffer. In the event that a tree within the no-cut buffer is diseased, dead or poses a risk then unit owner must get the consent of the Developer and/or the Association as the case may be. Developer and/or the Association shall be the sole governing body for the Tree Management Plan. Upon Units 3 & 4 any Pines tree(s) deemed to not provide any screening may be removed within this buffer. A caliper-by-caliper replacement schedule shall be mandated for any tree that is removed. Example: if a tree of 8" diameter is removed than a replacement of tree(s) of equal or greater diameter must be replaced. Each replacement tree shall be a minimum 6 foot in size.

15.2 Front & Side Yard Tree Plan. In each of the front and side yards a minimum of 2 trees must be kept. In the event that 2 trees cannot be kept due to unforeseen reasons (septic) then 2 trees must be planted in each of the said front and side yards as the case may be. Each replacement tree shall be a minimum 6 foot in size. The Developer and/or Association shall be the sole governing body for Front & Side yard tree plan. A caliper-by-caliper replacement schedule shall be mandated for any tree that is removed. Example: if a tree of 8" diameter is removed than a replacement of tree(s) of equal or greater diameter must be replaced.

Section 7.6 to be modified to add gutter language as follows

7.6 Specific Requirements. All approvals required by this section shall comply with the following requirements:

- a. **Construction Materials.** Each residence shall be finished with wood, hardy board, masonry (brick/stone), or vinyl exterior, including windows with exteriors clad with either aluminum or vinyl. 3" horizontal vinyl is not allowed on the front of a residence. Exposed chimneys shall be constructed of brick, stone; and exposed concrete masonry on all other visible improvements shall also be finished with brick, stone, or vinyl. Roofs must be of either shingle construction using cedar, fiberglass, or asphalt shingles, or metal roofing. Driveways must be of concrete. Any children's play areas and decorative fencing shall be constructed primarily of vinyl, wood or have a composite material with a wood appearance. All exterior paints, stains, and material colors must be shown as part of the plan submitted for approval, and samples shall be furnished to the Review Committee on request. All units must have gutters on all lower rooflines. All downspouts must empty at least 1 foot into the sub-surface with no less than an 8 foot perforated pipe. Beach grass shall be mandated for all area within a unit that lies within the road right of way (ROW). Furthermore beach grass shall be incorporated a minimum of four (4) additional feet on opposite side of sidewalks extending away from the road ROW

Section 14.5

7. Applicable zoning

10.1 Notice of Lease. No Unit shall be leased for a period of less than 6 months without the prior written consent of the Association.

OTTAWA COUNTY CONDOMINIUM SUBDIVISION PLAN NO.
EXHIBIT "B" TO THE MASTER DEED OF:

BRUCKER BEACH WOODS

BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4,
SECTION 32, TOWN 8 NORTH, RANGE 16 WEST, TOWNSHIP OF
GRAND HAVEN, COUNTY OF OTTAWA, STATE OF MICHIGAN

DEVELOPER:
BRUCKER BEACH WOODS, LLC
13786 LAKE SEDGE DRIVE
GRAND HAVEN, MI 49417
CONTACT: STEVE DAVIS
PHONE: (616) 638-2986

ENGINEER:
WESTSHORE CONSULTING
2534 BLACK CREEK ROAD
MUSKEGON, MI. 49444-2674

CONDOMINIUM SUBDIVISION PLANS SHALL BE
NUMBERED CONSECUTIVELY WHEN RECORDED BY
THE REGISTER OF DEEDS AND SHALL BE
DESIGNATED _____ COUNTY
SUBDIVISION PLAN NUMBER _____.

DESCRIPTION:

DESCRIPTION: (TAX MAP #70-03-32-400-004)

FURNISHED LEGAL DESCRIPTION: (TAX MAP #70-03-32-400-004)

COMMENCING AT A POINT 275 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWN 8 NORTH, RANGE 16 WEST, GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN; THENCE EAST 450 FEET; THENCE NORTH TO THE SOUTH LINE OF THE PLAT OF SHORE ACRES SUBDIVISION; THENCE FOLLOWING SOUTH OF SAID PLAT TO A POINT DIRECTLY NORTH OF THE PLACE OF BEGINNING; THENCE SOUTH TO THE PLACE OF BEGINNING.

