

AGENDA

Grand Haven Charter Township Planning Commission

Monday, June 19, 2017 – 7:00 p.m.

** Note the New Meeting Time **

- I. Call to Order
- II. Roll Call
- III. Pledge to the Flag
- IV. Approval of the April 17, 2017 Meeting Minutes
- V. Correspondence
- VI. Public Comments/Questions on Agenda Items Only (Limited to 3 minutes)
- VII. Old Business
 - A. Special Land Use Amendment – Ag in RR District – Loftis
- VIII. New Business
- IX. Reports
 - A. Attorney’s Report
 - B. Staff Report
 - C. Other
- X. Extended Public Comments/Questions on Non-Agenda Items Only (Limited to 4 minutes)
- XI. Adjournment

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

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
PLANNING COMMISSION
MAY 15, 2017

I. CALL TO ORDER

LaMourie called the meeting of the Grand Haven Charter Township Planning Commission to order at 7:00 p.m.

II. ROLL CALL

Members present: LaMourie, Robertson, Kieft, Taylor, Wilson, Reenders, and Wagenmaker

Members absent: Cousins, Chalifoux

Also present: Superintendent Cargo and Attorney Bultje

Without objection, LaMourie instructed Cargo to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Without objection, the minutes of the April 17, 2017 meeting were approved.

V. CORRESPONDENCE

None.

VI. PUBLIC HEARING

Taylor noted that a family member lived within the public notice zoning and recused herself from the Loftis SLU application matter due to a conflict of interest.

LaMourie opened a public hearing at 7:03 p.m. regarding the Loftis application for a Special Land Use permit allowing agricultural operations in a Rural Residential zoning district.

Cargo reviewed the Fedewa memo noting that there were only two special land use requirements and the applicant met both requirements.

David Brock (11833 168th Avenue) noted that his property is directly across from the applicant and he does not want the land to be cleared for agricultural activities. He expressed concern that the operations would negatively impact storm drainage within the area.

Mark Taylor (11871 168th Avenue) noted that he is also concerned with storm water issues; does not want tractors on 168th Avenue; noted that there are already blueberry fields; is

concerned with the noise from the diesel pumps; and is concerned with the overspray of chemicals on the blueberry plants.

Attorney Bultje noted that this is not a rezoning and that if the two SLU criteria are met, the proposed agricultural use is a permitted use. Bultje noted that if specific generally accepted agricultural management practices are met, additional conditions (*such as increased setbacks or buffers*) cannot be added. Noted that the area is Master Planned for agricultural usage.

LaMourie closed the public hearing at 7:11 p.m.

VII. PUBLIC COMMENTS ON AGENDA ITEMS ONLY – None

VIII. NEW BUSINESS

A. Loftis Special Land Use Application – Agricultural use in RR zoning district

Kieft and Wagenmaker recused themselves from consideration of the SLU application because family members lived within the public notice area (*i.e., within 300 feet of the subject property.*)

Without objection, because a quorum of Planning Commission members could not participate in the consideration of the SLU application, the matter was postponed until the June 5th Planning Commission meeting with the expectation that a quorum of members without a conflict would be able to participate at this meeting.

B. Planned Unit Development – Village at Rosy Mound

Attorney Bultje review Fedewa’s memo with the Planning Commission.

The applicant noted that a stone veneer was added to the garage face and dumpster enclosures. Cargo affirmed that staff will verify this change on the PUD documentation provided at the upcoming Board hearing on the proposed PUD.

Motion by Robertson, supported by Taylor to recommend to the Township Board conditional approval of the Village at Rosy Mound PUD application. This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance and Master Plan. The motion is subject to, and incorporates, the following report concerning the Planned Unit Development, including conditions of approval.

REPORT

Village at Rosy Mound Planned Unit Development

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 RW Properties I LLC (the “Developer”) for approval of a Village at Rosy Mound Planned Unit Development (the “Project” or the “PUD”).

The Project will consist of three land uses that constitute a Housing for the Elderly development. This 26.92 acre Project will consist of one three-story 116-unit congregate building; one one-story 110-unit assisted living building; and twenty-seven one-story two-unit/three-unit/four-unit attached condominiums. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”), including landscaping (the “Final Landscape Plan”) and elevation renderings (the “Final Elevations”), last revised 4/10/2017; 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 Village at Rosy Mound PUD 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.

