AGENDA

Grand Haven Charter Township Planning Commission
Monday, April 2, 2018 – 7:00 p.m.

I. Call to Order

II. Roll Call

III. Pledge to the Flag

IV. Approval of the March 19, 2018 Meeting Minutes

V. Correspondence
- Jeff Kurburski – PUD Amendment – Village at Rosy Mound – Objection

VI. Brief Public Comments & Questions (Limited to 3 minutes)

VII. Public Hearing
A. PUD Amendment – Village at Rosy Mound & GHAPS

VIII. Old Business
A. PUD Amendment – Village at Rosy Mound & GHAPS

IX. New Business
A. Open Meetings Act – Discussion & Presentation from Attorney Bultje
B. Discussion – Affirm or Revise Double Lot Width Requirement

X. Reports
A. Attorney's Report
B. Staff Report
C. Other

XI. Extended Public Comments & Questions (Limited to 4 minutes)

XII. 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
MARCH 19, 2018

I. CALL TO ORDER
Cousins called the meeting of the Grand Haven Charter Township Planning Commission to order at 7:00 p.m.

II. ROLL CALL
Members present: Cousins, Wilson, LaMourie, Taylor, Chalifoux, Wagenmaker, Kieft, and Reenders
Members absent: Hesselsweet
Also present: Community Development Director Fedewa, Attorney Bultje, and Assistant Zoning Administrator Hoisington

Without objection, Cousins instructed Hoisington to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Without objection, the minutes of the February 13, 2018 joint meeting were approved.

Without objection, the minutes of the February 19, 2018 meeting were approved.

V. CORRESPONDENCE - None

VI. PUBLIC COMMENTS – None

VII. PUBLIC HEARING
A. Rezoning – AG to RR – Lokker

Cousins opened the public hearing at 7:03pm.

Hoisington provided an overview through a memorandum dated March 15th.

The applicant was present and available to answer questions.

- Brian Vliem – 9763 168th Avenue:
  - Had concerns about further subdivision of the property.
    - Fedewa was able to answer his questions and Vliem had no further comments.

There being no further comments, Cousins closed the public hearing at 7:06pm.

VIII. OLD BUSINESS
A. Rezoning – AG to RR – Lokker

The application was discussed by the Commissioners and focused on:

- Intended future land use of the property—single family residential.
- Access to the property by private easement is in place.

> **Motion** by Reenders, supported by Taylor to recommend the Township Board **approve** the Lokker rezoning application of parcel 70-07-33-400-014 from Agricultural (AG) to Rural Residential (RR) based on the application meeting applicable rezoning requirements and standards of the Grand Haven Charter Township Zoning Ordinance, Master Plan, and Future Land Use Map. **Which motion carried unanimously**.

IX. NEW BUSINESS

A. Pre-Application Presentation – Bos Residential PUD – River Watch

Hoisington provided an overview through a memorandum dated March 15th.

Developer David C. Bos along with engineer Rick Pulaski and landscape architect Jamie Walter were present and available to answer questions.

Rick Pulaski, engineer for Nederveld, provided an in-depth review of the proposed development.

- Developer has a national reputation for quality construction and attention to detail.
- Proposed development site consists of three parcels totaling 55-acres on 160th Avenue with 3,000 feet of Grand River frontage.
    - Site includes an existing conservation easement and partially built marina.
    - Significant amount of land in wetland/floodplain areas.
- Site plan features 24-lots (Concept Plan B), with an alternate plan for 23-lots (Concept Plan A).
    - Narrowest lots on the 24-lot plan would have around 90-feet of road frontage, compared to 100-feet with the 23-lot plan.
    - Lots would average around 1 acre, but vary on location.
    - Stated that the PUD would result in a lower density development than if development were to occur without a PUD.
        - Reduces impact on neighboring properties and preserves more open space.
- Development would have a privately maintained road with a faux cul-de-sac by the marina, after which the road would narrow for access to three additional lots ending in a cul-de-sac.
    - Optional second point of access to Cedar.
- Planning for private septic system throughout development. Provided a very thorough explanation of how a private septic system operates.

    - Stated it would be "financially impossible" to connect to the existing sanitary sewer system.
        - Cost of running new sewer lines to site would be prohibitive and force the developer to transfer costs to property owners.
    - Developer explained how property owners would be subject to HOA fees around $60-70 monthly to establish an escrow to maintain and repair septic tanks to reduce risk of accidental pollution. HOA would require annual inspections of septic tanks.
- Proposed development as a PUD would better preserve the environment compared to typical development not subjected to PUD standards.
    - HOA would create enforcements to protect conservation easement.
- Partially built marina incorporated into site plan.
    - Anticipates dredging 1,200-feet of shoreline west of the marina.
    - Would allow boats up to 36-feet in length.

The proposed project was discussed by the Commissioners and focused on:

- Concerns about private septic systems.
    - PUD ordinance requires public sanitary sewer.
        - Attorney Bultje noted that only the ZBA would be able to grant a variance from the public sanitary sewer requirement for a PUD.
    - Concerned about potential pollution from failed septic systems.
    - Unsure of benefit to Township for granting possible departure based on a ZBA variance.
    - Commissioners asked staff to research septic system failures in the area.
    - If a PUD was approved, a condition would be included to execute a Public Sanitary Sewer Special Assessment Contract.
- Noted the significant natural features on the site.
    - Inquired about possible locations of houses and septic tanks on site.
        - Questioned the methods to be used that would reduce risk of pollution in an environmentally sensitive area.
- Expressed concern about the effect of the development on neighboring properties.

X. REPORTS

A. Attorney Report – None

B. Staff Report – None

C. Other

- Cousins and Taylor noted that several members, and staff, attended a Managing Risk training session recently. Confident in the Township's practices to manage risks.

