

AGENDA

Grand Haven Charter Township Planning Commission
Monday, October 15, 2018 – 7:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Pledge to the Flag
- IV. Approval of the October 1, 2018 Meeting Minutes
- V. Correspondence
- VI. Brief Public Comments & Questions (Limited to 3 minutes)
- VII. Public Hearing
 - A. Rezoning – Millhouse Bayou Outlot – RR to R-2
 - B. Tentative Preliminary Plat – Lincoln Pines Subdivision No. 2
 - C. Zoning Text Amendment – Accessory Buildings & Non-Conforming Chapter
- VIII. Old Business
 - A. Rezoning – Millhouse Bayou Outlot – RR to R-2
 - B. Tentative Preliminary Plat – Lincoln Pines Subdivision No. 2
 - C. Zoning Text Amendment – Accessory Buildings & Non-Conforming Chapter
- IX. New Business
 - A. Training – Resilient Michigan Video Series
- X. Reports
 - A. Attorney’s Report
 - B. Staff Report
 - Next Planning Commission Meeting is Nov 19th due to the Midterm Election
 - C. Other
- XI. Extended Public Comments & Questions (Limited to 4 minutes)
- XII. Planning Commission Open Discussion Forum – Limited to 30 Minutes
- XIII. 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
OCTOBER 1, 2018

I. CALL TO ORDER

Wilson called the meeting of the Grand Haven Charter Township Planning Commission to order at 7:00 pm.

II. ROLL CALL

Members present: Wilson, LaMourie, Taylor, Chalifoux, Wagenmaker, Kieft, Hesselsweet & Reenders

Members absent: Cousins

Also present: Community Development Director Fedewa and Attorney Bultje

Without objection, Wilson instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Without objection, the minutes of the August 20, 2018 meeting were approved.

V. CORRESPONDENCE

- Robin A. Yoder – 14787 Pine Glen – Lincoln Pines Expansion

VI. PUBLIC COMMENTS – None

VII. PUBLIC HEARING

A. PUD – Millhouse Bayou – Condos

Wilson recused himself due to a conflict of interest – his brokerage company has a financial interest in the sale of the subject property.

Without objection, LaMourie was nominated as the temporary Chair.

LaMourie opened the public hearing at 7:03 pm.

Fedewa provided an overview through a memorandum dated September 27th.

The developer and applicant, Mike Bosgraaf, and Project Engineer, Nolan Miller, were both present and available to answer questions.

Bosgraaf provided an overview of the development.

There being no public comments, LaMourie closed the public hearing at 7:08 pm.

VIII. OLD BUSINESS

A. PUD – Millhouse Bayou – Condos

The application was discussed by the Commissioners and focused on:

- Questioned the building separation of 16-feet between condos and if that has become consistent enough to warrant an ordinance change.
 - Project Engineer Miller explained the goal is to provide 20-feet of separation between condos, but are requesting the 16-foot separation to provide flexibility.
- Consensus that the road width should be 26-feet to comply with Ottawa County Road Commission standards.
- Want to ensure the development does not include short term rentals.
 - Developer Bosgraaf agreed to include a provision in the Master Deed and Bylaws to restrict rentals to a minimum 1-year lease.
- Inquired if the four-unit condo would create a precedence, and if any similar buildings were nearby.
 - Fedewa explained that each residential PUD stands on its own when it comes to the building types, but the four-unit condo could be referenced by future developers.
 - Developer Bosgraaf explained the four-unit is only present to comply with the open space requirements.

Motion by Kieft, supported by Chalifoux, to recommend the Township Board **conditionally approve** the proposed Millhouse Bayou Condos PUD application to construct 26 attached single-family condos located at 14100 152nd Avenue, 15014 Bignell Drive, and Parcel No. 70- 07-01-151-011. 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. **Which motion carried unanimously.**

REPORT – MILLHOUSE BAYOU CONDOS – PUD

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 Mike Bosgraaf of T Bosgraaf Homes LLC (the “Developer”) for approval of a Millhouse Bayou Condos Planned Unit Development (the “Project” or the “PUD”).

The Project will consist of single-family attached condominiums. This 9.1-acre Project will consist of eleven two-unit attached condos and one four-unit attached condo. It will also include 3.93-acres of designated open space. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”),

last revised 9/21/2018, including landscaping (the “Final Landscape Plan”); 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 Millhouse Gardens PUD be approved as outlined in this motion. The Developer shall comply with all the Documentation submitted to the Township for this Project. In granting the approval of the proposed PUD application, the 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 OCRC specifications, as appropriate. In addition, an internal sidewalk system has been included along the south side of the private road.
 - 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 required by the Township, and installed by the Developer, around the boundaries of the development if deemed necessary to preventing trespassing or other adverse effects on adjacent lands.
 - O. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.
2. The Planning Commission finds the Project meets the intent for a PUD, as described in Section 17.01.3 of the Zoning Ordinance. By approving this Project as a PUD, the Township has been able to negotiate various amenities and design characteristics as well as additional restrictions with the Developer, as described in this report, which the Township would not have been able to negotiate if the PUD Chapter of the Zoning Ordinance was not used.
 3. Section 17.01.5, Section 17.02.1.B.1-4 of the Zoning Ordinance, as well as Section 503 of the Michigan Zoning Enabling Act, allow for departures from Zoning Ordinance requirements; these provisions are intended to result in land use development that is substantially consistent with the goals and objectives of the Township Master Plan and the Zoning Ordinance, and consistent with sound planning principles. The Developer requested two departures. The Planning Commission makes the following findings.
 - A. Section 21.02 – allow an 8-foot side yard setback, totaling a 16-foot building separation.
 - i. The Planning Commission finds it acceptable to allow a reduced side yard setback based on past practices of other residential PUDs, particularly those that include condominiums; and based on the preservation of open space.
 4. The Grand Haven Charter Township Private Roads and Driveways Ordinance provides the standards for private road construction. Section 7 of this Ordinance permits the Township Board of Trustees to grant exceptions when the strict application of the literal terms would impose an undue hardship, or when it results in practical difficulties. However, it is the general purpose of that Ordinance to protect the public health, safety, and welfare, and it is therefore anticipated that such exceptions should be rarely granted. Although the Planning Commission does not have authority over the Ordinance, a recommendation is still being provided to aid in the Township Board of Trustee’s decision-making process. In doing so, the Planning Commission makes the following findings:
 - A. Section 4.1 – allow 26 premises on a private road with only one entrance.
 - i. The Planning Commission finds it acceptable to allow the additional two premises because the Grand Haven Charter Township Fire/Rescue Department is supportive of the request. Furthermore, Section D107.1 of the 2012 International Fire Code allows up to 30 dwellings utilizing one approved fire apparatus access road (*i.e., one entrance*).
 - B. Section 4.3.C.3 – allow a reduced roadway width of 24-feet.
 - i. The Planning Commission does not find this acceptable because the minimum requirements of the Ottawa County Road Commission call for a 26-foot width.
 5. Compared to what could have been constructed by right, the Project has been designed to accomplish the following objectives from Section 17.01.4 of the Zoning Ordinance.

- A. The Project will encourage the use of land in accordance with its natural character and adaptability;
 - B. The Project will promote the conservation of natural features and resources;
 - C. The Project will promote innovation in land use planning and development;
 - D. The Project will promote the enhancement of housing for the residents of the Township;
 - E. The Project will promote greater compatibility of design and better use between neighboring properties;
 - F. The Project will promote more economical and efficient use of the land while providing a harmonious variety of housing choices and community facilities in the form of a clubhouse; and
 - G. The Project will promote the preservation of open space.
6. The Project meets the following qualification requirements of Section 17.02 of the Zoning Ordinance:
- A. The Project meets the minimum size of five acres of contiguous land.
 - B. The Project site exhibits significant natural features encompassing more than 25% of the land area of the PUD which will be preserved as a result of the PUD plan. The features include wetland and floodplain.
 - C. The Project site has distinct physical characteristics which makes compliances with the strict requirements of the ordinance impractical.
7. 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).
 - G. Street lighting will be installed in the same manner as required under the Township's Subdivision Control Ordinance.
 - H. Buildings in the Project have been sited to protect natural resources. Natural features such as natural grade, trees, vegetation, water bodies and others have been incorporated into the Documentation.
 - I. Landscaping, natural features, open space and other site amenities have been located in the