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/Rescue Department.
 - H. All streets and driveways are developed in accordance with the Ottawa County Road Commission (“OCRC”) specifications, as appropriate. In addition, an internal sidewalk system and a non-motorized pathway within the Rosy Mound Drive right-of-way have been included.
 - I. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate stormwater, prevent erosion and the formation of dust.
 - J. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures to reduce light pollution and preserve the rural character of the Township.
 - K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, are screened.
 - L. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.
 - M. The Documentation conforms to all applicable requirements of County, State, Federal, and Township statutes and ordinances.
 - N. As appropriate, fencing will be installed around the boundaries of the Project if deemed necessary by either the Township or the Developer to preventing trespassing or other adverse effects on adjacent lands.
 - O. The general purposes and spirit of the Zoning 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, and Section 17.02.1.B.1-4 of the Zoning Ordinance, as well as Section 503 of the Michigan Zoning Enabling Act, allow for departures from Zoning Ordinance requirements; these provisions are intended to result in land use development that is substantially consistent with the goals and objectives of the Township Master Plan and the Zoning Ordinance, and

consistent with sound planning principles. The Developer requested fourteen departures. The Planning Commission makes the following findings.

- A. Section 11.04 – convert the method of setback measurements to building separation.
 - i. The Planning Commission finds it acceptable to measure setbacks as building separations rather than distance from lot lines because the proposed parcel lines are needed for financing purposes and a building separation measurement satisfies the spirit and intent of setbacks.
- B. Section 15A.04.5 – waive the requirement to receive separate special land use approval to relocate an existing overhead utility pole and electrical line.
 - i. The Planning Commission finds this acceptable because there will not be any additional overhead utility lines installed. This pole needs to be relocated to accommodate the stormwater retention basin.
- C. Section 15A.10.3 – allow the landscaping that must abut the walls of the building to be planted 36” away to accommodate a stone maintenance strip, which is used to capture the roof runoff.
 - i. The Planning Commission finds this acceptable because it is unlikely the landscaping would survive if it was in the path of roof runoff. In addition, the applicant provided visual evidence of a similar senior living campus that has the plantings 36” from the wall and the spirit and intent of reducing the visual mass is still satisfied.
- D. Section 15A.10.5 –do not require that 75% of the landscape islands be located inside the parking lot instead of on the edges.
 - i. The Planning Commission finds this acceptable because the proposed parking lots are not expansive. It is unnecessary to create a greater distance from entryways for residents that may have limited mobility. The trees and other landscaping that were required to be within this 75% were transferred to the perimeter, so there has not been a reduction in overall landscaping.
- E. Section 15A.10.11 – remove the requirement to create a separate deferred parking plan and agreement.
 - i. The Planning Commission finds this acceptable because the Overlay Zone would allow up to 1,364 spaces but the applicant is only requesting 180, which is also less than what is permitted by right. Due to the type of development and site constraints it is not likely, or feasible, to expand parking in the future. Furthermore, granting this departure would require the applicant to apply for a Major Amendment to the PUD if additional parking was requested in the future.
- F. Sections 15A.11 and 15A.11.3 – allow the Assisted Living building to be considered a Multiple Family use under the Overlay Zone land use categories as it relates to architectural requirements.
 - i. The Planning Commission finds this acceptable because the Congregate building and Cottages are Multiple Family, but technically the Assisted Living building would be considered Institutional. Institutional uses have a higher architectural requirement, but the Assisted Living building has the least amount

of visibility. In addition, the development may lack cohesion if one building is treated differently than the others as it relates to architecture.