- Wagenmaker began a discussion on non-agenda items regarding a specific PUD project, PUD's in general, lot width, and public utility extensions:
    - Questioned who is responsible for ensuring PUD's are built according to approved plans because Supervisor Reenders described an issue with the Health Pointe PUD architecture.
        - Fedewa explained that her position is responsible for ensuring compliance. Furthermore, the appropriate steps are being taken to address the Supervisors concerns pursuant to the PUD regulations, which only involve the Planning Commission Chair, Township Supervisor, and possibly the Township Board. Minor Amendments to a PUD, do not come before the full Planning Commission.
    - Believes the Township's practice of utilizing PUD's is circumventing the zoning ordinance, and is dissatisfied. Believes limitations need to be established to prevent too many departures.
        - Fedewa explained the Township's primary development method has been PUD's. This method is enabled, and supported by, the Michigan Zoning Enabling Act. Furthermore, the Planning Commission already has the authority necessary to limit departures, and a text amendment would likely cause more problems than it would solve.
    - Inquired when the Planning Commission would discuss his concerns with the "double lot width" requirement. Continues to believe it is unfair, and wants to remove that requirement.
        - Fedewa advised the matter will be on the next agenda to determine if the Planning Commission wants to tackle this issue, or if the regulation is to remain in place because it improves safety.
    - Believes public municipal water, and sanitary sewer, should be made available to every property owner in the Township, and could be done so through a Special Assessment District.
        - Attorney Bultje explained that is unlikely. Utility extension would need to be done through a voter-driven millage, or a special assessment district. However, 20% of those within the special assessment district can object and prevent the project. A project of that magnitude must be commensurate with the will of the people.
- Taylor inquired if utilizing private utilities would be beneficial in the long-term. A reference was made to the Chuck Marohn presentation from Strong Towns where the long-term maintenance costs for extending utilities could never pay for itself.
    - Fedewa explained the Township has done a good job of budgeting for the various operating, long-term maintenance, and replacement costs. Because the

infrastructure is “young” the Township was able to establish enterprise funds for water and sewer to ensure these costs are included in the usage-fees paid by the residents. The costs are reviewed regularly and the Board can adjust fees as-needed to ensure the utilities are appropriately funded.

XI. EXTENDED PUBLIC COMMENTS – None

XII. ADJOURNMENT

Without objection, the meeting adjourned at 8:16 pm.

Respectfully submitted,

Cassandra Hoisington
Acting Recording Secretary

March 26, 2018

To: Stacey Fedewa, Community Development Director
Grand Haven Charter Township
13300 168th Ave
Grand Haven, MI 49417

From: Jeff and Kelly Kurburski

Re: Proposed amendment to Village of Rosy Mound PUD to allow for easement access for GHAPS.

To whom it may concern:

Having read the formal proposed amendment to the Rosy Mound PUD, we are formally objecting to the proposed amendment as written, and are seeking the Grand Haven Township Planning commission to recommend changes to the proposed amendment before granting approval. Some of our specific concerns are:

- The current language does not provide enough clarity surrounding "special events" or "occasional use" by GHAPS, and would like specific wording and detail included in the amendment surrounding the determination of such events.
- The current language does not provide enough clarity about the impact or changes to the associated wetlands needed to construct the GHAPS access road, and would like specific wording and detail included in the amendment. Over the past several years, standing water on the east side of our property has become a more prevalent issue following rain and snow melt. We already have concerns that this could worsen with the Village of Rosy Mound development. Not understanding what the GHAPS plans are at addressing the wetland and runoff of the proposed exit road is a concern.
- The current proposed exit road for GHAPS should be a safety concern to citizens. The maximum width doesn't meet the requirements for fire equipment, and the closeness to the CSX crossing (which is erroneously called out as a 'signaled' crossing. There are only signs) is a concern that should be addressed more thoroughly by the Township Planning Commission. One should assume that the exit road will be used during 'high volume' events. Pushing traffic to an intersection that has less safety features for both the railroad crossing and entry to the highway than that of Ferris Street, appears ill advised.
- Being that this request is being made by the owners of the Village of Rosy Mound PUD, Grand Haven Township was only required by the State of Michigan to send public notifications to

property owners who are within 300ft of the PUD. While this is may be the legal requirement, it defies logic as property owners who are adjacent to the proposed exit road by GHAPS, which would be allowed by the approval of this amendment, could see the greatest impact to their property. We feel that Grand Haven Township should give public notice and opportunity for feedback from those who also fall within 300 feet of the GHAPS property.

The prior approval by the Grand Haven Township Planning Commission on June 12, 2017 to allow the PUD to move forward with an underlying stipulation that Village of Rosy Mound obtain an easement in the future from GHAPS has created a quid pro quo which isn't a healthy situation. The Village of Rosy Mound is well under construction and advertising a summer opening, yet is still seeking approval for a final easement. Similarly awkward, GHAPS is seeking an easement which appears less than ideal by the limited restrictions of use by the OCRC, and by diverting traffic from Ferris Street where railroad and traffic safety features are in place to Rosy Mound where queue space is limited and no safety features exist to current crossings and intersections.

We do wish to see both the Village at Rosy Mound, and the Grand Haven Area Public Schools succeed in their ultimate requests for an easement exchange, and don't have concerns about locations of either proposed location. Our suggestion is much like what the Township Planning Commission did on the original PUD request for the Village of Rosy Mound, by allowing it to move forward with the stipulation to obtain an easement on Lakeshore Drive. *We believe a more general amendment/easement exchange amendment could be granted with the stipulation that the Grand Haven Area Public Schools would be required to come before the Planning Commission with final details around an exit road at a future date, and that the township would request a future public hearing and approval of these final plans. This would allow the Village of Rosy Mound to proceed forward as planned, while providing time to GHAPS to answer more specific details that are currently missing or vague in this original amendment proposal.*

Sincerely,

Jeff and Kelly Kurburski
13816 Cottage Drive
Grand Haven, MI 49417
616-847-4033
Email: jkurburski@gmail.com

GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: March 30, 2018

TO: Planning Commission

FROM: Stacey Fedewa, Community Development Director

RE: PUD Amendment – Village at Rosy Mound & GHAPS – Driveway

BACKGROUND

As you likely know, the Village at Rosy Mound (VARM) was approved as a PUD in 2017. VARM has indicated their willingness to work with the Grand Haven Area Public Schools (GHAPS) to construct a driveway from the high school to Rosy Mound Drive.

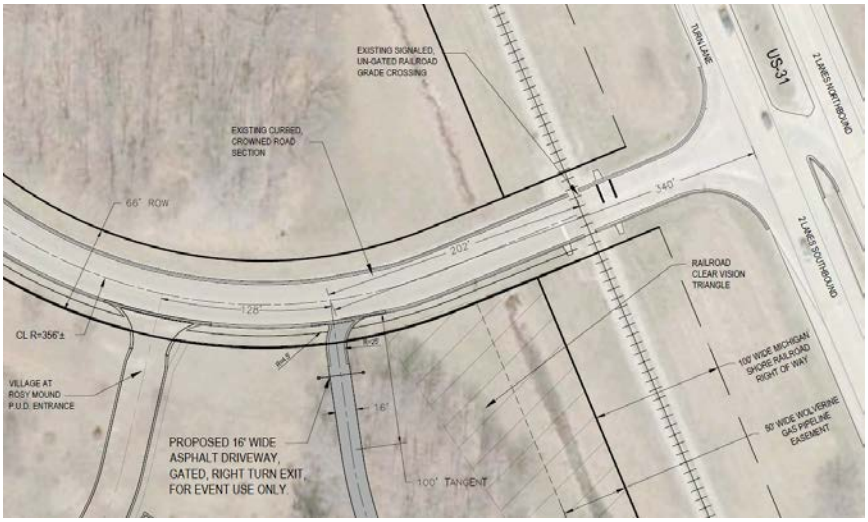
As staff understands, the traffic back-up that occurs after events at GHHS is extreme, and the district has been making a concerted effort to rectify the problem since at least 2012. With the help of VARM, the district has found a solution, which has resulted in this PUD Amendment application.

