

## AGENDA

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

- I. Call to Order
- II. Roll Call
- III. Pledge to the Flag
- IV. Approval of the February 24, 2016 Special Meeting Minutes
- V. Correspondence
- VI. Public Comments/Questions on Agenda Items Only (Limited to 3 minutes)
- VII. Public Hearing
  - A. Special Land Use – Soil Removal - Cech
- VIII. Old Business
  - A. Special Land Use – Soil Removal – Cech
  - B. PUD Amendment – Health Pointe Revisions
- 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.**

SPECIAL JOINT MEETING MINUTES OF THE  
GRAND HAVEN CHARTER TOWNSHIP  
AND CITY OF GRAND HAVEN  
PLANNING COMMISSIONS  
FEBRUARY 24, 2016

I. CALL TO ORDER

Kantrovich called the meeting of the Grand Haven Charter Township Planning Commission to order at 7:05 p.m.

II. ROLL CALL

Township Members present: Kantrovich, Cousins, Robertson, Kieft, Taylor, and Gignac  
Township Members absent: LaMourie, Reenders, and Wilson

City Members present: Brenberger, Blakeney, Dora, and Ellingboe

City Members absent: Von Tom, Runschke, Grimes, and Cummins

Also present: Township Planner Fedewa and City Planner Howland

**Without objection**, Kantrovich instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

**Without objection**, the minutes of the February 15, 2016 meeting were approved.

V. CORRESPONDENCE – None

VI. PUBLIC COMMENTS ON AGENDA ITEMS ONLY

- Tari Smith – 15714 Groesbeck Street, Grand Haven Township:
  - Township officials are unaware of what the residents want as it relates to the proposed Zoning Ordinance Text Amendments and the proposed Health Pointe PUD Amendment application.
  - Requested agenda item ‘VIII – Items for GHT Discussion’ be removed from the agenda because it was not properly noticed.
  
- David Rhem – 15360 Oak Pointe Drive, Spring Lake Township:
  - Attorney for the North Ottawa Community Health System.
  - Objects to agenda item ‘VIII – Items for GHT Discussion’ because it was not properly noticed.

- Jack Roossien – 14282 Lindbrook, Robinson Township:
  - Board of Trustee’s member for the North Ottawa Community Health System.
  - Believes the Traffic Impact Study is misleading, lacks information on pedestrian movements, and did not incorporate data from all cross-streets within the Robbins Road Corridor.
  - Indicated the City should not entertain this request because it could cause harm to the North Ottawa Community Health System.
  
- Mark Reenders – 16616 Warner Street, Grand Haven Township:
  - Director of Facilities for the North Ottawa Community Health System.
  - Displeased he was denied the ability to host an independent power point presentation.
  - Requested agenda item ‘VIII – Items for GHT Discussion’ be removed from the agenda because it was not properly noticed.
  - Questions if the proposed Health Pointe PUD Amendment site plan is able to accommodate semi-truck circulation and ambulatory traffic.
  
- Caleb Fleming – 14876 Riverside Trail, Grand Haven Township:
  - Medical Doctor for the North Ottawa Community Health System.
  - Believes a building must be considered a hospital if general anesthesia is used for surgical purposes.
  - Questioned the usefulness of the Traffic Impact Study because it did not include information on school bus traffic, or indicate if there would be an impact on how, and where, students would be picked up, or dropped off, from local schools.
  
- Jen VanSkiver – 7512 Treeline Drive SE, Grand Rapids:
  - Chief Communications Officer for the North Ottawa Community Health System.
  - Believes Township is amending ordinances after-the-fact to accommodate the proposed Health Pointe PUD Amendment project.
  - Unclear why the City Planning Commission agreed to this Special Joint Meeting because their bargaining power has been lost.
  - Believes the developer will weaken the local health care system.
  
- Cynthia VanKampen – 10510 River Bluff Trail, Zeeland:

- Chief Nursing Officer for the North Ottawa Community Health System.
- Prior experience with Spectrum Health acquiring the Zeeland Hospital was negative.
- Believes the proposed Health Pointe PUD Amendment would duplicate services.
- Haney Assaad – 178 Independence Court, Norton Shores:
  - Chief Medical Officer for the North Ottawa Community Health System.
  - Believes there is a lack of correlation between the proposed Zoning Ordinance Text Amendments to increase building height and the location of the Robbins Road Sub-Area.
  - Unclear why the proposed Zoning Ordinance Text Amendments have been planned for several years, but is only occurring now.
  - Indicated the proposed Health Pointe PUD Amendment location may be outside of the service area permitted for Holland Hospital to have off-site surgical services.

## VII. ITEMS FOR JOINT DISCUSSION

### A. Robbins Road Corridor Plan

### B. Health Pointe Traffic Impact Study

Fedewa provided an overview through a memorandum dated February 19<sup>th</sup>.

Subject experts were then asked to provide additional information:

- Ray Schneider – Senior Transportation Planner, URS Corp./AECOM:
  - Impact study found there would be little to no impact on Robbins Road or the 172<sup>nd</sup> Avenue/Ferry Street intersection.
  - The projected Opening Year would continue to operate at a Level of Service “C,” which is acceptable.
  - There is a cumulative effect over the course of the day in regard to the projected traffic counts for Opening Year 2017 compared to the requested number of parking spaces. The figures noted for Opening Year 2017 are for peak hours, and does not account for the parking duration of each patient visit.
  - Defined the scope of the Traffic Impact Study and noted that many of the specific questions were outside of that scope, and therefore, were not included in the Study. The subject of these questions were related to off-site intersections, school buses, pedestrian traffic, access management, etc.

- Fred Keena – Traffic Engineer, Ottawa County Road Commission:
  - The proposed driveway relocation triggered a review of the Traffic Impact Study.
  - Found the projected left-turn movements during peak travel hours on Robbins Road warrant the addition of a left-turn lane. Also, found the anticipated left-turns at the 172<sup>nd</sup> Avenue/Ferry Street intersection will nearly double and warrant the addition of a left-turn signal to ensure traffic does not stack and cause a decrease to the acceptable Level of Service.
  - At the request of Commissioner Cousins a detailed review of the Traffic Impact Study was provided. Including, a description of the standards used in the calculations; the various thresholds that warrant improvements; and the specific data calculations related to through-traffic movements on Robbins Road, left-turn movements on Robbins Road, and left-turn movements at the 172<sup>nd</sup> Avenue/Ferry Street intersection.
  - At the request of Chairman Kantrovich, it was noted the number of access points and turning movements have significant impact on the number of lanes needed for a roadway. There is a direct correlation—the more access points and turning movements the less capacity the roadway can handle. Also, indicated “road diets” have been successful, but the Road Commission has not performed one yet.
  
- Bill Hunter – Department of Public Works Director, City of Grand Haven:
  - Reviewed the Traffic Impact Study with the Ottawa County Road Commission, and agrees with the findings.
  - Provided cost estimates for the proposed restriping and signal options.
  - Because a development project of this size was not anticipated at the time of the Robbins Road Corridor study was performed it is recommended the City perform another Traffic Impact Study to obtain the information that is needed to make an informed decision on the road design.

Kantrovich then invited the City of Grand Haven Planning Commissioners to begin the discussion:

- Blakeney – Has concerns on the proposed 3-lane “road diet,” and believes it will cause more accidents. Administered the Certificate of Need program for many years and believes the proposed Health Pointe PUD Amendment would duplicate services and have a negative impact on local health care.

- Ellingboe – Suggested the Township and City work with business owners along Robbins Road to identify the best solution for the restriping.
- Brenberger – Not in favor of including a bicycle lane if the 3-lane scenario were pursued because there are too many access points, which creates safety concerns for cyclists. Agrees a left-turn signal is needed at the 172<sup>nd</sup> Avenue/Ferry Street intersection to improve traffic operations.
- Dora – Supported the suggestion of working with business owners along Robbins Road to identify the best solution for the restriping. Does not feel strongly about either signal design, but if the Michigan Department of Transportation recommends a box span then he is supportive.
- Planner Howland –
  - Appreciates the opportunity to collaborate with the Township and work towards achieving the goals of the Robbins Road Corridor Plan.
  - If the proposed Health Pointe development were located in the City of Grand Haven it is possible it may be reviewed as a Planned Development. In which case, the City has the option of requiring a Traffic Impact Study, Environmental Impact Study, and/or a Market Impact Study. Likely, the City would require the developer to perform a Market Impact Study because of the existing healthcare presence within city limits.
  - Noted that when the study for the Joint Robbins Road Corridor Plan was performed there was no anticipation for a project of this size. Therefore, it is uncertain if the Corridor Plan is able to provide clear guidance on which striping scenario should be pursued.
  - Concerned about the dates and times the traffic counts were obtained. Appears the tourism traffic would not have been included in the report, and did not take into account the manufacturing shift-change traffic, which does not occur during the peak travel hours.

Kantrovich then invited the Grand Haven Charter Township Planning Commissioners to continue the discussion:

- Kieft – Requested Senior Transportation Planner Schneider provide more detail on the projected traffic counts compared to the requested number of parking spaces because the projected counts are less than the requested number of spaces.
- Cousins – Requested Traffic Engineer Keena provide more detail on the review findings that concluded road improvements are warranted.

- Kantrovich – Requested Traffic Engineer Keena provide more detail on the standards used to identify the appropriate number of lanes for a roadway.

**Without objection** the Special Joint Meeting portion of the agenda was adjourned at 7:58 p.m., and the City of Grand Haven Planning Commission moved the audience.

## VIII. ITEMS FOR GHT DISCUSSION

- A. Revised Health Pointe Building Elevation Drawings
- B. Revised Health Pointe Landscape Plan

Fedewa provided an overview through a memorandum dated February 22<sup>nd</sup>. Staff noted no motions would be offered at the meeting tonight, rather they will be offered at the March 7<sup>th</sup> meeting.

Representatives of the applicant provided a review of the revisions:

- Sean Easter – Design Engineer, Spectrum Health:
  - Projection features were added to each side of the building, and the stone material was used rather than brick.
  - The pattern of the two facing brick colors were revised to provide bands of complementary building materials.
  - Have a combination of architectural features, varying rooflines, bands of complementary building materials, and landscaping every 50 – 100 feet as required by the Zoning Ordinance.
  - Confirmed a narrative will be prepared for the March 14<sup>th</sup> Township Board meeting that will describe the decision-making process, which concluded the mechanical penthouse should remain on the roof. Generally, the decision involved functionality, energy efficiency, and protecting viewsheds.
- Jack Barr – Project Engineer, Nederveld:
  - Landscaping now abuts all walls of the building, excluding doorways.
  - Added larger trees along the Northwest and Northeast walls to further reduce the visual impact.

Kantrovich then invited the Commissioners to continue the discussion:

- Kantrovich – Requested the applicant provide additional information on their decision to keep the mechanical penthouse on the roof. Confirmed the applicant would supply

revised perspective drawings and make a determination on the true height of the mechanical penthouse before the March 14<sup>th</sup> Township Board meeting.

- Robertson – Provided a review of the Planning Commissions purview, and how the Master Plan is connected. Noted that discussions have ensued with Township residents that have indicated support for the proposed Health Pointe PUD Amendment as it relates to their personal health care. Acknowledged the Planning Commission only makes a recommendation and the Township Board makes the final decision for the proposed project. Requested staff provide more information on the authority the Township has for improvements to the Robbins Road Corridor.
  - Fedewa noted the Township cannot require a developer to perform off-site road improvements. The matter is further complicated because the City of Grand Haven has jurisdictional authority over Robbins Road and the traffic signal at the 172<sup>nd</sup> Avenue/Ferry Street intersection. The City has the final decision as to whether or not improvements would be made to this Corridor, and when they would occur.
    - The Township and Health Pointe recognize the proposed development would impact traffic operations within the Robbins Road Corridor. In response, the Township DDA anticipates donating 25% of the signal cost, and Health Pointe has indicated a voluntary contribution of nearly 50% of the total cost estimates for the improvements would be provided to assist with improving safety. Specifically, Health Pointe has volunteered to contribute:
      - 15% of the costs based on finalized scope and pricing for the restriping of Robbins Road, not to exceed \$7,000.
      - 50% of the costs based on finalized scope and pricing for the box span type traffic signal upgrade at the Robbins Road and 172<sup>nd</sup> Avenue/Ferry Street intersection, not to exceed \$125,000.
  - Fedewa also noted the Joint Robbins Road Corridor Plan provided guidelines for access management, but they were not incorporated into the Zoning Ordinance. However, because it was incorporated into the Master Plan the Township and City do have the authority to require improvements to access management if a site is redeveloped. Furthermore, the City would have the authority to improve the curbing and access points if Robbins Road were to be reconstructed.
- Cousins – Acknowledged the revised elevation drawings meet the Zoning Ordinance standards, but does not appear to meet the expectations of a varying roofline described by the Township Board at a meeting held on January 25<sup>th</sup>. Requested the applicant

consider adding more features to vary the roofline, and provide a comparison of the original and revised renderings, so the revisions are more evident.

- Fedewa provided additional examples of features that could be incorporated to improve the varying roofline, which included decorative awnings, projection columns, and cornices.

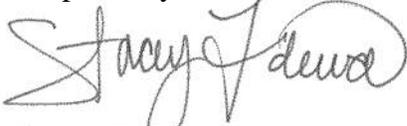
IX. EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS ONLY

- Robert Wagenmaker – 16755 Timber Ridge, Grand Haven Township:
  - Requests the Planning Commission review the Township Private Driveway Ordinance and its requirement to double lot widths for parcels which abut, and are accessed from, public streets that are classified as state trunklines, county primary, or county local roads.
  - Believes the current language would encumber the Township’s ability to increase density.
  - Recommends equality for density increases. Would prefer building heights be raised for all zoning districts rather than limiting it to the Robbins Road Sub-Area.

X. ADJOURNMENT

**Without objection**, the meeting adjourned at 8:25 p.m.

Respectfully submitted,



**Stacey Fedewa**

Acting Recording Secretary



GRAND HAVEN CHARTER TOWNSHIP

## Community Development Memo

DATE: March 3, 2016  
TO: Planning Commission  
FROM: Stacey Fedewa, Planning & Zoning Official  
RE: Cech Soil Removal SLU Application – Review Comments

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### PROJECT PROPOSAL

The Zoning Ordinance requires a property owner to obtain a Special Land Use permit for the Removal and Processing of Natural Resources that amounts to more than 2,500 cubic yards and/or the duration will be longer than 3 months.

The applicant proposes to remove 61,000± cubic yards of sand over a three year period. The proposed area of disturbance is 8.43 acres. Sand removal will only occur during the hours of 7am – 6pm, and will be removed by 10 – 25 cubic yard dump trucks filled by an on-site loader. The destination of the sand will be to various development sites within a 20 mile radius.

### SPECIAL LAND USE STANDARDS

Below are the pertinent aspects of the Special Land Use standards, followed by the information specific to this application.

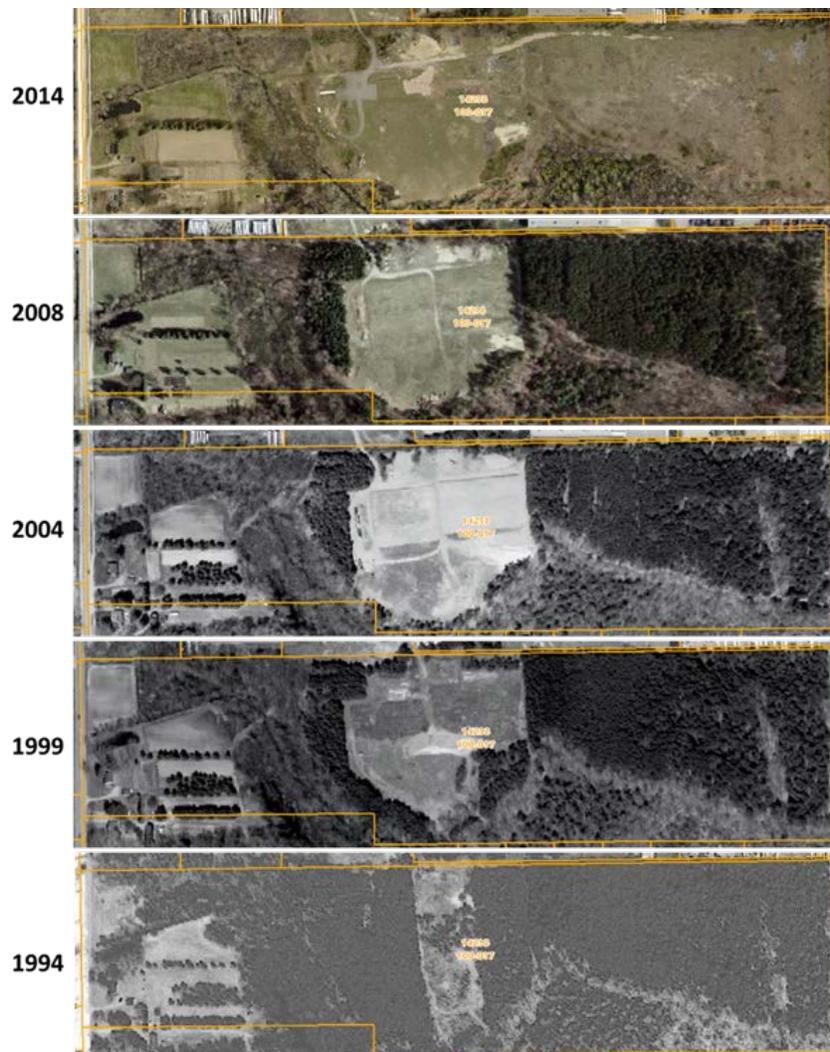
- Site plan must identify ingress/egress roads:
  - The applicant proposes to use a driveway through the center of a parcel owned by the City of Grand Haven and located within the City’s jurisdiction. However, there are no access easements (*the easements included in the packet are for air space solely related to the airport*).
  - As staff understands the applicant has utilized this roadway for many years. However, because there is no guarantee the City will continue to allow continuous, and unobstructed, access through their parcel staff requested the applicant to identify an alternative road.

- The applicant supplied a letter from Jost International Corp., granting access through their driveway until 12/31/2016. The letter indicates that future allowances will be granted, but as it stands, there is no guarantee it will occur.
- Hayes Street is designated a Truck Route in the Truck Route Ordinance.
- Narrative must include the proposed equipment and the noise rating of each type thereof.
  - 1 dozer, 2 loaders, 1 scraper, and 2 dump trucks are the proposed equipment for this project. The decibel rating for the equipment is approximately 75 – 85 decibels at a distance of 50 feet from the property line.
  - The proposed activity will only occur between the hours of 7am – 6pm, which is compliant with the Township Noise Ordinance (*allows excavation work to occur between 7am – 9pm*).
  - The decibel rating exceeds the maximum permissible sound levels described in the Noise Ordinance. This parcel is bordered by industrial parcels to the north, and Rural Residential parcels to the south. Therefore, the Noise Ordinance would permit a maximum of 65 dBA when measured from the residential parcels, and a maximum of 70 dBA when measured from the industrial parcels. Minimally, the proposed equipment will exceed the maximum permissible sound levels by 5 – 15 dBA. Below are contextual examples of these sound levels from [industrialnoisecontrol.com](http://industrialnoisecontrol.com):

<b>Decibel Level (dBA)</b>	<b>Comparative Sound</b>	<b>Decibel Effect</b>
10	Breathing	Barely audible
60	Conversation in a restaurant, office, background music, air conditioning unit at 100 feet	Half as loud as 70 dBA; fairly quiet
70	Passenger car at 65 mph at 25 feet, freeway at 50 feet from pavement edge, radio or TV audio, vacuum cleaner	Arbitrary base of comparison; upper 70s are annoyingly loud to some people
80	Garbage disposal, dishwasher, average factory, freight train at 50 feet, diesel truck 40 mph at 50 feet, diesel train at 45 mph at 100 feet	Twice as loud as 70 dBA; possible damage in 8 hour exposure
90	Boeing 737 aircraft at one nautical mile before landing, power mower, motorcycle at 25 feet	Four times as loud as 70 dBA; likely damage in 8 hour exposure

- Applicant is required to restore and rehabilitate the site.
  - Proposes to reuse the stockpiled topsoil, and use MDOT roadside seed to establish a total depth of 6 inches.

