

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
PLANNING COMMISSION
AUGUST 7, 2017

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, LaMourie, Taylor, Kieft, Wilson, Chalifoux, Reenders & Wagenmaker

Members absent: None

Also present: Community Development Director Fedewa and Attorney Bultje

Without objection, Cousins instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

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

V. CORRESPONDENCE – None

VI. PUBLIC COMMENTS ON AGENDA ITEMS ONLY – None

VII. OLD BUSINESS

A. PUD – Regency at Grand Haven – Formal Motion & Report + Revisions

Fedewa provided an overview through a memorandum dated August 2nd.

The application was discussed by Commissioners and focused on:

- Questioned if the proposed “fire lane” signs along Comstock Street would be unattractive. Upon reviewing the landscape plan the signs will be visible, but strategically placed within the landscaped areas.
- Thankful to see the development would add 120-140 new jobs to the local economy.

Motion by Kieft, supported by Wilson, to recommend to the Township Board **conditional approval** of the Regency at Grand Haven PUD application. This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning

Ordinance and Master Plan. The motion is subject to, and incorporates, the following report concerning the Planned Unit Development, including conditions of approval. **Which motion carried unanimously.**

REPORT – REGENCY AT GRAND HAVEN 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 Grand Haven Senior Leasing LLC (the “Developer”) for approval of a Regency at Grand Haven Planned Unit Development (the “Project” or the “PUD”).

The Project will consist of three land uses that constitute a Housing for the Elderly development. This 10.44 acre Project will consist of a one-story 120-bed state-licensed skilled nursing care facility. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”), including landscaping (the “Final Landscape Plan”) and elevation renderings (the “Final Elevations”), last revised 7/31/2017; collectively referred to as the “Documentation,” presently on file with the Township.

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

1. The Project meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, pursuant to Section 23.06.7, the Planning Commission finds as follows:
 - A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - B. Safe, convenient, uncontested, and well defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
 - C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the Township.
 - D. Removal or alterations of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 - E. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
 - F. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.

- G. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the Fire/Rescue Department.
 - H. All streets and driveways are developed in accordance with the Ottawa County Road Commission (“OCRC”) specifications, as appropriate. In addition, an internal sidewalk system and a non-motorized pathway within the Rosy Mound Drive right-of-way have been included.
 - I. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate stormwater, prevent erosion and the formation of dust.
 - J. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures to reduce light pollution and preserve the rural character of the Township.
 - K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, are screened.
 - L. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.
 - M. The Documentation conforms to all applicable requirements of County, State, Federal, and Township statutes and ordinances.
 - N. As appropriate, fencing will be installed around the boundaries of the Project if deemed necessary by either the Township or the Developer to 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 four departures. The Planning Commission makes the following findings.
 - A. Section 19.07.28.E – allow a reduced front yard setback.
 - i. The Planning Commission finds this acceptable because it prevents a significant impact to a regulated wetland at the rear of the property that would otherwise be preserved as dedicated open space. Further, substantial landscaping has been included to reduce the visual mass of the building being closer to the public street.
 - B. Section 19.07.28.H – allow off-street parking within the front yard.
 - i. The Planning Commission finds this acceptable because the building and parking lot were moved closer to the public street in order to prevent a significant impact to a regulated wetland at the rear of the property that will otherwise be preserved as dedicated open space.
 - C. Section 24.02.2 – allow off-street parking within the required side yard.