- G. Section 15A.13.1.B – remove the requirement to vary the Cottage garage locations and/or recess them into the buildings.
 - i. The Planning Commission finds the spirit and intent of the architectural requirements of the Overlay Zone are satisfied because the Cottage design does not result in a “flat-faced” building. The covered front porch and varying rooflines add depth and dimension, which is satisfactory.
- H. Section 17.05.1.E – requesting two departures—(1) permitted to classify the “roads” as driveways so long as they are constructed to OCRC standards because the site is not conducive to a 66’ road right-of-way; and (2) find the separation between access points is sufficient to accommodate vehicular circulation even though they do not comply with the OCRC spacing standards.
 - i. Request 1 – the Planning Commission finds this acceptable because the “roads” will be constructed to OCRC standards and there is no potential for future road widening. Additionally, Fire/Rescue has approved the maneuverability as shown on the site plans, so there are no concerns about emergency vehicles having adequate access throughout the site. Furthermore, easements are still being provided for private and public utilities, so all organizations will still have access to their infrastructure. Lastly, driveways are considered private, so taxpayer dollars would not have to be spent on any “road” improvements.
 - ii. Request 2 – the Planning Commission finds this acceptable because the established minimum spacing standards are prohibitive to this site and would not improve vehicular circulation. The applicant has taken significant steps to improve maneuverability and reduce locations where vehicles could have negative interactions. Furthermore, because the “roads” are technically driveways the spacing standards could be considered a moot requirement.
- I. Section 19.07.28.D – find the Assisted Living buildings frontage on the site’s main “road” is sufficient to comply with the Special Land Use requirement to front onto a paved roadway.
 - i. The Planning Commission finds this acceptable because it has a direct relationship to departure request and finding H, above, which finds the driveways to be “roads.”
- J. Section 19.07.28.E – allow accessory buildings, including the maintenance building, pergolas, and gazebos, to have a setback less than 75’.
 - i. The Planning Commission finds this acceptable because a 75’ setback for the maintenance building does not serve a good purpose based on the location, which is setback over 75’ from the south boundary line that abuts Cottage Hills Subdivision. Furthermore, there is a steep topographical incline along Lakeshore Drive, which will screen the maintenance building from view. The remaining accessory buildings are appropriately located within the courtyards and walking paths of the Assisted Living building, and should not be placed

any farther from the building to ensure residents with limited mobility are able to utilize these amenities.

- K. Section 19.07.28.H – allow parking spaces to be located in the front of the Assisted Living building.
 - i. The Planning Commission finds this acceptable because no good purpose is served by creating more distance for residents to travel from their vehicle to entryways. Additionally, parking in the rear would remove the transition area and screening between the project site and the Cottage Hills Subdivision. Furthermore, parking in the rear would remove the natural landscape, thus removing the view residents have from their rooms.
 - L. Section 20.12.5 and 20.12.6 – request a 6’-6” tall fence around the Memory Care Courtyard of the Assisted Living building because operational experience has found the additional 6” prevents patient escape.
 - i. The Planning Commission does not find this request acceptable because the residents can be monitored to prevent escape; other memory care facilities do not have a fenced enclosure and do not have issues with escapees; and approving this request without compelling evidence that creates a distinction between this situation and any other where a person could escape over a fence, could set an undesired precedent.
 - M. Section 21.02 – requesting two departures (1) allow a three-story 37’-6” Congregate building; and (2) reduce the minimum floor area requirement to 685 square feet.
 - i. Request 1 – the Planning Commission finds this acceptable because the building code requires ground floor units to ensure accessibility, rather than “garden” style, and the requested height aligns with other departures granted for similar projects.
 - ii. Request 2 – the Planning Commission finds this acceptable because unlike a typical apartment building the Congregate offers additional common areas and amenities within the building that are not typically offered at multiple family developments. Furthermore, if this additional common area were calculated as part of the minimum floor area the minimum unit size would be 815 square feet. Also, there are minimum age requirements to live in the Congregate building, so at most there are two tenants per dwelling, but according to the applicant 75% of the residents are single person households.
 - N. Section 24.04.2 – allow the minimum parking space size to be 10’ x 20’ because MSHDA-funded projects are required to have a minimum space of 10’ x 20’ to assist elderly residents with parking maneuvers.
 - i. The Planning Commission finds this acceptable because documentation was supplied from MSHDA that establishes the 10’ x 20’ requirement.
4. Compared to what could have been constructed by right, the Project has been designed to accomplish the following objectives from Section 17.01.4 of the Zoning Ordinance.
- A. The Project will encourage the use of land in accordance with its natural character and adaptability;

- B. The Project will promote the conservation of natural features and resources;
 - C. The Project will promote innovation in land use planning and development;
 - D. The Project will promote the enhancement of housing and commercial employment for the residents of the Township;
 - E. The Project will promote greater compatibility of design and better use between neighboring properties;
 - F. The Project will promote more economical and efficient use of the land while providing a harmonious variety of housing choices; and
 - G. The Project will promote the preservation of open space.
5. The Project meets the following qualification requirements of Section 17.02 of the Zoning Ordinance:
- A. The Project meets the minimum size of five acres of contiguous land.
 - B. The 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 contains three separate and distinct residential uses—congregate, assisted living, and cottages.
 - D. The Project site exhibits significant natural features encompassing more than 25% of the land area, which will be preserved as a result of the PUD plan and includes forested areas and wetlands.
 - E. The Project site has distinct physical characteristics which makes compliances with the strict requirements of the Zoning Ordinance impractical.
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 deviations from Section 15A.10.10 and 15A.10.11 are covered elsewhere in this Report.
 - 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 service 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 garage-ports and car-ports will include accent materials similar to the main buildings so as not to 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.
- 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. A maximum of one driveway or street opening per existing public street frontage has been permitted.
- V. The Project provides adequate accessibility for residential development with more than 24 dwelling units.
- W. The Project satisfies the minimum open space of 20 percent required by the Zoning Ordinance.
- X. The open space in the Project is large enough and properly dimensioned to contribute to the purpose and objectives of the PUD.
- Y. The open space in the Project consists of contiguous land area which is restricted to non-development uses.
- Z. The open space in the Project will remain under common ownership or control.

