MEETING MINUTES  
GRAND HAVEN CHARTER TOWNSHIP  
PLANNING COMMISSION  
APRIL 2, 2018

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

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

Without objection, Cousins instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES  
Without objection, the minutes of the March 19, 2018 meeting were approved.

V. CORRESPONDENCE  
• Jeff and Kelly Kurburksi – PUD Amendment – Village at Rosy Mound – Objection

VI. PUBLIC COMMENTS – None

VII. PUBLIC HEARING  
A. PUD Amendment – Village at Rosy Mound & GHAPS

Cousins opened the public hearing at 7:03pm.

Fedewa provided an overview through a memorandum dated March 30th.

Village at Rosy Mound developer Shirley Woodruff; Grand Haven Area Public Schools (GHAPS) representative Ted Rescorla; and Lakeshore Environmental president Kurt Koella were all present and available to answer questions.

• Occasional use/special events are defined in a draft Event Egress Easement between the developer and GHAPS, which states, “event egress means a major event or activity at Grand Haven High School which major even would both: (1) substantially fill the main parking lot at Grand Haven High School, and (2) result in substantially all vehicles departing the High School parking lot at or around the same time. Examples of such major events include, but not be limited to graduation, home football and basketball games, overlapping music and drama events, MHSAA tournament games, major athletic events, and major art events.”
• Also within this Easement it indicates there will be approximately 15-20 such major events per calendar year.

• It is also noted, that if the Grand Haven High School (GHHS) parcel ceases to be used as a high school campus the Easement will automatically terminate.

• GHAPS explained:
  o Part of the road is already constructed near the baseball fields, and this application would allow it to extend to Rosy Mound Drive.
  o Installation of this road will enhance event dispersal.
  o Pleased to have a separate emergency access drive as well, to further ensure emergency vehicles can access the site during a crisis event.
  o Confirmed a police officer is currently present to direct traffic on Ferris Street when a large event ends and traffic begins to exit the site. Willing to utilize the same method on Rosy Mound Drive.
  o Proposed road would be lit, maintained, and plowed throughout the year.

There being no further comments, Cousins closed the public hearing at 7:12pm.

VIII. OLD BUSINESS

A. PUD Amendment – Village at Rosy Mound & GHAPS

The application was discussed by the Commissioners and focused on:

• Questioned if GHAPS is willing to have a second police officer on Rosy Mound Drive when the road is opened for traffic to exit.
  o Noted that Rosy Mound Drive is not a long road, and event dispersal could lead to significant vehicle stacking on the road without a police officer directing traffic.

• Supportive of the project, but with so many unknowns the Township wants assurances that the road will not be misused. For this reason, the following recommendations were discussed:
  o Prohibiting the road from being opened during certain hours.
  o If an event were to occur during prohibited hours, a special exception could be requested from the Township.
  o Prohibit students and faculty from utilizing road during normal school hours.
  o Review again in 1-year to confirm the road is operating as intended, or find that certain changes are warranted to improve the function and compatibility.

• Questioned if this request is a “quid pro quo” situation between the Village at Rosy Mound and the Grand Haven Area Public Schools.
  o Fedewa explained that to a degree, yes, this is a *quid pro quo* situation. However, that is not a negative because each party has a vested interest in (1) adding an occasional use driveway for GHHS special events; and (2) adding an emergency
access drive for the Village at Rosy Mound senior living campus. Each party wants to ensure they receive their respective easements—thus each party has made their participation in the easements contingent upon each party granting an easement. This is a common practice done by the Township as well by adding conditions to approvals.

- Reviewed concerns raised by Kurburski in the correspondence letter. Specifically, stormwater runoff is not considered to be an issue because there is approximately 600-feet of separation between Kurburski and the proposed road. Furthermore, there is an elevation change of 20-feet, with the Kurburski house being on the high elevation, lastly there is also a large regulated wetland that naturally acts as a stormwater detention basin.

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

**Which motion carried unanimously.**

**REPORT – VILLAGE AT ROSY MOUND – PUD AMENDMENT**

Pursuant to the provisions of the Grand Haven Charter Township (the “Township”) Zoning Ordinance (the “Zoning Ordinance”), the following is the report of the Grand Haven Charter Township Planning Commission (the “Planning Commission”) concerning an application by RW Properties I LLC (the “Developer”) for approval of a Village at Rosy Mound Planned Unit Development (the “Project” or the “PUD”).

