

# AGENDA

Grand Haven Charter Township Planning Commission  
Monday, July 1, 2019 – 7:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Pledge to the Flag
- IV. Approval of the June 3, 2019 Planning Commission Meeting Minutes.
- V. Correspondence
- VI. Brief Public Comments & Questions (Limited to 3 minutes)
- VII. Public Hearing
  - A. Conditional Rezoning – Lincoln Farms Drive – AG to RR
- VIII. Old Business
  - A. Conditional Rezoning – Lincoln Farms Drive – AG to RR
- IX. New Business
  - A. Review Draft of Zoning Ordinance
- X. Reports
  - A. Attorney’s Report
  - B. Staff Report
  - C. Other
- XI. Extended Public Comments & Questions (Limited to 4 minutes)
- XII. 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  
JUNE 3, 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, Kieft, Reenders, LaMourie, Hesselsweet, Wilson, Taylor

Members absent: Wagenmaker, Chalifoux

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 May 16, 2019 joint meeting were approved.

**Without objection**, the minutes of the May 20, 2019 meeting were approved.

V. CORRESPONDENCE

- Kevin Mesler – 12746 Sanctuary Place
- Bill and Jeanine Holman – 16952 Timber Dunes Drive

VI. PUBLIC COMMENTS – None

VII. PUBLIC HEARING

A. Special Land Use – Grand Haven Golf Course – Outdoor Ponds

Wilson recused himself due to a conflict of interest – his home is within the notice area.

Cousins opened the public hearing at 7:05 pm, and provided a synopsis of the Township's scope of authority.

Fedewa provided an overview through a memorandum dated May 30<sup>th</sup>.

The applicant, Doug Bell, General Manager, was present and offered the following:

- Five new ponds in total. Two existing ponds will be enlarged, and eroded edges cleaned.
- Southeast portion of course has always been very wet, and the new ponds will provide a direction for the water to drain.

- Intend to raise elevation of some fairways around the low areas.
- By resolving the drainage issues that will afford more playing time on the course, which is particularly important with the Fold of Honor organization.
- Specifically, the following is intended to occur with each pond:
  - Pond 1 – will be able to contain more volume of water.
  - Pond 2 – intended to resolve wetness issues.
  - Pond 3 – will connect to the irrigation pond system.
  - Pond 4 – irrigation pond will be enlarged, and edges cleaned.
  - Pond 5 – near wettest hole on the course, and will improve playability.
  - Pond 6 – fairway is low and needs better drainage.
  - Pond 7 – will be able to contain more volume of water, and edges cleaned.
- Has experience with resolving wetness issues on a course in Manistee.
- Intend to reopen Memorial Weekend 2020.

Public Comments include:

- Pete Bac – 16910 Timber Dunes Drive
  - Lives adjacent to new Pond 5.
  - Believes there may be an orphan drain on the road. Outlet pipes may be crushed because there are standing water issues.
- Keith LaCroix – 16922 Timber Dunes Drive
  - Inquired if the ponds will be lined. If not, how will basements stay dry?
    - Per applicant Bell—ponds will not be lined because water needs to infiltrate to drain. A liner would prevent infiltration.
    - Per Exxel Engineer Jon Male—area has a high water table. When the pond is dug it will fill with ground water. Intended to capture runoff. Designed for a certain storm volume. Will ensure the ponds do not increase the drainage problems in the area.
- Matt Dirkse – 12353 168<sup>th</sup> Avenue
  - Has a private water well and concerned the ponds could cause problems with obtaining water. Inquiring if a well study will be conducted.
    - Per Chair Cousins—water wells are typically tapped into an aquifer and not ground water. Ponds will only draw from ground water.
- Tony Woolf – 12732 Sanctuary Place
  - Lives next to existing fairway No. 9. Pond #1 is being relocated, and it was mentioned a “sliver” of the existing pond will remain. Asked where the “sliver” will be located and where it will drain.