- AA. The open space in the Project is set aside by means of conveyance that satisfies the requirements of Section 17.05.5.G of the Zoning Ordinance.
 - BB. The Project abuts a single family residential district and a woodland will provide a sufficient obscuring effect and act as a transitional area.
 - CC. 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 and 15A.04.6 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, although the number and location of access points may not be the arrangement most desired by the Developer.
 - 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 Michigan Department of Transportation and the OCRC.

- Q. The Project buildings and site design complement the existing and desired character within the Overlay Zone.
 - R. The Project's existing views to natural areas, woodlands and other natural features, will be preserved to the extent practical.
 - S. The number of access points within the Project have been restricted to the fewest needed to allow motorists reasonable access to the site.
 - T. The Project's access spacing from intersections, other driveways, and any median crossovers meet the standards within the Overlay Zone, and the standards of applicable MDOT and the OCRC, and are the maximum practical.
 - U. Provisions for this Project have been made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements.
 - V. Traffic impacts associated with the Project are accommodated by a road system that will not degrade the level of service below one grade, and in no case shall any movements be projected at a level of service below D, unless improvements are made to address the impacts.
8. The Planning Commission also finds the Project shall comply with the below additional conditions as well.
- A. Must obtain permits from all applicable agencies including the OCRC, Ottawa County Water Resources Commissioner, State of Michigan etc. Permits shall be obtained before building permits are issued.
 - B. The Developer shall enter into a PUD Contract with the Township, which will be drafted by the Township Attorney and approved by the Township Board prior to receiving a building permit.
 - C. The Developer shall enter into a modified version of the typical Private Road Maintenance Agreement with the Township, which will be drafted by the Township Attorney and approved by the Township Board prior to receiving a building permit.
 - D. The Township and Developer shall enter into a Payment in Lieu of Taxes (PILOT) agreement pursuant to the MSHDA requirements. The language of the Agreement shall be approved by the Township Attorney, and approved by the Township Board. The Agreement shall be executed and recorded with the Register of Deeds prior to receiving a building permit.
 - E. The Developer shall provide documentation from the Grand Haven Board of Light and Power regarding streetlights—if they will be metered or if a Special Assessment Lighting District is required. This subject must be satisfied prior to receiving an occupancy certificate.
 - F. The Developer shall incorporate additional shielding to light fixtures along the southern boundary line that abuts the Cottage Hills Subdivision as well as the Northwest corner of the site that abuts the Rosy Mound Elementary School to ensure light does not spill into the adjacent dwellings.

- G. Revise Sheet C-205 to reflect the true open space figures presented on Sheet L-100. This will ensure there is no confusion regarding the proposed 12.03 acres of designated open space.
 - H. Add an additional sidewalk from Cottage 1 to Rosy Mound Drive to provide greater walkability on the site.
 - 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. This approval is also conditioned upon the Developer meeting all applicable Federal, State, County and Township laws, rules and ordinances.
 - N. 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.
 - O. In the event of a conflict between the Documentation and these conditions, these conditions shall control.
9. The Planning Commission finds that the Project complies with the uses permitted for a residential planned unit development, as described in Section 17.07.2.A of the Zoning Ordinance—Housing for the elderly.

Which motion carried.

IX. NEW BUSINESS

- A. The 2016 Planning Commission report reviewed and accepted by the Planning Commission.

X. REPORTS

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

- The Planning Commission noted that the Schultz development along US-31 has substantially expanded without proper zoning approvals. Cargo noted that the applicant has moved operations from the Muskegon facility and is in violation of the Zoning Ordinance. But, staff have not taken a punitive approach based upon assurances from the property owners that the business will be submitting an amended site plan.

Cargo will request that Fedewa provide an update on enforcement before the end of the week.