FURTHER DESCRIBED AS:

PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 SECTION 32, T.8N., R.16W., GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN.. COMMENCING S88°39'50"E 275 FEET, EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION FOR THE POINT OF BEGINNING;

- THENCE N01°20'05"E, A DISTANCE OF 504.15 FEET;
- THENCE N65°00'39"E, A DISTANCE OF 105.88 FEET;
- THENCE N37°13'40"E, A DISTANCE OF 129.36 FEET;
- THENCE S89°06'30"E, A DISTANCE OF 263.10 FEET;
- THENCE S00°04'24"E, A DISTANCE OF 658.14 FEET, TO THE SOUTH LINE OF SAID SECTION 32;
- THENCE N88°39'50"W, ALONG SAID SOUTH LINE OF THE NORTHWEST 14 OF THE SOUTHEAST 1/4, A DISTANCE OF 450.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6.29 ACRES, MORE OR LESS.

DESCRIPTION IS THE COMBINATION OF PARCELS #70-03-32-400-092 AND #70-03-32-400-093

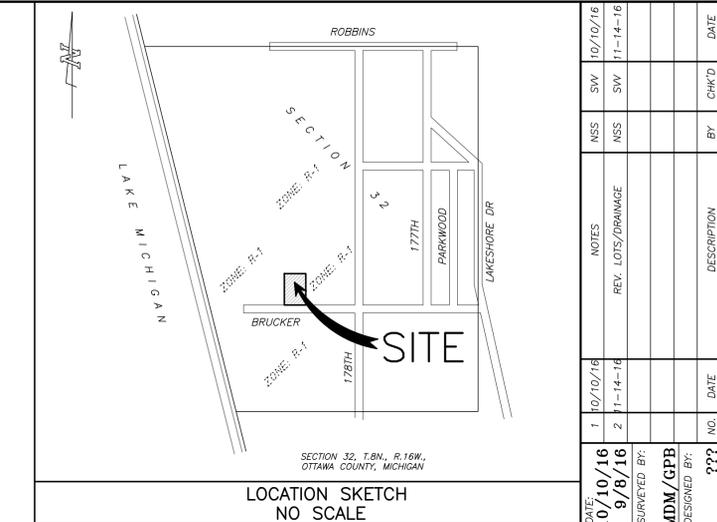
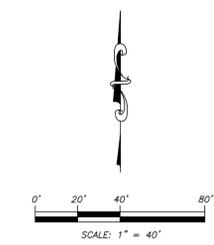
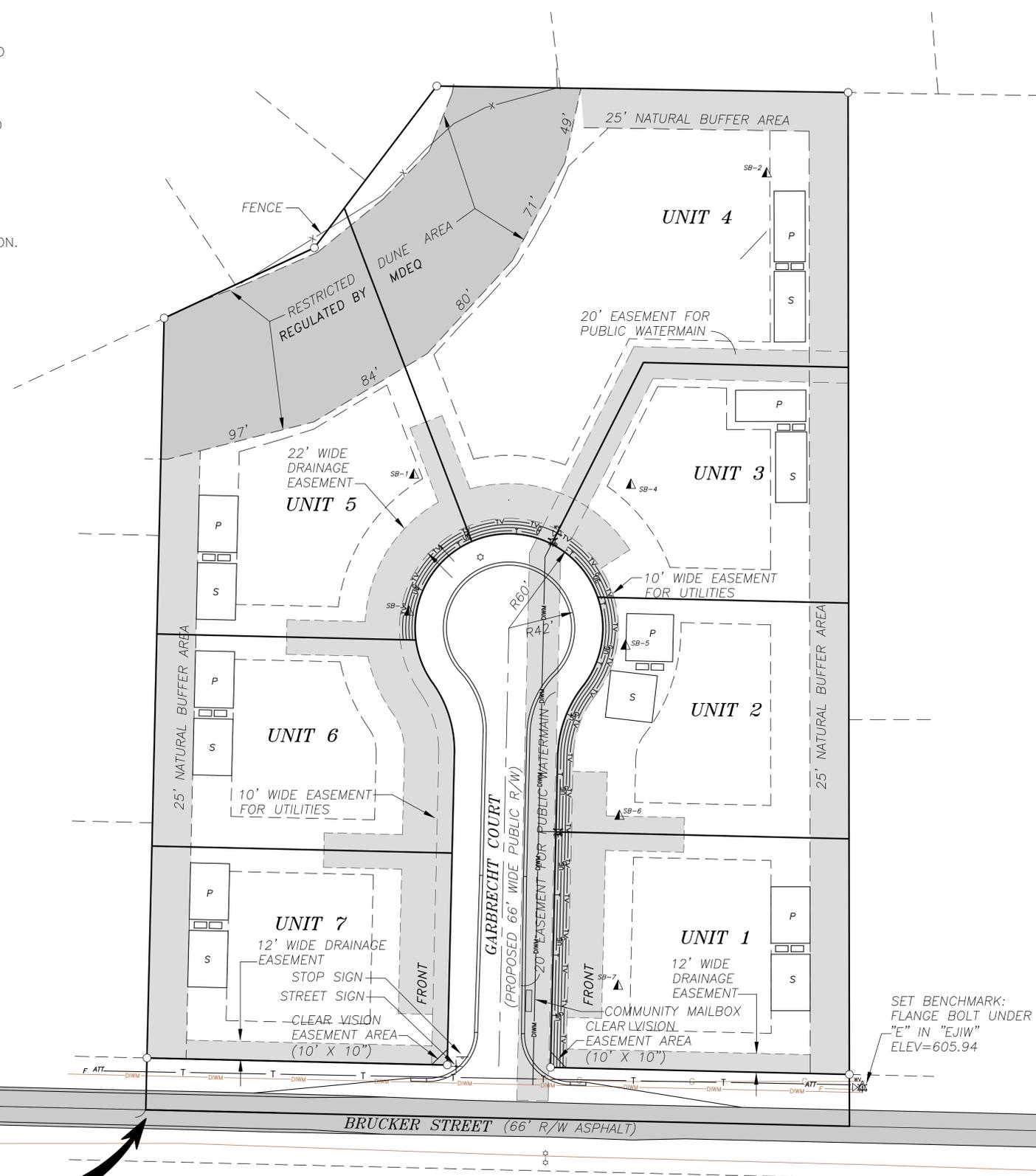
SHEET INDEX