PROPOSAL

VARM, on behalf of GHAPS, is requesting to allow an occasional use, gated, exit-only, right-turn only driveway onto Rosy Mound Drive. It is proposed as a 3,025-foot long drive that is 16-feet in width.

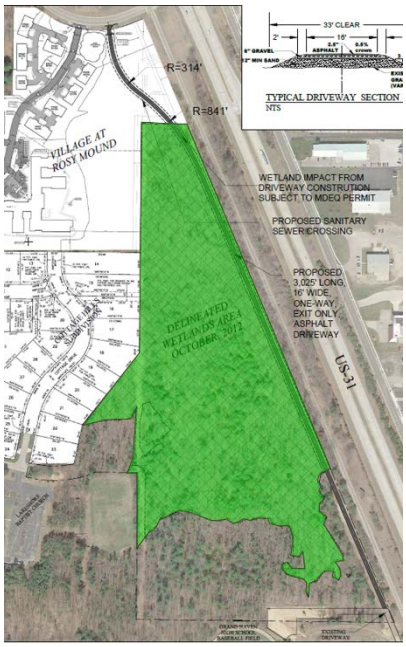
Only about 600-feet of this road is crossing the VARM property. The remainder is on land owned by GHAPS, and not subject to this application.

Regarding the width—Fire/Rescue has indicated they are willing to accept a 14-foot width. Staff notified the project engineer, who was glad to learn of the reduction.



WETLAND IMPACT

There is an extremely large regulated wetland between GHHS and VARM. The proposed design is intended to impact the wetland as little as possible, but regardless the overall impact is large enough the federal Environmental Protection Agency (EPA) is actually the agency that has to issue the permit.



At the time staff notified the engineer of the reduced width, the EPA application had already been submitted. As staff understands, the engineer will offer the reduced width during the EPA permitting process as a way to offset the total wetland impact.

Regardless, staff advises the Township to establish a requirement the **width be reduce to 14-feet, to ensure the wetland impact is as little as possible**.

It is also important to note that GHAPS has attempted to reduce the impact as much as possible by locating it as close to the railroad right-of-way as legally allowed.

MODIFICATION OF ACCESS STANDARDS

Pursuant to Section 15A.07, the Planning Commission can allow modifications to the access management standards after consideration to determine if the following conditions apply.

Black Font = 15A.07 provision language
Red Font = Applicant's response to 15A.07
Blue Font = Staff response to 15A.07

1. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drain or water body, woodlands that will be preserved, existing development, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.
    - The PUD requires a secondary emergency access. The topography on the west edge of the site makes a direct access to Lakeshore Avenue impractical.
    - A clear vision triangle is enforced at the intersection of Rosy Mound Drive and the railroad, which prevents locating the proposed occasional use, gated, exit only, right turn only driveway further east to complying with the centerline spacing.
    - In this specific instance, it is staff's opinion that each of the examples provided are applicable to this site:
        - Sight distance limitations based on MDOT, CSX, and OCRC standards.
        - A 30' variation in topography.
        - An extremely large regulated wetland that requires federal EPA approval.
        - County drain between CSX and US-31.

    - Substantial woodlands will still be preserved via the VARM site and the trees within the regulated wetland, which all act as a visual buffer between the uses as well.
    - Existing development (*VARM & Cottage Hills Subdivision*) prevent compliance.
    - Unique site configuration, which became evident during the VARM PUD approval process.

2. The use involves an access improvement to an existing site or a new use that will generate less traffic than the previous use.
    - This condition does not apply to this previously undeveloped site.
    - Staff believes this road will improve access management for GHHS by improving the Level of Service and enabling special event traffic to disperse the site in a faster, and more orderly fashion.

3. The proposed modification is consistent with MDOT guidelines and MDOT staff support the proposed access design.
    - MDOT Staff reviewed the driveway configuration and have no objections.

4. The proposed modification is consistent with the general intent of the standards of this Overlay Zone and the recommendations of the U.S. 31 and M-45 Corridor Study.
    - Staff believes the following items listed in Findings and Statement of Purpose section are consistent with the general intent of the Overlay Zone:
        - Promote public safety and efficient flow of vehicular traffic by minimizing conflicts from turning movements resulting from the proliferation of unnecessary curb cuts and driveways.
        - Ensure safe access by emergency vehicles.
        - Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
        - Preserve the capacity along U.S. 31/M-45 and other roads in the Overlay Zone by limiting and controlling the number and location of driveways, and requiring alternate means of access through shared driveways, service drives, and access via cross streets.
        - Require coordinated access among adjacent lands where possible.
        - Provide landowners with reasonable access, although the access may be restricted to a shared driveway, service drive, or via a side street, or the number and location of access points may not be the arrangement most desired by the landowner or applicant.
        - Promote a more coordinated development review process with the Michigan Department of Transportation and the Ottawa County Road Commission.

5. If deemed necessary by the Planning Commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety along U.S. 31 or M-45, and is not simply for convenience of the development.

6. The applicant shall demonstrate with dimensioned drawings that such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.
    - The modifications are proposed to enhance access to adjacent land that is already developed.
    - All adjacent lands on Rosy Mound Drive are encumbered with existing operations that are highly unlikely to redevelop. Thus, the proposed driveway would not create non-compliant access to adjacent lands.
7. Roadway improvements will be made to improve overall traffic operations prior to the project completion or occupancy of the first building.
    - The driveway will be installed as soon as all permitting requirements have been met.
    - Overall traffic operations for the GHHS site will improve for dispersal of special events.
8. Indirect or shared access is not reasonable.
    - No sharing will be possible. The proposed driveway is separate and distinct, gated, and for occasional, event related use.
    - As described in the applicant's narrative, concerted effort has been made to locate this drive in different locations to no avail.
9. Such modification shall be demonstrated to be the minimum necessary.
    - The proposed departure is for an occasional use, gated, exit only, right turn only driveway.
    - Staff has ensured the requested modifications are the absolute minimum necessary.