- Project to be convenient for occupants of, and visitors to, the PUD.
- J. The Project is reasonably compatible with the natural environment of the site and the adjacent premises.
 - K. The Project will not unduly interfere with the provision of adequate light or air, nor will it overcrowd land or cause an unreasonably severe concentration of population.
 - L. Exterior lighting within the Project complies with Chapter 20A for an LZ 3 zone.
 - M. Outside storage of materials shall be screened from view.
 - N. Signage is compliant with Section 24.13 of the Zoning Ordinance.
 - O. The Project will not have a substantially detrimental effect upon or substantially impair the value of neighborhood property, as long as all of the standards and conditions of this approval of the Project are satisfied.
 - P. The Project is in compliance with all applicable Federal, State, County, and local laws and regulations. Any other permits for development that may be required by other agencies shall be available to the Township Board before construction is commenced.
 - Q. The Project satisfies the minimum open space of 20 percent required by the Zoning Ordinance.
 - R. The open space in the Project is large enough and properly dimensioned to contribute to the purpose and objectives of the PUD.
 - S. The open space in the Project consists of contiguous land area which is restricted to non-development uses.
 - T. The open space in the Project will remain under common ownership or control.
 - U. The open space in the Project is set aside by means of conveyance that satisfies the requirements of Section 17.05.5.G of the Zoning Ordinance.
 - V. The Project is consistent with the goals and objectives of the Master Land Use Plan. Specifically, it is consistent with the Master Plan designation of the property in question.
8. The Planning Commission finds that the Project complies with the uses permitted for a residential planned unit development, as described in Section 17.07.1.C of the Zoning Ordinance—Multiple Family Dwellings.
 9. The Planning Commission also finds the Project shall comply with the below additional conditions as well.
 - A. Master Deed and Bylaws shall include a provision that restricts rentals to a minimum term of 1-year.
 - B. Developer shall strive for a 20-foot building separation for all condos, but are permitted a reduced separation of 16-feet to allow flexibility.
 - C. All dwellings shall be constructed a minimum of 3-feet above the Base Flood Elevation as determined by the FEMA NFIP Map with a 12/16/2011 effective date.
 - D. The Condominium Master Deed, Bylaws, and Exhibit B documents must be submitted to the Township for review and approval prior to obtaining a building permit.
 - E. The open space must be set aside by means of conveyance that satisfies the requirements of Section 17.05.5.G of the Zoning Ordinance. Said conveyance shall be submitted to the Township for review and approval prior to obtaining an occupancy permit.

- F. Must obtain permits from all applicable agencies including, the Ottawa County Road Commission and Ottawa County Water Resources Commissioner. Permits shall be obtained before building permits are issued.
- G. The Developer shall enter into a PUD Contract with the Township, which will be drafted by the Township Attorney and executed by the Township Board prior to receiving an occupancy permit.
- H. This approval is also conditioned upon the Developer meeting all applicable Federal, State, County, and Township laws, rules, and ordinances.
- I. The Developer shall comply with all the requirements of the Documentation, specifically including all the notes contained thereon, and all the representations made in the written submissions by the Developer to the Township for consideration of the Project.
- J. In the event of a conflict between the Documentation and these conditions, these conditions shall control.

IX. PUBLIC HEARING

B. PUD – Lincoln Pines – Expansion

Wilson rejoined the Planning Commission.

Wilson opened the public hearing at 7:21 pm.

Fedewa provided an overview through a memorandum dated September 27th.

The developer, Mike McGraw, was present and available to answer questions.

- Density is actually reduced with the new expansion.
- Beautiful wooded site, wants to keep natural.
- Expects the new land to provide premium lots.
- Requesting to continue the 8-foot side yard setbacks. Typical setback requirement in other Michigan communities is 10% of the lot size, and this development includes 80-foot lots.

Dale Wiebenga – 12987 144th Avenue

- Lives adjacent to the proposed expansion. House is approximately 60-feet from the shared driveway.
- Wants to save as many trees as possible for screening.

Jon Thompson – 12993 144th Avenue

- Lives adjacent to the proposed expansion. Has accessory building approximately 15-feet from the lot line.
- Wants to save as many trees as possible for screening.
- Inquired if developer could adjust the road for the expansion to provide more separation between the lots and his property.

- Questioned what the developer will do with the overhead electrical lines.

Sue Thompson – 12993 144th Avenue

- There are large mature trees in the expansion area that should be saved.

There being no further public comments, Wilson closed the public hearing at 7:33 pm

X. OLD BUSINESS

B. PUD – Lincoln Pines – Expansion

The application was discussed by the Commissioners and focused on:

- A lengthy discussion ensued regarding tree preservation, screening, no-cut buffers, etc.
 - Fedewa provided several examples of how this concern could be addressed.
 - Some Commissioners wanted tree preservation, no-cut buffers, administrative review of screening before each dwelling is constructed along the north boundary line. Gaps would be filled-in with a shade-tolerant evergreen such as hemlocks.
 - Some Commissioners do not want to add tree preservation requirements because it reduces the flexibility for future buyers. Do not want to place too many encumbrances on the property.
 - Developer McGraw supports the no-cut buffers, but not tree preservation or administrative review of screening.
- Consensus that the road width should be 26-feet to comply with Ottawa County Road Commission standards.

Motion by Reenders, supported by Wagenmaker, to recommend the Township Board **conditionally approve** the proposed Lincoln Pines PUD expansion to construct a total of 114 platted subdivision lots and 48 condominium units, which would now include Parcel No. 70-07-12-400-007. 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 two additional conditions of approval—10-foot no-cut buffer along north and south boundary lines; and a 20-foot no-cut buffer along the northern edge of the retention basin. **Which motion failed**, as indicated by the following roll call vote:

Ayes: Wagenmaker, Hesselsweet, Wilson, Reenders
 Nays: Taylor, Kieft, Chalifoux, LaMourie

Motion by Taylor, supported by Reenders, to recommend the Township Board **conditionally approve** the proposed Lincoln Pines PUD expansion to construct a total of 114 platted subdivision lots and 48 condominium

units, which would now include Parcel No. 70-07-12-400-007. 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 one additional condition of approval—a 20-foot no-cut buffer along the northern edge of the retention basin. **Which motion failed**, as indicated by the following roll call vote:

Ayes: Wagenmaker, Taylor, Wilson, Reenders
Nays: Hesselsweet, Kieft, Chalifoux, LaMourie

Commissioners questioned the results of this motion, and it was discovered there was a miscommunication regarding the 10-foot no-cut buffer. When this matter was resolved another motion was made.

Motion by Reenders, supported by Wagenmaker, to reconsider the first motion. **Which motion passed by a 5-3 majority**, as indicated by the following roll call vote:

Ayes: Wagenmaker, Taylor, Hesselsweet, Wilson, Reenders
Nays: Kieft, Chalifoux, LaMourie

Commissioners who voted against the application indicated they would have been supportive if an administrative review of the screening was conducted prior to each house being built.

REPORT – LINCOLN PINES – PUD EXPANSION

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 Signature Land Development Corporation (the “Developer”) for approval of the Lincoln Pines Planned Unit Development expansion (the “Project” or the “PUD”).

The Project will consist of the existing 38 platted lots in phase 1, and in phases 2 and 3 will have an additional 76 platted lots and 48 condominium units. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”), last revised 8/20/2018 and is 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 amended Lincoln Pines 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 OCRC specifications, as appropriate.
 - I. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate stormwater, prevent erosion and the formation of dust.
 - J. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures 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 required by the Township, and installed by the Developer, around the boundaries of the development if deemed necessary to preventing trespassing or other adverse effects on adjacent lands.
 - O. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.
2. The Planning Commission finds the Project meets the intent for a PUD, as described in Section 17.01.3 of the Zoning Ordinance. By approving this Project as a PUD, the Township has been able to negotiate

various amenities and design characteristics as well as additional restrictions with the Developer, as described in this report, which the Township would not have been able to negotiate if the PUD Chapter of the Zoning Ordinance was not used.