- i. The Planning Commission finds this acceptable because the Section 19.07.28.E establishes a 75-foot setback for nursing and convalescent homes. This setback would prevent parking in both side yards, and require parking in the rear, which would significantly impact a regulated wetland that will otherwise be preserved through the dedicated open space.
 - D. Section 24.03 – allow a total of 128 parking spaces.
 - i. The Planning Commission finds this acceptable because the majority of the facility will likely be dedicated to short-term rehabilitation rather than long-term nursing care. Utilizing a dual-use from the parking schedule (convalescent or nursing home at 30% and hospital at 70%) the proposed number of spaces is compliant.
- 4. Compared to what could have been constructed by right, the Project has been designed to accomplish the following objectives from Section 17.01.4 of the Zoning Ordinance.
 - A. The Project will encourage the use of land in accordance with its natural character and adaptability;
 - B. The Project will promote the conservation of natural features and resources;
 - C. The Project will promote innovation in land use planning and development;
 - D. The Project will promote the enhancement of housing and commercial employment for the residents of the Township;
 - E. The Project will promote greater compatibility of design and better use between neighboring properties;
 - F. The Project will promote more economical and efficient use of the land while providing a harmonious variety of housing choices and community facilities; and
 - G. The Project will promote the preservation of open space.
- 5. The Project meets the following qualification requirements of Section 17.02 of the Zoning Ordinance:
 - A. The Project meets the minimum size of five acres of contiguous land.
 - B. The PUD design substantially promotes the Intent and Objectives of Section 17.01 of the Zoning Ordinance; it further permits an improved layout of land uses and roadways that could not otherwise be achieved under normal zoning.
 - C. The Project contains distinct uses relating to the care of residents—short-term rehabilitation therapy, bariatric care, and long-term skilled nursing care.
 - 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 regulated wetlands.
 - E. The Project site has distinct physical characteristics which makes compliances with the strict requirements of the Zoning Ordinance impractical.
- 6. The Planning Commission also finds the Project complies with the general PUD Design Considerations of Section 17.05 of the Zoning Ordinance.
 - A. The stormwater management system for the Project and the drainage facilities will properly accommodate stormwater on the site, will prevent runoff to adjacent properties, and are consistent with the Township’s groundwater protection strategies.
 - B. The Project will not interfere with or unduly burden the water supply facilities, the sewage collection and disposal systems, or other public services such as school facilities, park and recreation facilities, etc.
 - C. Utility services within the Project shall be underground. This includes but is not limited to

electricity, gas lines, telephone, cable television, public water and sanitary sewer.

- D. The internal road system in the Project is designed to limit destruction of existing natural vegetation and to decrease the possibility of erosion.
- E. Vehicular circulation, traffic and parking areas have been planned and located to minimize effects on occupants and users of the Project and to minimize hazards to adjacent properties and roadways.
- F. Parking requirements for each use have been determined to be in accordance with Chapter 24 (Parking, Loading Space, and Signs).
- G. Street lighting will be installed in the same manner as required under the Township's Subdivision Control Ordinance.
- H. Buildings in the Project have been sited to protect natural resources. Natural features such as natural grade, trees, vegetation, water bodies and others have been incorporated into the Documentation.
- I. Architectural design features visually screen the mechanical and service areas from adjacent properties, public roadways, and other public areas.
- J. The exterior walls greater than 50 feet in horizontal length or that can be viewed from a public street contain a combination of architectural features, variety of building materials, and landscaping near the walls.
- K. Onsite landscaping abuts the walls so the vegetation combined with architectural features significantly reduce the visual impact of the building mass when viewed from the street.
- L. The predominant building materials have been found to be those characteristic of the Township such as brick, native stone, and glass products. Pre-fabricated metal garage-ports and car-ports will include accent materials similar to the main building so as not to dominate the building exterior of the structure.
- M. Landscaping, natural features, open space and other site amenities have been located in the Project to be convenient for occupants of, and visitors to, the PUD.
- N. The Project is reasonably compatible with the natural environment of the site and the adjacent premises.
- O. The Project will not unduly interfere with the provision of adequate light or air; nor will it overcrowd land or cause an unreasonably severe concentration of population.
- P. Exterior lighting within the Project complies with Chapter 20A for an LZ 3 zone.
- Q. Outside storage of materials shall be screened from view.
- R. Signage is compliant with Section 24.13 of the Zoning Ordinance.
- S. The Project will not have a substantially detrimental effect upon or substantially impair the value of neighborhood property, as long as all of the standards and conditions of this approval of the Project are satisfied.
- T. The Project is in compliance with all applicable Federal, State, County, and local laws and regulations. Any other permits for development that may be required by other agencies shall be available to the Township Board before construction is commenced.
- U. A maximum of one driveway or street opening per existing public street frontage has been permitted, with a second driveway being permitted because it adjoins an adjacent development allowing shared access with another use.
- V. The Project provides adequate accessibility for residential development with more than 24

dwelling units.