The Project amendment will consist of an occasional use, gated, exit-only, right-turn only driveway onto Rosy Mound Drive for the benefit of the Grand Haven Area Public Schools to effectively discharge traffic from the Grand Haven High School. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”), last revised 2/15/2018, referred to as the “Documentation,” presently on file with the Township.

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

2. 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.

3. 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.

4. Section 17.01.5, and Section 17.02.1.B.1-4 of the Zoning Ordinance, as well as Section 503 of the Michigan Zoning Enabling Act, allow for departures from Zoning Ordinance requirements; these provisions are intended to result in land use development that is substantially consistent with the goals
and objectives of the Township Master Plan and the Zoning Ordinance, and consistent with sound planning principles. The Developer requested a modification of access standards pursuant to Section 15A.07. The Planning Commission makes the following findings.

A. Section 15A.07.1 – practical difficulties exist on site that makes compliance unreasonable.
   i. As part of the site plan review process the Planning Commission considered this condition and find that sight distance limitations, topography, wetlands, existing development, and unique site configuration warrant the requested modifications.

B. Section 15A.07.2 – involves an access improvement to an existing site.
   i. As part of the site plan review process the Planning Commission considered this condition and find that access and dispersal of traffic from the existing Grand Haven High School site will be improved.

C. Section 15A.07.3 – modification is consistent with MDOT guidelines and MDOT staff support the proposed access design.
   i. As part of the site plan review process the Planning Commission considered this condition and find that MDOT staff have reviewed the driveway configuration and have no objections.

D. Section 15A.07.4 – modification is consistent with the general intent of the standards of the Overlay Zone and the recommendations of the U.S. 31 and M-45 Corridor Study.
   i. As part of the site plan review process the Planning Commission considered this condition and find the requested modifications are consistent with the general intent and standards listed in Section 15A.01.

E. Section 15A.07.5 – if necessary, a traffic study will be provided that certifies the modifications will improve traffic operations and safety, and is not simply for convenience of the development.
   i. As part of the site plan review process the Planning Commission considered this condition and find that a traffic study is not necessary. The applicant, and representatives from Grand Haven Area Public Schools have supplied enough evidence to satisfy this condition.

F. Section 15A.06 – demonstrate such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.
   i. As part of the site plan review process the Planning Commission considered this condition and find the Grand Haven Area Public Schools and Ottawa County Road Commission are the only adjacent property owners, and each have a vested interest in this project. Additionally, the two sites are built-out and nothing has been presented that suggests either will redevelop in the future.

G. Section 15A.07.7 – roadway improvements will improve overall traffic operations.
   i. As part of the site plan review process the Planning Commission considered this condition and find that Grand Haven High School has a known history of problematic traffic dispersal after special events, and this occasional use, exit-only driveway will improve the overall traffic operations for that site.

H. Section 15A.07.8 – indirect or shared access is not reasonable.
   i. As part of the site plan review process the Planning Commission considered this condition and find that based on existing development and the history of the Grand Haven Area Public Schools attempting to find a location for a separate exit-drive there are no other viable alternatives.
I. Section 15A.07.9 – modifications shall be demonstrated to be the minimum necessary.
   i. As part of the site plan review process the Planning Commission considered this condition and find the applicant has demonstrated the requested modifications to be the minimum necessary, with the exception of the condition to reduce the width to a maximum of 14-feet.

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 greater compatibility of design and better use between neighboring properties;
   E. The Project will promote more economical and efficient use of the land.

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 PUD design substantially promotes the Intent and Objectives of Section 17.01 of the Zoning Ordinance; it further permits an improved layout of land uses and roadways that could not otherwise be achieved under normal zoning.
   C. The Project contains three separate and distinct residential uses—congregate, assisted living, and cottages, and provides an alternative means for special event traffic dispersal for the nearby Grand Haven High School.
   D. The Project site exhibits significant natural features encompassing more than 25% of the land area, which will be preserved as a result of the PUD plan and includes forested areas and wetlands.
   E. The Project site has distinct physical characteristics which makes compliances with the strict requirements of the Zoning Ordinance impractical.

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

G. The Project will not unduly interfere with the provision of adequate light or air, nor will it overcrowd land or cause an unreasonably severe concentration of population.

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

I. The Project will not have a substantially detrimental effect upon or substantially impair the value of neighborhood property, as long as all of the standards and conditions of this approval of the Project are satisfied.