- Must include a description of the proposed methods or features which ensure the end-use is feasible and will comply with the Township Master Plan.
  - The first site plan submitted for staff review noted the end-use would be agricultural or residential. Parcel is zoned AG, and master-planned for Medium Density Residential.
  - The second site plan reviewed by staff only specifies the end-use as agricultural.
  - The Ordinance states, “plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.”
    - Staff finds it important to provide chronological aerial images for this parcel because it has seen substantial changes in vegetation between 1994 – 2014. Due to the loss of the vast majority of vegetation that used to be present on this site, staff recommends the Planning Commission consider requiring the applicant to plant shrubs and trees in addition to the topsoil and grass seed in order to restabilize this sensitive landscape, which includes wetlands and floodplains.



## POSSIBLE CONDITIONS TO IMPOSE

Section 19.07.37 of the Zoning Ordinance grants the Planning Commission the right to modify this application in order to ensure the health, safety, and welfare of residents. Modifications may include:

- May require greater distances (*required setback is 50 feet*) for the location of machinery (*erected or maintained*), storage or parking of equipment, or limits of excavation when the site is located in or within 200 feet of any residential or commercial district.
  - The distance of the disturbance boundary from the residential parcels ranges from 65 feet – 360 feet from lot lines, and approximately 1,200 feet – 1,500 feet from the dwellings.
  - **Staff requests the Planning Commission determine if the haul road, which is located inside the 50 foot setback requirement, meets this setback provision.**
    - If it is determined the haul road violates the setback, then the Commission may want to require the applicant to adjust the area of disturbance accordingly.
- May require truck movement routes to and from the site to minimize the wear on public streets and prevent hazards and damage to the community. Roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
  - The proposed haul road is unimproved, and staff is unsure if it constitutes a dustless surface.
  - The entry road on the parcel owned by the City of Grand Haven is paved, which constitutes a dustless surface.
- May require proper measures be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon stockpiling of excavated material.
  - The applicant proposes an as-needed excavation service where no stockpiling of sand would occur. Rather the stockpile notations on the site plans demonstrate the location where the scraped topsoil would be stored (*once the year-long excavation phase has ended the topsoil will be reused to restore the site*).
- May require, as a condition to the granting of a permit to remove natural resources, to furnish a bond or other means of security, in a reasonable amount to be determined by the Commission, to insure that such removal will not cause the conditions described above (*erosion, land slides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises*), and that the soil stabilization program proposed by the applicant will be completed.

- May require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
  - Staff notes this parcel is encumbered by wetlands and floodplains according to the 1983 National Wetland Inventory and 2011 Final FEMA Floodplain map.

## ADDITIONAL FINDINGS FOR REPORT

In addition to the typical findings the Planning Commission must make for Site Plan Review, and a Special Land Use application, the Commission must also make an affirmative finding as to each of the following standards:

1. The site after removal shall be compatible with adjacent uses of land;
2. Such removal shall not cause or result in erosion, land slides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises;
3. Such removal shall be accomplished by means which are consistent with public health, safety, and welfare;
4. Such removal shall not cause traffic congestion because of trucks or other vehicles used to transport the resources to be removed; and
5. Such removal shall be accomplished in conjunction with an adequate soil stabilization program when required to prevent erosion, sand blows, or similar problems.

## SAMPLE MOTIONS

If the Planning Commission finds the Special Land Use application meets the applicable standards, the following motion can be offered:

**Motion to conditionally approve** the Anna Cech Trustees Special Land Use application for the Removal and Processing of Natural Resources for a period of 3 years, and up to 61,000 cubic yards of material. This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance and Master Plan. Approval shall be conditioned upon:

1. Obtain a permit or Letter of No Authority from the DEQ as it relates to part 303, which is required if there are any wetland on the property that will be impacted by the road, stockpiling, excavation etc.
2. Applicant shall resubmit a plan that includes additional plantings of shrubs and trees to further stabilize the soil.

3. Applicant shall submit documentation from the City of Grand Haven and/or Jost International Corp., granting continuous and unobstructed access during the proposed three year removal process.
4. Required to adhere to the Truck Route Ordinance at all times.
5. If desired by the Planning Commission, remittance of a bond or other means of security.
6. If desired by the Planning Commission, submission of an environmental impact study.
7. *Insert additional conditions(s).*

If the Planning Commission finds the Special Land Use application 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 recommend **denial** of the Anna Cech Trustees Special Land Use 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 Planning Commission finds the applicant must make additional revisions to the application, the following motion can be offered:

**Motion** to **table** the Anna Cech Trustees Special Land Use application, and direct the applicant to make the following revisions:

1. *List the items that must be addressed.*

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

## SAMPLE MOTIONS

Pursuant to the provisions of the Grand Haven Charter Township (the “Township”) Zoning Ordinance (the “Zoning Ordinance”), the following report of the Grand Haven Charter Township Planning Commission (the “Planning Commission”) concerning an application by the Anna Cech Trustees (the “Applicant”) for approval of a Special Land Use application (the “Project”).

The Project will consist of removing approximately 61,000 cubic yards of natural resources over a three year period. The Project as recommended for approval is shown on a final site plan, last revised 2/10/2016 (the “Final Site Plan”), presently on file with the Township.

1. This approval is based on the affirmative findings that each of the following standards has been fulfilled:
  - A. The proposed use is consistent with, and promotes the intent and purpose of this Ordinance.

- B. The proposed use is of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
  - C. The proposed use does not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
  - D. The proposed use is reasonably compatible with the natural environment of the subject premises and adjacent premises.
  - E. The proposed use does not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.
  - F. The proposed use does not interfere or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.
  - G. The proposed use is such that traffic to, from, and on the premises and the assembly of persons relation to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and the general character and intensity of the existing and potential development of the neighborhood.
  - H. The proposed use is consistent with the health, safety, and welfare of the Township.
2. The Planning Commission finds the Project meets the Removal and Processing of Natural Resources standards of Section 19.07.37.E of the Zoning Ordinance. The findings are as follows:
- A. The Project site after removal and processing has completed shall be compatible with adjacent uses of land.
  - B. The Project shall not cause or result in erosion, land slides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises.
  - C. The Project shall be accomplished by means which are consistent with public health, safety, and welfare.
  - D. The Project shall not cause traffic congestion because of trucks or other vehicles used to transport the resources to be removed.
  - E. The Project shall be accomplished in conjunction with an adequate soil stabilization program to prevent erosion, sand blows, or similar problems.
3. The Planning Commission finds the Project meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, pursuant to Section 23.06.7, 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. 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.
- M. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.
- N. The site plans conforms to all applicable requirements of County, State, Federal, and Township statutes and ordinances.
- O. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.



**GRAND HAVEN CHARTER TOWNSHIP  
SPECIAL LAND USE APPLICATION FOR  
REMOVAL AND PROCESSING OF NATURAL RESOURCES**

**Fees** - \$125.00 plus a \$500.00 escrow

**Applicant information**

Name Anna Cech Trustees (Attn: Joe Cech)  
 Phone 231-206-5950 (Cell) Fax 616-846-4758  
 Address 15155 160th Avenue, Grand Haven, MI 49417

**Owner information** *(If different from applicant)*

Name Anna Cech Trustees (Attn: Joe Cech)  
 Phone 231-206-5950 (Cell) Fax 616-846-4758  
 Address 12755 144th Avenue, Grand Haven, MI 49417

**Property information**

Address/Location 14218 168th Avenue  
 Parcel # 70-07-03-100-017  
 Property size (acres) 36.7+/-  
 Current Zoning AG (Agricultural) Master-Planned Zoning Medium Density Residential

**Type of Soil to be Removed** *(circle all that apply)*

Sand       Topsoil       Muck       Gravel       Peat       Clay

**Time Limit** *(circle all that apply)*

1 week      1 month      3 months      6 months      9 months      1 year       More than one year

**Amount of Soil to be removed** 61,000+/- (Cubic Yards)

*NOTE: The architect, engineer, planner, or designer shall be responsible for utilizing the Township Ordinance books and following all applicable requirements, including those of Chapters 19 (applicable to removal of natural resources, attached) and 23 of the Zoning Ordinance. Initially, submit five copies of the required information for staff review. Once staff has granted tentative approval, additional copies will be required as requested by staff.*

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

Joe Cech III      1-19-16  
 Applicant's/Owner's Signature Joe Cech      Date

I hereby authorize the members of the Planning Commission and appropriate Township staff members to inspect the subject property (as listed above) at reasonable times in regard to the consideration of this request.

Joe Cech III      1-19-16  
 Applicant's/Owner's Signature Joe Cech      Date



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**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* \_\_\_\_\_

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**37. Removal and Processing of (Topsoil, Stone, Rock, Sand, Gravel, Lime, or Other Soil or Mineral Resources) Natural Resources.**

- A. No topsoil, sand, gravel, clay, peat, mulch, or other naturally occurring material shall be removed from any land in any district unless a permit is issued authorizing such removal.
- B. Applications for a permit to remove such natural resources shall be in writing and shall be accompanied by a payment of the permit fee as from time to time established by resolution of the Township Board. Applications shall state the district and exact location of the land from which the natural resource is proposed to be removed, the type and amount of resource proposed to be removed, the purpose for such removal, the means of removal, the period of time for which such permit is sought, and the stabilization program which will be conducted by the applicant during or after removal.
- C. Applications shall be directed to, and permits may be issued by, the following dependent upon the indicated criteria:
  - i. All applications for permits to remove up to two thousand five hundred (2,500) cubic yards of material during a period of three (3) months or less shall be directed to the Zoning Administrator who is authorized to issue such permits provided that such removal in conjunction with the stabilization program proposed will not result in sand blows, stagnant water pools, bogs, or injury to adjoining premises;
  - ii. All applications for permits to remove more than two thousand five hundred (2,500) cubic yards of material or for which the period of removal is longer than three (3) months shall be directed to the Planning Commission which may authorize the special land use pursuant to the standard set forth in D, below of this subsection;
  - iii. A series of applications for removal from the same premises within a one (1) year period which shall in total involve removal of more than two thousand five hundred (2,500) cubic yards of material or be effective for a period of longer than three (3) months shall be deemed a single application and shall require authorization as a special land use from the Planning Commission.
- D. In addition to the materials required by this Chapter and by Chapter 23, the application for special land use approval shall include the following:
  - i. A written legal description of all of the lands proposed for the use.
  - ii. Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
    - (1) A north arrow, scale, and date;
    - (2) Shading indicating the extent of land area on which mineral removal operations and activities will take place;

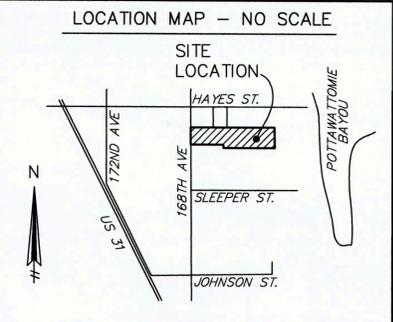


## GRAND HAVEN CHARTER TOWNSHIP

- (3) The location, width, and grade of all easements or rights-of-way on or abutting the lands;
  - (4) The location and nature of all structures on the lands;
  - (5) The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
  - (6) Existing elevations of the lands at intervals of not more than five (5) feet;
  - (7) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
  - (8) Mineral processing and storage areas;
  - (9) Proposed fencing, gates, parking areas, and signs;
  - (10) Roads for ingress to and egress from the lands;
  - (11) A map showing access routes between the subject lands and the nearest County Primary Arterial road; and
  - (12) Areas to be used for ponding.
- iii. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
- E. Permits to remove natural resources which require authorization by the Planning Commission shall not be issued unless the Planning Commission shall apply and make an affirmative finding as to each of the following standards:
- i. The site after removal shall be compatible with adjacent uses of land;
  - ii. Such removal shall not cause or result in erosion, land slides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises;
  - iii. Such removal shall be accomplished by means which are consistent with public health, safety, and welfare;
  - iv. Such removal shall not cause traffic congestion because of trucks or other vehicles used to transport the resources to be removed;
  - v. Such removal shall be accomplished in conjunction with an adequate soil stabilization program when required to prevent erosion, sand blows, or similar problems.
- F. No machinery shall be erected or maintained within fifty (50) feet of any property line or street right-of-way line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublaterals support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any Residential or Commercial District.
- G. The Planning Commission shall recommend and may require truck movement routes to and from the site to minimize the wear on public streets and prevent hazards and damage. Roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
- H. Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon stockpiling of excavated material.



- I. A site rehabilitation plan shall also be submitted and approved. Such plan shall include, at a minimum, the following:
  - i. A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
  - ii. A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and
  - iii. A description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Township Master Plan and all applicable requirements of this Ordinance.
  
- J. The site rehabilitation plan shall comply with all of the following standards and requirements:
  - i. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.
  - ii. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - iii. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.
  - iv. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
  
- K. The Planning Commission may, as a condition to the granting of a permit to remove natural resources, require the applicant to furnish a bond or other means of security, in a reasonable amount to be determined by said Commission, to insure that such removal will not cause the conditions described in E, ii, above, of this subsection, and that the soil stabilization program proposed by the applicant will be completed.
  
- L. The Planning Commission may require the applicant to submit a topographic map showing existing and proposed contour lines and elevations at elevation levels of not greater than five (5) feet, if the Planning Commission shall reasonably deem such map necessary to an understanding of the proposed removal project.
  
- M. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
  
- N. Applicants for permits to remove natural resources shall comply with all other applicable Ordinances and state and federal statutes.



**DESCRIPTION OF PROPERTY**  
 PARCEL #70-07-03-100-017  
 THE SOUTH 39.28 ACRES OF THE NORTH FRACTIONAL 1/2 OF THE  
 NORTHWEST FRACTIONAL 1/4 OF SECTION 3, TOWN 7 NORTH, RANGE  
 16 WEST, GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN,  
 LYING EAST OF US-31, EXCEPT THE SOUTH 110 FEET OF THE WEST  
 1033.6 FEET, CONTAINING 36.67 ACRES OF LAND, EXCEPT THAT PART  
 TAKEN, USED OR DEEDED FOR ROAD PURPOSES.

**DESCRIPTION OF AIRPORT  
 CLEAR ZONE EASEMENT**  
 (RECORDED IN DOCUMENT #2011-0008512 OF OTTAWA CO. RECORDS)

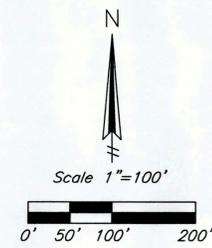
**DESCRIPTION OF EASEMENT E04:**  
 THAT PART OF THE NW FRACTIONAL 1/4, SECTION 3, TOWN 7 NORTH,  
 RANGE 16 WEST, GRAND HAVEN TOWNSHIP, OTTAWA COUNTY,  
 MICHIGAN, DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER  
 OF SECTION 3; THENCE NORTH 00°00'00" EAST 1986.46 FEET ALONG  
 THE WEST LINE OF SAID NW FRACTIONAL 1/4; THENCE SOUTH  
 89°47'41" WEST 684.71 FEET ALONG THE NORTH LINE OF THE SOUTH  
 1/2 OF THE NORTH FRACTIONAL 1/2 OF SAID NW FRACTIONAL 1/4  
 TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH  
 89°47'41" EAST 603.40 FEET ALONG SAID NORTH LINE; THENCE  
 SOUTH 00°16'51" EAST 271.45 FEET; THENCE NORTH 89°47'41" WEST  
 603.40 FEET; THENCE NORTH 00°16'51" WEST 271.45 FEET TO THE  
 PLACE OF BEGINNING.

**EXISTING ON-SITE SOIL CONDITIONS**  
 SOIL INFORMATION FROM USDA SOIL SURVEY WEB SITE.  
 1.) THE SOIL REMOVAL AREA CONSISTS OF COLOMA LOAMY SAND (ChC and ChB CLASSIFICATION).  
 2.) LOW AREAS OF THE SITE WILL NOT BE MINED OR DISTURBED.