DEFINING OCCASIONAL USE

It behooves the Township to inquire the breadth of **what constitutes an "occasional use" or "special event"** to gain a clearer understanding of when, and how often, this drive is to be used. For example—sporting events, recitals, graduation, etc.

SAMPLE MOTIONS

If the Planning Commission finds the application complies with the standards, the following motion can be offered:

> **Motion** to recommend the Township Board **<u>conditionally approve</u>** the proposed PUD Amendment for Village at Rosy Mound to allow the Grand Haven Area Public Schools to construct an occasional use, gated, exit-only, right-turn only driveway onto Rosy Mound Drive. This motion is subject to, and incorporates, the following report and conditions.

If the Planning Commission finds the application does not comply with the standards, the following motion can be offered:

> **Motion** to recommend the Township Board **deny** the PUD Amendment for Village at Rosy Mound, and direct staff to draft a formal motion and report with those discussion points, which will be reflected in the meeting minutes. This will be reviewed and considered for adoption at the next meeting.

If the Planning Commission finds the applicant must make revisions, the following motion can be offered:

> **Motion** to **table** the PUD Amendment for Village at Rosy Mound and direct the applicant to make the following revisions:
>
> 1. *List the revisions.*

REPORT (*TO BE USED WITH A MOTION TO APPROVE*)

Pursuant to the provisions of the Grand Haven Charter Township (the "Township") Zoning Ordinance (the "Zoning Ordinance"), the following is the report of the Grand Haven Charter Township 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 amendment will consist of an occasional use, gated, exit-only, right-turn only driveway onto Rosy Mound Drive for the benefit of the Grand Haven Area Public Schools to effectively discharge traffic from the Grand Haven High School. The Project as recommended for approval is shown on a final site plan (the "Final Site Plan"), last revised 2/15/2018, 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 determination, and the Planning Commission's decision that the Village at Rosy Mound 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.

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 prevent 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 a modification of access standards pursuant to Section 15A.07. The Planning Commission makes the following findings.

A. Section 15A.07.1 – practical difficulties exist on site that makes compliance unreasonable.

    i. As part of the site plan review process the Planning Commission considered this condition and find that sight distance limitations, topography, wetlands, existing development, and unique site configuration warrant the requested modifications.

B. Section 15A.07.2 – involves an access improvement to an existing site.

    i. As part of the site plan review process the Planning Commission considered this condition and find that access and dispersal of traffic from the existing Grand Haven High School site will be improved.

C. Section 15A.07.3 – modification is consistent with MDOT guidelines and MDOT staff support the proposed access design.

    i. As part of the site plan review process the Planning Commission considered this condition and find that MDOT staff have reviewed the driveway configuration and have no objections.

D. Section 15A.07.4 – modification is consistent with the general intent of the standards of the Overlay Zone and the recommendations of the U.S. 31 and M-45 Corridor Study.

    i. As part of the site plan review process the Planning Commission considered this condition and find the requested modifications are consistent with the general intent and standards listed in Section 15A.01.

E. Section 15A.07.5 – if necessary, a traffic study will be provided that certifies the modifications will improve traffic operations and safety, and is not simply for convenience of the development.

    i. As part of the site plan review process the Planning Commission considered this condition and find that a traffic study is not necessary. The applicant, and representatives from Grand Haven Area Public Schools have supplied enough evidence to satisfy this condition.

F. Section 15A.06 – demonstrate such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.

    i. As part of the site plan review process the Planning Commission considered this condition and find the Grand Haven Area Public Schools and Ottawa County Road Commission are the only adjacent property owners, and each have a vested interest in this project. Additionally, the two sites are built-out and nothing has been presented that suggests either will redevelop in the future.

G. Section 15A.07.7 – roadway improvements will improve overall traffic operations.

    i. As part of the site plan review process the Planning Commission considered this condition and find that Grand Haven High School has a known history of problematic traffic dispersal after special events, and this occasional use, exit-only driveway will improve the overall traffic operations for that site.

H. Section 15A.07.8 – indirect or shared access is not reasonable.

    i. As part of the site plan review process the Planning Commission considered this condition and find that based on existing development and the history of the Grand Haven Area Public Schools attempting to find a location for a separate exit-drive there are no other viable alternatives.

I. Section 15A.07.9 – modifications shall be demonstrated to be the minimum necessary.

i. As part of the site plan review process the Planning Commission considered this condition and find the applicant has demonstrated the requested modifications to be the minimum necessary, with the exception of the condition to reduce the width to a maximum of 14-feet.

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 greater compatibility of design and better use between neighboring properties;

   E. The Project will promote more economical and efficient use of the land.

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, and provides an alternative means for special event traffic dispersal for the nearby Grand Haven High School.

   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. The Project is reasonably compatible with the natural environment of the site and the adjacent premises.

G. 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.

H. Signage is compliant with Section 24.13 of the Zoning Ordinance.

I. 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.

J. 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 Planning Commission before construction is commenced.

K. A maximum of one driveway or street opening per existing public street frontage has been permitted, unless otherwise modified.

L. The Project abuts a single family residential district and a woodland will provide a sufficient obscuring effect and act as a transitional area.

M. The Project is consistent with the goals and objectives of the Master Land Use Plan.

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 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.

C. The Project ensures safe access by emergency vehicles.

D. The Project encourages efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.

E. 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.

F. The Project seeks to reduce the number and severity of crashes by improving traffic operations and safety.

G. The Project requires coordinated access among adjacent lands where possible.

H. 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.

I. The Project preserves woodlands, view sheds, and other natural features along the corridor.

J. 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.

K. The Project implements the goals expressed in the US-31/M-45 Corridor Study.

L. The Project establishes uniform standards to ensure fair and equal application.

M. The Project addresses situations where existing development within the Overlay Zone does not conform to the standards.

N. The Project promotes a more coordinated development review process with the Michigan Department of Transportation and the OCRC.

O. The Project's existing views to natural areas, woodlands and other natural features, will be preserved to the extent practical.

P. The number of access points within the Project have been restricted to the fewest needed to allow motorists reasonable access to the site.

Q. 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.

R. 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.

S. 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. The width of the proposed occasional use, gated, exit-only, right-turn only driveway shall be decreased to 14-feet.

   B. Emergency vehicles shall be able to utilize the occasional use, gated, exit-only, right-turn only driveway if an emergency situation presents itself and it is impractical to gain access via an alternative location.