J. The Project is in compliance with all applicable Federal, State, County, and local laws and regulations. Any other permits for development that may be required by other agencies shall be available to the Township Planning Commission before construction is commenced.

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

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

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

8. The Planning Commission also finds the Project complies with the Overlay Zone findings and statement of purpose found in Section 15A.01 and 15A.04.6 of the Zoning Ordinance.

A. The Project accommodates a variety of uses permitted by the underlying zoning, but ensures such uses are designed to achieve an attractive built and natural environment.

B. The Project promotes public safety and efficient flow of vehicular traffic by minimizing conflicts from turning movements resulting from the proliferation of unnecessary curb cuts and driveways.

C. The Project ensures safe access by emergency vehicles.

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

E. The Project preserves the capacity along US-31 and other roads in the Overlay Zone by limiting and controlling the number and location of driveways, and requires alternate means of access through service drives.

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

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

H. The Project provides landowners with reasonable access, although the number and location of access points may not be the arrangement most desired by the Developer.

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

J. The Project ensures that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.

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

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

M. The Project addresses situations where existing development within the Overlay Zone does not conform to the standards.
N. The Project promotes a more coordinated development review process with the Michigan Department of Transportation and the OCRC.

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

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

Q. The Project’s access spacing from intersections, other driveways, and any median crossovers meet the standards within the Overlay Zone, and the standards of applicable MDOT and the OCRC, and are the maximum practical.

R. Provisions for this Project have been made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements.

S. Traffic impacts associated with the Project are accommodated by a road system that will not degrade the level of service below one grade, and in no case shall any movements be projected at a level of service below D, unless improvements are made to address the impacts.

9. The Planning Commission also finds the Project shall comply with the below additional conditions as well.

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

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

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

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

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

   F. A safety officer that is approved by a recognized law enforcement agency shall be onsite to assist with traffic control when each event concludes.

   G. The Township shall review this application again in 1-year to determine if any changes are warranted to improve the function and compatibility of the road. The Township intends to collect feedback from all relevant agencies, including, but not limited to the Ottawa County Road Commission and Ottawa County Sheriff’s Office.

IX. NEW BUSINESS

A. Open Meetings Act – Discussion & Presentation from Attorney Bultje

Attorney Bultje explained, an email sent by Fedewa pursuant to Section 17.11.6 on 3/20/18, which informed the Planning Commission of a minor amendment approval for Health Pointe resulted in a violation of the Open Meetings Act (OMA) when Hesselkew and Supervisor Reenders “replied all” to each other’s responses and created a dialogue outside of the public realm.

In order to correct, and address the violation, the matter is being discussed in a public forum:
• A Minor Amendment to the Health Pointe PUD was approved by Supervisor Reenders and Chair Cousins, which allowed an architectural window to be added and approved the slight location adjustment of the architectural metal awnings.

• On 3/20/18, Hesselsweet questioned why the full Planning Commission was not involved in the review and approval of all minor PUD amendments.

• On 3/21/18, Supervisor Reenders responded that he supported the inquiry and believed the Board should review the matter.

The above descriptions have now been made part of the public record, and the OMA violation is now corrected, resolved, and closed.

Attorney Bultje proceeded to give a presentation on the Open Meetings Act, and how to remain in compliance at all times.

B. Discussion – Affirm or Review Double Lot Width Requirement

Fedewa provided an overview through a memorandum dated March 30th.

Discussion points of each Commissioner included:

• Wagenmaker
  o The double width, specifically in the Rural Residential (RR) district is too much at 300-feet.
  o Wider lots do not increase safety.
  o Requirement has caused himself, friends, family members, and business contacts to have issues with their land banking business. It is reducing their ability to receive a higher financial return on their investments.
  o Does not agree with certain Ottawa County Road Commission (OCRC) designations of specific roads, placing them into the double width category. Such as Warner Street and 160th Avenue. They are low-traveled and gravel. Thus, the requirement is unnecessary.
  o The 160-foot requirement for the R-2 district is excessive and amounts to a “takings” of property rights.
  o There is no proof that the requirement improves safety. If the requirement is to stay in place, wants a traffic study done to prove it actually improves safety.
  o Has not heard of any differences in major accidents on main thoroughfares vs. subdivision streets.
  o Does not want too many private roads, does not believe the Township likes private roads, and believes the double width requirement will continue to result in a superfluous number of more private roads.
  o There is a lot of land that still has to be developed, and the requirement makes it more difficult.
Believes the Land Division Act and Subdivision Control Ordinance should be some of the regulations used to control growth, and has been working well.