- W. The Project satisfies the minimum open space of 20 percent required by the Zoning Ordinance.
 - X. The open space in the Project is large enough and properly dimensioned to contribute to the purpose and objectives of the PUD.
 - Y. The open space in the Project consists of contiguous land area which is restricted to non-development uses.
 - Z. The open space in the Project will remain under common ownership or control.
 - AA. The open space in the Project is set aside by means of conveyance that satisfies the requirements of Section 17.05.5.G of the Zoning Ordinance.
 - BB. The Project abuts a multiple family residential PUD district and a woodland and landscaped greenbelt will provide a sufficient obscuring effect and act as a transitional area.
 - CC. The Project is consistent with the goals and objectives of the Master Land Use Plan. Specifically, it is consistent with the Master Plan designation of the property in question.
7. The Planning Commission also finds the Project shall comply with the below additional conditions as well.
- A. Must obtain permits from all applicable agencies including the OCRC, Ottawa County Water Resources Commissioner, State of Michigan etc. Permits shall be obtained before building permits are issued.
 - B. The Developer shall enter into a PUD Contract with the Township, which will be drafted by the Township Attorney and approved by the Township Board prior to receiving a building permit.
 - C. A revised Open Space Conveyance shall be submitted and approved by the Township Attorney prior to the issuance of a building permit.
 - D. Any violation of the conditions constitutes a violation of the Zoning Ordinance, and in addition to the remedies provided therein, shall be cause for the Township Board to suspend or revoke any zoning or building permit applicable to the Project.
 - E. The right is reserved by the Township to impose additional conditions if reasonably necessary to achieve the purposes of the Zoning Ordinance.
 - F. The PUD approval is personal to the Developer and shall not be transferred by the Developer to a third party without the prior written consent of the Township.
 - G. Except as expressly modified, revised or altered by these conditions the Project shall be acquired, developed, and completed in conformance with the Zoning Ordinance, as amended, and all other applicable Township ordinances.
 - 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 of the requirements of the Documentation, specifically including all of the notes contained thereon, and all of the representations made in the written submissions by the Developer to the Township for consideration of the Project.
 - J. In the event of a conflict between the Documentation and these conditions, these conditions shall control.
8. The Planning Commission finds that the Project complies with the uses permitted for a residential planned unit development, as described in Section 17.07.2.A of the Zoning Ordinance—Housing for the elderly.

VIII. NEW BUSINESS

A. PRE-APPLICATION CONFERENCE – MULTIPLE FAMILY & MIXED USE PUD

Fedewa provided an overview through a memorandum dated August 2nd.

The developer, Chad Bush, provided an overview of the proposed development, and was available to answer questions:

- Goal is to provide apartments at the lower end of the rental rate. 1 bed/1 bath ≈ \$650 - \$850 per month.
- Proposed storage buildings are best situated next to the electrical substation and cell tower than abutting the adjacent apartment buildings.
 - Residents of this development would receive priority for renting the storage units.
 - Existing commercial storage building that is proposed to remain on site would be internally sub-divided to allow for larger uses to be stored such as boats and RVs.
- Providing housing for people with special needs and disabilities is an important aspect of this project, and supports the need for a low rental rate.

The application was discussed by Commissioners and focused on:

- Supportive of the concept to provide housing for people with special needs and disabilities. Although the Robbins Road Sub-Area Plan calls for multiple housing types to be integrated together the concept and need for more affordable living may be more important than requiring multiple housing types.
 - Density is needed to achieve affordability.
 - To ensure the concept comes to fruition the Township could consider requiring a certain percentage of each building be dedicated to people with special needs, the disabled, or the elderly.
 - If only multi-family is developed here the Township will need to be cognizant of providing a variety of housing types within the rest of the Sub-Area.
- Looking for improved access management. Including at least one cross-connection with the adjacent properties, a stub for future a cross-connection to the east, and reducing curb cuts along Robbins Road.
- Likely a traffic impact study will need to be completed to determine if any improvements on Robbins Road are warranted, such as a deceleration taper.

- Questioned if the storage units would be dedicated to that development, or if they would be open to the general public to rent.
- The development would improve the overall stormwater disposition of the site. There is currently significant ponding that occurs throughout the property.

B. DISCUSSION – ZONING TEXT AMENDMENT – SPECIAL LAND USES – ACCESS MANAGEMENT

Fedewa provided an overview through a memorandum dated August 2nd.