   C. Project shall comply with all the prior conditions of the prior PUD approval, to the extent relevant.

   D. Project shall comply with all applicable federal state county, and Township laws and ordinances.

   E. Developer shall execute a revised PUD Agreement between the Township and the Developer.

Clear Form

Print

GRAND HAVEN CHARTER TOWNSHIP

PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT APPLICATION

Application Type	Fee	Escrow*
PUD Amendment	$125	$500

Sewer Escrow**	
Main Extension	$5,000
Lift Station	$2,000

Applicant Information

Name: RW Properties I LLC

Phone: (616) 842-2425 Fax: (616) 842-8939

Address: 950 Taylor Avenue, Grand Haven, MI 49417

Email Address: swoodruff@reendersinc.com _AND_ mwoodruff@reendersinc.com

Owner Information *(If different from applicant)*

Name: Rosy Mound LDHA Limited Partnership

Phone: (616) 842-2425 Fax: (616) 842-8939

Address: 950 Taylor Avenue, Grand Haven, MI 49417

Property Information

Address/Location: 17172 Rosy Mound

Parcel Number: 70 - 07 - 04 - 300 - 061 Size *(acres)*: 6.5082

Current Zoning: PUD Zoning Requested: PUD

Adjacent Zoning: *North*: SP (OCRC) *South*: R-1 (GHAPS) *East*: I across US31 *West*: PUD

Master-Planned Zoning: Med-High Density Res. PUD (2016 FLUP) Consistent with Master Plan? Yes

Other Information

Does Property Abut Township Border? No

Present Use of the Subject Property? Medium - High density Residential PUD

Number & Type of Existing Structures? As approved June 12, 2017 by Grand Haven Twp Board

Subject Property Located on a Paved Road? Yes

Municipal Water within 2,700 Feet of Subject Property? Yes

Municipal Sewer within 2,700 Feet of Subject Property? Yes

NOTE: The architect, engineer, planner, or designer shall be responsible for utilizing the Township Ordinance Books and following the procedures and requirements as specified in Chapters 17 and 23 (*and Chapter 15A if located in the Overlay Zone*), and any other applicable ordinances. 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 *Date* 1-31-18

Last Revised 2/8/2016

** 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.*

NOTICE

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

_____ 1-31-18

Signature of applicant *Date*

For Office Use Only

Date Received _____ Fee Paid? _____

Materials Received: Site Plans _____ Location Map _____

Survey _____ Legal Description _____

Dated copy of approved minutes sent to applicant? _____ Date Sent _____

PLANNING COMMISSION USE ONLY

Approval _____

Tabled _____

Denied _____

Conditional Approval _____

The following conditions shall be met for approval:

_____

_____

_____

_____

_____

_____

_____ _____

Signature of Planning Commission Chair *Date*

Proposed Amendment to PUD

PROJECT NARRATIVE

RW Properties I, LLC and Rosy Mound LDHA Limited Partnership is requesting an amendment to the Village at Rosy Mound PUD.

In the minutes of their June 12, 2017 meeting, the Grand Haven Township Board (Board) issued their report of approval of the Village at Rosy Mound PUD. Item 8. A. of the Board's report states the project shall *"…obtain an easement form the Grand Haven Area Public School district to install emergency access on Lakeshore Drive…"* Grand Haven Area Public Schools (GHAPS) has required RW Properties grant a reciprocal easement in exchange for the ingress and egress easement required by the board. The reciprocal easement will allow installation of an occasional use, gated, exit only, right turn only driveway onto Rosy Mound Drive.

BACKGROUND

In 2012, GHAPS purchased parcel #70-07-04-400-029, 38.32 acres of vacant land, for the singular purpose of providing alternate egress from the Grand Haven High School (GHHS) campus. GHAPS had negotiated an informal access agreement with the previous owner of the current PUD property, now described as Parcel #70-07-04-300-061. Shortly after GHAPS purchased the 38.32 acres, the previous owner reneged on the agreement, eliminating GHHS access to Rosy Mound Drive.

GHAPS has made reasonable effort to obtain alternate points of egress from the parcel:

- At an informational meeting held March 24, 2014, Residents of Cottage Hills subdivision vigorously objected to a proposed driveway at the east end of Church Hill Street;
- GHAPS repeatedly renewed easement requests to the former property owner, and were denied after a September 18, 2014 work session of the Board of County Road Commissioners;
- An application to cross the railroad right of way for potential access to US-31 southbound was denied by CSX in July of 2015.

The Ottawa County Road Commission (OCRC), in 2017, approved an occasional use, gated, exit only, right turn only driveway curb cut in the location shown on the attached plans. This location and configuration was required by OCRC:

- Right turn, exit only
- 16' maximum width
- Gated
- Occasional use
- West of the clear vision triangle as described on page 3, item "e." MDOT File No. RR-13132 (attached).

RW properties is hereby requesting a PUD amendment to provide an exit driveway to Rosy Mound Drive enabling RW Properties to meet the Grand Haven Township Board's conditions of PUD approval.

Approval of this amendment to the PUD will required departures from the following sections of the Grand Haven Charter Township Zoning Ordinance:

15.1700 PUD PLANNED UNIT DEVELOPMENT DISTRICT
SECTION 15.1705
4. A. General PUD Design Considerations – Access Provisions
"*Additional driveways may be permitted provided that such drive is constructed and permitted to share access with other uses within the PUD, or an adjoining principal use or existing lot"*

The proposed driveway meets criteria for this departure - it shares access with the adjoining existing lot.

15-15A6 US-31 & M-45 AREA OVERLAY ZONE
SECTION 15A.06
ACCESS STANDARDS -
3. Access Points shall provide the following spacing from other access points along the same side of the public street….

The proposed centerline spacing between the main PUD entry drive and the occasional use, gated, exit only, right turn only driveway is 128', which does not meet the section's minimum spacing requirement.

Section 15A.07 MODIFICATION OF ACCESS STANDARDS

Modifications by Planning Commission. Given the variation in existing physical conditions along the corridors, modifications to the spacing and other standards above may be permitted by the Planning Commission as part of the site plan review process after consideration of whether the following conditions apply:

1. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drain or water body, woodlands that will be preserved, existing development, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.

Practical difficulties exist on this site:

- The PUD requires a secondary emergency access. The topography on the west edge of the site makes a direct access to Lakeshore Avenue impractical.
- A clear vision triangle is enforced at the intersection of Rosy Mound Drive and the railroad, which prevents locating the proposed occasional use, gated, exit only, right turn only driveway further east to complying with the centerline spacing.

2. The use involves an access improvement to an existing site or a new use that will generate less traffic than the previous use.

This condition does not apply to this previously undeveloped site

3. The proposed modification is consistent with MDOT guidelines and MDOT staff support the proposed access design.

MDOT Staff reviewed the driveway configuration and have no objections (see attached email)

4. The proposed modification is consistent with the general intent of the standards of this Overlay Zone and the recommendations of the U.S. 31 and M-45 Corridor Study.