- PLAN SHEET INDEX**
- 1.) AERIAL OVERVIEW PLAN
  - 2.) PROPOSED GRADING PLAN
  - 3.) FINAL GRADING/RESTORATION PLAN
  - 4.) SOIL EROSION AND SEDIMENTATION CONTROL PLAN

15246 SAND MINING PLANS.DWG PLOTTED: 2-11-2016

*Jose L. Milanowski*  
 MICHIGAN PROFESSIONAL ENGINEER  
 No. 25530



**3 WORKING DAYS  
 (72 HOURS)  
 BEFORE YOU DIG  
 CALL MISS DIG**  
 1-800-482-7171  
 OR  
 811

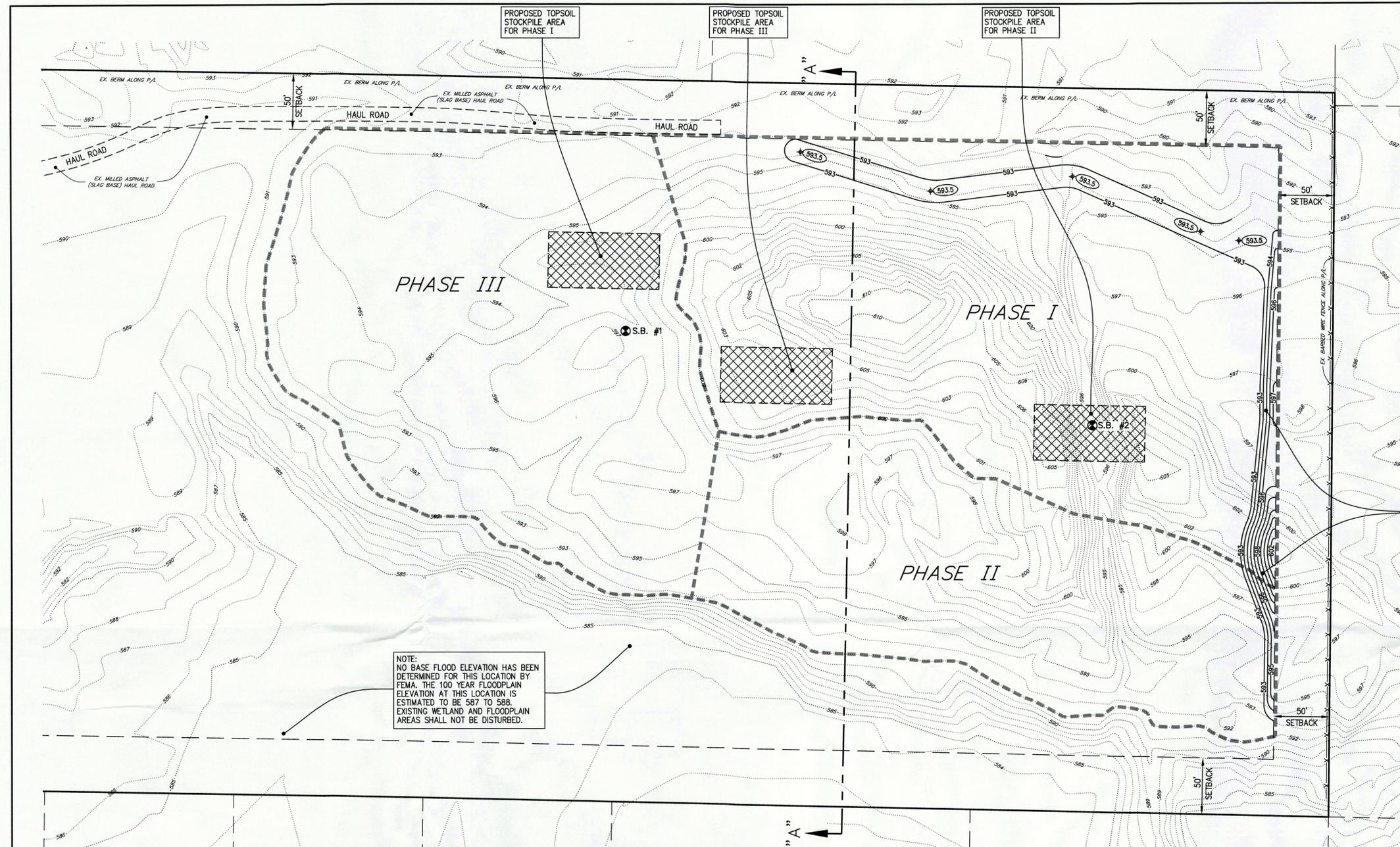
PUBLIC UTILITIES OF ALL TYPES HAVE BEEN SHOWN ON  
 THESE PLANS USING THE INFORMATION AVAILABLE, BUT  
 ARE NOT GUARANTEED AS ACCURATE OR THAT UTILITIES  
 OTHER THAN THOSE SHOWN ARE NOT PRESENT.  
 CONTRACTOR SHALL CONTACT MISS DIG AT 1-800-482-7171  
 OR 811 FOR INFORMATION AND NOTIFY UTILITY COMPANIES  
 THREE WORKING DAYS PRIOR TO COMMENCING WORK.

REVISED 2-10-2016 (PER TOWNSHIP COMMENTS)

**MILANOWSKI & ENGLERT  
 ENGINEERING & SURVEYING, INC.**  
 927 Beechtree Street, Suite 3  
 Grand Haven, Michigan 49417  
 Phone: 616-847-4070 Fax: 616-847-6626

**AERIAL OVERVIEW PLAN FOR:  
 FOX TRAX EXCAVATING - 168TH AVENUE SITE**  
 SECTION 3, TOWN 7 NORTH, RANGE 16 WEST,  
 GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN

DATE	JANUARY 15, 2016	DRAWN BY	TV / DRB
SHEET	1 of 4	JOB NO.	15246



- ### MINERAL REMOVAL NOTES
- PROJECT SCOPE:** THE SAND REMOVAL IS PROPOSED TO COMMENCE UPON GRANTING OF A "SPECIAL LAND USE PERMIT FOR REMOVAL AND PROCESSING OF NATURAL RESOURCES" FROM GRAND HAVEN TOWNSHIP. THE PURPOSE OF THE SAND REMOVAL IS TO PROVIDE FILL FOR LOCAL DEVELOPMENT AND TO GRADE THE PROPERTY IN A MANNER THAT IS FAVORABLE TO FUTURE AGRICULTURAL USE.
  - SAND REMOVAL:** THE PROPOSED SAND REMOVAL IS EXPECTED TO TAKE APPROXIMATELY THREE (3) YEARS STARTING IN THE SPRING OF 2016. THE PROJECTED AMOUNT OF SAND TO BE REMOVED FROM THE SITE IS APPROXIMATELY 61,000± CUBIC YARDS. THE PROPOSED AREA OF DISTURBANCE IS 8.43 ACRES. SAND REMOVAL WILL ONLY OCCUR BETWEEN THE HOURS OF 7:00 AM TO 8:00 PM. THE METHOD OF REMOVAL WILL BE BY 10 TO 25 CUBIC YARD DUMP TRUCKS FILLED BY AN ON-SITE LOADER.  
THE SAND WILL BE EXCAVATED AND TRANSPORTED ON AN AS-NEEDED IN PLACE (BANK-RUN) METHOD. (NO SAND STOCKPILING IS PROPOSED.)  
THE EQUIPMENT TO BE USED ON-SITE FOR THE SAND REMOVAL IS:  
a.) CATERPILLAR D5CXL DOZER  
b.) CATERPILLAR 938G LOADER  
c.) CATERPILLAR 950G LOADER  
d.) JOHN DEERE 862B SCRAPER  
e.) WESTERN STAR 4900 QUAD AXLE DUMP TRUCK  
f.) FREIGHTLINER 120 DUMP TRUCK  
THE SAND REMOVAL EQUIPMENT PARKING AREA(S) WILL BE WITHIN THE LIMITS OF EACH PHASE OF THE SAND REMOVAL. THE DUMP TRUCKS WILL NOT BE PARKED ON-SITE AS THEY WILL BE USED FOR OTHER PROJECTS.  
THE DECIBEL RATINGS FOR THE PROPOSED EQUIPMENT TO BE USED ON SITE IS APPROXIMATELY 75-85 DECIBELS AT A DISTANCE OF 50 FEET.  
THE DESTINATION FOR THE SAND WILL BE TO VARIOUS DEVELOPMENT SITES WITHIN THE LOCAL AREA (20 MILE RADIUS). TRUCKS REMOVING SAND FROM THE SITE WILL TAKE HAYES STREET WEST AND CONTINUE FROM THERE.
  - PROJECT PLANNING:** THE SITE IS PROPOSED TO BE GRADED (INCLUDING SAND REMOVAL) AND RESTORED. THE ACCESS / HAUL ROAD AND DRIVE ENTRANCE WILL BE LOCATED OFF OF HAYES STREET.  
TOPSOIL STRIPPING AND STOCKPILING TO START IN THE SPRING OF 2016 WITH SAND REMOVAL ALSO TO START IN THE SPRING OF 2016, FINAL GRADING AND RESTORATION TO BE COMPLETED WITHIN THREE (3) YEARS.
  - SITE RECLAMATION:**
    - TOPSOIL WILL BE STRIPPED AS NEEDED FOR SAND REMOVAL AND STOCKPILED AND REPLACED UPON THE COMPLETION OF SAND REMOVAL. NO AREA GREATER THAN 125'X125' (15,625 SQ. FT.) OF SAND REMOVAL SHALL REMAIN UNRESTORED BEFORE MOVING ON TO A DIFFERENT LOCATION WITHIN EACH PHASE. STORAGE OF STOCKPILED TOPSOIL SHALL NOT BE LOCATED CLOSER THAN FIFTY (50) FEET FROM ANY PROPERTY LINE.
    - ALL AREAS COVERED WITH TOPSOIL SHALL BE SEEDED WITH MDOT ROADSIDE SEED.
    - THE TIME FRAME FOR SAND REMOVAL AND RECLAMATION IS NOTED ABOVE IN ITEM "2" - SAND REMOVAL.
    - PRIOR TO BEGINNING THE SAND REMOVAL OPERATIONS THE OWNER SHALL OBTAIN A SOIL EROSION AND SEDIMENTATION CONTROL PERMIT FROM THE OFFICE OF THE OTTAWA COUNTY WATER RESOURCES COMMISSIONER.
    - NO MACHINERY SHALL BE ERRECTED, PARKED OR MAINTAINED WITHIN FIFTY (50) FEET OF ANY PROPERTY LINE.

NOTE:  
NO BASE FLOOD ELEVATION HAS BEEN DETERMINED FOR THIS LOCATION BY FEMA. THE 100 YEAR FLOODPLAIN ELEVATION AT THIS LOCATION IS ESTIMATED TO BE 587 TO 588. EXISTING WETLAND AND FLOODPLAIN AREAS SHALL NOT BE DISTURBED.

1 FOOT VERTICAL TO 3 FOOT HORIZONTAL SIDE SLOPES

### LEGEND

- ◆ (591.91) PROPOSED SPOT ELEVATION
- EXISTING CONTOUR LINE
- 591 — PROPOSED CONTOUR LINE
- LIMITS OF AREA OF DISTURBANCE (EACH PHASE)

NOTE:  
EXISTING CONTOURS WERE GENERATED FROM OTTAWA COUNTY GIS DATA.

*Laura A. Milanowski*  
ENGINEER  
No. 25330  
PROFESSIONAL ENGINEER

### BENCHMARK DESCRIPTION

BENCHMARK ELEVATION = 595.52  
TOP OF N. FLANGE BOLT UNDER "7" IN 1977 ON THE N. SIDE OF HAYES STREET OPPOSITE EAST DRIVEWAY TO JOST INTERNATIONAL INC. (NOT SHOWN ON THIS SHEET - SEE SHEET 1)

### EXISTING ON-SITE SOIL CONDITIONS

SOIL INFORMATION TAKEN FROM USDA SOIL SURVEY WEB SITE.

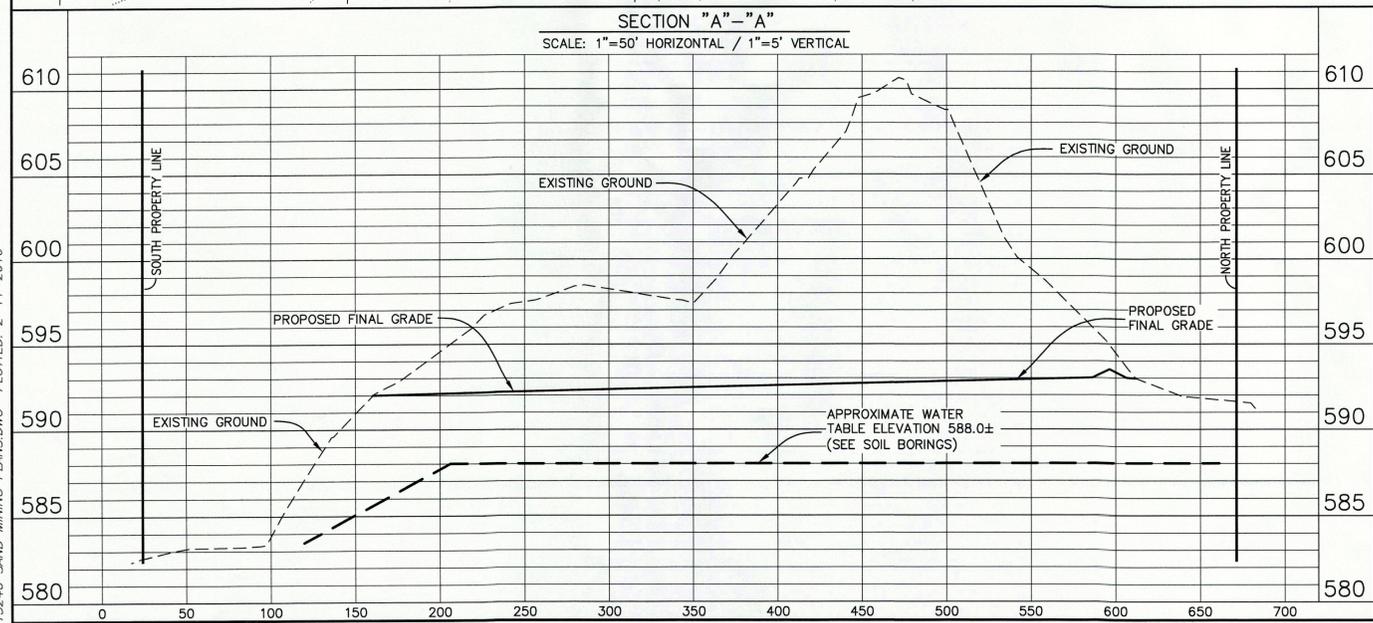
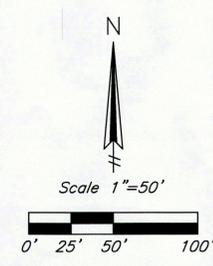
- THE SOIL REMOVAL AREA CONSISTS OF COLOMA LOAMY SAND (ChC and ChB CLASSIFICATION).
- LOW AREAS OF THE SITE WILL NOT BE MINED OR DISTURBED.

### SOIL BORING LOGS

SB #1 = DESIGNATES SOIL BORING LOCATION

SOIL BORING SB #1  
EX. GROUND ELEVATION = 596.7  
0.0'-0.25' TOPSOIL (3")  
0.25'-END SAND  
WATER TABLE @ 588.0±

SOIL BORING SB #2  
EX. GROUND ELEVATION = 595.4  
0.0'-0.33' TOPSOIL (4")  
0.33'-5.0' SAND  
5.0'-7.0' CLAY  
7.0'-END SAND  
WATER TABLE @ 588.0±



15246 SAND MINING PLANS.DWG PLOTTED: 2-11-2016

REVISED 2-10-2016 (PER TOWNSHIP COMMENTS)

### MILANOWSKI & ENGLERT ENGINEERING & SURVEYING, INC.

927 Beechtree Street, Suite 3  
Grand Haven, Michigan 49417  
Phone: 616-847-4070 Fax: 616-847-6626

3 WORKING DAYS (72 HOURS) BEFORE YOU DIG CALL MISS DIG OR 811

PUBLIC UTILITIES OF ALL TYPES HAVE BEEN SHOWN ON THESE PLANS USING THE INFORMATION AVAILABLE, BUT ARE NOT GUARANTEED AS ACCURATE OR THAT UTILITIES OTHER THAN THOSE SHOWN ARE NOT PRESENT. CONTRACTOR SHALL CONTACT MISS DIG AT 1-800-482-7171 OR 811 FOR INFORMATION AND NOTIFY UTILITY COMPANIES THREE WORKING DAYS PRIOR TO COMMENCING WORK.

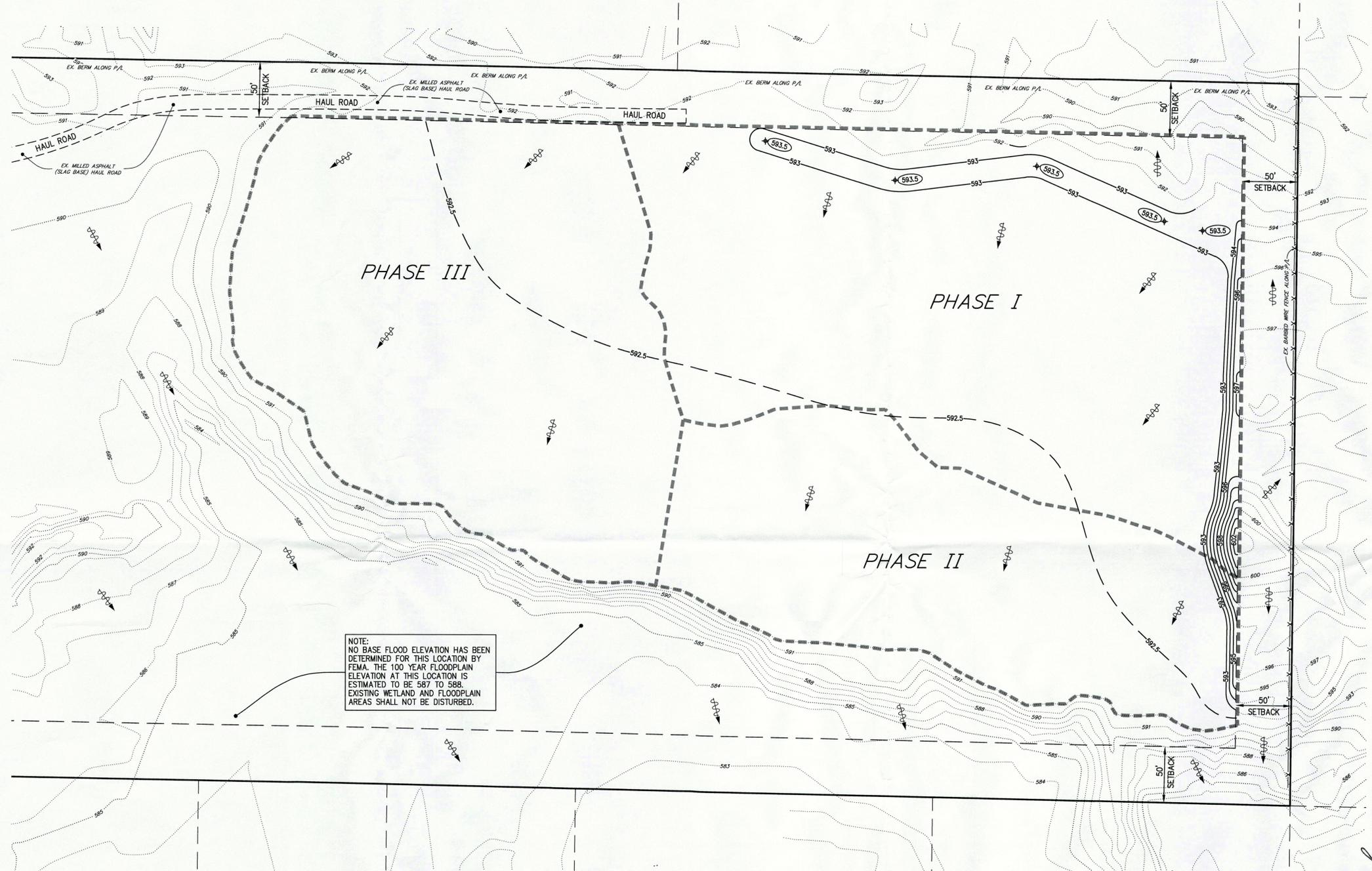
**PROPOSED GRADING PLAN FOR: FOX TRAX EXCAVATING - 168TH AVENUE SITE**  
SECTION 3, TOWN 7 NORTH, RANGE 16 WEST, GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN

DATE	JANUARY 15, 2016	DRAWN BY	TV / DRB
SHEET	2 of 4	JOB NO.	15246

**BENCHMARK DESCRIPTION**  
 BENCHMARK ELEVATION = 595.52  
 TOP OF N. FLANGE BOLT UNDER "7" IN 1977  
 ON THE N. SIDE OF HAYES STREET OPPOSITE  
 EAST DRIVEWAY TO JOST INTERNATIONAL INC.  
 (NOT SHOWN ON THIS SHEET - SEE SHEET 1)

**RECLAMATION NOTES**

- 1.) THE PROPOSED SAND REMOVAL AREA SHALL BE RECLAIMED AND REHABILITATED AS SOON AS MAY BE PRACTICABLE. AN UNRESTORED AREA SHALL NOT EXCEED 125'x125' (15,620 SQ. FT.) AT ANY TIME.
- 2.) THE REHABILITATION AND RECLAMATION OF THE EXTRACTION AREA SHALL BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
  - a.) THE EXCAVATED AREA SHALL NOT COLLECT AND RETAIN STAGNANT WATER.
  - b.) THE EXCAVATED AREA SHALL BE GRADED TO PRODUCE A SURFACE THAT WILL MINIMIZE WIND AND WATER EROSION AND BE GENERALLY COMPATIBLE WITH THE ADJOINING LAND AREAS.
  - c.) THE FINISHED GRADE OF ALL SLOPES RESULTING FROM EXCAVATING SHALL NOT BE STEEPER THAN ONE (1) FOOT VERTICAL TO THREE (3) FEET HORIZONTAL.
  - d.) TOPSOIL OF A QUALITY EQUAL TO THAT OCCURRING NATURALLY IN THE SURROUNDING AREA SHALL BE REPLACED OVER THE TOTAL EXCAVATED AREA. TOPSOIL SHALL BE REPLACED TO A DEPTH OF A MINIMUM OF SIX (6) INCHES.
  - e.) MDT ROADSIDE SEED WILL BE PLANTED ON THE RECLAIMED EXCAVATED AREA FOR FUTURE AGRICULTURAL USE.
  - f.) AFTER ALL SAND REMOVAL OPERATIONS ARE COMPLETE THE LAND OWNER SHALL REMOVE ALL STOCKPILES, EQUIPMENT, ETC. RELATED TO THE SAND REMOVAL PROCESS WITHIN A PERIOD NOT EXCEEDING SIX (6) MONTHS.