1	COVER SHEET
2	SURVEY PLAN
3	SITE PLAN & CROSS SECTION
4	UTILITY PLAN

STEPHEN V. VALLIER LLS 28428 DATE:
WESTSHORE CONSULTING
2534 BLACK CREEK ROAD
MUSKEGON, MI. 49444-2674

DATE	10/10/16	10/10/16	10/10/16	10/10/16	10/10/16	10/10/16	10/10/16
DRAWN BY:	ELS	SVV	MDM/GPB	SVV	MDM/GPB	SVV	MDM/GPB
CHECKED BY:	SVV	MDM/GPB	SVV	MDM/GPB	SVV	MDM/GPB	SVV
DESIGNED BY:	MDM/GPB						
NO.	1	2	3	4	5	6	7
DATE	10/10/16	10/10/16	10/10/16	10/10/16	10/10/16	10/10/16	10/10/16
DESCRIPTION							
BY							
CHK'D							
DATE							
<p>WESTSHORE CONSULTING Engineers • Scientists • Surveyors • Planners</p> 							
<p>PROPRIETOR: BRUCKER BEACH WOODS, LLC 13786 LAKE SEDGE DRIVE GRAND HAVEN, MI 49417</p>							
<p>PROJECT NAME: "BRUCKER BEACH WOODS" SITE CONDOMINIUM PART OF SECTION 32, T8N., R16W, OTTAWA COUNTY, MICHIGAN</p>							
<p>COVER SHEET</p>							
<p>PROJECT # 04230-0001</p>							
<p>SHEET # 1 OF 4</p>							

- NOTES**
- BOUNDARY AS SHOWN PER NAD 83 MICHIGAN STATE PLANE CO-ORDINATES SOUTH ZONE.
 - LOTS 1 THRU 7 SERVED BY ON SITE SEPTIC & DRAIN FIELD CONSTRUCTED TO REQUIREMENTS AND STANDARDS OF OTTAWA COUNTY HEALTH DEPARTMENT.
 - FINAL LOCATIONS OF UTILITIES DEPENDENT ON DISTRIBUTION PLANS PROVIDED BY UTILITY COMPANY—NOT AVAILABLE AS OF DATE OF PLAN PREPARATION.



