

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
PLANNING COMMISSION
JULY 16, 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, Wilson, and Hesselsweet

Members absent: None

Also present: Community Development Director Fedewa, Assistant Zoning Administrator Hoisington, 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 June 18, 2018 meeting were approved.

V. CORRESPONDENCE

VI. PUBLIC COMMENTS – None

VII. OLD BUSINESS

A. PUD – Lakeshore Gardens – Multifamily Apartment Complex

Fedewa provided an overview of the report in a memorandum dated July 12th.

Barbara Marczak, an engineer from Prein&Newhof provided a summary of her findings after reviewing the environmental studies produced by the applicant:

- A Phase 1 Environmental Study Assessment (ESA) is essentially a paperwork review on the history of the property, no testing is conducted. The major finding was the Above-ground Storage Tanks (AST).
- The Phase 2 ESA conducted testing, but it was limited to the AST area where some contamination was found.
- Based on Township feedback that indicated the site was not connected to sanitary sewer, the applicant conducted additional testing and provided a Floor Drain & Holding Tank report.
 - The discharge point of the floor drains was determined to be the storm water drain that discharges offsite.

- The holding tank can, and will, be crushed onsite per the Ottawa County Environmental Health Department.
- Due Care Plan is sufficient, but does include various legal statements that the applicant did not cause the contamination and therefore is not responsible for remediation. Rather, are only responsible for protecting the public health and from exacerbating or making the contamination spread or become worse, and prevent the ‘reasonably foreseeable acts of third parties.’

The application, and environmental findings, were discussed by the Commissioners:

- Inquired if a magnetometer was used to find the holding tank.
 - Per Roger Bour, the applicant’s environmental engineer, no—a magnetometer was not used because the tank is concrete.
- Requested Marczak provided a review of her nine recommendations. Specifics explanations include:
 - No assessment of potential salt in the groundwater was performed, but salt does dissipate quickly.
 - No private water wells should be allowed, to prevent the groundwater from being used for irrigation or drinking.
 - Will be important to review the dewatering hydrogeological assessment that will become available after earthwork and dewatering begins for utility installation. This assessment, along with the groundwater monitoring wells, will determine if the contamination has entered the groundwater and how far it has migrated.
 - If these additional tests find additional contamination that is spreading then the Township will likely want to require the vapor-barrier.
- Bour was invited to respond to Marczak’s findings:
 - Will review the salt pile after it is removed, and the concrete pad is removed. However, does not believe contamination will be an issue since the salt has been covered by a barn, and if any salt has leached into the groundwater it does dissipate quickly. A comparison was provided that salt used for roads and sidewalks during winter has about the same potential for contamination.
 - Regarding the potential condition of approval that would require a petroleum-resistant vapor barrier on all buildings—the results of the volatilization to indoor air assessment has already been completed. No exposure pathway. Distance between the known contamination and the apartment buildings exceeds the distance requirements established by the DEQ.
 - Thus, the DEQ would not require any petroleum-resistant vapor barriers.
 - Additional testing for volatilization to indoor air will only be conducted if the dewatering hydrogeological assessment reveals the contamination plume has migrated, which is not expected.

- Marczak affirmed Bour’s findings and acknowledged that her review of the environmental studies took a conservative approach.
- Rather than using a vapor barrier for each building, which is costly; should a soil boring be taken under each building?
 - Bour explained he is confident in the horizontal extent of the known contamination—estimated to be approximately 25 yd³ x 25 yd³. DEQ & EPA only require a 6-foot isolation distance and the nearest apartment building is over 80-feet. If a problem was found in the future it can be addressed specific to the findings.
- Matthew D. Zimmerman, the applicants environmental law attorney indicated staff overstated the findings and breadth of the Township’s legal authority in the July 12th memorandum.
- Inquiry was made about the petroleum testing and why the rest of the site was not included in the ESA’s. Bour explained the following:
 - Typically, petroleum floats, but on rare occasions these compounds can sink quite deeply underground. Sinking usually only occurs with odd soil types. Additional testing will be completed as stated in the Due Care Plan. If any additional contaminants were found, it would not impact the volatilization to indoor air/vapor-barrier concerns.
 - Initial testing did not reveal any diesel fuel, and when that occurs the industry standard is to cease testing for that compound. This method also complies with DEQ standards.
 - Reviewed historical use of the property during the Phase 1 ESA. The scope of the Phase 2 ESA is based on the experience and professional judgment of the environmentalist; and did not find any justification to expand the scope of Phase 2.
 - Could perform random sampling, or grid pattern sampling, but both are expensive and rarely find any contaminants.

Motion by Wilson, supported by Reenders, to recommend the Township Board **conditionally approve** the proposed multi-family residential Lakeshore Gardens PUD application to construct 6 apartment buildings, with a total of 156-units ranging from 496-sqft to 1,070-sqft in floor area. 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 – LAKESHORE GARDENS APARTMENTS – 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 Chad Bush (the “Developer”) for approval of a Lakeshore Gardens Planned Unit Development (the “Project” or the “PUD”).