The topic was discussed by Commissioners and focused on:

- It would be best if the new zoning ordinance being drafted contained general access management standards that are applicable to all development instead of just addressing standards with certain Special Land Uses.
 - Many communities have simply adopted the Michigan Department of Transportation standards.
 - The Robbins Road Sub-Area Plan has well-written access management standards.
- Some Commissioners questioned why the Township should require a property owner to close a curb cut if the new use will not increase traffic.
 - Some Commissioners explained that method was used in the past, but the new method that most communities are using is simply—have the property owner prove why the additional curb cut is needed. Rather than simply letting them keep the curb cut because it has not caused issues.
- A brief discussion ensued about the access management requirements for the Indoor Recreation, Exercise, and Athletic Facilities Special Land Use.
- Due to the extensive time and expertise that will be required to address this topic the Planning Commission would prefer to narrow the scope of the Zoning Text Amendment Ordinance to providing the Commission with the ability to relax access management standards while the new zoning ordinance is being drafted.

Motion by Taylor, supported by Wagenmaker, to direct staff to draft a Zoning Text Amendment Ordinance that provides an avenue for the Planning Commission to relax the access management standards within the Special Land Use Chapter. **Which motion carried unanimously.**

C. DISCUSSION – ZONING TEXT AMENDMENT – SPECIAL LAND USES – ACCESSORY BUILDINGS

Fedewa provided an overview through a memorandum dated August 1st.

The topic was discussed by Commissioners and focused on:

- Discussed if accessory buildings should be allowed in front yards by right if certain criteria were met, or if they should be considered individually as a special land use.
 - Staff recommended this subject be considered as a special land use. At a later date the Commission could always convert the matter to a permitted use.
- A common-sense approach is necessary for this subject.
- Provisions should include an extended front yard setback requirement, and other standards that protect the aesthetic value of the area.
- Some Commissioners noted they like the City of Grand Haven method of regulating accessory buildings in front yards.
- Directed staff to forward this information to the Zoning Ordinance Update Committee for inclusion with the new ordinance.

D. APPOINTMENT OF SECRETARY

Motion by Taylor, supported by Wilson, to nominate and appoint Wagenmaker as the Planning Commission Secretary. **Which motion carried unanimously.**

E. PROPOSED AMENDMENT TO PLANNING COMMISSION BYLAWS & RULES

Fedewa provided an overview through a memorandum dated August 2nd.

The topic was discussed by Commissioners and focused on:

- Some Commissioners questioned the need to require a member to utilize a representative to speak on behalf of their application.
- Other Commissioners, staff, and Attorney Bultje explained that perception is reality, and it is important to be above reproach and avoid any appearance of impropriety.
 - An example was provided of a different community where a Commissioner insinuated that he/she had previously voted in favor of other member's applications and expected the same in return.
 - A previous PUD application approved by the Township in 2016, garnered criticism on this subject, and steps should be taken to prevent that from occurring again.

Motion by LaMourie, supported by Taylor, to approve the Planning Commission Bylaws and Rules as amended, and include the additional language supplied by Attorney Bultje in an email dated August 4th.

Because the Bylaws and Rules require a two-thirds vote to be approved a roll call vote was conducted:

Ayes: Reenders, LaMourie, Chalifoux, Taylor, Wilson, Kieft, Cousins
Nays: Wagenmaker
Absent: None

Which motion carried with Wagenmaker voting against the measure because it is unnecessary to require a member to have a representative speak on their behalf if the Planning Commission is considering a members' application.

IX. REPORTS

A. Attorney Report – None

B. Staff Report

- The next Zoning Ordinance Update Committee meeting is scheduled for Thursday, August 10th @ 6pm in the Main Conference Room.

C. Other

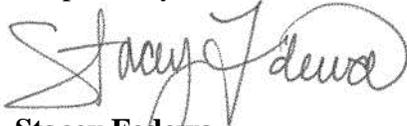
- If a meeting is held on August 21st Taylor will be unable to attend.

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

XI. ADJOURNMENT

Without objection, the meeting adjourned at 8:48 p.m.

Respectfully submitted,



Stacey Fedewa
Acting Recording Secretary