3. Section 17.01.5, Section 17.02.1.B.1-4 of the Zoning Ordinance, as well as Section 503 of the Michigan Zoning Enabling Act, allow for departures from Zoning Ordinance requirements; these provisions are intended to result in land use development that is substantially consistent with the goals and objectives of the Township Master Plan and the Zoning Ordinance, and consistent with sound planning principles. The Developer requested two departures. The Planning Commission makes the following findings.
 - A. Section 21.02 – allow an 8-foot side yard setback, totaling a 16-foot building separation.
 - i. The Planning Commission finds it acceptable to allow a reduced side yard setback based on past practices of other residential PUDs, particularly those that include condominiums; and based on the preservation of open space.
4. The Grand Haven Charter Township Private Roads and Driveways Ordinance provides the standards for private road construction. Section 7 of this Ordinance permits the Township Board of Trustees to grant exceptions when the strict application of the literal terms would impose an undue hardship, or when it results in practical difficulties. However, it is the general purpose of that Ordinance to protect the public health, safety, and welfare, and it is therefore anticipated that such exceptions should be rarely granted. Although the Planning Commission does not have authority over the Ordinance, a recommendation is still being provided to aid in the Township Board of Trustee’s decision-making process. In doing so, the Planning Commission makes the following findings:
 - A. Section 4.3.C.3 – allow a reduced roadway width of 24-feet.
 - i. The Planning Commission does not find this acceptable because the minimum requirements of the Ottawa County Road Commission call for a 26-foot width.
5. Compared to what could have been constructed by right, the Project has been designed to accomplish the following objectives from Section 17.01.4 of the Zoning Ordinance.
 - A. The Project will encourage the use of land in accordance with its natural character and adaptability;
 - B. The Project will promote the conservation of natural features and resources;
 - C. The Project will promote innovation in land use planning and development;
 - D. The Project will promote the enhancement of housing for the residents of the Township;
 - E. The Project will promote greater compatibility of design and better use between neighboring properties;
 - F. The Project will promote more economical and efficient use of the land while providing a harmonious variety of housing choices; and
 - G. The Project will promote the preservation of open space.
6. The Project meets the following qualification requirements of Section 17.02 of the Zoning Ordinance:
 - A. The Project meets the minimum size of five acres of contiguous land.
 - B. The Project contains two separate and distinct residential uses—single family, and attached condominiums.
 - C. The Project site has distinct physical characteristics which makes compliances with the strict requirements of the ordinance impractical.

- D. The PUD design includes innovative development concepts that substantially forward the Intent and Objectives of Section 17.01, and permits an improved layout of land uses that could not otherwise be achieved under normal zoning.
7. 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).
 - G. Street lighting will be installed in the same manner as required under the Township's Subdivision Control Ordinance.
 - H. Buildings in the Project have been sited to protect natural resources. Natural features such as natural grade, trees, vegetation, water bodies and others have been incorporated into the Documentation.
 - I. Landscaping, natural features, open space and other site amenities have been located in the Project to be convenient for occupants of, and visitors to, the PUD.
 - J. The Project is reasonably compatible with the natural environment of the site and the adjacent premises.
 - K. The Project will not unduly interfere with the provision of adequate light or air, nor will it overcrowd land or cause an unreasonably severe concentration of population.
 - L. Exterior lighting within the Project complies with Chapter 20A for an LZ 3 zone.
 - M. Outside storage of materials shall be screened from view.
 - N. Signage is compliant with Section 24.13 of the Zoning Ordinance.
 - O. The Project will not have a substantially detrimental effect upon or substantially impair the value of neighborhood property, as long as all of the standards and conditions of this approval of the Project are satisfied.
 - P. The Project is in compliance with all applicable Federal, State, County, and local laws and regulations. Any other permits for development that may be required by other agencies shall be available to the Township Board before construction is commenced.
 - Q. The Project satisfies the minimum open space of 20-percent required by the Zoning Ordinance.

- R. The open space in the Project is large enough and properly dimensioned to contribute to the purpose and objectives of the PUD.
 - S. The open space in the Project consists of contiguous land area which is restricted to non-development uses.
 - T. The open space in the Project will remain under common ownership or control.
 - U. The Open space in the Project is set aside by means of conveyance that satisfies the requirements of Section 17.05.5.G of the Zoning Ordinance.
 - V. The Project is consistent with the goals and objectives of the Master Land Use Plan. Specifically, it is consistent with the Master Plan designation of the property in question.
8. The Planning Commission finds that the Project complies with the uses permitted for a residential planned unit development, as described in Sections 17.07.1.A and 17.07.1.C of the Zoning Ordinance—Single Family Dwellings and Multiple Family Dwellings.
9. The Planning Commission also finds the Project shall comply with the below additional conditions as well.
- A. The open space must be set aside by means of conveyance that satisfies the requirements of Section 17.05.5.G of the Zoning Ordinance. Said conveyance shall be submitted to the Township for review and approval prior to obtaining an occupancy permit.
 - B. Must obtain permits from all applicable agencies including, the Ottawa County Road Commission and Ottawa County Water Resources Commissioner. Permits shall be obtained before building permits are issued.
 - C. The Developer shall enter into a PUD Contract with the Township, which will be drafted by the Township Attorney and executed by the Township Board prior to receiving an occupancy permit.
 - D. This approval is also conditioned upon the Developer meeting all applicable Federal, State, County, and Township laws, rules, and ordinances.
 - E. The Developer shall comply with all the requirements of the Documentation, specifically including all the notes contained thereon, and all the representations made in the written submissions by the Developer to the Township for consideration of the Project.
 - F. In the event of a conflict between the Documentation and these conditions, these conditions shall control.

XI. NEW BUSINESS

A. Training – Resilient Michigan Video Series

Without objection, the Planning Commission will postpone this training until the next meeting.

XII. REPORTS

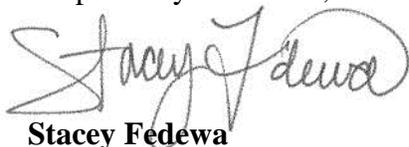
- A. Attorney Report – None
- B. Staff Report – None
- C. Other – None

XIII. EXTENDED PUBLIC COMMENTS – None

XIV. ADJOURNMENT

Without objection, the meeting adjourned at 8:26 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Stacey Fedewa". The signature is written in black ink and is positioned above the printed name.

Stacey Fedewa

Acting Recording Secretary

Community Development Memo

DATE: October 10, 2018

TO: Planning Commission

FROM: Stacey Fedewa, AICP – Community Development Director

RE: Millhouse Bayou Outlot – Rezoning (RR to R-2) – 0.55 Acres Only

BACKGROUND

The applicant, Mike Bosgraaf (*developer of the Millhouse Bayou Condos PUD*), wants to divide one of the parcels comprising the project site to create an outlot that has an existing dwelling. This property is located at 14100 152nd Avenue and is 1.18-acres in size. Applicant is proposing to divide and rezone 0.55-acres from RR to R-2 in order to comply with the minimum lot width requirement. The remainder of the land would be included in the PUD rezoning.

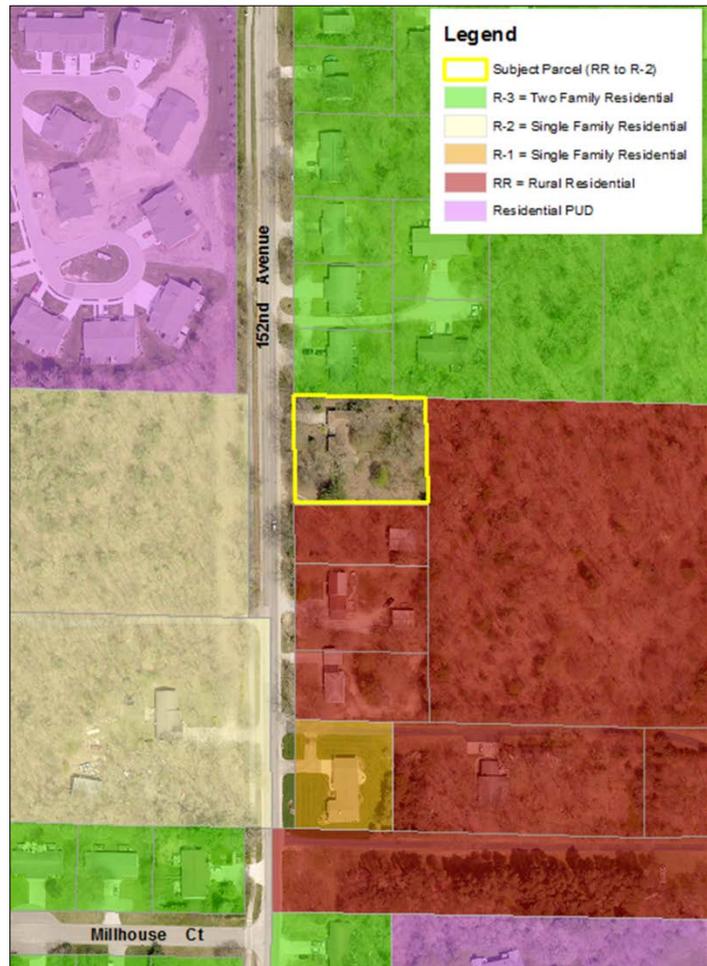
The application was tested against the “Three C’s” evaluation method.