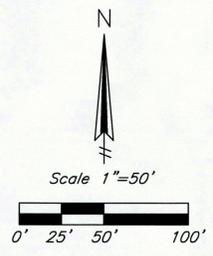
NOTE:  
 NO BASE FLOOD ELEVATION HAS BEEN DETERMINED FOR THIS LOCATION BY FEMA. THE 100 YEAR FLOODPLAIN ELEVATION AT THIS LOCATION IS ESTIMATED TO BE 587 TO 588. EXISTING WETLAND AND FLOODPLAIN AREAS SHALL NOT BE DISTURBED.

**LEGEND**

- ⊕ (591.91) PROPOSED SPOT ELEVATION
- EXISTING CONTOUR LINE
- 591 — PROPOSED CONTOUR LINE
- PROPOSED DIRECTION OF OVERLAND STORMWATER FLOW
- LIMITS OF AREA OF DISTURBANCE (EACH PHASE)

NOTE:  
 EXISTING CONTOURS WERE GENERATED FROM OTTAWA COUNTY GIS DATA.

*Janice A. Milanowski*  
 REGISTERED PROFESSIONAL ENGINEER  
 No. 253330



3 WORKING DAYS  
 (72 HOURS)  
**BEFORE YOU DIG**  
 CALL MISS  
 1-800-482-7171  
 OR  
 811

PUBLIC UTILITIES OF ALL TYPES HAVE BEEN SHOWN ON THESE PLANS USING THE INFORMATION AVAILABLE, BUT ARE NOT GUARANTEED AS ACCURATE OR THAT UTILITIES OTHER THAN THOSE SHOWN ARE NOT PRESENT. CONTRACTOR SHALL CONTACT MISS DIG AT 1-800-482-7171 OR 811 FOR INFORMATION AND NOTIFY UTILITY COMPANIES THREE WORKING DAYS PRIOR TO COMMENCING WORK.

REVISED 2-10-2016 (PER TOWNSHIP COMMENTS)

**MILANOWSKI & ENGLERT  
 ENGINEERING & SURVEYING, INC.**  
 927 Beechtree Street, Suite 3  
 Grand Haven, Michigan 49417  
 Phone: 616-847-4070 Fax: 616-847-6626

**FINAL GRADING / RESTORATION PLAN FOR:  
 FOX TRAX EXCAVATING - 168TH AVENUE SITE**  
 SECTION 3, TOWN 7 NORTH, RANGE 16 WEST,  
 GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN

DATE	JANUARY 15, 2016	DRAWN BY	TV / DRB
SHEET	3 of 4	JOB NO.	15246

15246 SAND MINING PLANS.DWG PLOTTED: 2-11-2016

**BENCHMARK DESCRIPTION**  
 BENCHMARK ELEVATION = 595.52  
 TOP OF N. FLANGE BOLT UNDER "7" IN 1977  
 ON THE N. SIDE OF HAYES STREET OPPOSITE  
 EAST DRIVEWAY TO JOST INTERNATIONAL INC.  
 (NOT SHOWN ON THIS SHEET - SEE SHEET 1)

**KEY FOR SOIL EROSION & SEDIMENTATION CONTROLS**

(A) DESIGNATES EROSION CONTROL FENCING (36" SILT FENCING REQUIRED) ·XXXXXXXXXXXXXXXX·

(B) DESIGNATES AREA OF RESTORATION (6" TOPSOIL & MDOT ROADSIDE SEED)

(C) DESIGNATES LIMITS OF EARTH DISTURBANCE (TOTAL AREA OF DISTURBANCE = 8.43 ACRES) - - - - -

(D) DESIGNATES TOPSOIL STOCKPILE AREA (FOR SUBSEQUENT RESPREADING) [Cross-hatched box]

**NOTES:**  
 1.) THE OWNER-DEVELOPER SHALL BE RESPONSIBLE, THROUGH HIS ON-SITE REPRESENTATIVE, TO PROVIDE CLEANUP OPERATIONS ALONG HAYES STREET TO INSURE THAT ANY DIRT OR DEBRIS DEPOSITED ALONG THE ROADWAY DUE TO MINING ACTIVITIES AND/OR RELATED WORK IS REMOVED AND/OR CLEANED UP. AS A MINIMUM, CLEANUP SHALL OCCUR ON A DAILY BASIS (IF NECESSARY). ADDITIONAL CLEANUP WILL BE PERFORMED AS DEEMED NECESSARY BY GRAND HAVEN TOWNSHIP, THE CITY OF GRAND HAVEN, OR THE OFFICE OF THE OTTAWA COUNTY WATER RESOURCES COMMISSIONER.  
 2.) PRIOR TO ANY EARTH REMOVAL THE LAND OWNER SHALL OBTAIN A SOIL EROSION AND SEDIMENTATION CONTROL PERMIT FROM THE OFFICES OF THE OTTAWA COUNTY WATER RESOURCES COMMISSIONER.

**EXISTING ON-SITE SOIL CONDITIONS**  
 SOIL INFORMATION TAKEN FROM USDA SOIL SURVEY WEB SITE.  
 1.) THE SOIL REMOVAL AREA CONSISTS OF COLOMA LOAMY SAND (ChC and ChB CLASSIFICATION).  
 2.) LOW AREAS OF THE SITE WILL NOT BE MINED OR DISTURBED.

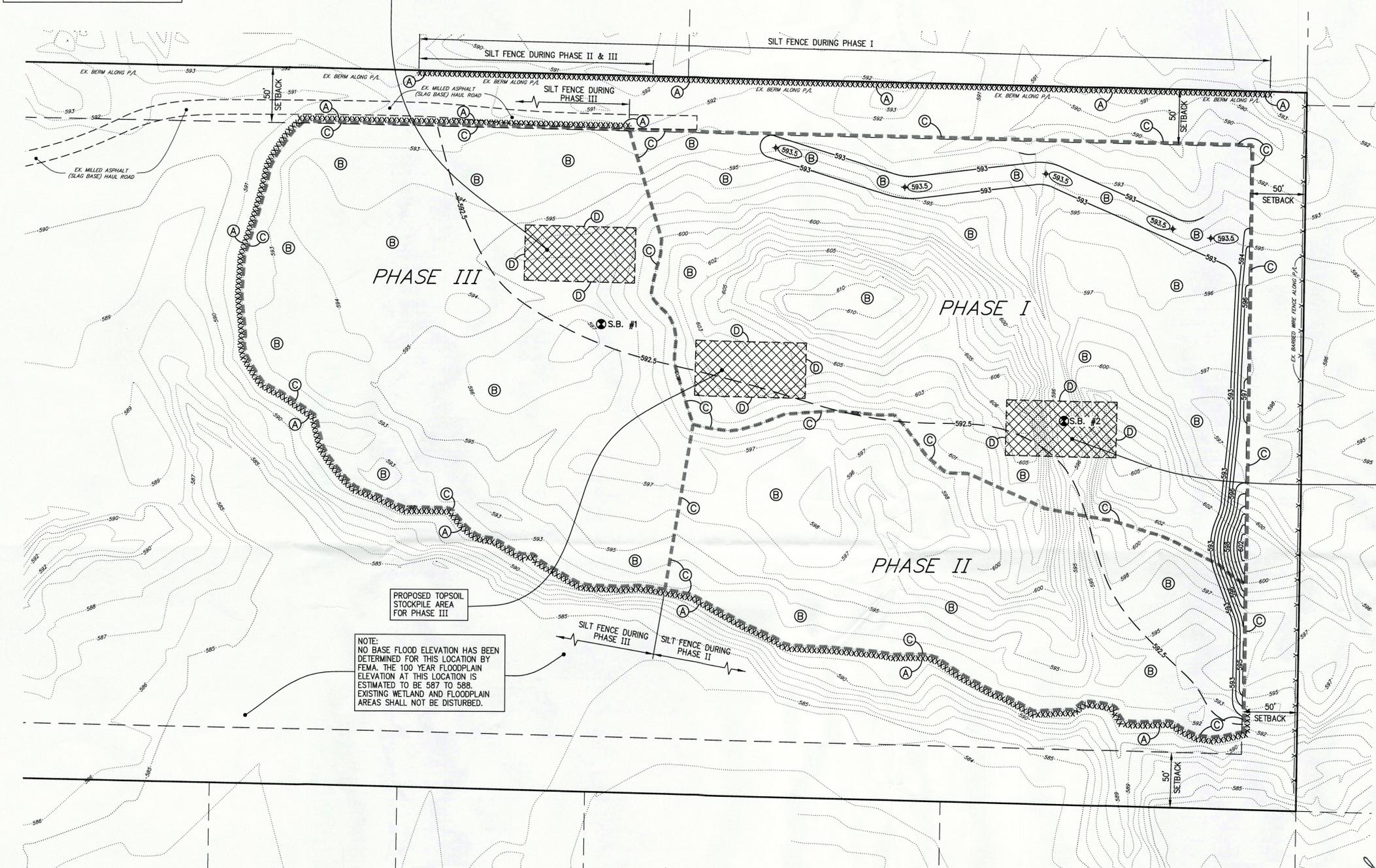
**SOIL BORING LOGS**

SB #1 ● = DESIGNATES SOIL BORING LOCATION

**SOIL BORING SB #1**  
 EX. GROUND ELEVATION = 596.7  
 0.0'-0.25' TOPSOIL (3")  
 0.25'-END SAND  
 WATER TABLE @ 588.0±

**SOIL BORING SB #2**  
 EX. GROUND ELEVATION = 595.4  
 0.0'-0.33' TOPSOIL (4")  
 0.33'-5.0' SAND  
 5.0'-7.0' CLAY  
 7.0'-END SAND  
 WATER TABLE @ 588.0±

**NOTE:**  
 NO BASE FLOOD ELEVATION HAS BEEN DETERMINED FOR THIS LOCATION BY FEMA. THE 100 YEAR FLOODPLAIN ELEVATION AT THIS LOCATION IS ESTIMATED TO BE 587 TO 588. EXISTING WETLAND AND FLOODPLAIN AREAS SHALL NOT BE DISTURBED.



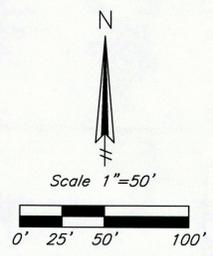
**LEGEND**

⊕ (591.91) PROPOSED SPOT ELEVATION

--- 592 --- EXISTING CONTOUR LINE

— 591 — PROPOSED CONTOUR LINE

**NOTE:**  
 EXISTING CONTOURS WERE GENERATED FROM OTTAWA COUNTY GIS DATA.



*Laura J. Milanowski*  
 L. J. MILANOWSKI  
 ENGINEER  
 No. 25330  
 OR  
 811  
 LICENSED PROFESSIONAL

3 WORKING DAYS (72 HOURS) BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 OR 811

PUBLIC UTILITIES OF ALL TYPES HAVE BEEN SHOWN ON THESE PLANS USING THE INFORMATION AVAILABLE, BUT ARE NOT GUARANTEED AS ACCURATE OR THAT UTILITIES OTHER THAN THOSE SHOWN ARE NOT PRESENT. CONTRACTOR SHALL CONTACT MISS DIG AT 1-800-482-7171 OR 811 FOR INFORMATION AND NOTIFY UTILITY COMPANIES THREE WORKING DAYS PRIOR TO COMMENCING WORK.

REVISED 2-10-2016 (PER TOWNSHIP COMMENTS)

**MILANOWSKI & ENGLERT ENGINEERING & SURVEYING, INC.**  
 927 Beechtree Street, Suite 3  
 Grand Haven, Michigan 49417  
 Phone: 616-847-4070 Fax: 616-847-6626

**SOIL EROSION & SEDIMENTATION CONTROL PLAN FOR: FOX TRAX EXCAVATING - 168TH AVENUE SITE**  
 SECTION 3, TOWN 7 NORTH, RANGE 16 WEST, GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN

DATE	JANUARY 15, 2016	DRAWN BY	TV / DRB
SHEET	4 of 4	JOB NO.	15246

15246 SAND MINING PLANS.DWG PLOTTED: 2-11-2016

**From:** [Bolt, Jennifer \(DEQ\)](#)  
**To:** [Stacey Fedewa](#)  
**Cc:** [Occhipinti, Matthew \(DEQ\)](#)  
**Subject:** RE: GHT - Soil Removal App/Floodplain  
**Date:** Wednesday, January 20, 2016 3:48:27 PM

---

Hi Stacey,

A part 301 permit will be required for lake/pond creation within 500 feet of an existing inland lake or stream.

A part 303 permit will be required if there are any wetland on the property (within 500 ft of an inland lake or stream) that will be impacted by the road, stockpiling, excavation, etc. Attached is a map of the estimated wetland areas on/near that property.

I forwarded your email to our floodplain engineer on whether a Part 31 permit will be required.

An NPDES permit may also be required if they are dewatering while excavating.

Jeni Bolt  
Environmental Quality Analyst  
616-401-2297

Grand Rapids District Office  
350 Ottawa NW, Suite 10  
Grand Rapids, MI 49503

---

**From:** Stacey Fedewa [mailto:SFedewa@ght.org]  
**Sent:** Wednesday, January 20, 2016 1:41 PM  
**To:** Occhipinti, Matthew (DEQ) <OCCHIPINTIM@michigan.gov>; Bolt, Jennifer (DEQ) <BOLTJ@michigan.gov>; Jon Braxmaier (jbraxmaier@miottawa.org) <jbraxmaier@miottawa.org>  
**Subject:** GHT - Soil Removal App/Floodplain

All,

The Township has received a Special Land Use application to remove 61,000 cubic yards of sand over a three year period. The applicant proposes to stockpile the sand, sell, and delivery it to local development sites within a 20 mile radius. The southern boundary of the proposed disturbed area abuts the floodplain, and wetlands.

The Township certainly has concerns about the soil removal causing adverse impacts to the surrounding environment. Can you please provide information on the possible impacts that could occur, recommendations to prevent the impact, if any permits are required (*aside from an SESC*), if you would recommend the Planning Commission approve/deny the request, etc.

Any feedback and information you're able to provide will be greatly appreciated.

**From:** [Occhipinti, Matthew \(DEQ\)](#)  
**To:** [Stacey Fedewa](#); [Bolt, Jennifer \(DEQ\)](#); [Jon Braxmaier \(jbraxmaier@miottawa.org\)](#)  
**Subject:** RE: GHT - Soil Removal App/Floodplain  
**Date:** Friday, January 22, 2016 10:52:59 AM  
**Attachments:** [image001.png](#)

---

Hello Stacy,

The 100-year floodplain elevation at this location is 587.2 feet NAVD88. According to the topo and project plans you sent, all the work is proposed above the 100-year floodplain elevation. Therefore, no floodplain permit will be needed from our office under Part 31.

Matt

Matthew Occhipinti, P.E. | Grand Rapids District Engineer | Water Resources Division  
350 Ottawa Ave, NW, Grand Rapids, MI 49503 | ☎ 616-204-1708 | Fax: 616-356-0202



---

**From:** Stacey Fedewa [mailto:SFedewa@ght.org]  
**Sent:** Wednesday, January 20, 2016 1:41 PM  
**To:** Occhipinti, Matthew (DEQ) <OCCHIPINTIM@michigan.gov>; Bolt, Jennifer (DEQ) <BOLTJ@michigan.gov>; Jon Braxmaier (jbraxmaier@miottawa.org) <jbraxmaier@miottawa.org>  
**Subject:** GHT - Soil Removal App/Floodplain

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The Township certainly has concerns about the soil removal causing adverse impacts to the surrounding environment. Can you please provide information on the possible impacts that could occur, recommendations to prevent the impact, if any permits are required (*aside from an SESC*), if you would recommend the Planning Commission approve/deny the request, etc.

Any feedback and information you're able to provide will be greatly appreciated.

Best regards,

Stacey Fedewa  
Planning & Zoning Official  
Grand Haven Charter Township  
(616) 604-6326  
[sfedewa@ght.org](mailto:sfedewa@ght.org)

**From:** [Ferrigan, Jennifer \(DEQ\)](#)  
**To:** [Stacey Fedewa](#)  
**Subject:** RE: Cech - site plan  
**Date:** Friday, February 19, 2016 10:42:27 AM

---

Stacey-

Thank you for sending along the proposed plans.

After reviewing the plans, it looks like the proposed excavations are on the east side of the property, and just outside the sand dune area. If the project plan changes/evolves in the future and if excavations will take place anywhere in the west half of the northwest quarter of section 3 (W/2 NW/4 Sec 3, T7N R16W), a sand dune mining permit would be required.

Thanks again,

Jennifer A. Ferrigan  
Geologist – Permit Coordinator  
Permits & Bonding Unit  
Office of Oil, Gas, and Minerals  
517-284-6831  
[Ferriganj2@michigan.gov](mailto:Ferriganj2@michigan.gov)

---

**From:** Stacey Fedewa [mailto:[SFedewa@ght.org](mailto:SFedewa@ght.org)]  
**Sent:** Friday, February 19, 2016 10:01 AM  
**To:** Ferrigan, Jennifer (DEQ)  
**Subject:** Cech - site plan

---

Above all else, our purpose is to provide superior customer service to our community. Please tell us about your experience:  
<http://www.ghc.org/WeCare>.

This message was sent from Grand Haven Charter Township (including any attached or embedded documents/information) and may be confidential and/or privileged and is intended for the sole use of the addressee(s). If you receive this message in error, you are advised that any disclosure, reproduction, distribution or the taking of any action upon the message is prohibited and we ask that you please contact the sender immediately via return email or telephone (616.842.5988) and delete the message and any/all reproductions.



*International Corp.*  
1770 Hayes Street  
Grand Haven, MI 49417 USA  
(616) 846 7700 (800) 253 5105  
Fax (616) 846 0310

February 5, 2016

Joe Cech

Fox Trax

Hayes St

Grand Haven, MI 49417

Dear Joe,

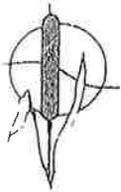
As we discussed this afternoon regarding accessing the Jost International driveway from your property. Yes, you have permission to drive through as needed. Please consider this permission valid until 12/31/16. If access is needed beyond this time, we can readdress.