LEGEND:

- = LIMITS OF OWNERSHIP
- 19 = UNIT NUMBER
- = SET CONCRETE MONUMENT
- △ = BENCHMARK
- ⊗ = FIRE HYDRANT
- ⊕ = WATER VALVE
- ⊙ = CATCH BASIN
- ⊕ = DRAINAGE MANHOLE
- ⊙ = PROPOSED STREETLIGHT
- ⊕ = PROPOSED EASEMENTS
- ▨ = LIMITED COMMON ELEMENT
- ⊙ = STOP SIGN
- ⊕ = STREET SIGN
- ⊙ = PROPOSED CONTOURS
- X — = FENCE
- ▨ = COMMUNITY MAILBOX (GCE)

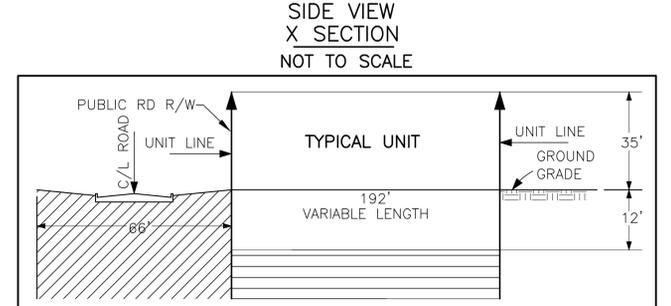
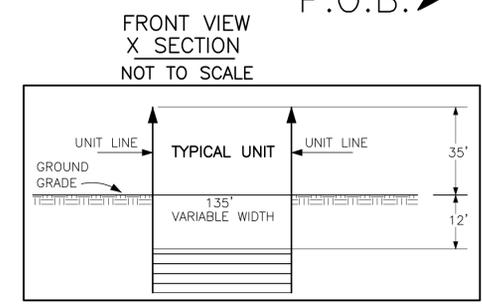
2-1000 GAL. SEPTIC TANKS & STANDARD

900 S.F. S
900 S.F. P

DRAINFIELD (TYP)
P=PRIMARY
S=SECONDARY

NOTE: DRAINFIELD/SEPTIC LOCATION TO MAINTAIN 100' ISOLATION DISTANCE TO PONDS OR RETENTION AREA.

SYMBOL	UTILITY	SOURCE
— G —	GAS	MICHIGAN GAS UTILITIES
— W —	WATER	GRAND HAVEN TWP. DPW
— STRM —	STORM SEWER	OTTAWA CO. DPW & OCR
— E —	ELECTRIC	BOARD OF LIGHT AND POWER
— T —	TELEPHONE	AT&T
— CATV —	CABLE TV	CHARTER



NOTES:

BITUMINOUS PUBLIC ROAD FOR UNITS 1-7 "MUST BE BUILT"

PUBLIC WATER SERVICE, UNDERGROUND ELECTRIC, UNDERGROUND TELEPHONE, UNDERGROUND CABLE TV AND NATURAL GAS. FOR LOTS 1-7 "MUST BE BUILT"

DRAINAGE STRUCTURES, SWALE & RETENTION AREAS (AS SHOWN ON SHEET 4) "MUST BE BUILT"

ON SITE SEPTIC/DRAINFIELD AREA (AS SHOWN ON SHEET 4) FOR LOTS 1-7 "NEED NOT BE BUILT" UNTIL HOMES ARE CONSTRUCTED

LOTS 1-7 NEED TO ACCESS DRIVEWAYS FROM GARBRECHT COURT. NO ACCESS ALLOWED TO BRUCKER ROAD.