The Project will consist of a multi-family apartment complex. This 11.47-acre Project will consist of six three-story buildings, four buildings will contain 24-units, the remaining two will each contain 30-units. The floor areas of the 156-units range from 496-sqft to 1,070-sqft. It also includes 94-enclosed garage spaces, 224-surface parking spaces. It will also include 2.5-acres of designated open space. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”), last revised 6/8/2018, including landscaping (the “Final Landscape Plan”) and elevation renderings (the “Final Elevations”), last revised 5/15/18; 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 Lakeshore 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 and an external sidewalk within the Robbins Road right-of-way.

- 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 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 24.04.1 – allow a 35-foot maneuvering lane in front of the garage buildings.
 - The Planning Commission finds it acceptable to allow the increased width to enable easier, and safer, turning movements within the site. Particularly for the barrier-free spaces that can accommodate a wheelchair accessible van. Developer is only required to provide 8 barrier-free spaces + 1 van-accessible barrier-free space. In this case, the Developer is providing 22 barrier-free spaces, or 144% more than required.
 - B. Section 21.02 – allow a reduced minimum floor area for 51-units; 12-units at 496-sqft and 39-units at 730 sqft.
 - The Planning Commission finds it acceptable to allow the reduced floor area because it will enable the Developer to provide some affordable housing to the community. In addition, the Developer provided compelling comparisons of other apartment sizes. The Executive Director of Housing Next supports the reduced floor area as well.
 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 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.
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 Project site has distinct physical characteristics which makes compliances with the strict requirements of the ordinance impractical.
 - C. 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 and other site features that could not otherwise be achieved under normal zoning.
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. 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.
7. 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.
8. The Planning Commission also finds the Project shall comply with the below additional conditions as well.
- A. Must obtain permits from all applicable agencies including, the Ottawa County Water Resources Commissioner and City of Grand Haven. 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 executed by the Township Board prior to receiving an occupancy permit.
 - C. Extend the width of the main drive aisle to 30-feet farther south to the curve adjacent to the SW corner of the clubhouse.
 - D. Open Space Conveyance shall be recorded with the Ottawa County Register of Deeds and a copy provided to the Township.
 - E. The following conditions are imposed as a result of the Environmental Site Assessments and Due Care Plan:
 - i. Because utilities are proposed near a known area of impact, require a detailed plan for watermain and sanitary sewer construction including “petroleum resistant” gasket material.

- ii. An assessment of salt spillage in soil and groundwater on utility construction. Salt can be corrosive to metal pipe.
- iii. Prohibition on water wells (*except monitoring wells*) either through PUD approval or a restrictive covenant.
- iv. Provide results of dewatering hydrogeological assessment.
- v. Provide results of groundwater monitoring.
- vi. Provide results of volatilization to indoor air assessment and whether engineering controls are needed based on groundwater monitoring.
- vii. Provide location of remaining impacted soils or groundwater on final plan in form that can be permanently referenced in the future.
- viii. Provide confirmation of holding tank removal or closure in place.
- ix. Provide copy of final Due Care Plan at conclusion of construction. This is important for Township utility workers in case they must make a repair to utilities in the future, both for health and safety of workers during the repair and the need for addressing groundwater and/or soil contamination during dewatering and excavation.
- x. Install a petroleum-resistant vapor barrier, or other alternative remedies on all buildings that comply with DEQ standards, if results of additional testing warrant the need. All results shall be shared with, and reviewed by, the Township's Engineering Firm Prein&Newhof.

VIII. NEW BUSINESS

A. Trial-Run for Open Discussion Format

Fedewa provided an overview of the report in a memorandum dated July 12th.

Motion by Wilson, supported by LaMourie, to begin the Open Discussion trial at the next meeting, will subsequently be placed on every other meeting agenda, will be limited to a total of 30-minutes, will be information only and not for action at that meeting, will be the last item on the agenda before adjournment, and the trial shall cease at the end of 2018. **Which motion carried unanimously.**

IX. REPORTS

A. Attorney Report – None

B. Staff Report

- Next regularly scheduled Planning Commission meeting is August 20th.
- Zoning Ordinance Update Committee has directed staff to fine-tune the current draft of the new zoning ordinance. When staff is satisfied, the draft will be forwarded to the Planning Commission for review.

C. Other

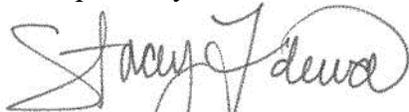
- Planning Commission, Township Attorney, and staff all expressed their happiness that Hesselsweet is recovering well and able to attend meetings again.

X. EXTENDED PUBLIC COMMENTS – None

XI. ADJOURNMENT

Without objection, the meeting adjourned at 8:10 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, AICP
Acting Recording Secretary