Sincerely,

A handwritten signature in black ink that reads "Jack Kronberg". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Jack Kronberg, CFO

Jost International, Corp.



King & MacGregor  
Environmental  
Inc.

January 12, 2015

Sent Via Email

Mr. Jack Kronberg  
**JOST International**  
1770 Hayes Street  
Grand Haven, MI 49417

Re: Wetland Determination - 168<sup>th</sup> Avenue Parcel

Dear Mr. Kronberg:

Pursuant to your request, on December 2, 2014, a wetland determination was conducted on the above-referenced site. The intent of this report is to provide a description of the location and character of the wetland areas identified within the subject parcel(s) and an opinion as to the possible jurisdiction of the Michigan Department of Environmental Quality (MDEQ) over wetland areas identified on-site.

The methods used to conduct this wetland determination are consistent with our understanding of the procedures and general practices used by the MDEQ and the U.S. Army Corps of Engineers Wetlands Delineation Methodology. Our determination included review of in-office information including the national *Web Soil Survey* (Figure 1), *National Wetlands Inventory* mapping (Figure 2) and aerial photography.

The subject parcel is approximately 37 acres in size, however, only a portion of the site was investigated as shown on the attached figures. The site is located in the southwest quarter of Section 3, Grand Haven Township (T7N, R15W), Ottawa County, Michigan. The Vincent Drain bisects this subject parcel. Figure 3 depicts the approximate location of these wetland areas.

#### Wetland A

Wetland A is a forested/scrub-shrub wetland area. The vegetation identified in this area included species such as ostrich fern, tussock sedge, blue-joint grass, boxelder, Michigan holly, and tag alder. The soils are described in the national *Web Soil Survey* as Houghton-Adrian mucks, a poorly drained soil and Covert-Pipestone sands, moderately well-drained and somewhat poorly drained soils. The soils evaluated on-site were consistent with muck. The boundaries of this wetland were identified using flags A1 through A24.

#### Wetland B

Wetland B is an emergent/scrub-shrub linear wetland. The vegetation identified in this area included species such as cattail, silky dogwood, and reed canary grass. The soils are described in the national *Web Soil Survey* as Covert-Pipestone sands, moderately well-drained and somewhat poorly drained soils. The soils evaluated on-site differed somewhat with this description. The wetland appears to be the result of agricultural ditching activities with no outlet. As such, the wetland has formed mucky and peaty soils. The boundaries of this wetland were identified using flags B1 through B7.

2520 Woodmeadow SE  
Grand Rapids, MI 49546  
Phone: 616/957-1231  
Fax: 616/957-2198

13050 Ford Road, Suite 130  
Canton, MI 48187  
Phone: 734/354-0594  
Fax: 734/354-0593

e-mail: kme@king-macgregor.com

Upland Areas

The upland areas adjacent to the on-site wetlands included vegetation such as black cherry, paper birch, smooth brome, bush honeysuckle, and wild carrot. There was no evidence of standing water or saturated soils in any of the upland areas.

MDEQ Jurisdiction/Regulatory Discussion

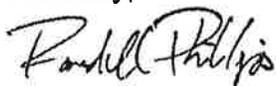
In order for the MDEQ to have regulatory authority over a wetland, the wetland must be within 500 feet of a lake, pond and/or stream, have a direct surface water connection to a lake, pond and/or stream, or be greater than five acres in size. The on-site wetlands appear regulated by the MDEQ due to their connection and proximity to the Vincent Drain.

A permit must be obtained from the MDEQ prior to conducting most filling, dredging and/or draining activities or maintaining a use of a regulated wetland.

Please be advised the information provided in this report is a professional opinion. The ultimate decision on wetland boundary locations and jurisdiction thereof rests with the MDEQ and, in some cases, the Federal government. Therefore, there may be adjustments to boundaries based upon review of a regulatory agency. An agency determination can vary, depending on various factors including, but not limited to, experience of the agency representative making the determination and the season of the year. In addition, the physical characteristics of the site can change with time, depending on the weather, vegetation patterns, drainage, activities on adjacent parcels, or other events. Any of these factors can change the nature / extent of wetlands on the site. We recommend the MDEQ be requested to confirm our wetland boundaries and jurisdictional opinion. This report does not address any local ordinances that may apply to this site.

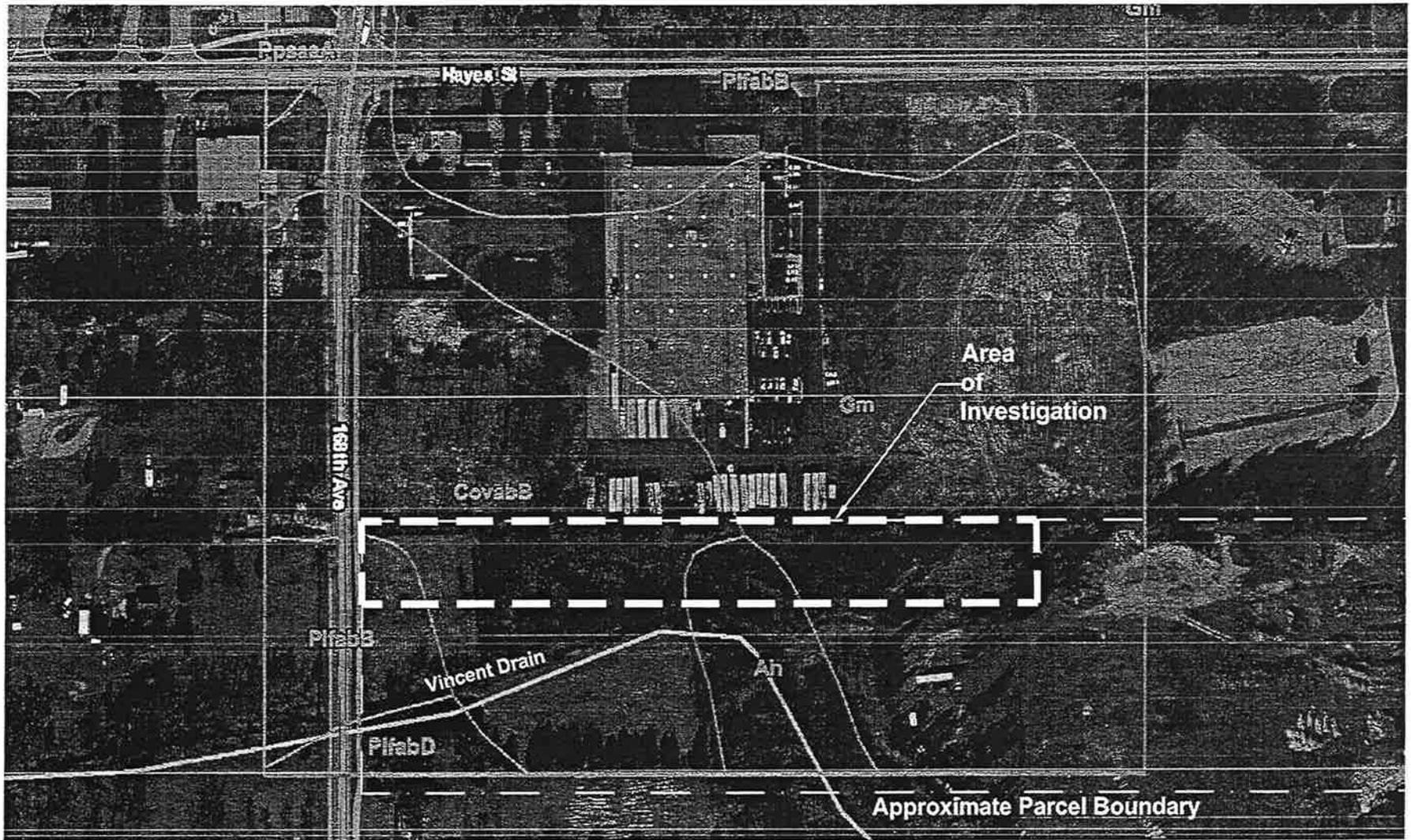
Thank you for the opportunity to provide this wetland determination. If you have any questions, please contact me at your convenience.

Sincerely,



Randall Phillips  
**King & MacGregor Environmental, Inc.**

Enclosures



<u>Map Symbol</u>	<u>Soil Map Unit Name</u>	<u>Soil Drainage Class</u>
Ah	Adrian-Houghton mucks, 0-2% slopes	poorly drained
CovabB	Covert-Pipestone sands, 0-6% slopes	moderately well drained/somewhat poorly drained
Gm	Granby loamy sand, 0-2% slopes	poorly drained and very poorly drained
PifabB	Plainfield sand, high ecological site, 0-6% slopes	excessively drained

Source: websoilsurvey.nrcs.usda.gov



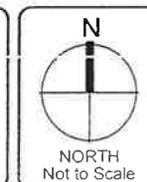
**King & MacGregor  
Environmental, Inc.**  
2520 Woodmeadow Drive SE  
Grand Rapids, Michigan 49546  
Phone: (616) 957-1231

Wetland Determination For :

## 168th Avenue Parcel

Grand Haven Township

Ottawa County, Michigan

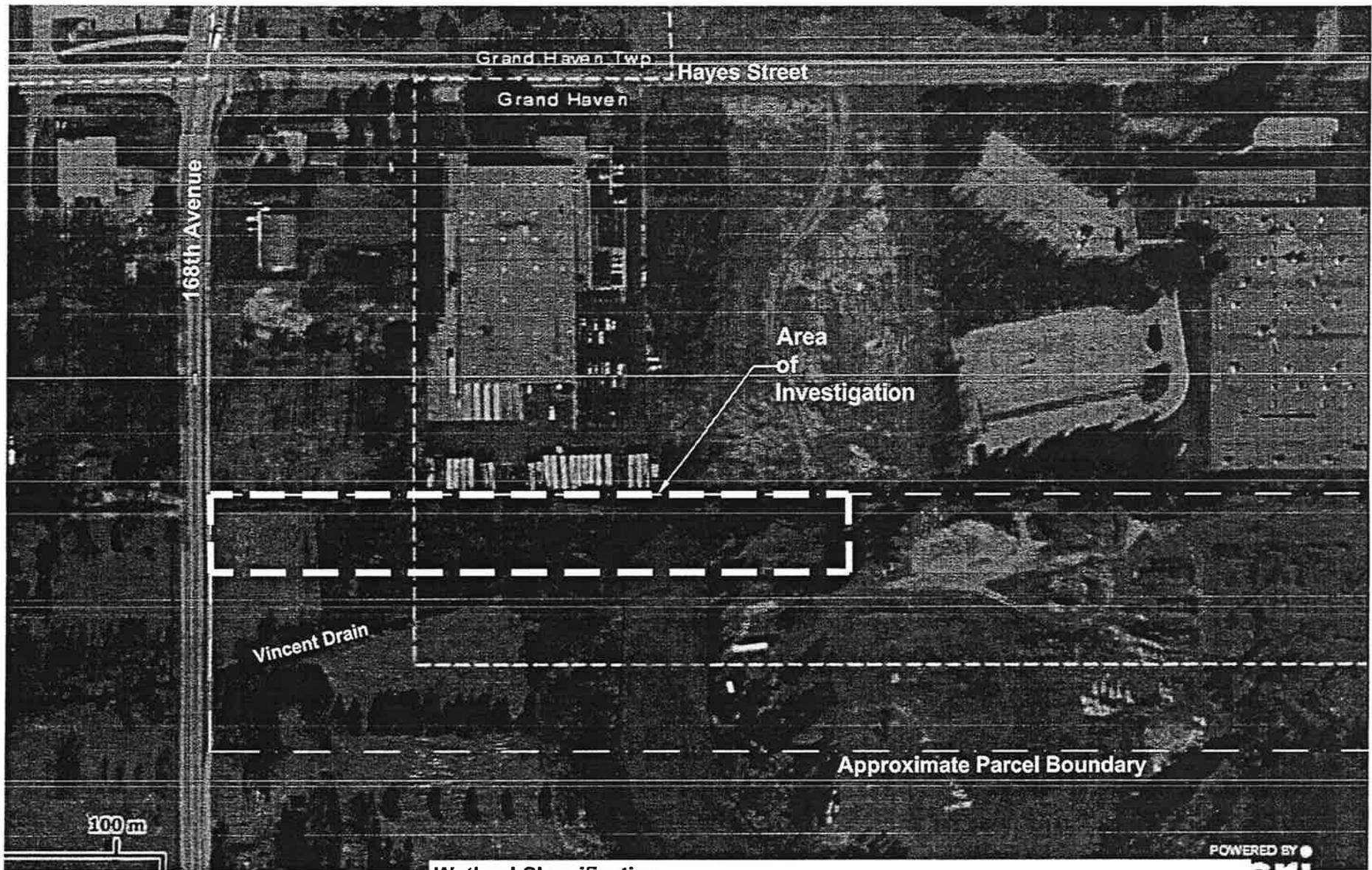


DATE	REVISION

PROJECT NUMBER  
14215

Soil  
Survey

Figure  
1



**Wetland Classification**

PFO1C Palustrine, Forested, Broad-Leaved Deciduous, Seasonally Flooded

Source: National Wetlands Inventory mapping



**King & MacGregor  
Environmental, Inc.**  
2520 Woodmeadow Drive SE  
Grand Rapids, Michigan 49546  
Phone: (616) 957-1231

Wetland Determination For :

# 168th Avenue Parcel

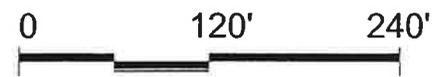
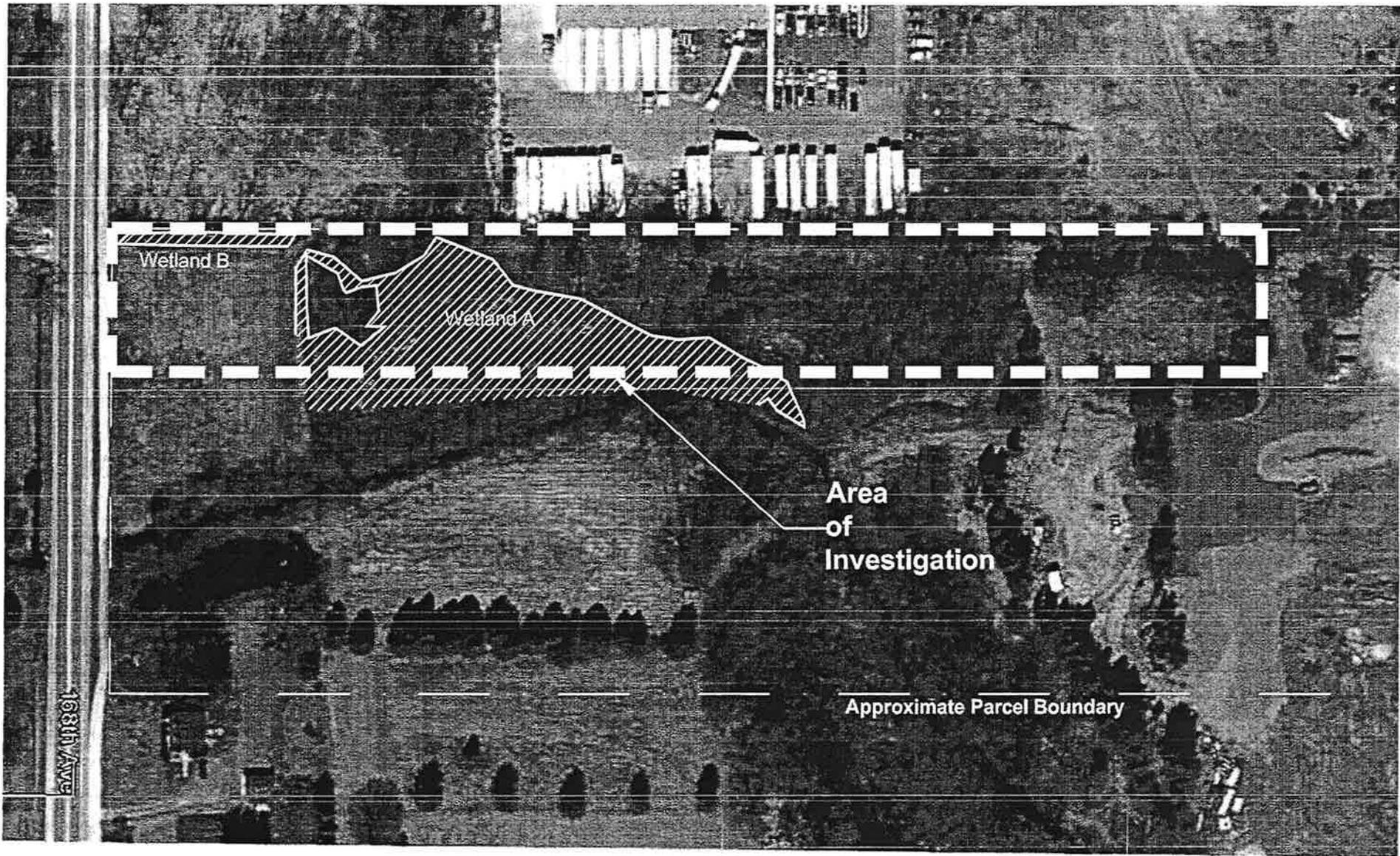
Grand Haven Township

Ottawa County, Michigan



DATE:	CLIENT NO.:

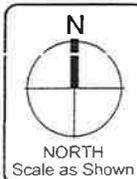
PROJECT NUMBER 14215
National Wetlands Inventory
Figure 2




**King & MacGregor  
Environmental, Inc.**  
 2520 Woodmeadow Drive SE  
 Grand Rapids, Michigan 49546  
 Phone: (616) 957-1231

Wetland Determination For :  
**168th Avenue Parcel**  
 Grand Haven Township

Ottawa County, Michigan



DATE	FIELD #

PROJECT NUMBER  
 14215  
 Wetland  
 Boundary  
 Figure  
 3



**LEGEND**



- WETLAND REGULATED UNDER PART 303 OF PA 451, WETLAND PROTECTION



**JFNew**

11181 Marwill, West Olive, MI 49460  
 (616) 847-1680 / Fax (616) 847-9970  
 www.jfnew.com

168th Avenue Site  
**WETLAND DETERMINATION**

T7N, R16W, SECTION 3  
 GRAND HAVEN TOWNSHIP  
 OTTAWA COUNTY, MICHIGAN



SCALE: 1" = 300'  
 DATE 08.22.06  
 FILE: 060591

12630000 FT

JOINS PANEL 0087

12635000 FT

86°

33

CITY OF GRAND HAVEN  
260269

34

CITY OF GRAND HAVEN  
260269

HAYES STREET

T 8 N  
R 7 N

ZONE AE  
(EL 537)

LIMIT OF STUDY

Pottawattomic Bayou

ZONE A

ZONE A

Gilleans Creek

ZONE A

SLEEPER STREET

4

3



2.5"

# LEGEND



## SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

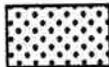
The 1% annual chance flood (100 year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard may include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Area of special flood hazard formerly protected from the 1% annual chance flood event by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood event by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.



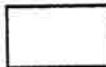
## FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.