STEPHEN V. VALLIER LLS 28428 DATE:
WESTSHORE CONSULTING
2534 BLACK CREEK ROAD
MUSKEGON, MI. 49444-2674

DATE	NO.	DATE	DESCRIPTION
10/10/16	1	10/10/16	DESIGNED BY: ???
10/10/16	2	11-14-16	DESIGNED BY: ???
10/10/16	3	11-14-16	DESIGNED BY: ???
10/10/16	4	11-14-16	DESIGNED BY: ???
10/10/16	5	11-14-16	DESIGNED BY: ???
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10/10/16	99	11-14-16	DESIGNED BY: ???
10/10/16	100	11-14-16	DESIGNED BY: ???

WESTSHORE CONSULTING
Engineers • Scientists • Surveyors • Planners

PROPRIETOR:
BRUCKER BEACH WOODS, LLC
13788 LAKE SEGE DRIVE
GRAND HAVEN, MI 49417

PROJECT NAME:
"BRUCKER BEACH WOODS" SITE CONDOMINIUM
PART OF SECTION 32, T6N., R16W., OTTAWA COUNTY, MICHIGAN

UTILITY PLAN

PROJECT # 04230-0001
SHEET # 4 OF 4



Community Development Memo

DATE: November 17, 2016
TO: Planning Commission
FROM: Stacey Fedewa, Community Development Director
RE: Village at Rosy Mound PUD – Parallel Plan Determination

BACKGROUND

The Village at Rosy Mound PUD application has been formally submitted and received one plan review from staff. One item that became evident was the need for the Planning Commission to make a determination on the Base Density for Residential Uses – Parallel Plan.

The Parallel Plan is used to determine the base density. That figure is then used to calculate the density bonuses within the PUD. For example, density bonuses are received from open space preservation, integrating multiple housing types, increasing setbacks, and providing active recreational facilities. Taken together, these density bonuses establish a maximum PUD density permitted on the property.

DETERMINING BASE DENSITY FOR PARALLEL PLAN

Section 17.07.3 provides a table that compares Future Land Use Plan Designations with Equivalent Zoning Map Designations. As you know, the land is master-planned for Medium-High Density Residential PUD. Therefore, the equivalent zoning map designation is: RR, LDR, R-1, R-2, R-3, R-3.5 or R-4 (*hence the need for the Planning Commission to make a determination*). See below:

Future Land Use Plan Designation	Equivalent Zoning Map Designation
Rural Preserve	Rural Preserve District
Rural Residential	Rural Residential District
Low Density Residential	Low Density Residential District
Medium Density Residential	R-1 or R-2 District *
High Density Residential	R-3, R-3.5 or R-4 District *

Future Land Use Plan Designation	Equivalent Zoning Map Designation
PUD - Residential	RR, LDR, R-1, R-2, R-3, R-3.5 or R-4 District *
<p>* In these situations, the actual zoning map designation to be used for the parallel plan shall be determined by the Planning Commission. This determination shall be made after the pre-application conference referred to in Section 17.03.1, but before the applicant submits a formal PUD application. In deciding what zoning map designation should be used for the property in the proposed PUD, the Planning Commission shall consider any presentation made by the applicant, as well as the following standards:</p> <ol style="list-style-type: none"> 1. The zoning map designation of the surrounding property and the general area; 2. The current land uses on the surrounding property and in the general area; 3. The trend of the development of the surrounding property and the general area; 4. The sketch plan prepared by the applicant pursuant to Section 17.03.1.B of this Ordinance; 5. The objectives for a PUD, as set forth in Section 17.01.4 of this Ordinance. 6. Any density recommendation or guidance presented in the Master Plan for the property in the proposed PUD. 	

This table identifies 6 standards that should be used to make a determination on the zoning map designation the developer should use to create the Parallel Plan.

During the first plan review staff did make a determination on the zoning districts and land use classifications that will be used for each type of building. The Planning Commission may find this information useful to make their determination.

- Congregate Building = R-4, Multiple-family dwellings, Permitted use
- Assisted Living = R-3, Nursing or convalescent homes, Special land use
- Cottages (2 units) = R-3.5, Two-family dwellings, Special land use
- (3+ units) = R-3.5, Multiple-family dwellings, Permitted use

CALCULATION EXAMPLES

Below are several different scenarios to help aid in the decision:

- 1,173,195 sqft of total land area
- 361,950 sqft of buildable area
- 811,245 sqft of open space/unbuildable area (*69% to be designated open space*)
- Proposing a total of 253 units (*senior apartments, assisted living, and cottages*)

Keep in mind two additional density bonuses are still possible:

1. If the PUD limits include a minimum setback of any building envelope of at least 200 feet from any public street right-of-way not constructed as part of the PUD, it may qualify for up to a 5% density bonus. No native or natural vegetation shall be removed from this area, nor shall any grading occur except that is necessary for entrance roads.
2. Providing active recreation facilities such as a golf course, baseball diamond, tennis court, basketball court or community clubhouse (*or pickle ball court*) may qualify for up to a 5% density bonus.