5. If deemed necessary by the Planning Commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety along U.S. 31 or M-45, and is not simply for convenience of the development.

6. The applicant shall demonstrate with dimensioned drawings that such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.

The modifications are proposed to enhance access to adjacent land that is already developed.

7. Roadway improvements will be made to improve overall traffic operations prior to the project completion or occupancy of the first building.

The driveway will be installed as soon as all permitting requirements have been met.

8. Indirect or shared access is not reasonable.

No sharing will be possible. The proposed driveway is separate and distinct, gated, and for occasional, event related use.

9. Such modification shall be demonstrated to be the minimum necessary.

The proposed departure is for an occasional use, gated, exit only, right turn only driveway.

<u>Approval of this amendment to the PUD will required exceptions to Ordinance 262, the township's private roads and driveways ordinance:</u>

30.0403 SECTION 3 - STANDARDS AND REQUIREMENTS FOR PRIVATE DRIVEWAYS

4. This driveway is not a fire access. It is an exit-only, gated configuration in accordance with Ottawa County Road Commission (OCRC) review. The proposed driveway cannot be used as an access point, nor by vehicles larger than passenger vehicles, as a condition of OCRC approval.

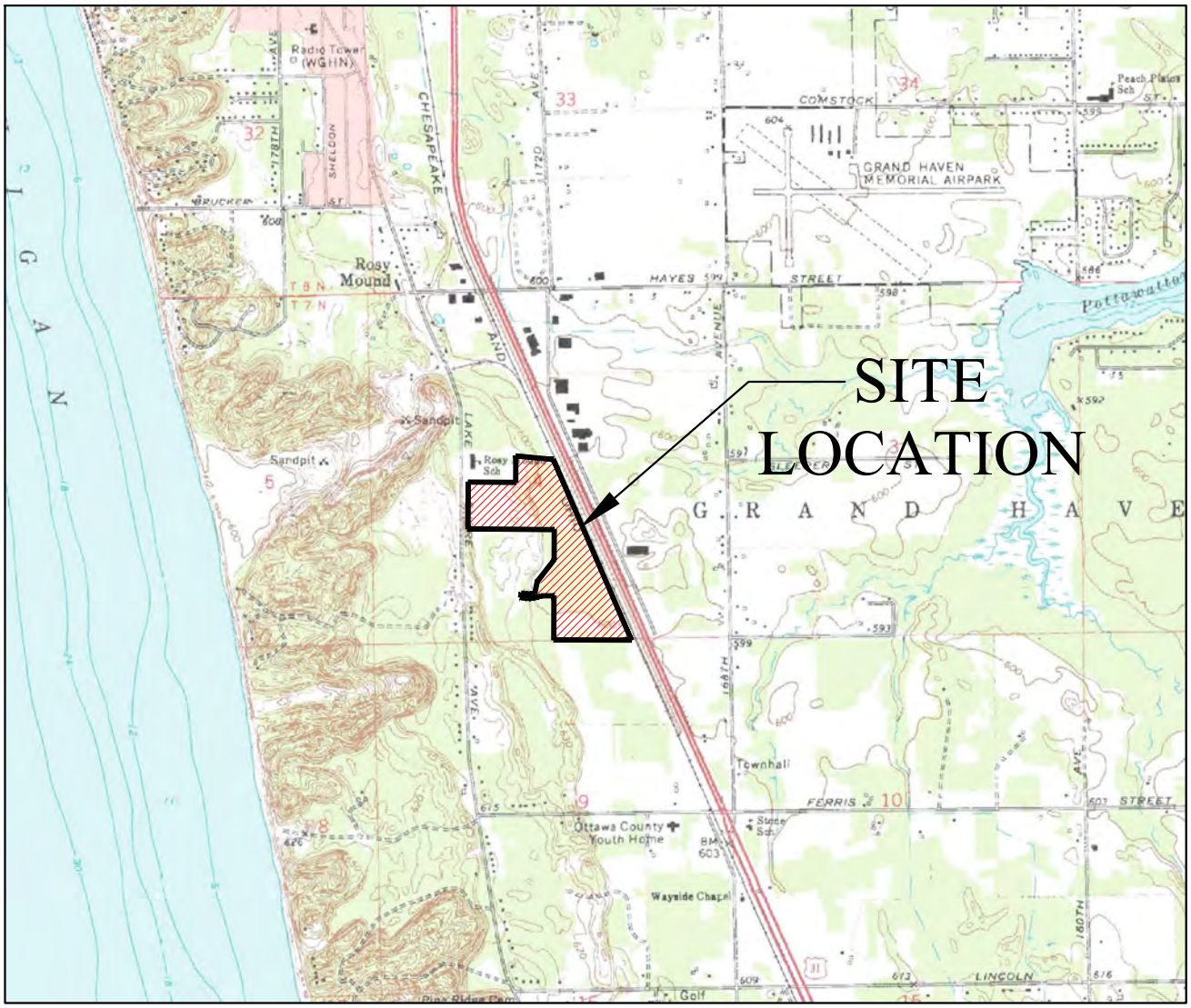
Providing access to the townships fire equipment will exceed the "minimum necessary" requirement of Section 15A.07.9 MODIFICATION OF ACCESS STANDARDS. The entire parcel and the structures thereon are currently accessible by fire and emergency equipment through existing access points.

30.0405 SECTION 5 - MISCELLANEOUS PROVISIONS

6. Maintenance will not include regular snow plowing. The proposed, occasional use, gated, exit only driveway will be plowed only as needed to provide egress in conjunction with scheduled events.

30.0406 SECTION 6 – COMPLIANCE

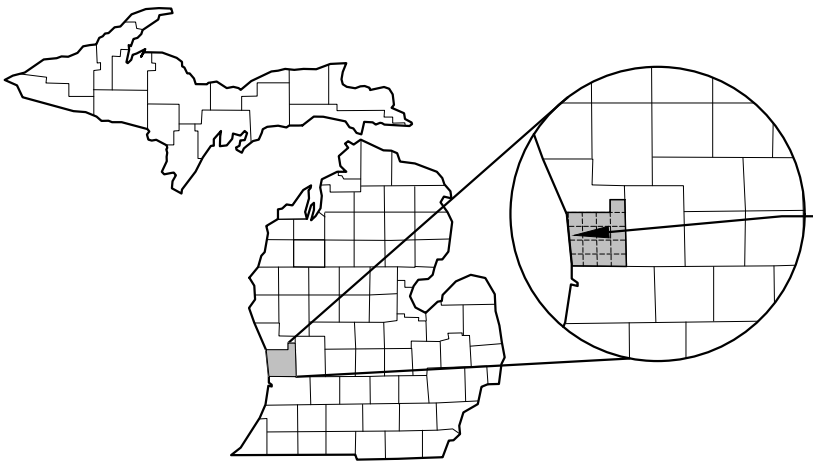
5. Construction of the private driveway will be completed as soon as possible upon obtaining proper permitting and soliciting construction bids. A 12-month timeline may not suffice.