## OTHER FLOOD AREAS

- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

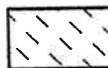


## OTHER AREAS

- ZONE X** Areas determined to be outside of the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.

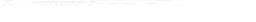


## COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

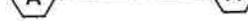


## OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

-  1% annual chance floodplain boundary
-  0.2% annual chance floodplain boundary
-  Floodway boundary
-  Zone D boundary
-  CBRS and OPA boundary
-  Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
-  Base Flood Elevation line and value; elevation in feet\*
-  Base Flood Elevation value where uniform within zone; elevation in feet\*

\*Referenced to the North American Vertical Datum of 1988

-  Cross section line
-  Transect line
-  Bridge
-  Culvert

85° 03' 45.0", 41° 24' 22.5"

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

not expired as to it. Accordingly, the Hearing on the Complaint is adjourned as to defendant Norwest Mortgage, Inc. only, to a date to be set by the Court.

ORDER

Now therefore, it is ordered as follows:

1. The city of Grand Haven is hereby granted, for the benefit of the general public at large, an easement and right-of-way for the free, unobstructed passage of aircraft, by whomsoever owned or operated, in and through the air space over and across the following parcels of property, which easements shall run with the land:

Parcel E4--commonly known as 14218 168th Avenue, Grand Haven, Michigan and legally described as:

The South 1/2 of the North fractional 1/2 of the Northwest fractional 1/4 of Section 3, Town 7 North, Range 16 West, lying East of 168th Avenue, except that part thereof described as beginning at a point on the West line of Section 3 that is 1323.76 feet North 0 degrees 0 minutes 0 seconds East of the West 1/4 corner of Section 3 and proceeding thence North 0 degrees 0 minutes 0 seconds East along the West line of Section 3, 110.00 feet, thence South 89 degrees 30 minutes 50 seconds East 1033.60 feet; thence South 0 degrees 0 minutes 0 seconds West 110.00 feet, thence North 89 degrees 30 minutes 50 seconds West 1033.60 feet to the point of beginning.

Parcel E6--commonly known as 15978 O'Brien Court, Grand Haven, Michigan and legally described as:

Lot 21, Sunfield Estates Subdivision, as recorded in Liber 22 of Plats, Page 61 and 62.

Parcel E18--commonly known as 14556 -- 160th Avenue, Grand Haven, Michigan and legally described as:

Part of Government Lot 4, Section 35, Town 8 North, Range 16 West, described as commencing 33 feet East and 182.6 feet South of the Northwest corner of said Lot 4; and running thence South 100 feet;

obstructions of any kind or nature whatsoever which now extend, or which may at any time in the future extend, above the aforesaid height;

b. a continuing right, at the City of Grand Haven's option, to remove to ground level any or all natural growths which extend above the aforesaid heights, except those trees identified on Exhibit X to be lowered by trimming (pruning) shall, in the future, continue to be kept below allowable heights by trimming (pruning), unless otherwise agreed by the Defendants. The City of Grand Haven shall notify the Defendants not less than two weeks prior to planned removal/lowering of natural growth to obtain the Defendants' desires as to whether the natural growth should be removed to ground or lowered to 5' below the aforesaid height and shall endeavor to accommodate those desires. However, except for those trees identified on Exhibit X, or others in existence on the date of this Order not shown on Exhibit X, the final disposition of natural growth shall remain with the City of Grand Haven;

c. the right of ingress to, egress from, and passage over the land of the Defendants first above described for the purpose of effecting the removal of obstructions. Property access shall be after not less than 72 hours notice, by phone or letter, to the Defendants. The City of Grand Haven shall protect the Defendants' property and shall restore to original condition any damage done during removal/lowering of natural growth; and,

d. the right to cause in said air space such noise, vibration, fumes, dust and fuel particulates, as may be inherent in the operation of aircraft, now known or

COPY



8 1 0 3 5 7 2

Tx:4067062

3/4/2011 1:50:00 PM

2011-0008512

FILED/SEALED FOR RECORD IN  
OTTAWA COUNTY, MI  
GARY SCHOLTEN R.O.D.  
03/04/2011 AT 1:51 PM  
MISC AMENDMENT 20.00

### EASEMENT AMENDMENT

This Easement Amendment is made as of March 2, 2011, between the City of Grand Haven, a Michigan municipal corporation, whose principal business address is 519 Washington Avenue, Grand Haven, MI 49417 (the "City") and Joseph C. Cech, Trustee of the Anna Cech Trust, whose address is 14218 168<sup>th</sup> Avenue, Grand Haven, MI 49417 (the "Grantor").

### RECITALS

- A. The Grantor owns the real property located at 14218 168<sup>th</sup> Avenue in the City (the "Property").
- B. On March 16, 1998, the Ottawa County Circuit, in Case No. 98-30053-CC, granted the City an avigation easement and right-of-way over and across the Property by its Order Vesting Title and Possession, as recorded in Liber 2359, Page 111, Ottawa County Records.
- C. The parties have determined that the legal description provided in the Order Vesting Title and Possession erroneously referenced all of the Property (38.22 acres) rather than a portion of it.
- D. The parties wish to amend the easement to include the correct legal description.

### TERMS AND CONDITIONS

The parties agree as follows:

1. Easement Amendment. The legal description associated with the easement and right-of-way over and across 14218 168<sup>th</sup> Avenue, Grand Haven, MI 49417 granted to the City by the Order Vesting Title and Possession entered by the Ottawa County Circuit Court on March 16, 1998, in Case No. 98-30053-CC, as recorded in Liber 2359, Page 111, Ottawa County Records, is amended to read as follows:

Parcel E4—commonly known as 14218 168<sup>th</sup> Avenue, Grand Haven, Michigan and legally described as:

That part of the NW fractional 1/4, Section 3, T7N, R16W, Grand Haven Township, Ottawa County, Michigan, described as: Commencing at the W 1/4 corner of Section 3; thence N 00° 00' 00" E 1966.46 feet along the West line of said NW fractional 1/4; thence S 89° 47' 41" W 684.71 feet along the North line of the South 1/2 of the North fractional 1/2 of said NW fractional 1/4 to the Place of Beginning of this description; thence S 89° 47' 41" E 603.40 feet along said North line; thence S 00° 16' 51" E 271.45 feet; thence N 89° 47' 41" W 603.40 feet; thence N 00° 16' 51" W 271.45 feet to the place of beginning. Approximately ±3.76 acres.

2. Easement Terms. All other terms and conditions of the easement and right-of-way granted by the Order Vesting Title and Possession entered by the Ottawa County Circuit Court on March 16, 1998, in Case No. 98-30053-CC, as recorded in Liber 2359, Page 111, Ottawa County Records, shall remain in effect.

The parties have caused this Easement Amendment to be signed as of the date first above written.

JOSEPH C. CECH, TRUSTEE OF THE ANNA CECH TRUST

By: Joseph C. Cech  
JOSEPH C. CECH

STATE OF MICHIGAN  
COUNTY OF OTTAWA

On March 2, 2011, Joseph C. Cech, Trustee of the Anna Cech Trust, who is either personally known to me or who produced a drivers license as identification, signed this document in my presence.

Stephanie Cross  
\*

Notary Public, Ottawa County, Michigan  
Acting in Ottawa County, Michigan Stephanie Cross  
My commission expires: Notary Public, State of Michigan  
County of Ottawa

CITY OF GRAND HAVEN

By: Roger A. Bergman  
Roger A. Bergman, Mayor

STATE OF MICHIGAN My Commission Expires July 15, 2015  
COUNTY OF OTTAWA Acting in the County of Ottawa

This document was acknowledged before me on March 4, 2011, by Roger A. Bergman Mayor, and by Linda L. Niotis, City Clerk, of the City of Grand Haven, who are both personally known to me, on its behalf.

Mary A. Sneider  
\*

By: Linda L. Niotis  
Linda L. Niotis, Clerk

Notary Public, Ottawa County, Michigan MARY A. SNEDEKER  
Acting in Ottawa County, Michigan Notary Public, State of Michigan, County of  
My commission expires: My Commission Expires Dec. 7, 2016  
Acting in the County of Ottawa

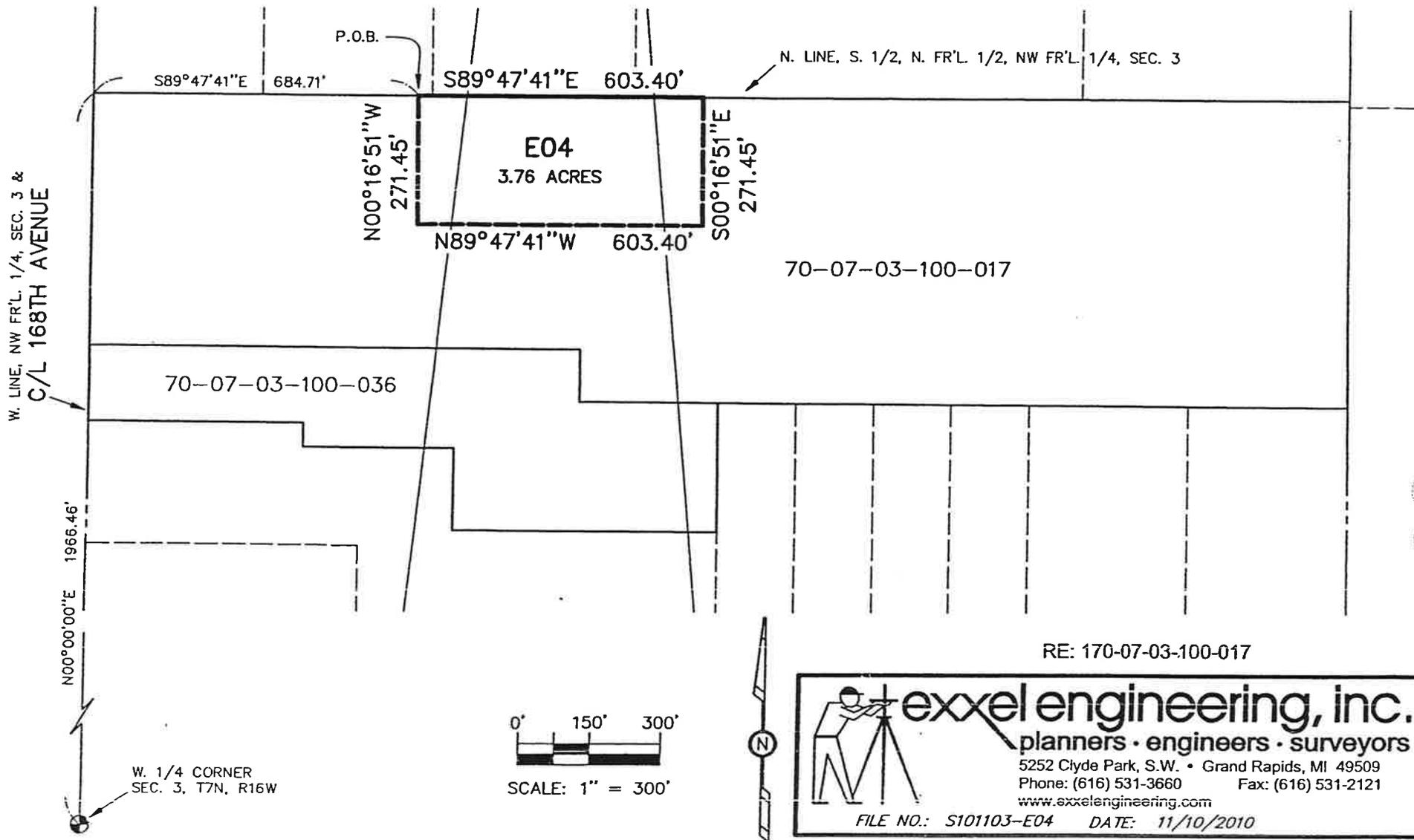
This instrument is exempt from state and county transfer taxes pursuant to MCL 207.505(1) and MCL 207.526(n).

Prepared by:  
Scott G. Smith  
Clark Hill PLC  
200 Ottawa NW, Ste 500  
Grand Rapids, MI 49503

When recorded, please return to:  
Linda Niotis  
City Clerk  
✓ City of Grand Haven  
519 Washington Avenue  
Grand Haven, MI 49417

**Description of Easement E04:**

That part of the NW fractional 1/4, Section 3, T7N, R16W, Grand Haven Township, Ottawa County, Michigan, described as: Commencing at the W 1/4 corner of Section 3; thence N00°00'00"E 1966.46 feet along the West line of said NW fractional 1/4; thence S89°47'41"W 684.71 feet along the North line of the South 1/2 of the North fractional 1/2 of said NW fractional 1/4 to the Place of Beginning of this description; thence S89°47'41"E 603.40 feet along said North line; thence S00°16'51"E 271.45 feet; thence N89°47'41"W 603.40 feet; thence N00°16'51"W 271.45 feet to the place of beginning.



COPY

**15.1900      CHAPTER 19  
SPECIAL LAND USES**

**15.1901      SECTION    19.01   PURPOSE**

This Chapter provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow practical latitude for the applicant, and at the same time maintain adequate provisions for the protection of the health, safety, convenience, and general welfare of Grand Haven Charter Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 19.07 (Special Land Use Specific Requirements), as applicable.

**15.1902      SECTION    19.02   APPLICATION PROCEDURES**

All applications to the Planning Commission, including those for approval of special land uses, shall be in writing and in form prescribed by the Township. A site plan shall also be submitted and approved in accordance with the requirements of Chapter 23. Notice and hearing of applications for special land uses shall be in conformity with the Zoning Act.

**15.1903      SECTION    19.03   BASIS OF DECISIONS AND PERIOD OF VALIDITY**

The Planning Commission may deny, approve, or approve with conditions, an application for a special land use. Such decision shall be incorporated in a written statement containing the conclusions relative to the special land use under consideration specifying the basis for the decision and any conditions imposed.

1.      When approval of the Planning Commission is given for a use which is temporary in nature, the period for which such use is authorized shall be stated in the written decision of said Commission and upon the expiration of such period such authorization shall cease and be of no further effect.
2.      Except as provided in subsections 3 or 4 below, no special land use approved by the Planning Commission permitting the use, erection, or alteration of a structure shall be valid for a period longer than one (1) year unless such special land use is established within such year.
3.      Where such special land use is dependent upon the erection or alteration of a structure, the approval for the special land use shall continue in force and effect if such erection or alteration is started and proceeds to completion within the one (1) year period in accordance within the terms of such special land use.
4.      The Planning Commission may, when presented with an application for a proposal to be constructed in phases, grant approval to such project without regard to the one (1) year time limits set forth in subsection 2 above. The Planning Commission shall determine that the project cannot be practically developed as separate projects and that the subject and surrounding premises will be best served by a phased

approval. The Planning Commission shall specify in its decision the period of validity for each phase. Should the applicant fail to timely complete any phase of an approved project, the decision of the Planning Commission for all subsequent phases shall be of no further validity.

5. Revocation. Any permit issued under this Ordinance may be revoked by the Township Planning Commission for any violation of this Ordinance after notice of the violation is provided and an opportunity for a hearing before the Township Planning Commission is provided. If the violation involves an immediate danger to the public health, safety, or welfare, the permit may be revoked immediately, provided that the person holding the permit is provided with an opportunity for a subsequent hearing before the Township Planning Commission. A request for such a hearing shall be filed with the Township within five (5) days following the revocation. The hearing shall be noticed in accordance with the Zoning Act as required for special land uses.

**15.1904 SECTION 19.04 FEES**

All applications to the Planning Commission for approval of special land uses or other matter shall be accompanied by payment of such fees as shall from time to time be established by resolution of the Township Board.

**15.1905 SECTION 19.05 STANDARDS FOR SPECIAL LAND USES**

Authorization applications for special land uses shall not be approved until the Planning Commission shall find that all of the following standards are satisfied:

1. The proposed use shall be consistent with, and promote the intent and purpose of this Ordinance.
2. The proposed use shall be of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
3. The proposed use shall not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
4. The proposed use shall be reasonably compatible with the natural environment of the subject premises and adjacent premises.
5. The proposed use shall not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.
6. The proposed use shall not interfere with or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.
7. The proposed use shall be such that traffic to, from, and on the premises and the assembly of persons relating to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood,

considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and, the general character and intensity of the existing and potential development of the neighborhood.

8. The proposed use shall be consistent with the health, safety, and welfare of the Township.

**15.1906 SECTION 19.06 CONDITIONS ON SPECIAL LAND USES**

1. The Planning Commission may impose reasonable conditions in conjunction with the approval of a special land use. Conditions imposed shall meet the requirements of the Zoning Act. The Planning Commission shall maintain a record of all conditions attached to a special land use approval.
2. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the application for a new special land use which alters the approval originally granted by the Planning Commission in accordance with the requirements of this Chapter.
3. The Planning Commission may require that the special land use be connected to the Townships municipal water and sanitary sewer facilities, if available. The Townships municipal water and sanitary sewer facilities shall be determined to be available if there is municipal water supply main or sanitary sewer line to which connection can be made within two thousand, seven hundred (2,700) feet of the nearest property line of the parcel on which the special land use is to be located.

**15.1907 SECTION 19.07 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

37. Removal and Processing of (Topsoil, Stone, Rock, Sand, Gravel, Lime, or Other Soil or Mineral Resources) Natural Resources.
  - A. No topsoil, sand, gravel, clay, peat, mulch, or other naturally occurring material shall be removed from any land in any district unless a permit is issued authorizing such removal.
  - B. Applications for a permit to remove such natural resources shall be in writing and shall be accompanied by a payment of the permit fee as from time to time established by resolution of the Township Board. Applications shall state the district and exact location of the land from which the natural resource is proposed to be removed, the type and amount of resource proposed to be removed, the purpose for such removal, the means of removal, the period of time for which such permit is sought, and the stabilization program which will be conducted by the applicant during or after removal.
  - C. Applications shall be directed to, and permits may be issued by, the following dependent upon the indicated criteria:

GRAND HAVEN CHARTER TOWNSHIP  
ZONING ORDINANCE

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- 1) All applications for permits to remove up to two thousand five hundred (2,500) cubic yards of material during a period of three (3) months or less shall be directed to the Zoning Administrator who is authorized to issue such permits provided that such removal in conjunction with the stabilization program proposed will not result in sand blows, stagnant water pools, bogs, or injury to adjoining premises;
  - 2) All applications for permits to remove more than two thousand five hundred (2,500) cubic yards of material or for which the period of removal is longer than three (3) months shall be directed to the Planning Commission which may authorize the special land use pursuant to the standard set forth in D, below of this subsection;
  - 3) A series of applications for removal from the same premises within a one (1) year period which shall in total involve removal of more than two thousand five hundred (2,500) cubic yards of material or be effective for a period of longer than three (3) months shall be deemed a single application and shall require authorization as a special land use from the Planning Commission.
- D. In addition to the materials required by this Chapter and by Chapter 23, the application for special land use approval shall include the following:
- 1) A written legal description of all of the lands proposed for the use.
  - 2) Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
    - a) A north arrow, scale, and date;
    - b) shading indicating the extent of land area on which mineral removal operations and activities will take place;
    - c) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
    - d) the location and nature of all structures on the lands;
    - e) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
    - f) existing elevations of the lands at intervals of not more than five (5) feet;
    - g) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;

- h) mineral processing and storage areas;
  - i) proposed fencing, gates, parking areas, and signs;
  - j) roads for ingress to and egress from the lands,
  - k) a map showing access routes between the subject lands and the nearest County Primary Arterial road; and
  - l) areas to be used for ponding.
- 3) A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
- E. Permits to remove natural resources which require authorization by the Planning Commission shall not be issued unless the Planning Commission shall apply and make an affirmative finding as to each of the following standards:
- 1) The site after removal shall be compatible with adjacent uses of land;
  - 2) Such removal shall not cause or result in erosion, land slides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises;
  - 3) Such removal shall be accomplished by means which are consistent with public health, safety, and welfare;
  - 4) Such removal shall not cause traffic congestion because of trucks or other vehicles used to transport the resources to be removed;
  - 5) Such removal shall be accomplished in conjunction with an adequate soil stabilization program when required to prevent erosion, sand blows, or similar problems.
- F. No machinery shall be erected or maintained within fifty (50) feet of any property line or street right-of-way line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublaterals support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where

the site is located in or within two hundred (200) feet of any residential or commercial district.