SCENARIO 1: R-4, MULTI-FAMILY

R-4 Multi-Family – Minimum Lot Area per Dwelling Unit = 3,000 sqft

- $361,950 \text{ sqft} \div 3,000 \text{ sqft} = 121 \text{ units}$
- $121 \text{ units} \times 3 \text{ story building} = 363 \text{ units (base density)}$
- $363 \text{ units} \times 25\% \text{ open space density} + 5\% \text{ multiple housing types} = \mathbf{471 \text{ units (PUD density)}}$
 - $471 \text{ units} \times 5\% \text{ setback } \underline{\text{or}} \text{ recreation density} = 494 \text{ units}$
 - $471 \text{ units} \times 5\% \text{ setback density} + 5\% \text{ recreation density} = 519 \text{ units}$

SCENARIO 2: R-3, MULTI-FAMILY

R-3 Multi-Family – Minimum Lot Area per Dwelling Unit = 6,000 sqft

- $361,950 \text{ sqft} \div 6,000 \text{ sqft} = 60 \text{ units}$
- $60 \text{ units} \times 3 \text{ story building} = 181 \text{ units (base density)}$
- $181 \text{ units} \times 25\% \text{ open space density} + 5\% \text{ multiple housing types} = \mathbf{235 \text{ units (PUD density)}}$
 - $235 \text{ units} \times 5\% \text{ setback } \underline{\text{or}} \text{ recreation density} = 247 \text{ units}$
 - $235 \text{ units} \times 5\% \text{ setback density} + 5\% \text{ recreation density} = 259 \text{ units}$

SCENARIO 3: R-3.5, MULTI-FAMILY

R-3.5 Multi-Family Adjacent to R-1 District – Minimum Lot Area per Dwelling Unit = 7,800 sqft

- $361,950 \text{ sqft} \div 7,800 \text{ sqft} = 46 \text{ units}$
- $46 \text{ units} \times 3 \text{ story building} = 139 \text{ units (base density)}$
- $139 \text{ units} \times 25\% \text{ open space density} + 5\% \text{ multiple housing types} = \mathbf{181 \text{ units (PUD density)}}$
 - $181 \text{ units} \times 5\% \text{ setback } \underline{\text{or}} \text{ recreation density} = 190 \text{ units}$
 - $181 \text{ units} \times 5\% \text{ setback density} + 5\% \text{ recreation density} = 200 \text{ units}$

6 STANDARDS

1. Zoning of surrounding property:
 - a. Industrial
 - b. Corridor Industrial
 - c. Single Family Residential

2. Current land uses of surrounding property:
 - a. Low Density Residential
 - b. Medium Density Residential
 - c. Light Industrial
 - d. Mining
 - e. Public/Quasi-Public
 - f. Parks/Natural Areas
 - g. Vacant/Open Space



3. Nearby development trends:
 - a. Generally built-out without much construction occurring. What is under construction are the remaining residential platted lots or the high school adding amenities.

4. Sketch plan of development:
 - a. Staff has a copy if the Planning Commission would like to review.



5. PUD Objectives:
 - a. To encourage the use of land in accordance with its natural character and adaptability;
 - b. To promote the conservation of natural features and resources;
 - c. To encourage innovation in land use planning and development;
 - d. To promote the enhancement of housing, commercial and industrial employment, traffic circulation, and recreational opportunities for the residents of the Township;
 - e. To promote and ensure greater compatibility of design and better use between neighboring properties;
 - f. To promote more economical and efficient use of the land while providing harmonious variety of housing choices and the integration of necessary commercial and community facilities; and
 - g. To promote the preservation of open space for parks, recreation, or agriculture.

