

# AGENDA

Grand Haven Charter Township  
Planning Commission and  
Zoning Board of Appeals  
Tuesday, January 22, 2019 – 7:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Approval of the January 7, 2019 Meeting Minutes
- IV. Brief Public Comments & Questions (Limited to 3 minutes)
- V. New Business
  - A. Discussion – Overview of New Zoning Ordinance
- VI. Reports
  - A. Staff Report
  - B. Other
- VII. Extended Public Comments & Questions (Limited to 4 minutes)
- VIII. 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  
JANUARY 7, 2019

I. CALL TO ORDER

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

II. ROLL CALL

Members present: Cousins, Wilson, Taylor, Chalifoux, Wagenmaker, Kieft, Hesselsweet, Reenders and LaMourie.

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 December 3, 2018 meeting were approved.

V. CORRESPONDENCE – None

VI. PUBLIC COMMENTS – None

VII. PUBLIC HEARING

A. Special Land Use – AG in RR – Old Woods Trail

Cousins opened the public hearing at 7:03 pm.

Fedewa provided an overview through a memorandum dated December 28<sup>th</sup>.

The applicant, Tim Schollaart, and project engineer, Todd Stuive of Exxel Engineering, were both present and offered the following:

- Agricultural use has been in existence for many years, and application is a formality.
- 3 lots in the rear are to be split and sold as single family lots.

Public comments include:

- Steve Johnson – 11791 168<sup>th</sup> Avenue:
  - Questioned if the full 10-acres is to be farmed, if it will be expanded.
  - Concerned about groundwater. Neighboring blueberry fields draw large amounts of water and may impact private water wells.

- Cheryl Diephouse – 11920 Mistral Lane:
  - Owns lot on Turtle Trail, and inquired if the new road will be setback 50’ from the lot line, if trees would be preserved, and if it would be paved.

There being no further public comments, Cousins closed the public hearing at 7:09 pm.

## VIII. OLD BUSINESS

### A. Special Land Use – AG in RR – Old Woods Trail

The Commissioners had the following comments to offer:

- Three homesites and a blueberry field are much more cohesive with the area than the 15+ homesites that were previously proposed.

**Motion** by Wilson, supported by LaMourie, to **approve** the Special Land Use application to allow an Agricultural operation in the Rural Residential zoning district on 10-acres of property located on Buchanan Street, Parcel No. 70-07-21-200-078. This approval is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance. This motion is subject to, and incorporates, the following report. **Which motion carried unanimously.**

#### REPORT – OLD WOODS TRAIL – SPECIAL LAND USE

1. This approval is based on the affirmative findings that each of the following standards of Section 19.05 have been fulfilled:
  - A. The proposed use is consistent with and promotes the intent and purpose of this Ordinance.
  - B. The proposed use is of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
  - C. The proposed use does not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
  - D. The proposed use is reasonably compatible with the natural environment of the subject premises and adjacent premises.
  - E. The proposed use does not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.
  - F. The proposed use does not interfere or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.
  - G. The proposed use is such that traffic to, from, and on the premises and the assembly of persons relation to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and the general character and intensity of the existing and potential development of the neighborhood.
  - H. The proposed use is consistent with the health, safety, and welfare of the Township.
2. The application meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, 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 department.
- H. All streets and driveways are developed in accordance with the Ottawa County Road Commission 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 storm water, 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.
- 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 site plans conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances.
- N. As appropriate, fencing has been required by the Planning Commission around the boundaries of the development to minimize or prevent 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.

## B. Zoning Text Amendment – Setback Measurement

Fedewa provided an overview through a memorandum dated December 28<sup>th</sup>.

The Commissioners had the following comments to offer:

- Discussed any potential differences and/or similarities for setbacks being measured between—two buildings on the same lot next to each other; two buildings on separate

parcels divided by a lot line; and typical scenarios of a single building adjacent to a lot line.

- Majority anticipate “junk” being stored between two buildings, but believe that is a better location than being visible to neighbors or to vehicles from the road.
- Majority in agreement that if two buildings were separated by less than 5-feet:
  - Compliance with the Building Code is not difficult.
  - Fire Code does not prohibit this setback.
- Majority believe that allowing the buildings to be closer together creates additional space in the rear yard, which is beneficial to the property owner.
- Questioned the possibility or likelihood of two buildings being joined together by their exempt 3-foot overhangs.
  - If a building permit is obtained to permanently join the two buildings together the floor area of both buildings + the floor area beneath the overhangs would be combined and considered one building. The “new” building would then have to comply with applicable requirements.
  - If a building permit was not obtained it is likely to be cobbled together. If the Township learned of the unpermitted work the property owner would be required to disassemble the connection and separate the buildings, or obtain a building permit.