- G. The Planning Commission shall recommend and may require truck movement routes to and from the site to minimize the wear on public streets and prevent hazards and damage to the community. Roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
- H. Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon stockpiling of excavated material.
- I. A site rehabilitation plan shall also be submitted and approved. Such plan shall include, at a minimum, the following:
  - 1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
  - 2) A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and
  - 3) A description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Township Master Plan and all applicable requirements of this Ordinance.
- J. The site rehabilitation plan shall comply with all of the following standards and requirements:
  - 1) Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.
  - 2) The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - 3) Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.

- 4) Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
- K. The Planning Commission may, as a condition to the granting of a permit to remove natural resources, require the applicant to furnish a bond or other means of security, in a reasonable amount to be determined by said Commission, to insure that such removal will not cause the conditions described in subsection 37.E.2 above, of this subsection, and that the soil stabilization program proposed by the applicant will be completed.
- L. The Planning Commission may require the applicant to submit a topographic map showing existing and proposed contour lines and elevations at elevation levels of not greater than five (5) feet, if the Planning Commission shall reasonably deem such map necessary to an understanding of the proposed removal project.
- M. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
- N. Applicants for permits to remove natural resources shall comply with all other applicable Ordinances and state and federal statutes.

35.0500

**NOISE CONTROL ORDINANCE  
TOWNSHIP OF GRAND HAVEN, MICHIGAN  
ord. no. 341 eff. March 30, 2001**

An Ordinance designed to preserve, protect and promote the public health, safety, welfare, peace, comfort and quiet; by defining and controlling noise disturbance and noise pollution which otherwise would intrude upon or destroy the state of peace, tranquility and calm which exists in Grand Haven Charter Township; and to provide penalties and sanctions for violations of this Ordinance as municipal civil infractions.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN,  
ORDAINS:

35.0501

**Sec 1. DEFINITIONS**

All terminology used in this Ordinance, not defined in this Section or in other Sections of this Ordinance, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI) or its successor body. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. “A-Weighted Sound Level” means the Sound Pressure Level in Decibels as measured on a Sound Level Meter using the A-Weighted Network. The Sound Pressure Level so read is designated dB(A) or dBA.
2. “Commercial Area” means property used for purposes other than residential or industrial regardless of whether the property has a commercial zoning designation.
3. “Decibel” means a unit of Sound Pressure Level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with the American National Standards Institute Standard S1.1-1960, or the successor thereto.
4. “Decibels on the A-Weighted Network or dBA” means Decibels measured on the A-Weighted Network of a Sound Level Meter as specified in the American National Standards Institute Standard S14-1971, or the successor thereto.
5. “Industrial Area” means property used for industrial purposes, which are considered to be any purposes allowed in any Industrial District of the Township as defined in, designated by and regulated under the Grand Haven Charter Township Zoning Ordinance.

6. “Person” means any owner, lessee or occupant of property, including any individual, corporation, business or other entity; “Person” also means any individual in any public place or any private place open to the general public.
7. “Property Line” means the imaginary line which represents the legal limits of property (including an apartment, condominium, dwelling unit, or public property) owned, leased, or otherwise occupied by a Person, including the legal limits of public property on which a person is present. In cases involving sound from an activity on a Public Right-Of-Way, the Property Line shall be the nearest boundary of the Public Right-Of-Way.
8. “Motor Vehicle” means every vehicle which is self-propelled whether or not licensed or intended for use on the public roads.
9. “Public Right-Of-Way” means the entire easement width of any publicly-dedicated street, avenue, boulevard, highway, sidewalk, alley or similar place.
10. “Public Property” means any area available to the public including, but not limited to, parks and public buildings.
11. “Residential Area” means property used for temporary or permanent dwelling purposes.
12. “Sound Level Meter” means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighted networks used to measure Sound Pressure Levels. This instrument shall comply with the standards for Type 1 and Type 2 Sound Level Meters as specified in the American National Institute Standard ANSI S1.4-1971, or the successor thereto.
13. “Sound Pressure Level” means twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals. This Sound Pressure Level is expressed in Decibels.
14. “Township Board” means the Township Board of Grand Haven Charter Township.
15. “Authorized Township Officials” means any designated Ottawa County Sheriff, Ottawa County Deputy Sheriff, any Michigan State Trooper, the Township Supervisor, the Township Zoning Administrator, the Township Manager, and an authorized Township official designated by a Township ordinance; all of whom are authorized to investigate all complaints of violation of this Ordinance

and are further authorized to issue a municipal civil infraction citation.  
(amend. ord. no. 491 eff. Dec. 15, 2010)

16. “Immediate Vicinity” means any distance greater than 100 feet (100’) from the noise or disturbance source, or any distance greater than 50 feet (50’) from any property line adjacent to the parcel or lot upon which the source of noise or disturbance is emanating as determined by the authorized Township official during the course of investigating an incident of noise or disturbance. This is a subjective standard and may, but is not required to, be substantiated by use of a sound level meter.

**35.0502      Sec. 2            INTERFERENCE WITH SOUND MONITORING**

It shall be unlawful for any Person to remove or render inaccurate or inoperative any Sound Level Meter or any similar monitoring instrument or device positioned for the purpose of enforcing the provisions of this Ordinance.

**35.0503      Sec. 3            PROHIBITED ACTS, GENERALLY**

A Person or Persons shall not create, assist in creating, continue or permit the continuation of any excessive or unnecessarily loud disturbance or noise of a high volume or intensity which is clearly audible and disturbs, annoys, or endangers the calm, comfort, quiet, repose, health, peace or safety of others beyond the immediate vicinity of the disturbance. Such noise or loud disturbance shall be a violation of this Ordinance.

**35.0504      Sec. 4            PROHIBITED ACTS, SPECIFICALLY**

A Person or Persons shall not commit or cause to be committed any of the following acts of noise or loud disturbance which are deemed a violation of this Ordinance:

1.      The playing or use of any battery or electrically powered or electronic sound producing or amplifying device, speaker, or instrument, including a musical instrument, in such a manner or in such loud volume or intensity, at any time or place, so as to disturb, destroy, or endanger the comfort, repose, rest, or peace of the Persons beyond the immediate vicinity of the noise or disturbance.
2.      The sound created by any domesticated animal kept or maintained by any Person, when such animal, noise or disturbance is frequent and continued and clearly audible at the distance beyond the immediate vicinity of the noise or disturbance during the hours of 10:00 p.m. to 7:00 a.m.; except as otherwise specifically exempted hereafter.

3. A Person or Persons shall not create a loud noise or disturbance in or with a motor vehicle so as to disturb or destroy or endanger the peace, comfort or repose of Persons beyond the immediate vicinity of the source of the noise or disturbance. Such Person shall not operate a motor vehicle which is not equipped with a muffler in good working order and in use at all times. The use of cut-outs, by-passes, or similar device, shall be illegal and a violation of this Ordinance.
4. Engaging in any construction, repair, remodeling, demolition, drilling or excavation work except from 7:00 a.m. to 9:00 p.m.
5. The use of compression release engine brakes by any Person operating a Motor Vehicle approaching, traveling through, or stopping at the intersection of Comstock Street and U.S. 31 in the Township, including without limit the indirect left turn lanes included as part of this intersection.  
(ord. no. 482 eff. November 4, 2010)

35.0505

**Sec. 5                    MAXIMUM PERMISSIBLE SOUND LEVELS**

No Person shall conduct or permit any activity that produces a dBA beyond the Person's Property Line exceeding the Sound Pressure Levels specified in Table I. Where property is included in both Residential and Commercial Areas, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes.

TABLE I

AREA OF PROPERTY RECEIVING THE SOUND	7 a.m. to 9 p.m.	9 p.m. to 7 a.m.
Residential Area	65	55
Commercial Area	70	60
Industrial Area	70	70

(All limits expressed in dBA).

35.0506

**Sec. 6                    GENERAL EXEMPTIONS**

The following activities are exempted from specific prohibited acts and/or the Sound Pressure Level limitations set forth in Sections 4 and 5:

1. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster; to restore public utilities; or to protect Persons or property from imminent danger;

2. Sounds made to alert Persons to the existence of an emergency, an imminent danger, or an attempted crime;
3. Parades, concerts, festivals, fairs or similar activities, if approved by the Township Board, subject to any Sound Pressure Limits specified in the Township Board's approval;
4. Athletic, musical, or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools;
5. Sounds created by animals or livestock (excluding dogs) kept or maintained by Persons on parcels within agriculturally zoned areas or parcels within residential areas which exceed 20 acres in size.  
(amend. by ord. no. 478 eff. June 1, 2010)
6. Sounds created on agriculturally zoned areas or parcels during the completion of generally accepted agricultural activities.
7. Sounds created while conducting yard work or lawn maintenance between the hours of 7:00 a.m. and 9:00 p.m. including, but not limited to, lawn mowing, leaf blowing, brush clearing, and the use of chain saws, etc.
8. Sounds created during new construction, remodeling or maintenance activities on a building or structure between the hours of 7:00 a.m. and 9:00 p.m.
9. Sounds created while removing snow from streets, roads, driveways or sidewalks necessary to allow safe access and transport.

**35.0507      Sec. 7                      TEMPORARY EXEMPTIONS**

1. The Township Superintendent is authorized to grant a temporary exemption from the maximum permissible Sound Pressure Levels established by this Ordinance if such temporary exemption would be in the public interest, and if there is no feasible and prudent alternative to the activity or the method of conducting the activity for which the temporary exemption is sought.

An application shall be filed in writing at least three (3) days prior to the proposed activity and directed to the Township Superintendent. The application shall, at a minimum, include the name, address and telephone number of the applicant; the location, dates, and times of the proposed activity for which an exemption is sought; and any proposed controls on the activity to assure compliance.

2. The following factors shall be considered by the Township Superintendent in determining whether to grant a temporary exemption:

- A. The hardship to the applicant, the community and other Persons if the exemption is not granted, balanced against the adverse impact on the comfort, repose, health, peace or safety of Persons if the exemption is granted;
  - B. The nearness of any residence or residences, or any other land use which would be adversely affected by sound in excess of the Sound Pressure Levels prescribed by this Ordinance;
  - C. The Sound Pressure Level to be generated by the activity for which the temporary exemption is sought;
  - D. The density of population in the area where the activity is to take place; and
  - E. The time of day or night during which the activity will take place.
3. A temporary exemption must be in writing and signed by the Township Superintendent or the designee thereof; the writing must set forth the name of the Person granted the exemption, the location of the property for which it is authorized, the date(s) and time(s) for which it is effective and the Sound Pressure Level(s) authorized.
  4. A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed thirty (30) days, and is subject to review upon objection by any owner or occupant of adjoining property.

**35.0508      Sec. 8            VARIANCES**

Persons wishing to continue activities which commenced prior to this Ordinance and which create noise in excess of what is allowed by this Ordinance may seek a variance from the Township Board. Such a variance may be granted if the Township Board finds that strict application of this Ordinance would cause an unreasonable hardship and that there is no reasonable and prudent alternative method of engaging in the activity.

**35.0509      Sec. 9            PENALTIES**

A violation of this Ordinance is a municipal civil infraction.

**35.0510      Sec. 10          LIABILITY OF OWNER, LESSEE, OR OCCUPANT**

If the Person responsible for an activity which violates this Ordinance cannot be determined, the owner of the property upon which the activity is located shall be deemed responsible for the violation unless the property is leased or occupied by Persons other than the owner, in which case the lessees or occupants shall be responsible for the violation.

**35.0511      Sec. 11            REPEAL**

All other ordinances, parts of ordinances, or amendments thereto, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**35.0512      Sec. 12            EFFECTIVE DATE**

This Ordinance was approved and adopted by the Grand Haven Charter Township Board on March 26, 2001. This Ordinance shall take effect on March 30, 2001.

20.0600

**TRUCK ROUTE ORDINANCE  
TOWNSHIP OF GRAND HAVEN, MICHIGAN  
ord. no. 145 eff. Nov. 14, 1990**

An Ordinance to regulate the use of roads, highways, and streets in the Township by commercial trucks, and to provide or designate routes on which commercial truck traffic is permitted.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN  
ORDAINS:

20.0601

**Sec. 1 TITLE**

This Ordinance shall be known and referred to as the "Grand Haven Charter Township Truck Route Ordinance".

20.0602

**Sec. 2 LEGISLATIVE FINDINGS**

The Board of Trustees of Grand Haven Charter Township hereby finds and determines that it is necessary for the public health, safety, and welfare to designate certain streets, roads, or highways located in the Township as appropriate or inappropriate for use by commercial trucks in route to various destinations in the Township or in municipalities adjacent to the Township. In recent years the Grand Haven-Spring Lake area has experienced significant growth or increases in the volume of commercial truck traffic and along with the increases in such traffic the Township has noted increased complaints from the residents of certain areas in the Township through which the commercial truck traffic passes en route to various industrial or commercial enterprises which are either located in the Township or in municipalities adjacent to the Township.  
(ord. no. 145 eff. Nov. 14, 1990)

20.0603

**Sec. 3 RESTRICTION ON COMMERCIAL TRUCK TRAFFIC**

It is unlawful for any person, firm, or corporation to operate or cause to be operated a commercial truck, as hereinafter defined, on any street, road, public right-of-way, or highway unless that route has been designated by this Ordinance as one on which commercial truck traffic is permitted.  
(ord. no. 145 eff. Nov. 14, 1990)

20.0604

**Sec. 4 DEFINITION, COMMERCIAL TRUCK**

As used herein, the words "commercial truck" shall mean any motor vehicle constructed or used for the transportation of goods, wares, merchandise, raw materials, or materials which have been processed although the manufacturing process has not been completed or there are other steps to be completed in the

manufacturing process. The words "commercial truck" do not include the following:

1. Bus;
2. School bus;
3. Fire truck;
4. Other emergency vehicles;
5. Motor home;
6. Farm tractors and equipment;
7. Utility service vehicles or vehicles used for construction in the Township while in performance of that work;
8. Road construction and maintenance equipment, so long as being used for that purpose;
9. Private automobiles and pickup trucks.  
(ord. no. 145 eff. Nov. 14, 1990)

**20.0605      Sec. 5            EXCEPTION, HOME DELIVERIES**

A commercial truck may use or travel upon a street, road, public right-of-way, or highway even though it has been designated by the Township as one on which commercial traffic is prohibited if the truck is traveling to a residence for the purpose of delivering or picking up goods, wares, or merchandise, or for the purpose of providing services at the residence upon arrival. Provided, however, that in such event the travel along the prohibited route shall be limited to the minimum necessary to accomplish the pickup, delivery, or service call, and said vehicle shall be driven in such a manner as to leave the prohibited route as quickly as possible by the closest available truck route.  
(ord. no. 145 eff. Nov. 14, 1990)

**20.0606      Sec. 6            EXCEPTION, LEAVING OR RETURNING TO HOME OR PLACE OF BUSINESS**

Nothing herein contained shall prevent a commercial truck from leaving or returning to its customary storage location at the owner or operator's personal residence, or a commercial or industrial location in the Township which is located along a route on which commercial traffic has been prohibited, provided that the most direct route to and from a non-prohibited truck route is utilized.  
(ord. no. 145 eff. Nov. 14, 1990)

**20.0607      Sec. 7      DESIGNATED TRUCK ROUTES**

Commercial trucks shall be operated upon the following routes in the Township only except as otherwise provided in this Ordinance:

1.      144th Avenue from M-45 to Mercury Drive;
2.      Lincoln Avenue from 144th Avenue to US 31;
3.      M-45 from 144th Avenue to US 31;
4.      US 31 from Filmore Street to Robbins Road;
5.      Robbins Road from US 31 to 168th Avenue;
6.      Hayes Street from US 31 to 168th Avenue, also from 168th Avenue East 660 feet;
7.      168th Avenue to Robbins Road from Hayes Street;
8.      Johnson Street from US 31 to 168th Avenue;
9.      168th Avenue from Johnson Street to US 31 and from Ferris Street to US 31;
10.     Hayes Street from US 31 to Lakeshore Drive;
11.     Lakeshore Drive from Hayes Street to Rosy Mound Drive;
12.     Rosy Mound Drive from Lakeshore Drive to US 31;
13.     Lake Michigan Drive from US 31 to Lakeshore Drive. (ord. no. 145 eff. Nov. 14, 1990)
14.     172<sup>nd</sup> Avenue from Johnson Street to Robbins;
15.     Comstock Street from US-31 to 168<sup>th</sup> Avenue;
16.     Ferris Street from 168<sup>th</sup> Avenue east for 1,250 feet.  
  
(ord. no. 145 eff. April 3, 2004)

**20.0608      Sec. 8      SIGNS, POSTING**

The Township shall, with the approval of the Ottawa County Road Commission,

cause all routes which are designated as truck routes to be posted.  
(ord. no. 145 eff. Nov. 14, 1990)

**20.0609            Sec. 9            SPECIAL PERMITS**

The Township Supervisor shall have authority to grant a written permit in special cases which would otherwise be in violation of the provisions of this Ordinance. Such permits, however, shall not be given for more than one (1) round trip, and in no case shall a permit be valid for a period longer than ten (10) days from the date of issue. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. The Township Board shall set a fee for such special permits by resolution. It is the intention of this provision to provide for bona fide use of commercial vehicles and trucks outside of the truck routes where the necessity and practicality of a situation dictates a proper exception to the application of the Ordinance.

(ord. no. 145 eff. Nov. 14, 1990)

**20.0610            Sec. 10            VIOLATIONS**

Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than \$50.00, plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A "repeat violation" of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six (6) months of a prior violation of this Ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than \$250.00, plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than \$500.00, plus costs and other sanctions. The Township Supervisor, Township Superintendent (Township Manager), an authorized Township official, any law enforcement officer of the Ottawa County Sheriff's Department or the Michigan State Police, and the Township Attorney are authorized to issue municipal civil infraction citations for violations of this Ordinance.