6. Density recommendations presented in the Master Plan:

MEDIUM-HIGH DENSITY RESIDENTIAL

Intended Land Use

This designation describes areas of the Township that are adjacent to single-family residential, multiple-family residential, and more intense land uses such as commercial and industrial. Medium-High Density Residential PUD land uses include a variety of housing types that act as a transition between a traditional single-family neighborhood to higher densities and more intense land uses. Furthermore, these lighter uses should generate less traffic than a traditional high density use, which makes it more appropriate to be located near single-family residential neighborhoods. These residential land uses may include senior housing, assisted living facilities, housing for the elderly, family foster care facilities, adult day care facilities, nursing or convalescent homes, and housing types identified as the “missing middle” in Chapter 3.

This use is not intended to reach the level of intensity that is afforded by the High Density Residential district. Rather, this designation is intended to act as a transition between medium density residential land uses, high density residential land uses, and more intense land uses such as commercial and industrial. Land in this district must be developed as a Planned Unit Development to ensure the Township can control and moderate the size, scope and impact of a project.

Corresponding Zoning Districts

The Residential Planned Unit Development district corresponds to the Medium-High Density Residential PUD category.

General Location

This category is limited, and the only area designated for this land use is on Rosy Mound Drive between Lakeshore Drive and US-31.

SAMPLE MOTIONS

This is the Planning Commission’s opportunity to set the maximum number of units permitted on the property, which is accomplished by adopting one of the following motions:

Motion to set the Parallel Plan Equivalent Zoning Map Designation as **R-4 Multiple Family Residential** for the proposed Village at Rosy Mound PUD application. Which establishes a base density of 363 units and maximum PUD density of 519 units.

Motion to set the Parallel Plan Equivalent Zoning Map Designation as **R-3 Multiple Family Residential** for the proposed Village at Rosy Mound PUD application. Which establishes a base density of 235 units and maximum PUD density of 259 units.

Motion to set the Parallel Plan Equivalent Zoning Map Designation as **R-3.5 Multiple Family Residential** for the proposed Village at Rosy Mound PUD application. Which establishes a base density of 181 units and maximum PUD density of 200 units.

- OR -

If the Planning Commission elects not to utilize one of the three options provided the following motion can be offered:

Motion to set the Parallel Plan Equivalent Zoning Map Designation as *insert zoning district & land use* for the proposed Village at Rosy Mound PUD application. Which establishes a base density of ### units and maximum PUD density of ### units.

Please contact me prior to the meeting with questions or concerns.



GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: November 17, 2016
TO: Planning Commission
FROM: Stacey Fedewa, Community Development Director
RE: Integrated Assessment Update

BACKGROUND

For the last several months the University of Michigan (UM) and Land Information Access Association (LIAA) have been researching possible zoning text amendment ordinances that could be incorporated to carry the resiliency aspect of the Master Plan into the Zoning Ordinance.

PURPOSE

On November 21st the project team will have a four-part presentation:

1. Project background and timeline
2. Review of previously discussed Township assets and concerns
3. Dunes and Fire Safety
4. Low Impact Development Options

More specifically, UM has provided the following synopsis of the two topics:

DUNES AND FIRE SAFETY

UM mapped undeveloped parcels within the CDAs to get a better sense of what kind of opportunity there is within these systems. They also completed initial legal analysis regarding what the Township may be allowed to do in terms of regulating fire safety and providing service in difficult to reach areas. UM believes the Township may have options, but there are challenges with implementation.

LOW IMPACT DEVELOPMENT

UM believes the Township has an opportunity to implement Low Impact Development (LID) in a way that address concerns for sensitive areas (*like coastal wetlands*), water quality, and potentially viewshed protection. They will talk about the new MS4 (*stormwater regulations*) update, which has prompted the OCWRC to be updating their standards. Stormwater is a good start, but they believe there are additional opportunities, including: offering development incentives to those that employ Best Management Practices (BMPs) that enhance the landscapes ability to respond to storm events instead of simply treating runoff. Examples include—offering a density bonus or density transfer; proactively delineating sensitive areas; and developing a stormwater utility.

The project team will walk through all the various options, areas of potential, and a pro v. con analysis for each approach.