**Motion** by Wilson, supported by Wagenmaker, to recommend the Township Board approve the method of measuring setbacks at the **foundation** (*i.e., proposed method*). **Which motion carried**, with Kieft voting against because he supports the current method of measuring setbacks, which is to the farthest projection.

IX. REPORTS

- A. Attorney Report – None
- B. Staff Report
  - Reminder – Next PC Meeting Scheduled for Tuesday, January 22<sup>nd</sup>.
- C. Other – None

X. EXTENDED PUBLIC COMMENTS – None

XI. ADJOURNMENT

**Without objection**, the meeting adjourned at 7:25 pm.

Respectfully submitted,

  
Stacey Fedewa, AICP  
Acting Recording Secretary



# Memorandum

**TO:** Grand Haven Township Planning Commission  
**FROM:** Christopher Khorey, AICP  
**SUBJECT:** **Policy Questions for Zoning Ordinance**  
**DATE:** January 17, 2018

Following a comprehensive policy development process by the Steering Committee, and an iterative revision process by staff and McKenna, the draft Zoning Ordinance is nearly ready to be presented to the Planning Commission and moved through the approval process. However, there are some policy questions that we are hoping the Planning Commission can provide feedback and consensus on:

- **Should livestock be permitted on undeveloped lots that are zoned commercial or industrial?** The current draft allows them, but only if the lot is 5 acres or greater. The main positive to allowing livestock would be that vacant land could be used prior to development, but there are also significant negatives – odor, compatibility with the surroundings (especially if they are developed), and potentially making the land in question less desirable for development.
- Right now, the Ordinance requires the Township Board to hold a public hearing, with a 15 day notice requirement, on PUDs. That public hearing is in addition to the one held by the Planning Commission. Under the Michigan Zoning Enabling Act (MZEA), only the Planning Commission is required to hold a public hearing (unless residents file a protest petition against the proposed PUD). The extra 15 days for the notice means the minimum time it takes to approve a PUD is 56 days – that could be reduced to 42 days without the hearing requirement. On the other hand, additional public input is valuable, and nearby residents appreciate receiving notice of meetings, especially for large or controversial developments.  
**Should the Township Board be required to hold a public hearing?**
- In both the existing Ordinance and the draft new Ordinance, a building that is damaged to the point where repairs will cost over 50% of its value is required to be rebuilt in compliance with the Ordinance.  
**Should damaged buildings have to be rebuilt to the standards of the US-31 Overlay, or just the underlying zoning district?**
- The new draft includes density bonuses in PUDs for developers who build affordable housing. **Which of the following would the Planning Commission prefer to use to define affordable housing:**
  - 80% of the Grand Haven Area Median Income (as defined by HUD)
  - 80% of the Grand Haven Township Median Income (as defined by the Census)



- The ALICE (Asset Limited, Income Constrained, Employed) Income Level (as defined by the Ottawa County United Way)

For reference, the income levels are:

- 80% of HUD Area Median Income: \$43,150 for a single person, \$61,100 for a family of four
- 80% of Census Township Median Income: \$49,904 for a single person, \$54,589 for a family of four
- United Way County ALICE Income: \$19,848 for a single person, \$54,400 for a family of four

We look forward to discussing these issues at the January 22 meeting.



# Memorandum

**TO:** Grand Haven Township Planning Commission  
**FROM:** Christopher Khorey, AICP  
**SUBJECT:** **Major Changes to Zoning Ordinance**  
**DATE:** January 17, 2018

Following is a summary of the major additions and changes to the Zoning Ordinance drafted by the Steering Committee, staff, and McKenna. Please note that these are summaries/paraphrases, and not the actual draft text.