USGS TOPO 7.5 QUAD
GRAND HAVEN, MICH 1972

0 2,640' 5,280'

SCALE: 1" = 1/2 MILE



SECTION 4, T7N, R16W
GRAND HAVEN
TOWNSHIP,
OTTAWA COUNTY,
MICHIGAN

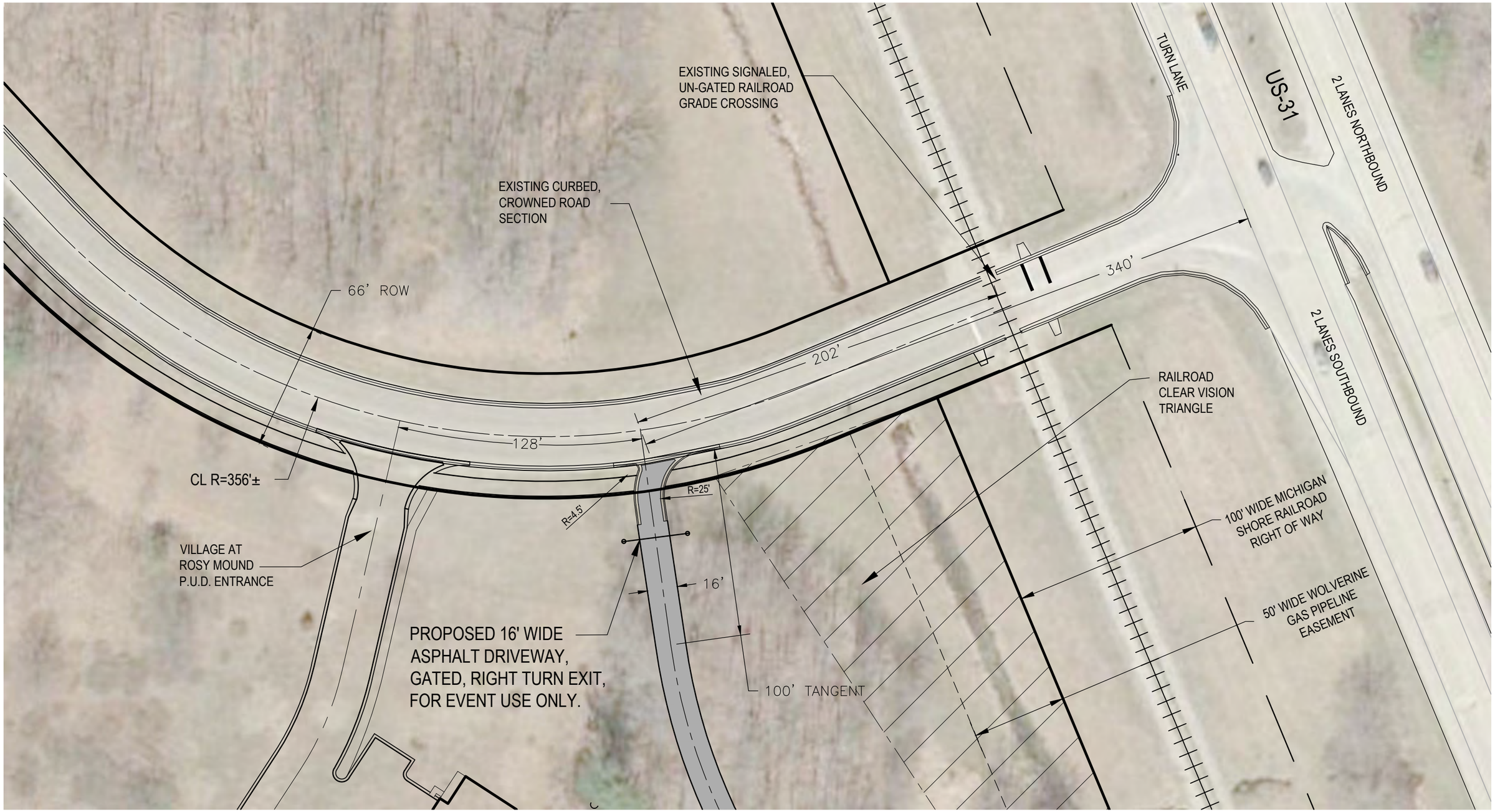
N

Lakeshore Environmental, Inc.
Scientists | Engineers | Planners

PROPOSED P.U.D. AMENDMENT
VILLAGE AT ROSY MOUND

16' WIDE DRIVEWAY DETAIL
GRAND HAVEN AREA PUBLIC SCHOOLS

JOB 12-613-01	FEBRUARY 15, 2018	FIGURE 1



AERIAL IMAGERY FROM GOOGLE EARTH, DATED 04/14/2016
BASE SURVEY DATA FROM NEDERVELD, DATED 4/6/16

0 50' 100'
SCALE: 1" = 50'