XI. EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS ONLY – None

XII. ADJOURNMENT

Without objection, the meeting adjourned at 7:38 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "WM - D Cargo". The signature is written in a cursive, somewhat stylized font.

William D. Cargo
Acting Recording Secretary



GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: May 8, 2017

TO: Planning Commission

FROM: Stacey Fedewa, Community Development Director

RE: Special Land Use Amendment – Agriculture in RR District – Loftis

PROPERTY DETAILS			
Property Address	Parcel Number	Parcel Size	Application Type
0 Buchanan Street	70-07-22-100-023	13.26 Acres	Special Land Use Amendment
Existing Zoning	Existing Land Use	Existing Infrastructure	Existing Site Improvements
Rural Residential (RR)	Undeveloped Land	Paved Roadway Municipal Water	N/A
Master-Planned Zoning	Surrounding Zoning & Land Uses		
	Direction	Zoning	Land Use
Agricultural Preservation	N	RR	Vacant Undeveloped Land
	S	RR	Single Family Residential
	E	RR	Agriculture
	W	RR	Single Family Residential

PROPOSED SPECIAL LAND USE AMENDMENT

In June 2012, the applicant J Loftis Farms LLC received a special land use permit to begin an agricultural operation on 13.45 acres of land to grow and harvest blueberries. The operation is going well, and the applicant would like to expand. An adjacent 13.26 acre parcel was recently acquired, and now the applicant has submitted a special land use amendment application to expand the original permit.

SPECIAL LAND USE REQUIREMENTS

There are only two special land use requirements associated with an Agriculture use in a residential zoning district—(1) Shall have a minimum of 10 acres; and (2) Keeping of livestock is not permitted. The applicant has satisfied both criteria.

SAMPLE MOTIONS

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

Motion to approve the Special Land Use Amendment application to allow an Agricultural operation in the Rural Residential zoning district on 13.26 acres of property located at Parcel No. 70-07-22-100-023. This will expand the existing operation into a total of 26.71 acres. This approval is based on the application meeting the applicable requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance. This motion is subject to, and incorporates, the following report.

If the Planning Commission finds the 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 deny the Special Land Use 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 application is in need of revisions before a determination can be made, the following motion can be offered:

Motion to table the Special Land Use Amendment application, and direct the applicant to make the following revisions:

1. *List the revisions.*



REPORT OF FINDINGS (TO BE USED WITH A MOTION FOR APPROVAL)

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 application meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:
 - A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site.
 - B. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
 - C. Safe, convenient, uncontested, and well defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
 - D. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the township.
 - E. Removal or alterations of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission has required that landscaping, buffers, and/or

greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

- F. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- G. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.
- H. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.
- I. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate.
- J. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate storm water, prevent erosion and the formation of dust.
- K. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures.
- L. 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 conform 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.

Clear Form

Print



GRAND HAVEN CHARTER TOWNSHIP

SPECIAL LAND USE APPLICATION

Application Type	Fee	Escrow*	Sewer Escrow**	
Original	\$125	\$1,000	Main Extension	\$5,000
Amendment	\$100	\$500	Lift Station	\$2,000

Applicant Information

Name J Loftis Farms LLC
 Phone 846-1990 Fax 846-1984
 Address 13705 Bittersweet Dr GH 49417
 Email Address SALES@LOFTISMACHINE.COM

Owner Information (If different from applicant)

Name Jim Loftis
 Phone 846-1990 Fax 846-1984
 Address 13705 Bittersweet Dr

Property Information

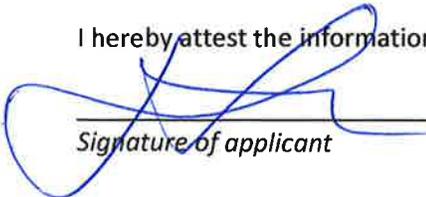
Address/Location SE corner of Buchanan/168th
 Parcel Number 70 - 07 - 22 - 100 - 023 Size (acres) 13.26
 Current Zoning RR Master-Planned Zoning RR

Description of Proposed Use/Request (attach additional pages as needed)

SLU for Agriculture as the parcel is to the east of said property owned by J Loftis Farms LLC also

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


 Signature of applicant

4-19-17
 Date

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

** If approval of this application requires/includes the extension of a municipal sanitary sewer main, an additional \$5,000.00 escrow fee shall be required, and an additional \$2,000.00 escrow fee shall be required for the installation of a lift station.