(ord. no. 145 eff. Nov. 14, 1990; amend. by ord. no. 220 eff. June 11, 1995; amend. by ord. no. 486 eff. Dec. 15, 2010)

**20.0611            Sec. 11            SEVERABILITY**

This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged to be unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.  
(ord. no. 145 eff. Nov. 14, 1990)

**20.0612      Sec. 12            ADMINISTRATIVE LIABILITY**

No officer, agent, or employee of the Charter Township of Grand Haven, or member of the Township Board of the Charter Township of Grand Haven shall render himself personally liable for any damage that may accrue to any person as a result of any act, omission, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

(ord. no. 145 eff. Nov. 14, 1990)

**20.0613      Sec. 13            REPEAL**

All Ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance, as of the effective date of this Ordinance, are hereby repealed to the extent of such conflict, except that terms defined herein for the purpose of interpretation, administration, and enforcement of this Ordinance will in no way, manner, or form repeal, modify, or otherwise change the definition of any such terms as used in other Ordinances of the Charter Township of Grand Haven.

(ord. no. 145 eff. Nov. 14, 1990)

**20.0614      Sec. 14            EFFECTIVE DATE**

This Ordinance is ordered to take effect thirty (30) days after its publication in a newspaper of general circulation in the Township, pursuant to the provisions of Act 191 of the Public Acts of 1939, amended.

Adopted: October 8, 1990

Effective: November 14, 1990



GRAND HAVEN CHARTER TOWNSHIP

## Community Development Memo

DATE: March 3, 2016  
TO: Planning Commission  
FROM: Stacey Fedewa, Planning & Zoning Official  
RE: Health Pointe Revisions

### BACKGROUND

On February 24<sup>th</sup> the Planning Commission reviewed the revised landscape plan and building elevations, and recommended that more variation of the roofline be added to achieve the aesthetic value described by the Township Board at their January 25<sup>th</sup> meeting.

There was a request that no motions be offered at the February 24<sup>th</sup> Special Joint Meeting. Therefore, the formal motion and report of findings is included in this memo for action to be taken at the March 7<sup>th</sup> regularly scheduled meeting.

### UPDATE

Upon further consideration the **Health Pointe development team has also chosen to alleviate the concerns surrounding the building height and have removed the mechanical penthouse from the roof of the building, which will result in a maximum height of 45 feet.**

Per the applicant, “At the Township Board’s meeting on 1/25/16 it was apparent to us that some board members are uncomfortable with the magnitude of our original building height departure request. We’ve since challenged our design team to develop an alternative engineered solution that relocates the mechanical units below the 3<sup>rd</sup> story rooftop in a manner that still meets our building design principles without sacrificing patient experience. We now have a satisfactory solution and we’re happy to confirm our commitment to this updated design approach.”

The revised elevation drawings, including the additional architectural features (*decorative awnings, brick projection columns, and cornices*) recommended by the Planning Commission, and other materials, will be presented at the March 14<sup>th</sup> Township Board meeting.

**SAMPLE MOTION**

If the Planning Commission finds the revised Health Pointe elevations and landscape plan meets the applicable standards, the following motion can be offered:

**Motion** to recommend to the Township Board approval with conditions of the Health Pointe PUD Amendment, which includes the revised elevations and revised landscape plan, after the Planning Commission met with the City of Grand Haven Planning Commission to discuss the Traffic Impact Study as it relates to the Robbins Road Sub-Area Plan. This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance and Master Plan. The motion is subject to, and incorporates, the following report concerning the PUD Amendments, which report also references certain Zoning Ordinance amendments recently recommended by the Planning Commission concerning planned unit developments in general. (A roll call vote has been requested.)

If the Planning Commission finds the revised Health Pointe elevations and landscape plan do not meet the applicable standards, the following motion can be offered:

**Motion** to direct staff to draft a formal motion and report, which will recommend **denial** of the revised Health Pointe PUD Amendment 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 Planning Commission finds the applicant must make additional revisions to the Health Pointe elevations and landscape plan, the following motion can be offered:

**Motion** to **table** the revised Health Pointe PUD Amendment 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.

**REPORT**

Pursuant to the provisions of the Grand Haven Charter Township (the “Township”) Zoning Ordinance (the “Zoning Ordinance”), the following is the report of the Grand Haven Charter Township Planning Commission (the “Planning Commission”) concerning an application by Health Pointe Corp (the “Developer”) for approval of a Health Pointe Planned Unit Development Amendment (the “Project” or the “PUD”).

The Project will consist of a 120,000 square foot three story medical office building. This 12 acre project will be located on the remaining five outlots from the original 1998 Meijer PUD. The Project as recommended for approval is shown on a final site plan, last revised 12/9/2015 (the “Final Site Plan”); final landscape plan, last revised 2/10/2016 (the “Final Landscape Plan”); and final building elevation renderings, last revised 2/19/2016 (the “Final Elevations”); collectively referred to as the “Documentation,” presently on file with the Township.

The purpose of this report is to state the decision of the Planning Commission concerning the Project, the basis for the Planning Commission’s recommendation, and the Planning Commission’s decision that the Health Pointe PUD Amendment be approved as outlined in this motion. The Developer shall comply with all of the Documentation submitted to the Township for this Project. In granting the approval of the proposed PUD application, the Planning Commission makes the following findings pursuant to Section 17.04.3 of the Zoning Ordinance.

By this report, the Planning Commission affirms its prior recommendation of approval, made on December 7, 2015, after the Planning Commission has completed the tasks assigned by the Township Board at its meeting on January 25, 2016. Specifically, the Planning Commission has recommended certain amendments to the Zoning Ordinance, has reviewed certain revisions to the Project, and has met with the City of Grand Haven Planning Commission to discuss the Project.

The Planning Commission notes that the Developer's Traffic Impact Study concluded the Project would have “little or no additional impact on traffic operations” for Robbins Road or 172<sup>nd</sup> Avenue. Nonetheless, the Traffic Engineer for the Ottawa County Road Commission (“OCRC”) has requested certain infrastructure improvements, and the Developer has voluntarily offered to help fund them (as noted in Section 8.T below).

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 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. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  - B. Safe, convenient, uncontested, and well defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
  - C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the Township.
  - D. Removal or alterations of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
  - E. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

- F. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.
  - G. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.
  - H. All streets and driveways are developed in accordance with the OCRC specifications, as appropriate.
  - 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.
  - 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. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.
2. The Planning Commission 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.3, and Section 17.02.1.B.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 five departures. The Planning Commission makes the following findings.
- A. A building height of 54' 10" (subsequently reduced to a maximum height of 45 feet) is permitted because of the following findings.
    - i. The Resilient Master Plan Draft encourages vertical expansion to reduce sprawl, preserve open space, and limit the cost of extending infrastructure.
    - ii. The Robbins Road Sub-Area Plan encourages new development to expand vertically by exceeding 2.5 stories and 35 feet.
    - iii. The Grand Haven Charter Township Fire/Rescue Department has an emergency vehicle with the ability to exceed the proposed building height, so public safety is not compromised.
    - iv. Section 17.05.2.A.2 requires mechanical equipment to be visually screened from adjacent properties, public roadways, or other public areas.

- v. The Township has approved height departures for previous PUDs and even buildings outside of any PUD.
  - vi. The Project is not surrounded by unique landscapes (e.g., wetlands, dunes, floodplains, etc.).
  - vii. The Project does not abut residentially zoned properties, either in the Township or in the City of Grand Haven. The nearest single family dwelling is located in the City, over 1,100 feet away. The nearest dwelling located in the Township, is in a high density residential development, and is more than 550 feet away.
  - viii. The parcels abutting the Project are not master planned for residential use.
  - ix. In addition to all of the above, which the Planning Commission finds is adequate justification without more, the Planning Commission notes that it has recommended to the Township Board a Zoning Ordinance amendment which eliminates any doubt whatsoever that the increased height requested by the Developer for the Project is allowed in a commercial planned unit development.
- B. A total of 577 parking spaces, which is 93 spaces more than allowed by the US-31 and M-45 Area Overlay Zone (the “Overlay Zone”), is permitted because of the following findings.
- i. Sections 15A.05.13, 15A.10.10, 17.05.1.F, and 24.03.1 require a maximum number of parking spaces unless the applicant provides a parking study that demonstrates the need for additional parking. The Developer has an established history with similar developments which establishes the need for additional parking, and has submitted a parking study to further establish the need.
  - ii. Outside of the Overlay Zone this project would have been permitted 1,200 parking spaces.
  - iii. The excess parking will not be highly visible from US-31.
- C. Three ground signs, each 48 square feet in size and six feet in total height, are permitted because of the following findings.
- i. The original Planned Unit Development approval memorialized in the March 9, 1998 Township Board meeting minutes permits one monument (ground) sign for each outlot, not to exceed 52 square feet and five feet in height, subject to review by the Planning Commission for location. This PUD Amendment comprises five of the six outlots.
  - ii. The three permitted ground signs reduce the amount of signage permitted under the 1998 PUD by 116 square feet.
  - iii. A total height of six feet is permitted under Section 24.13 of the current Zoning Ordinance.
- D. Interior landscape islands shall be permitted to extend the length of the parking space, contrary to Section 15A.10.5 of the Zoning Ordinance, because of the following findings.
- i. Aesthetics to the surrounding area will be enhanced because the interior landscape island will screen the entire length of the parking space.
  - ii. The parking spaces surround sides of the building, and each abut a private road or access road. Due to the high visibility of this parking lot this departure is approved in order to provide additional screening from adjacent roadways.

- iii. This provision has not been uniformly enforced by the Township for other development projects in the Overlay Zone.
  - E. A departure from Section 15A.10.7 of the Zoning Ordinance, which requires concrete curb and gutter throughout the parking lot and paved areas, is denied because of the following findings.
    - i. The Planning Commission has consistently required curb and gutter throughout the parking lot and paved areas of developments in the Overlay Zone.
    - ii. As required by Section 15A.10.7, the Developer did not provide compelling evidence to find that overall stormwater disposition will be enhanced if the curbing requirement is reduced.
- 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 innovation in land use planning and development;
  - C. The Project will promote the enhancement of commercial employment and traffic circulation for the residents of the Township;
  - D. The Project will promote greater compatibility of design and better use between neighboring properties; and
  - E. The Project will promote more economical and efficient use of the land while providing harmonious integration of necessary commercial and community facilities.
- 5. The Project meets the following qualification requirements of Section 17.02 of the Zoning Ordinance:
  - A. The Project meets the minimum size of five acres of contiguous land.
  - B. The PUD design substantially promotes the Intent and Objectives of Section 17.01 of the Zoning Ordinance; it further permits an improved layout of land uses and roadways that could not otherwise be achieved under normal zoning.
  - C. The Project, as part of the original 1998 PUD, contains two or more separate and distinct uses.
- 6. The Planning Commission 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), and the deviation from Section 15A.10.10 is covered elsewhere in this motion.
- 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. Architectural design features visually screen the mechanical and services areas from adjacent properties, public roadways, and other public areas.
- J. The exterior walls greater than 50 feet in horizontal length or that can be viewed from a public street contain a combination of architectural features, variety of building materials, and landscaping near the walls.
- K. Onsite landscaping abuts the walls so the vegetation combined with architectural features significantly reduce the visual impact of the building mass when viewed from the street.
- L. The predominant building materials have been found to be those characteristic of the Township such as brick, native stone, and glass products. Pre-fabricated metal panels used to screen the mechanical penthouse do not dominate the building exterior of the structure.
- M. 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.
- N. The Project is reasonably compatible with the natural environment of the site and the adjacent premises.
- O. 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.
- P. Exterior lighting within the Project complies with Chapter 20A for an LZ 3 zone.
- Q. Outside storage of materials shall be screened from view.
- R. Signage is compliant with Section 24.13 of the Zoning Ordinance, and the Planning Commission recommended the Township Board approve a modification to the sign provisions found in the March 9, 1998 meeting minutes of the original PUD.
- S. 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.
- T. The Project is in compliance with all applicable Federal, State, County, and local laws and regulations. Any other permits for development that may be required by other agencies shall be available to the Township Board before construction is commenced.
- U. No additional driveways onto public roadways have been permitted.
- 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 Planning Commission also finds the Project complies with the Overlay Zone findings and statement of purpose found in Section 15A.01 of the Zoning Ordinance.
  - A. The Project accommodates a variety of uses permitted by the underlying zoning, but ensures such uses are designed to achieve an attractive built and natural environment.
  - B. The Project provides architectural and site design standards that are more demanding than required elsewhere in the Township in order to promote harmonious development and complement the natural characteristics in the western sections of the Township.
  - C. The Project promotes public safety and efficient flow of vehicular traffic by minimizing conflicts from turning movements resulting from the proliferation of unnecessary curb cuts and driveways.
  - D. The Project ensures safe access by emergency vehicles.
  - E. The Project encourages efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
  - F. The Project preserves the capacity along US-31 and other roads in the Overlay Zone by limiting and controlling the number and location of driveways, and requires alternate means of access through service drives.
  - G. The Project seeks to reduce the number and severity of crashes by improving traffic operations and safety.
  - H. The Project requires coordinated access among adjacent lands where possible.
  - I. The Project provides landowners with reasonable access through a service drive.
  - J. The Project requires demonstration that prior to approval of any land divisions, the resultant parcels are accessible through compliance with the access standards.
  - K. The Project preserves woodlands, view sheds, and other natural features along the corridor.
  - L. The Project ensures that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.
  - M. The Project implements the goals expressed in the US-31/M-45 Corridor Study.
  - N. The Project establishes uniform standards to ensure fair and equal application.
  - O. The Project addresses situations where existing development within the Overlay Zone does not conform to the standards.
  - P. The Project promotes a more coordinated development review process with the OCRC.
8. The Planning Commission also finds the Project complies with the conditions of approval described in the March 9, 1998 Township Board meeting minutes for the original PUD, which conditions are still applicable to the Project, and it shall comply with the below additional conditions as well.
  - A. Outlot development was subjected to site plan review.
  - B. Parking lots are setback a minimum of 25 feet.
  - C. Outlot has architectural materials and landscaping compatible with that of the principal Meijer facility and site.

- D. Location of monument (ground) signs have been approved.
- E. Monument (ground) signs do not exceed 52 square feet.
- F. Monument (ground) sign has a maximum height of six feet as permitted by Section 24.13 of the current Zoning Ordinance.
- G. Revisions or changes to the conditions are made by the Township Board after a public hearing. These conditions are binding upon the Developer and all successor owners or parties in interest in the Project.
- H. Drainage for the Project is approved by the Ottawa County Water Resources Commissioner (“OCWRC”).
- I. Any violation of the conditions constitute a violation of the Zoning Ordinance, and in addition to the remedies provided therein, shall be cause for the Township Board to suspend or revoke any zoning or building permit applicable to the project.
- J. The right is reserved by the Township to impose additional conditions if reasonably necessary to achieve the purposes of the Zoning Ordinance.
- K. The PUD approval is personal to the Developer and shall not be transferred by the Developer to a third party without the prior written consent of the Township.
- L. Except as expressly modified, revised or altered by these conditions the Project shall be acquired, developed, and completed in conformance with the Zoning Ordinance, as amended, and all other applicable Township ordinances.
- M. Approval and compliance with all requirements set forth by the OCRC, and if applicable the OCWRC. No building permits shall be issued until all permits have been obtained.
- N. The Developer shall enter into a PUD Contract with the Township. The Contract shall be reviewed and approved by the Township Board prior to the issuance of building permits.
- O. The Developer shall agree to an access easement to the Township for the purpose of realigning the north end of Whittaker Way directly with DeSpelder Street pursuant to the Robbins Road Sub-Area Plan. The Developer shall preliminarily identify the easement area on the Final Site Plan, and the easement shall be drafted by the Township Attorney and approved by the Township Board prior to the issuance of building permits.
- P. This approval is also conditioned upon the Developer meeting all applicable Federal, State, County and Township laws, rules and ordinances.
- Q. The Developer shall comply with all of the requirements of the Documentation, specifically including all of the notes contained thereon, and all of the representations made in the written submissions by the Developer to the Township for consideration of the Project.
- R. The parking areas in the Project are “backloaded,” which means that the Final Site Plan has been revised to allow vehicles to enter or leave the parking areas as far from the building in the Project as possible.
- S. In the event of a conflict between the Documentation and these conditions, these conditions shall control.
- T. The Township understands it could not require this condition. However, the Developer has voluntarily made an offer, and the Township has relied upon the offer in considering this application. Specifically, the Developer offered to pay 15 percent of the cost of

restriping Robbins Road, based on finalized scope and pricing, not to exceed \$7,000.00; and 50 percent of the cost of Box Span type traffic signal upgrades at the Robbins Road and Ferry Street/172<sup>nd</sup> Avenue intersection, based on finalized scope and pricing, not to exceed \$125,000.00. The Township and the Developer shall enter into a contract for these payments by the Developer.

9. The Planning Commission finds that the Project complies with the uses permitted for a commercial planned unit development, as described in Section 17.08 of the Zoning Ordinance
  - A. Office buildings, together with accessory buildings and uses customarily incidental to office buildings, have historically been and are currently permitted to be located in commercial planned unit developments.
  - B. “Office buildings” are not defined in the Zoning Ordinance, but they are commonly defined to include professional activities such as medical offices.
  - C. Although the Service Professional District specifically references medical offices, among other offices, since 1979, when the Service Professional District was established, the Township has consistently interpreted its Zoning Ordinance to not limit medical offices and other offices described in the Service Professional District to just being located in the Service Professional District. Rather, medical offices and other offices specifically described in the Service Professional District have since 1979 routinely been allowed in the Commercial District as well, which allows “office buildings.”
  - D. Chapter Six, Future Land Use Plan, of the 2009 Township Master Plan, states on page 6-9 that the Commercial, the Service Professional, and the Commercial Planned Unit Development Districts should **all** be considered as commercial, and that **any** commercial development proposal significant in scale or scope (as the Planning Commission finds this Project is) should be considered as a planned unit development.
  - E. In addition to all of the above, the Planning Commission notes that it has recommended to the Township Board, and the Planning Commission anticipates that the Township Board will adopt, the Zoning Ordinance amendment which eliminates any doubt whatsoever that all uses allowed either by right or by special land use in the Service Professional District are also allowed in a commercial planned unit development.

**From:** [Jeff.Meyers@spectrumhealth.org](mailto:Jeff.Meyers@spectrumhealth.org)  
**To:** [Stacey Fedewa](#)  
**Cc:** [Bill Cargo](#); [Rick.Redetzke@spectrumhealth.org](mailto:Rick.Redetzke@spectrumhealth.org)  
**Subject:** Health Pointe - Building Height Change  
**Date:** Thursday, March 03, 2016 1:04:15 PM

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Hi Stacey,

In addition to our building roofline and landscape design revisions, I wanted to confirm that we have also decided to remove the mechanical units and screen wall from the rooftop to reduce our overall building height to not exceed 45-feet (versus our previous building height request of 54'-10").

At the Township Board's meeting on 1/25/16 it was apparent to us that some board members are uncomfortable with the magnitude of our original building height departure request. We've since challenged our design team to develop an alternative engineered solution that relocates the mechanical units below the 3<sup>rd</sup> story rooftop in a manner that still meets our building design principles without sacrificing patient experience. We now have a satisfactory solution and we're happy to confirm our commitment to this updated design approach.

Per your instructions we will provide all updated design revision drawings for the building roofline, landscape, and building height changes to be included for the Township Board's meeting on 3/14/16. Also, as a courtesy to the Planning Commission we wanted to confirm our approach to this voluntary building height change today, so to be included in your report for their meeting on 3/7/16.

We are committed to be good partners with the Township and we trust that these changes will be met favorably by all.

Jeff

**Jeff A. Meyers**, CCIM, LEED-AP  
Director, Real Estate Development  
Associate Broker

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