Please contact me prior to the meeting with questions or concerns.





GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: November 17, 2016
TO: Planning Commission
FROM: Stacey Fedewa, Community Development Director
RE: Discussion – GHT Domain Email Addresses for Planning Commission

BACKGROUND

Recently, questions have been raised about the need to save emails related to Township matters particularly as it relates to Freedom of Information Act (FOIA) requests, and if the request could be expanded to include other personal emails.

CURRENTLY

Currently, the Planning Commission and Zoning Board of Appeals utilize personal email addresses for electronic communication. Both boards rely upon Township staff to save email correspondence that is eligible for a FOIA request.

However, questions have been raised about what happens if a member of one of these boards communicates directly with other members and does not include a Township employee? Does the member need to save emails in the event of a FOIA request, and if so, can that request be expanded to look through personal emails too?

OPTION

An option the Township is prepared to offer is to assign GHT domain (*name@ght.org*) email addresses to the Planning Commission and Zoning Board of Appeals. Emails with a GHT domain would be saved on Township servers and if a FOIA request is received staff can perform a keyword search on the server and pull related emails.

The caveat—electronic devices would not be supplied to either board, rather each member would have to access the system through the Township website and utilize the web version of Outlook.

Attorney Bultje will also provide information related to FOIAs and emails.

Please contact me prior to the meeting with questions or concerns.

From: Miller Canfield <e-alerts@millercanfield.com>
Sent: Monday, November 14, 2016 4:07 PM
To: Laurie Larsen
Subject: Court of Appeals Holds Email Deliberations Among a Quorum of a Public Body Violates the Open Meetings Act



View as we

Court of Appeals Holds Email Deliberations Among a "Quorum" of a Public Body Violates the Open Meetings Act

November

The Michigan Court of Appeals has ruled that email deliberations among a quorum of public body members violates the Open Meetings Act. The Nov. 1, 2016, unpublished opinion was issued by a three-judge panel in the case of *Markel v Mackley*, Case No. 327617.

Section 3 of the Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended (the "OMA"), requires that, "All meetings of a public body shall be open to the public and shall be held in a place available to the general public." This same section also requires that, "All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public." Interpreting these provisions, the Court explained that, "[u]nder the OMA, public bodies must conduct their meetings, make all of their decisions, and conduct their deliberations (when a quorum is present) at meetings open to the public," (quoting *Speicher v Columbia Twp Bd of Trustees*, 497 Mich 125, 134-135 (2014)).

In *Markel*, four members of a seven-member elected public body engaged in numerous email exchanges regarding matters of public policy which would soon come before the public body for consideration. Three of the members on the group emails actively exchanged thoughts and plans to handle the matters. The fourth member on the group emails simply received the emails but did not actively engage in the exchange. At subsequent public meetings, the matters were handled just as had been planned in the email exchanges. The Court found that the group emails



Steven D. Mann
mann@millercanfield.com

constituted a "meeting" under the OMA because there was a quorum present and deliberations occurred on a matter of public policy. Furthermore, the Court found that, "Because the meeting was held privately via email, the four defendants violated [Section 3(3) of the OMA] which required such deliberations to be open to the public."

The Court acknowledged that the mere receipt of an email by a public body quorum does not, itself, constitute "deliberation" and that there must be some level of discussion on the issue of public policy being presented. While the Court ultimately ruled that such a finding is often fact-specific, in reaching its decision it relied on the facts that: (1) The members who received the emails were not "mere observers," and that their tacit agreement to the substance of the email was later demonstrated at public meetings by, "acting consistently with decisions made in the emails;" (2) None of the members objected to their inclusion on the emails; and (3) The response by members to some of the emails, but not all, could indicate participation on behalf of a member.

While the Court's ruling did not specifically address group text messages, the rationale applied in this case would apply equally to group text messages and other forms of electronic communications. Thus, members of Michigan public bodies must act with great care to avoid group communications that may constitute an impermissible "meeting" under the Open Meetings Act.

If you have any questions about the Michigan Open Meetings Act, please contact your Miller Canfield attorney or any of the people listed on this e-alert.



Scott R. Eldridge
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Kurt P. McCamman
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Ronald C. Liscombe
liscombe@millercanfield.com