COMPATIBILITY

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

Adjacent zoning:

Direction	Current Zoning	Existing Use
North	R-3	Duplex
South	RR	Single Family
East	RR	Single Family
West	R-2	Vacant



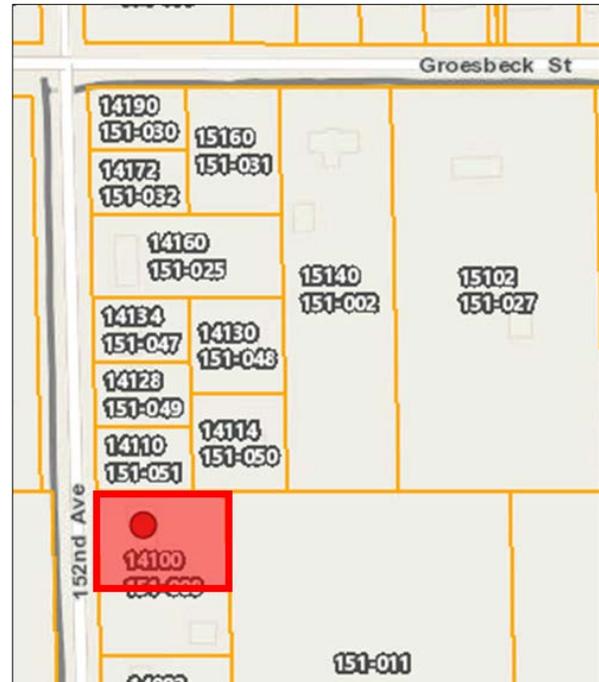
CONSISTENCY

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

The 2016 Future Land Use Map has master-planned the subject parcel for Medium Density Residential, the applicant is requesting a rezoning to R-2, which is consistent.

The Statement of Purpose for the RR district:

- The R-2 Single Family Residential District is designed to be a restrictive residential district to encourage an environment of predominately low-density single-family dwellings, together with a minimum of other residentially related facilities and activities to serve the residents in the Township. Lots or parcels in this district should be supported by certain infrastructure features, including paved roads, natural gas, municipal water, and, if available, sanitary sewer.



CAPABILITY

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

Parcels in R-2 should be supported by minimum infrastructure features including a paved road, municipal water, and if available, sanitary sewer. This property is on 152nd Avenue, which is paved, and is connected to sanitary sewer.

However, the property is not connected to municipal water, so **staff is recommending a condition be added that would require the house to connect to municipal water** while the underground infrastructure is being installed for the condos.

SAMPLE MOTIONS

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

Motion to recommend the Township Board **conditionally approve** the Bosgraaf rezoning application for part of 14100 152nd Avenue from Rural Residential (RR) to Single Family Residential (R-2). This would result in 0.55-acres of the property

being rezoned to R-2, and the remaining 0.63-acres would continue to be zoned RR. This is 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. The motion is subject to the following conditions:

1. Rezoning is conditioned upon the Millhouse Bayou Condos PUD application being successfully approved and rezoned by the Township Board.
2. Existing dwelling shall be connected to municipal water while the underground infrastructure for the PUD is being installed.

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

Motion to recommend the Township Board **deny** the Bosgraaf rezoning application of 14100 152nd Avenue from Rural Residential (RR) to Single Family Residential (R-2) because the application does not meet the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance, Master Plan, and Future Land Use Map.

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

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

1. *List the items...*

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

Clear Form

Print



GRAND HAVEN CHARTER TOWNSHIP

REZONING APPLICATION

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

Applicant Information

Name T. Bosgraaf Homes, LLC - Mike Bosgraaf
 Phone (616) 667-3333 Fax n/a
 Address 148 S River Avenue, Suite 100, Holland, Michigan 49423
 Email Address mike.bosgraaf@bosgraaf.com

Owner Information (If different from applicant)

Name Same as applicant
 Phone _____ Fax _____
 Address _____

Property Information

Address/Location 14100 152nd Avenue, Grand Haven, Michigan 49417
 Parcel Number 70 - 07 - 01 - 151 - 008 Size (acres) .6
 Current Zoning RR Zoning Requested R-2
 Adjacent Zoning North: R-3 South: RR East: PUD West: R-2
 Master-Planned Zoning Medium Density Residential Consistent with Master Plan? Yes

Other Information

Does Property Abut Township Border? No
 Present Use of the Subject Property? Single-family dwelling
 Number & Type of Existing Structures? Single-family dwelling, accessory building
 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 requirements for zoning amendments and procedures as stated in Section 27.08. Please submit fourteen (14) copies of the required information with the application.

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


 Signature of applicant

August 31, 2018
 Date

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

NOTICE

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

 _____
Signature of applicant

_____ August 31, 2018
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*

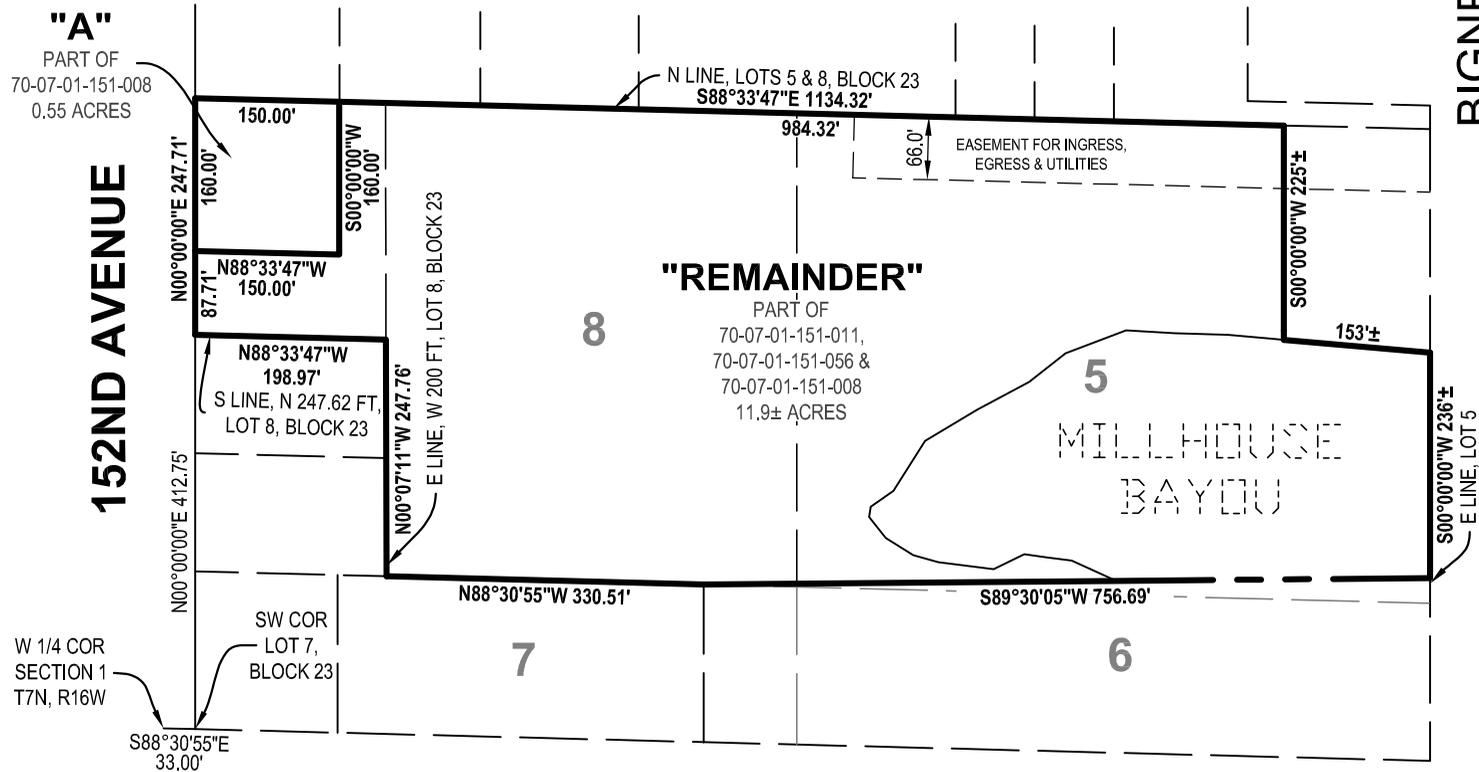
LEGAL DESCRIPTION

14100 152nd Avenue

14100 152ND AVENUE

70-07-01-151-008

PART OF LOT 8, BLOCK 23, BORCK'S SUPERVISOR'S PLAT NO. 1 AS RECORDED IN LIBER 8 OF PLATS, PAGES 68-70, OTTAWA COUNTY RECORDS, GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 7 OF SAID PLAT; THENCE N00°00'00"E 500.46 FEET ALONG THE WEST LINE OF SAID BLOCK 23 TO THE POINT OF BEGINNING; THENCE CONTINUING N00°00'00"E 160.00 FEET ALONG SAID WEST LINE; THENCE S88°33'47"E 150.00 FEET ALONG THE NORTH LINE OF SAID LOT 8; THENCE S00°00'00"W 160.00 FEET; THENCE N88°33'47"W 150.00 FEET TO THE POINT OF BEGINNING. CONTAINS 0.55 ACRES. SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.