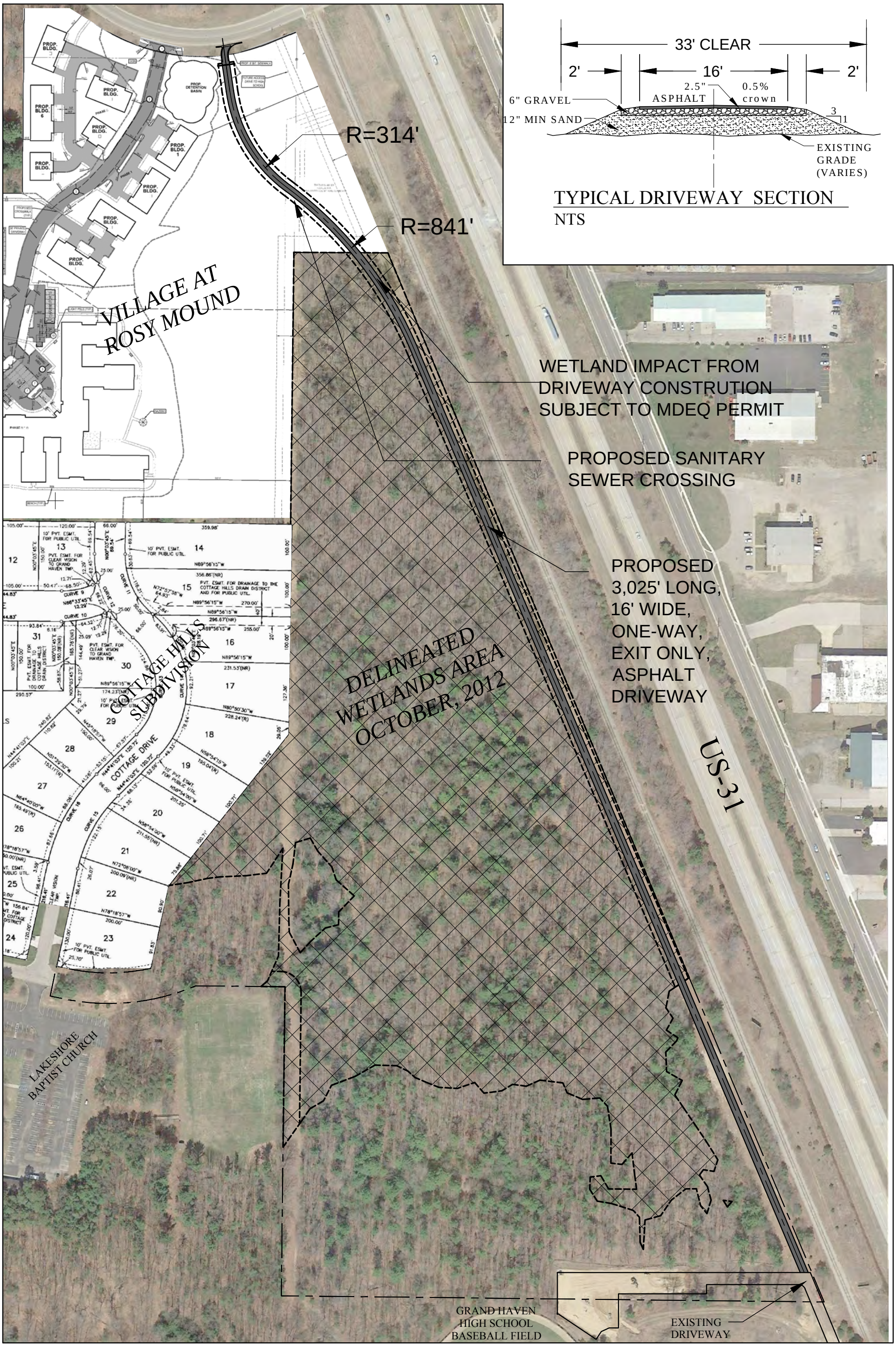
N

Lakeshore Environmental, Inc.
Scientists | Engineers | Planners

16' WIDE DRIVEWAY DETAIL
GRAND HAVEN AREA PUBLIC SCHOOLS

PROPOSED P.U.D. AMENDMENT
VILLAGE AT ROSY MOUND

JOB 12-613	FEBRUARY 15, 2018	FIGURE 2



BOUNDARY BY MILANOWSKI AND ENGLERT, 10-2012
AIR PHOTO - GOOGLE EARTH APRIL 2016

0 200' 400'

SCALE: 1" = 200'

N

Lakeshore Environmental, Inc.
Scientists | Engineers | Planners

PROPOSED P.U.D. AMENDMENT
VILLAGE AT ROSY MOUND

16' WIDE DRIVEWAY DETAIL
GRAND HAVEN AREA PUBLIC SCHOOLS

JOB 12-613-01	FEBRUARY 15, 2018	FIGURE 3

BOUNDARY BY MILANOWSKI AND ENGLERT, 10-2012
AIR PHOTO - GOOGLE EARTH SEPTEMBER 2017

0 400' 800'

SCALE: 1" = 400'

N

Lakeshore Environmental, Inc.
Scientists | Engineers | Planners

PROPOSED P.U.D. AMENDMENT
VILLAGE AT ROSY MOUND

16' WIDE DRIVEWAY DETAIL
GRAND HAVEN AREA PUBLIC SCHOOLS

JOB 12-613-01	FEBRUARY 15, 2018	FIGURE 4

GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: March 30, 2018

TO: Planning Commission

FROM: Stacey Fedewa, Community Development Director

RE: Discussion – Affirm or Eliminate – Double Lot Width Requirement

BACKGROUND

In 2011, the Ordinance Review Committee tackled an issue the Township had been experiencing—there had been "quick" sales of exterior lots that front onto major thoroughfares. These "quick" sales had been occurring when developers were proposing a new residential development.

Rather than including all the land in the development, they would split-off lots that front the public road, prior to applying for subdivision approval. The proposed solution was two-fold:

1. Require all large-scale projects to develop as a Planned Unit Development; and
2. Create a disincentive to split lots beforehand by increasing the lot width.

From a planning perspective, Ordinance No. 498 was a huge victory for the Township. It enabled the preservation of open space in all new residential developments, and **dramatically improved access management and public safety along the major thoroughfares**.

SPECIFIC DESCRIPTION FROM 2011

Staff memos from 2011, state the following as the reason and justification for the double width requirement:

> "Residential lots that directly access major roadways within the Township, as delineated on the map, will have lot widths that are double the current. This change is **intended to discourage developers from creating outlots that directly access major roadways** within the Township as part of their development plan. Examples of practice can be found with Cutter Park lots that directly access Lincoln Street and Dermshire Forest lots that directly access Mercury Drive."

AFFIRM OR REVISE?

Based on the request of Commissioner Wagenmaker, staff has placed this matter on the agenda for the full Planning Commission to decide:

A. Affirm the 2011, text amendment that requires properties along major thoroughfares to double their lot width to protect public safety and improve access management?

B. Eliminate the requirements altogether and revert to pre-2011 development patterns.

- **Staff advises against** this option for the following reasons:
  - It will **reduce public safety**, and the Township's sole purpose of existence is to protect the health, safety, and welfare of the general public.
  - Elimination of this requirement is **financially motivated by developers**, and it is against public policy to reduce safety in exchange for financial gain for private developers.
- If the Planning Commission elects to begin the process of eliminating this ordinance, staff intends:
  - Request the Township Board authorize the Planning Commission to pursue its elimination because it contradicts public policy.

SAMPLE MOTIONS

If the Planning Commission wants to affirm the 2011 text amendment, the following motion can be offered:

> **Motion** to **affirm Ordinance No. 498** that doubles the minimum lot width requirement for properties located along major thoroughfares because it improves public safety and access management.

If the Planning Commission wants to revise or eliminate the requirements, the following motion can be offered:

> **Motion** to **eliminate Ordinance No. 498** as it relates to requiring a double lot width for properties along major thoroughfares, and direct staff to draft the necessary text amendments to begin the process of rescinding the ordinance.