- Does not like the current designs of new subdivisions. Does not believe it serves a diverse group of residents.
- Current regulations, including the double width requirement, will cause the Township to not have any homes for new families that want to move here.

**Treasurer Kieft**
- If Wagenmaker wants to repeal the double width requirement, then an alternative solution needs to be proposed to continue protecting the health, safety, and welfare of the Township residents.
- Not in favor of repealing or revising the ordinance.
- Wagenmaker is only requesting this because he wants a higher return on his personal investments.
- Current members of the Board and Planning Commission were also active members at the time the requirement was adopted as an ordinance amendment.

**LaMourie**
- Could consider removing some streets from the OCRC map. However, the Township would then have to define the applicable roads ourselves.
- National access management standards are not intended to apply to residential properties.
- Questioned what constituted a “major thoroughfare” as described in the staff memo.
  - Fedewa explained that term was chosen for convenience sake, and is all encompassing of the three classifications on the OCRC map—State Trunkline, County Primary, and County Local.

**Hesselsweet**
- Agrees that 300-feet of width is too much.
- Supportive of revising the double width requirement.

**Reenders**
- Cautious about property rights. Supporter of strong private property rights, but choosing to live within a zoned community means those property rights are limited to, and defined by, the zoning ordinance.
- Believes the Township should rely on staff expertise in this type of situation.
- Would like to hear the opinion of residents before making any decisions.

**Taylor**
- Times change. Built her home on a small lot on a road with low traffic volumes.
Now the area has grown tremendously and dramatically increased traffic volumes.

If the double width requirement were not in effect, the traffic volumes and number of accidents would be even higher near her home.

As a society, we learn over time. As a child, she was not required to wear seatbelts, but society learned seatbelts keep occupants safe and are now required throughout the country.

Similarly, the Township has learned that doubling the lot width has improved safety by limiting the number of new lots, and thus new driveways, being added to major roadways.

Cousins

- Strongly believes in reaffirming this ordinance.
- A planning commissioner’s duty is to consider current circumstances and also to look 20+ years into the future to consider the long-term impacts, improvements, and consequences of decisions made today.

Planner Fedewa provided the following information during the discussion:

- The extra width of a lot does not improve safety, however, by doubling the minimum lot width it inherently restricts the number of new parcels that can be created on these well-traveled public roadways. Thereby inherently restricting the number of new driveways that can be cut into the roads. Thus, the width is the mechanism that allows the Township to limit the number of driveways, thereby limiting the number of traffic accidents on State Trunkline, County Primary, and County Local roads as defined by the OCRC map.

- References made to low-traveled roads such as Warner Street and 160th Avenue are correct. However, the Commission must consider this question—would those roads still have low traffic volumes if the double width requirement was never enacted? Laws, ordinances, and rules that are intended to promote safety are difficult if not impossible to quantify. It is impossible to provide data that states “x-number” of traffic accidents were prevented because of fewer driveways. Hence, prevention regulations are created using best management practices, which is the double width requirement in this case.

- Traffic studies have been conducted that support the double width requirement.
  - 1996 Master Land Use Plan Update acknowledged a trend of substantial population growth, and created goals and objectives intended to guide the new growth to appropriate locations.
  - 2000 US-31/M-45 Corridor Study was conducted by LSL & Associates is specific to the Township, and was incorporated into the Master Plan.
  - US-31 and M-45 Area Overlay Zone was created to support the recommendations of the Corridor Study and improve access management and the safety of the traveling public.
• 2004 Transportation Plan conducted by Wade-Trim, Inc. is specific to the Township and supports the limitation of more access points.

Motion by Wagenmaker, supported by Hesselsweet to revise Ordinance No. 498 as it relates to requiring a double lot width for properties along major thoroughfares. Which motion failed, as indicated by the following roll call vote:

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

Fedewa reported this matter will be forwarded to the Township Board to review and determine the appropriate course of action because revising or rescinding this provision is contrary to public policy.

X. REPORTS
   A. Attorney Report – None
   B. Staff Report
      ➢ Zoning Ordinance Update Committee will meet Thursday, April 5th @ 6pm
   C. Other

XI. EXTENDED PUBLIC COMMENTS – None

XII. ADJOURNMENT

Without objection, the meeting adjourned at 8:31 pm.

Respectfully submitted,

Stacey Fedewa
Acting Recording Secretary