DESCRIPTION

PARCEL "A": Part of Lot 8, Block 23, Borck's Supervisor's Plat No. 1 as recorded in Liber 8 of Plats, Pages 68-70, Ottawa County Records, Grand Haven Township, Ottawa County, Michigan, described as: Commencing at the Southwest corner of Lot 7 of said Plat; thence N00°00'00"E 500.46 feet along the West line of said Block 23 to the Point of Beginning; thence continuing N00°00'00"E 160.00 feet along said West line; thence S88°33'47"E 150.00 feet along the North line of said Lot 8; thence S00°00'00"W 160.00 feet; thence N88°33'47"W 150.00 feet to the Point of Beginning. Contains 0.55 acres. Subject to easements, restrictions and rights-of-way of record.

"REMAINDER": Part of Lots 5 & 8, Block 23, Borck's Supervisor's Plat No. 1 as recorded in Liber 8 of Plats, Pages 68-70, Ottawa County Records, Grand Haven Township, Ottawa County, Michigan, described as: Commencing at the Southwest corner of Lot 7 of said Plat; thence N00°00'00"E 412.75 feet along the West line of said Block 23 to the Point of Beginning; thence continuing N00°00'00"E 87.71 feet along said West line; thence S88°33'47"E 150.00 feet parallel with the North line of said Lots 5 & 8; thence N00°00'00"E 160.00 feet; thence S88°33'47"E 984.32 feet along the North line of said Lots 5 & 8; thence S00°00'00"W 225 feet, more or less, to the waters edge of Millhouse Bayou; thence Southeasterly along said waters edge 153 feet, more or less, to a point that is S00°00'00"W 229 feet, more or less, from the Northeast corner of said Lot 5; thence S00°00'00"W 236 feet, more or less, along the East line of said Lot 5 to a point that is S00°00'00"W 247.58 feet and S88°30'55"E 500.00 feet and thence N89°30'05"E 756.69 feet from the Point of Beginning; thence S89°30'05"W 756.69 feet; thence N88°30'55"W 330.51 feet along the South line of said Lot 8; thence N00°07'11"W 247.76 feet along the East line of the West 200 feet of said Lot 8; thence N88°33'47"W 198.97 feet along the South line of the North 247.62 feet of said Lot 8 to the Point of Beginning. Contains 11.9 acres, more or less. Subject to easements, restrictions and rights-of-way of record.

By: *Scott A. Hendges*
 Scott A. Hendges Licensed Professional Surveyor No. 47953
 SCALE: 1" = 200' 0' 100' 200'
 STATE OF MICHIGAN
 SCOTT A. HENDGES
 PROFESSIONAL SURVEYOR
 NORTH
 47953
 LICENSED PROFESSIONAL SURVEYOR

T. Bosgraaf Homes LLC
 Mike Bosgraaf
 148 South River
 Suite 100
 Holland, MI 49423

Millhouse Bayou Condominiums

DRAWN BY: HM DATE: 8-28-18 PRJ #: 18200250DSC
 REV. BY: REV. DATE: 1 OF 1

NEDERVELD
 www.nederveld.com • 800.222.1868
 Holland
 347 Hoover Blvd.
 Holland, MI 49423
 Ann Arbor, Chicago, Columbus,
 Grand Rapids, Indianapolis, St. Louis

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



GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: October 10, 2018
TO: Planning Commission
FROM: Stacey Fedewa, AICP – Community Development Director
RE: Tentative Preliminary Plat – Lincoln Pines Sub No. 2

BACKGROUND

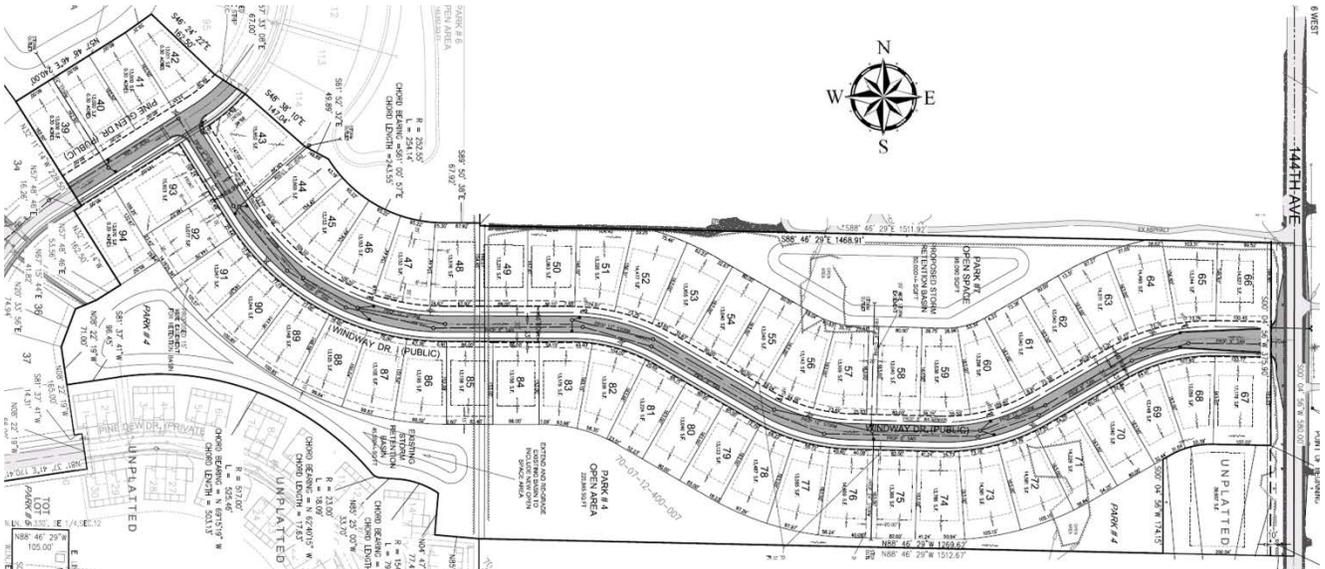
The Lincoln Pines PUD was originally approved in July 2014. Phase 1 was platted in September 2016 for 38 lots. The developer is now proposing to plat Phase 2, which will consist of 56 lots. The Land Division Act and Township Subdivision Control Ordinance govern the platting process.

PLATTING PROCESS

Platting consists of a 4-step process, which is described below along with pertinent details. Generally, because the project was initially approved through a PUD the Township's obligation is just to ensure the proposed plat is consistent with the approved plans, and staff has confirmed the two sets of plans are identical.

1. Tentative Preliminary Plat Approval
 - Planning Commission must hold a public hearing and make a recommendation to approve or disapprove
 - Township Board must tentatively approve or disapprove the Plat
2. Construction Plan Approval
 - Staff reviews infrastructure plans and submits for permitting (*i.e., roads and underground utilities*)
3. Preliminary Plat for Final Approval
 - Township Board must approve or reject the Plat
 - If approved, the developer can begin installing infrastructure
4. Final Plat Approval
 - Township Board must approve if Final Plat substantially conforms to the Preliminary Plat

The Planning Commission is only involved in the first step of the platting process, afterwards it is handled by staff and the Township Board.



TENTATIVE PRELIMINARY PLAT REQUIREMENTS

The developer must submit the following documents to comply with the Subdivision Control Ordinance:

- Declaration of Restrictive Covenants
 - Submitted, and approved by Township Attorney
- Existing Conditions Plan
- Proposed Conditions Plan
- Affidavit of Ownership

The Planning Commission is required to take action, and make a recommendation, within 60 days (*submitted on 9/14/2018*), and the Board must take action within 90 days of receiving the Planning Commission’s recommendation.