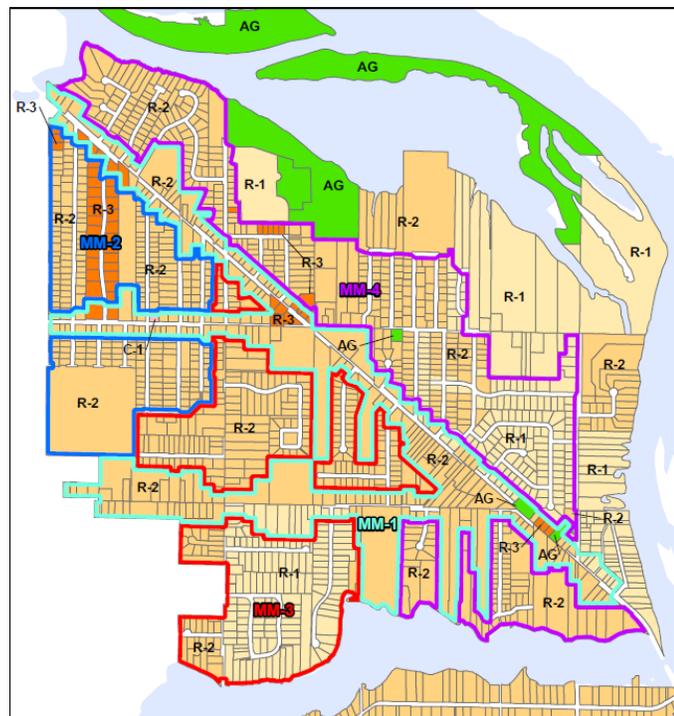
- **Waterfront Regulations (Section 3.01).** New regulations on waterfront properties have been added. They include:
  - For properties abutting Lake Michigan:
    - A 200 foot setback requirement for all structures from the Ordinary High Water Mark of the lake (defined as 580.5 feet above sea level).
    - A prohibition on seawalls
    - A viewshed protection requirement prohibiting structures that would block the lake view of neighboring properties.
  - For properties abutting Inland Waterways:
    - A 50 foot setback requirement for all structures from the Ordinary High Water Mark of the body of water.
    - A requirement to maintain natural vegetation along at least 75% of the water line, back to the 50 foot setback line
    - A viewshed protection requirement prohibiting structures that would block the lake view of neighboring properties.
- **Sustainability and Equity Bonuses for PUDs (Section 7.09).** Developers of PUDs could obtain density bonuses for including the following in their developments:
  - LEED Silver/Gold/Platinum Buildings
  - EnergyStar Certified Buildings
  - Dwelling Units with Fire Suppression
  - A natural shoreline with native vegetation along bodies of water
  - Missing Middle Housing Units (buildings with 2-4 units)
  - Recreational amenities in easily-accessible common green spaces
  - Walking or biking paths to nearby employment, institutions, and amenities.
  - Affordable housing.



- **US-31 Overlay (Chapter 8).** The US-31 Overlay has been substantially revised. Major changes include:
  - The overlay no longer extends east along M-45.
  - Agricultural and residential lots are explicitly exempted from the Overlay.
  - A new chart has been added (in Section 8.03) that clearly shows when overlay regulations apply to a proposal, and how the proposal will be approved. For instance, new construction is subject to all overlay regulations, but changing to another permitted use is only subject to traffic, access, and site design requirements.
  - Lot width requirements only apply to newly created lots. The Overlay no longer renders existing lots unbuildable.
  - Traffic impact studies are no longer required for uses expected to generate less than 1,000 vehicle trips per day.
  - Landscape requirements have been simplified.
  - Landmark tree protection now has three categories:
    - The proposed building footprint, where any tree may be removed.
    - The “buffer zone”, including the front and side yards and the portion of the rear yard closest to the building, where any trees removed must be replaced with new plantings.
    - The “restriction zone”, along the rear lot line, where no landmark trees may be removed.
  - The architectural standards are more objective and simpler.
  
- **Missing Middle Overlay (Chapter 9).** The purpose the Missing Middle Overlay is to allow for new types of housing in developed areas of the Township, in order to provide housing at a wider variety of price points. “Missing Middle” refers to housing types that are NOT single family or large multi-family buildings or complexes (as illustrated below). The Missing Middle Overlay covers the northeast portion of the Township, generally bounded by the Grand River, Pottawattomie Bayou, and the Grand Haven City limits. The Overlay is divided into four areas, shown on the map below, which allow the following by Special Use, if regulations listed in the Overlay chapter are met:
  - MM-1: Mixed use buildings, quadplexes, duplexes, garden courts (which are clusters of small single family homes on a single lot, generally sold as condos), and accessory dwelling units.
  - MM-2: Quadplexes, duplexes, garden courts and accessory dwelling units.
  - MM-3: Garden Courts.
  - MM-4: Accessory dwelling units.



MissingMiddleHousing.com is powered by Opticos Design. Illustration © 2015 Opticos Design, Inc. OPTICOS



- **Porches and Decks (Section 10.04).** Unenclosed porches and decks would be able to extend the following distances into required yards (i.e. closer to the lot line than the required setback):
  - Front yard: 30% of the required setback
  - Side yard: No extension into the required setback
  - Rear yard: 40% of the required setback
- **Chickens in LDR/R-1/R-2 Districts (Section 14.01.B.2.f).** The draft ordinance allows chickens in those districts, but includes the following regulations:



- A limit of 4 chickens on lots under 2 acres. Lots over 2 acres may have one additional chicken per quarter of an acre, up to a maximum of 15 chickens.
- Roosters are prohibited.
- Slaughtering is prohibited.
- Chickens must be kept within a covered enclosure, constructed of permanent building materials (i.e. no tarps). Chickens are not allowed to roam around the lot.
- The covered enclosure must be in the rear yard, with a 20 foot setback from all property lines.
- Landlords and homeowners associations may prohibit chickens outright if they want.

We look forward to discussing these proposed revisions at the January 22 meeting.