SAMPLE MOTIONS

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

Motion to recommend the Township Board approve the Tentative Preliminary Plat for Lincoln Pines Subdivision No. 2 based on the application meeting applicable requirements and standards set forth by the Grand Haven Charter Township Subdivision Control Ordinance.

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

Motion to recommend the Township Board disapprove the Tentative Preliminary Plat for Stonewater Subdivision No. 1 because the application does not meet the applicable requirements and standards set forth by the Grand Haven Charter Township Subdivision Control Ordinance.

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



GRAND HAVEN CHARTER TOWNSHIP

SUBDIVISION PLAT REVIEW APPLICATION

(Includes Preliminary Plat review, Final Preliminary Plat review, and Final Plat review)

Application Type	Fee	Escrow*	Sewer Escrow**	
Original	\$300	\$500	Main Extension	\$5,000
Amendment	\$150	\$500	Lift Station	\$2,000

Note: for multi-phased developments, each phase after the original approval is considered an amendment

Applicant Information

Name _____

Phone _____ Fax _____

Address _____

Email Address _____

Owner Information *(If different from applicant)*

Name _____

Phone _____ Fax _____

Address _____

Property Information

Address/Location _____

Parcel Number 70 - - - - Size (acres) _____

Current Zoning _____ Master-Planned Zoning _____

Adjacent Zoning North: South: East: West:

Other Information

Proposed Subdivision Name: _____

Proposed Number of Proposed Lots? _____

Present Use of the Subject Property? _____

Number & Type of Existing Structures? _____

Does Property Abut Township Border? _____

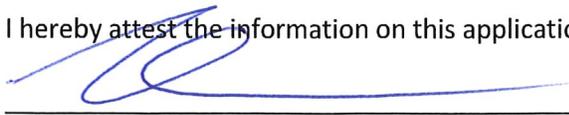
Subject Property Located on a Paved Road? _____

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

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

NOTE: The architect, engineer, planner, or designer shall be responsible for utilizing the Township Ordinance Books and following the procedures and requirements set forth in Ordinance No. 310 (*Subdivision Control 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.



9/5/18

Signature of applicant **SIGNATURE LAND DEVELOPMENT CORPORATION** Date
BY: MICHAEL R. MCGRAW, VICE PRESIDENT

** 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.*

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

NARRATIVE STATEMENT FOR:

**Submittal for Planning Commission Review
of
Lincoln Pines PUD – Phase II
Tentative Preliminary Plat – Section 112
September 10, 2018**

Objective: To pursue Lincoln Pines – Phase II Tentative Preliminary Plat based on the PUD application that is in process with the Township.

Property: The property in Phase II of the plat includes portions of the following parcels:

Parcel 70-07-12-400-026
Owned by Lincoln Pines Land Investments, LLC
Size 37.46 Acres
Purchased in 2014

Parcel 70-07-12-400-~~026~~-007
Owned by QRP6 Land Investments, LLC
Size 20.00 Acres
Purchased in 2018

Zoning: Phase II will be developed according the Lincoln Pines PUD zoning, contingent on receiving approval from the Township Board to rezone to a PUD. It is anticipated that Phase II will include 56 residential lots and 30 duplex condominium units.

Streets: The public street layout has been modified from previous plans to allow a connection to 144th and to eliminate the second connection to Lincoln Street. This change was due to input from the County Road Commission and the recent acquisition of the adjacent parcel that is now showing a connection between Lincoln Pines and 144th with Windway Drive as a public road.

Pine Dew Drive will also be developed as a private road within a condo project in Phase II. The existing stub road for Pine Dew Drive is currently public, and there are plans in place to revert this public right-of-way back to private ownership for the condo project.

Utilities: The utility layout is similar to prior submissions, with modifications to reflect the changes to the roads. Public water and sewer will be provided to each lot and condo within the PUD. Watermain on Pine Dew Drive will be looped back to Lincoln along the east property line, and watermain along Windway Drive will loop to 144th. Gravity sanitary sewer extensions are also proposed down the length of both roads. These public utilities will be located in public right-of-way or established easements.

Stormwater: As similarly proposed, storm water retention areas will be established according to the plan layout. This development design will seek the necessary storm water approvals from the Ottawa County Water Resource Management Office. For this phase, the final retention basins will be constructed north of Windway Drive. An additional basin is also proposed on the north side of the recently acquired property.

Building: Eastbrook Homes has previously provided various building elevation templates that may be available in this development. Each home or condominium will be built by Eastbrook Homes containing their quality materials and complete building program. The plans that have been provided are “base plans”. Eastbrook customizes each individual home or condominium and every home or condominium will be designed and drawn specifically based upon each customer’s particular needs.

Landscaping: As previously proposed, the majority of existing “scrub” pines in this phase will be cleared with the exception of select mature white pines along the north line and east property lines, as well as some select trees to the south of the power lines, between the southernmost lots and Lincoln Street to help buffer the community from Lincoln Street.

On parcel 70-07-12-400-007, Eastbrook Homes plans to preserve as many of the existing trees as possible to maintain the natural backyard areas.

A detailed landscape plan will be prepared for the 144th Street entrance prior to requesting Final Preliminary Plat approval.

Floodplains: The development area of this project is not impacted by documented floodplains.

Phasing: It is likely that the remaining land within Lincoln Pines PUD will be built out in one future phase. Exact phasing will largely be

determined based upon market demand and projected lot absorption rates.

Schedule:

The current schedule is to obtain construction related permits in late 2018 and early 2019 such that construction of Phase 2 can be completed by late spring of 2019.



GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: October 11, 2018
TO: Planning Commission
FROM: Stacey Fedewa, AICP – Community Development Director
RE: Text Amendment – Accessory Buildings & Non-Conforming Exception

BACKGROUND

As you know, the Township is drafting a new zoning ordinance. One subject that has come up multiple times since this project began are accessory buildings. It appears the **current regulations do not provide enough square footage for property owners to store possessions** such as a lawn mower, boat, camper, etc.

Being a tourist community with many recreational assets it is not surprising that many residents indulge in those assets. However, when it comes time to store them for the winter many are left with no choice, but to leave them outside because their out-building(s) are not large enough to store everything.

That has transgressed into numerous property owners waiting to construct an accessory building until the regulations have changed because they are in need of the additional square footage allowance.

We're heading into winter and these residents want to pour foundations before the ground freezes, so they can work on the project through winter. Thus, staff is proposing a text amendment now to incorporate those accessory building regulations to enable residents to begin their projects now instead of next year.

WHAT'S CHANGING?

There are four main areas of improvement being proposed:

1. Larger square footage allowance
2. Standardized setbacks and height
3. Eliminate maximum number of buildings
4. Identify prohibitions and exemptions

Aside from these topics, the language remains nearly identical to the current ordinance.

Larger Square Footage Allowance

The additional square footage ranges from 500 sqft – 1,100 sqft and use round numbers. The average increase of all seven categories is 820 sqft.

This **scale has been provided to several realtors who have all agreed this is a great improvement** and believe the allowances are spot-on.

Large properties have also experienced difficulty with the current regulations because it does not allow a bigger floor area if the property is larger than 20-acres. Meaning someone with 20-acres has the same allowance as a 100-acre property. The new proposal takes that into account and allows an extra 2,000 sqft for every additional 5-acres over the 20-acre threshold.

Below are the current (*gray*) vs. proposed (*blue*) changes to square footage allowance.

Lot Area in Acres	Maximum Total Floor Area of the Allowed Accessory Building or Buildings
Less than one (1) acre	600 square feet
One (1) acre, but less than two (2) acres	960 square feet
Two (2) acres, but less than five (5) acres	1,200 square feet
Five (5) acres, but less than ten (10) acres	1,600 square feet
Ten (10) acres, but less than fifteen (15) acres	2,000 square feet
Fifteen (15) acres, but less than twenty (20) acres	2,400 square feet
Twenty (20) acres or more	3,000 square feet

Lot Area in Acres	Maximum Total Floor Area of the Allowed Accessory Building or Buildings
Less than one (1) acre	1,000 square feet
One (1) acre, but less than two (2) acres	1,500 square feet
Two (2) acres, but less than five (5) acres	2,000 square feet
Five (5) acres, but less than ten (10) acres	2,500 square feet
Ten (10) acres, but less than fifteen (15) acres	3,000 square feet
Fifteen (15) acres, but less than twenty (20) acres	3,500 square feet
Twenty (20) acres or more	4,000 square feet
Every additional five acres:	2,000 additional square feet

Standardized Setbacks and Height

The current setbacks provide a sliding scale based on the size of the accessory building. In practice this has become difficult. Outdoor living space has become more important over the last 20-years, so residents are adding more amenities to their yards than in the past.

The catch-22 with this situation is—as lots get smaller it becomes more difficult to accommodate all of the outdoor living space that residents desire. The large setbacks will often prevent a resident from achieving their goals because the extra structure simply cannot fit on the lot because of the setbacks; or they would have to rearrange all of the existing structures and that is too costly and/or cumbersome.

Below are the current (*gray*) vs. proposed (*blue*) changes to setbacks.

Accessory Building or Structure Size in Total Area (Gross Floor Area for Accessory Building)	SETBACKS			
	Principal Building	Side Lot Line	Rear Lot Line	Other Accessory Building or Structure
Less than 150 square feet	5 feet	5 feet	5 feet	5 feet
150 to less than 600 square feet	25 feet*	10 feet	10 feet	18 feet
600 to less than 960 square feet	25 feet*	15 feet	15 feet	18 feet
960 square feet or greater	25 feet	25 feet	25 feet	18 feet
* Detached Garages that are 600 square feet or less may be located six (6) feet from the Principal Building				

Accessory Structure Area (interior sqft)	SETBACKS			
	Principal Building	Side Lot Line	Rear Lot Line	Other Accessory Structure(s)
2,000 or less	10 feet	10 feet	10 feet	10 feet
2,001 or more	10 feet	15 feet	10 feet	10 feet

The steering committee believed a 15-foot side yard setback should be adhered to for any building over 2,000 sqft because the size and bulk of the building should not be quite as close to the side lot line as smaller buildings.

Regarding height, the Township has another sliding scale. The proposal is to standardize and simplify this as well. Similarly, it is proposed that accessory building setbacks and height be measured in the same method as principal buildings—setback to the foundation, and mean height between peak and eaves.

Below are the current (*gray*) vs. proposed (*blue*) changes to the height.

Height Restrictions.

- 1) The height of a detached Accessory Building shall be measured from the Ground Floor to the top of the roof, for the purposes of this section.
- 2) In all residential zoning districts, on Lots of less than one (1) acre, no detached Accessory Building shall exceed twenty (20) feet in height... (amend. by ord. no. 532 eff. April 26, 2015)
- 2) In all residential zoning districts, on Lots of one (1) acre but less than two (2) acres, no detached Accessory Building shall exceed twenty-two (22) feet in height.
- 3) In all residential zoning districts, on Lots of two (2) acres but less than five (5) acres, no detached Accessory Building shall exceed twenty-nine (29) feet in height.
- 4) In all residential zoning districts, on Lots of five (5) acres or more, no detached Accessory Building shall exceed thirty-five (35) feet in height.

Height Restrictions. No accessory building shall exceed twenty (20) feet (as measured to the mean height between the peak and the eaves), or the height of the principal building on the lot, whichever is greater. The measurement is required to be the same for both types of buildings.

Eliminate Maximum Number of Buildings

The restriction on the number of buildings has been prohibitive for some residents, especially those with lots under 1-acre, which comprise the vast majority of residential properties within the Township.

For example, oftentimes the storage needs of a resident's possessions vary, and they find it best to separate the items into different buildings—lawn equipment in a small garden shed, a small workshop in a separate building, and another to store recreation vehicles.

In other cases, a camper or motorhome may need its own building, and then other items such as lawn equipment, patio furniture, workshop, vehicles, etc. are stored in one or more buildings.

Clearly, the concern that arises here is—will someone install ten 100 sqft sheds on their property? While it is possible, it is also unlikely. Generally, residents want their property to look nice and to store their items inside a building.

It is possible this could happen, but the question to ask yourself is—will their yard look better having all of their widgets stored in ten buildings or strewn about the yard and covered with tarps?

For the many it would benefit, staff believes that outweighs the potential cost of a few.

Below are the current (*gray*) vs. proposed (*blue*) changes to the number of buildings.

Number of Accessory Buildings		
Zoning District	Lot Size	Allowance
LDR, R-1 through R-5	Less than 1-acre	1 building up to 600 sqft + 1 shed up to 120 sqft
RP, RR, LDR, R-1 through R-5	More than 1-acre	2 buildings + 1 shed up to 120 sqft

Number of Accessory Buildings		
Zoning District	Lot Size	Allowance
All Residential	All	No Limit

Identify Prohibitions and Exemptions

The current ordinance does not specify any accessory structures that are prohibited or exempt, and that has caused uncertainties to arise for items such as—children’s playset, tree house, lemonade stand, pergolas, shipping containers, elevated walkways, etc.

When it comes to childhood, Fedewa has established a **policy that children are able to be children without obtaining a permit to enjoy their childhood**. They can have playgrounds, princess houses, lemonade stands, treehouses, etc. without having to obtain any zoning permits. All of us have been able to enjoy those aspects of childhood, so all current and future generations of children should be able to do the same. Thus, Fedewa is proposing to explicitly put that in writing.

As it relates to structures without walls—pergolas, gazebos, etc. are improvements that maintain a nice character in the neighborhood, enables residents to enjoy the outdoors, and add value to their property. At times, residents have had to forego one of these structures, or an accessory building, because they were unable to have both due to square footage allowances and setbacks. That simply seems unfortunate, so an exemption is proposed.

Regarding elevated walkways—these are incredibly common in the dunes and along waterfront properties. The current ordinance is very unclear on how these are to be regulated, and the ZBA and staff have specifically requested these be exempt to resolve all of the concerns. The proposed language follows the DEQ Policy that exempts property owners from obtaining permits to construct the walkways if they are a maximum of 5-feet wide and use handheld tools.

Below is the proposed language for the prohibitions and exemptions. There is not a comparison for this section because current language does not exist.

Prohibited Accessory Buildings and Structures. The following shall not be used as an accessory structure on any lot:

- A. Shipping containers;
- B. Manufactured mobile homes;
- C. Inoperable vehicles;
- D. Boats or other watercraft; and
- E. Recreational Vehicles (RVs)/motor homes/travel trailers.

Exempt Accessory Structures. The following accessory structures shall be exempt from the regulations of this section, except for the regulations listed below

- A. **Childhood Amenities.** Playground equipment, treehouses, lemonade stands, playhouses, and other similar amenities shall be exempt from this section, except they must be setback at least three (3) feet from all side and rear lot lines.
- B. **Structures without Walls.** Gazebos, pergolas, and other permanent structures without walls shall be exempt from this section, except they must maintain the required setbacks for accessory structures.
- C. **Elevated Walkways.** Elevated walkways that meet the standards of the Michigan Department of Environmental Quality to be constructed in a Critical Dune Area, High Risk Erosion Area, regulated Wetland, or regulated Floodplain shall be exempt from this section.

NON-CONFORMING USES, STRUCTURES, AND LOTS CHAPTER

There is at least one property owner that was financially impacted when the current ordinance was adopted. A development project had begun under the previous ordinance, and because the remainder of the buildings had not started construction he was unable to complete the build-out. This has resulted in only 1/3 of the land being utilized and the remaining 2/3 has been rendered unusable because it's a long narrow lot.

Zoning intends to provide property owners with the highest and best use that is available within the confines of the ordinance. This situation precludes the property owner from achieving the highest and best use because there is no ability to utilize the remaining 2/3 of the land. Meaning the owner is only attaining the highest and best use for 1/3, which is an unnecessary hardship and diminishes the value of the property.

This is a unique, niche, situation. One that is unlikely to apply to very many properties—on purpose. Staff is proposing to allow these niche situations to have a fruitful outcome by adding this exception to the Non-Conforming Chapter.

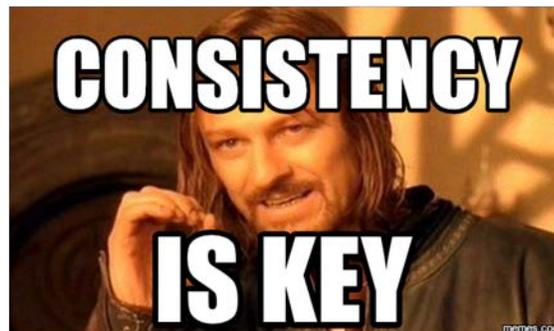
A use that was approved by the Township and lawfully partially constructed in phases prior to becoming a non-conforming use shall be permitted to complete any approved phased construction if the lot remains under the same ownership for which the original approval was received.

The two stringent criteria that would limit this exception provision:

1. Use must have been previously approved by the Township; and
2. The same person that received the approval, must continue to own the property.

MORAL OF THE STORY AND WHAT'S NEXT?

The moral of the story for crafting the new zoning ordinance is summarized by two words:



These two words have been the guiding principles.

If the Planning Commission supports the proposed changes a motion can be offered to recommend the Board approve.

However, if certain sections should be revised, expanded, removed, etc. that can be done as well. As long as there is consensus from the Commission staff can incorporate those changes, modify the "draft date" on the zoning text amendment ordinance and provide that version to the Township Board.

As noted above, staff is hopeful this matter can be placed on the Board's October 22nd agenda to enable the residents that want to build accessory buildings to obtain permits mid-November.

SAMPLE MOTIONS

If the Planning Commission supports the proposed text amendment, the following motion can be offered:

Motion to recommend the Township Board **approve** the proposed Zoning Text Amendment Ordinance (*draft date 10/11/18*) to replace the Accessory Buildings and Structure section of the General Provisions Chapter and add an exception to the Non-Conforming Uses, Structures, and Lots Chapter.

If the Planning Commission opposes the proposed text amendment, the following motion can be offered:

Motion to recommend the Township Board **deny** the proposed Zoning Text Amendment Ordinance to replace the Accessory Buildings and Structure section of the General Provisions Chapter and add an exception to the Non-Conforming Uses, Structures, and Lots Chapter.

If the Planning Commission does not have enough information to make a recommendation, the following motion can be offered:

Motion to **table** the proposed Zoning Text Amendment Ordinance, and direct staff to make the following revisions:

1. *List the revisions.*

Please contact me if this raises questions.

ORDINANCE NO. ____

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF GRAND HAVEN CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN, CONCERNING ACCESSORY BUILDING STANDARDS IN THE GENERAL PROVISIONS CHAPTER; AMENDING THE NON-CONFORMING USES, STRUCTURES, AND LOTS CHAPTER FOR THE CONTINUATION AND/OR EXPANSION OF LEGALLY NON-CONFORMING USES OF LAND AND COMPLETION OF PENDING PROJECTS; AND BY PROVIDING FOR AN EFFECTIVE DATE.

GRAND HAVEN CHARTER TOWNSHIP, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

Section 1. General Provisions Chapter – Accessory Buildings and Structures. Section 20.03 of the Grand Haven Charter Township Zoning Ordinance shall be restated in its entirety as follows.

SECTION 20.03 ACCESSORY BUILDINGS AND STRUCTURES

1. **Prohibited Accessory Buildings and Structures.** The following shall not be used as an accessory structure on any lot:
 - A. Shipping containers;
 - B. Manufactured mobile homes;
 - C. Inoperable vehicles;
 - D. Boats or other watercraft; and
 - E. Recreational Vehicles (RVs)/motor homes/travel trailers.

2. **Exempt Accessory Structures.** The following accessory structures shall be exempt from the regulations of this section, except for the regulations listed below
 - A. **Childhood Amenities.** Playground equipment, treehouses, lemonade stands, playhouses, and other similar amenities shall be exempt from this section, except they must be setback at least three (3) feet from all side and rear lot lines.

- B. **Structures without Walls.** Gazebos, pergolas, and other permanent structures without walls shall be exempt from this section, except they must maintain the required setbacks for accessory structures.
- C. **Elevated Walkways.** Elevated walkways that meet the standards of the Michigan Department of Environmental Quality to be constructed in a Critical Dune Area, High Risk Erosion Area, regulated Wetland, or regulated Floodplain shall be exempt from this section.

3. **Accessory Buildings and Structures.**

- A. **Zoning Districts.** Accessory buildings and structures may be erected in any zoning district only as an accessory to an existing principal building (which includes being built simultaneously with the construction of the principal building).
- B. **Principal Building Requirement.** Accessory buildings and structures may not be constructed, or if constructed may not remain, on a lot without a principal building. The Zoning Administrator shall have the authority to grant a temporary exception to this prohibition, subject to reasonable conditions, if the Zoning Administrator finds the temporary exception is consistent with the purposes of this Ordinance, as described in Section 1.02.
- C. **Elements of the Principal Buildings.** All buildings and portions of buildings connected to the principal building shall be considered an element of the principal building, and shall therefore comply in all respects with the requirements of this Ordinance that apply to the permitted principal building, including but not limited to setback requirements, unless specifically stated to the contrary herein. The term “connected” shall mean the space shares a common wall with the principal building, or is connected by an enclosed breezeway.
- D. **Residential Purposes.** All uses for residential accessory buildings and structures must be accessory to the use of the dwelling unit.
- F. **Size Requirements.** The total floor area (defined below) of the allowed residential accessory building(s) shall be dependent on the lot area, as outlined in the table below.

Lot Area in Acres	Maximum Total Floor Area of the Allowed Accessory Building or Buildings
Less than one (1) acre	1,000 square feet
One (1) acre, but less than two (2) acres	1,500 square feet
Two (2) acres, but less than five (5) acres	2,000 square feet
Five (5) acres, but less than ten (10) acres	2,500 square feet
Ten (10) acres, but less than fifteen (15) acres	3,000 square feet
Fifteen (15) acres, but less than twenty (20) acres	3,500 square feet
Twenty (20) acres or more	4,000 square feet
Every additional five acres:	2,000 additional square feet

The term “total floor area” as used in this subsection means the sum total useable floor area of the ground floor of all residential accessory buildings situated or permitted on a lot. Total floor area also includes the area under an attached lean-to structure, or roof overhang greater than three (3) feet, or other similar sheltered area.

G. Height Restrictions. No accessory building shall exceed twenty (20) feet (as measured to the mean height between the peak and the eaves), or the height of the principal building on the lot, whichever is greater. The measurement is required to be the same for both types of buildings.

H. Setbacks.

- 1) Setbacks shall be measured from the foundation of the accessory building or structure. A cantilever or overhang may extend no more than three (3) feet into the required setback.
- 2) Accessory buildings and structures shall be setback in accordance with the following table:

Accessory Building or Structure Area (interior sqft)	SETBACKS			
	Principal Building	Side Lot Line	Rear Lot Line	Other Accessory Structure(s)
2,000 or less	10 feet	10 feet	10 feet	10 feet
2,001 or more	10 feet	15 feet	10 feet	10 feet

Section 2. Non-Conforming Uses, Structures, and Lots Chapter – Exceptions. Section 25.08 of the Grand Haven Charter Township Zoning Ordinance shall be restated in its entirety as follows.

SECTION 25.08 EXCEPTIONS

1. Notwithstanding any other provisions of this Chapter, a single-family dwelling located in a district which does not permit the same may be altered, expanded or rebuilt.
2. A use that was approved by the Township and lawfully partially constructed in phases prior to becoming a non-conforming use shall be permitted to complete any approved phased construction if the lot remains under the same ownership for which the original approval was received.

Section 3. Effective Date. This amendment to the Grand Haven Charter Township Zoning Ordinance was approved and adopted by the Township Board of Grand Haven Charter Township, Ottawa County, Michigan on _____, 2018, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on _____, 2018, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on _____, 2018, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Grand Haven Tribune*, as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Mark Reenders,
Township Supervisor

Laurie Larsen,
Township Clerk

CERTIFICATE

I, Laurie Larsen, the Clerk for the Charter Township of Grand Haven, Ottawa County, Michigan, certify that the foregoing Grand Haven Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on _____, 2018. The following members of the Township Board were present at that meeting: _____. The following members of the Township Board were absent: _____. The Ordinance was adopted by the Township Board with members of the Board _____ voting in favor and _____ members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Haven Tribune* on _____, 2018.

Laurie Larsen, Clerk
Grand Haven Charter Township



GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: September 27, 2018
TO: Planning Commission
FROM: Stacey Fedewa, AICP – Community Development Director
RE: Training – Resilient Michigan Video Series

BACKGROUND

For two years, the Township Planning Commission partnered with the City of Grand Haven Planning Commission to draft our individual, yet similar, Resilient Michigan master plans.

Many of the current members on the Planning Commission were not present for this master planning process, and this video series does a good job of (1) summarizing the intent and spirit of a resiliency-based master plan, and (2) providing a refresher for the members who did participate.

This will count as a training credit for each member of the Planning Commission that is present for the meeting.

VIDEO LINK

Below is the link that will be utilized to watch 8 short videos on a variety of topics that were incorporated into the master plan.

<http://www.resilientmichigan.org/video.asp>