- Per applicant Bell—the “sliver” will be in the same area as the existing pond, and will be tied into the existing storm drains.
- Ray Swanson – 11724 Garnsey Avenue
  - Inquired what type of grass would be used; True Distinction seems great for sandy soils.
    - Per applicant Bell—the type of grass has not been determined yet.
- Ottawa County Water Resource Commissioner Joe Bush
  - Has been working with the golf course and plans are being reviewed by a contracted engineering firm.
  - Will ensure extra water does not become a headache for neighbors.
  - Area will have better drainage than it did before the redesign of the course.

There being no further public comments, Cousins closed the hearing at 7:35 pm.

## VIII. OLD BUSINESS

### A. Special Land Use – Grand Haven Golf Course – Outdoor Ponds

The Commissioners had the following comments to offer:

- Thankful to have a world-class golfer invest his time, resources, and expertise into Grand Haven as well as incorporating the Folds of Honor organization.
- A possible orphan drain is the most important item for the local governments to address.

**Motion** by Taylor, supported by Hesselsweet, to **conditionally approve** the Outdoor Pond Special Land Use application for 17000 Lincoln Street, 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 and conditions:

1. Shall provide the Township with a copy of the Soil Erosion and Sedimentation Control permit and the Site Drainage Approval from the Ottawa County Water Resources Commissioner. These shall be supplied prior to constructing the ponds.
2. Construction drawings for ponds shall be revised to show and restate in a general note:
  - a. The slopes of the banks or sides of the pond shall be constructed so that for each 1’ of rise there shall be a minimum of 3’ of run (1:3 slope). This maximum slope must be maintained and extended into the pond water depth of 5’ below the water’s surface.
  - b. The discharge pipe from any pond without direct outlet to an established drain shall not exceed 4” in diameter and shall be constructed with galvanized iron or such other standard and

durable material as may be approved by the Zoning Administrator.

- c. A pond that is constructed, installed or maintained cannot create stagnant water. To that end, all ponds shall have an aeration device installed therein or shall utilize such other comparable measures to ensure that the existence and use thereof will not cause or spread disease or otherwise cause conditions that are hazardous to the public health.

**Which motion carried unanimously.**

REPORT – GRAND HAVEN GOLF COURSE – SPECIAL LAND USE

- 1. This approval is based on the affirmative findings that each of the following standards has 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.
  - B. 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.
  - C. 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.
  - D. 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.

- E. 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.
- F. 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.
- G. 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.
- H. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.
- I. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate.
- J. 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.
- K. 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.
- L. 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.
- M. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.
- N. The site plans conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances.
- O. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.

Wilson rejoined the Commission.

## IX. REPORTS

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

## X. EXTENDED PUBLIC COMMENTS

- Patricia VanderKooy – 17335 Timber Dunes Drive
  - Portions of fence and gate around the historic cemetery have still not been replaced after constructing the pathway on 168<sup>th</sup> Avenue.

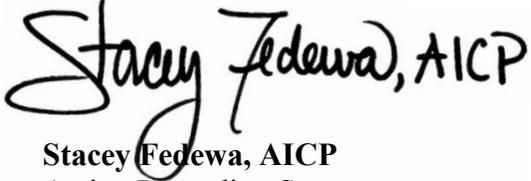
## XI. PLANNING COMMISSION OPEN DISCUSSION FORUM

- Several Commissioners expressed their thankfulness of the Schmidt Heritage Park land donation. Believe it will be a great attribute to the community.

XII. ADJOURNMENT

**Without objection**, the meeting adjourned at 7:47 pm.

Respectfully submitted,

A handwritten signature in black ink that reads "Stacey Fedewa, AICP". The signature is written in a cursive style with a large, stylized "S" and "F".

**Stacey Fedewa, AICP**  
Acting Recording Secretary



GRAND HAVEN CHARTER TOWNSHIP

# Community Development Memo

DATE: June 27, 2019

TO: Planning Commission

FROM: Stacey Fedewa, AICP – Community Development Director

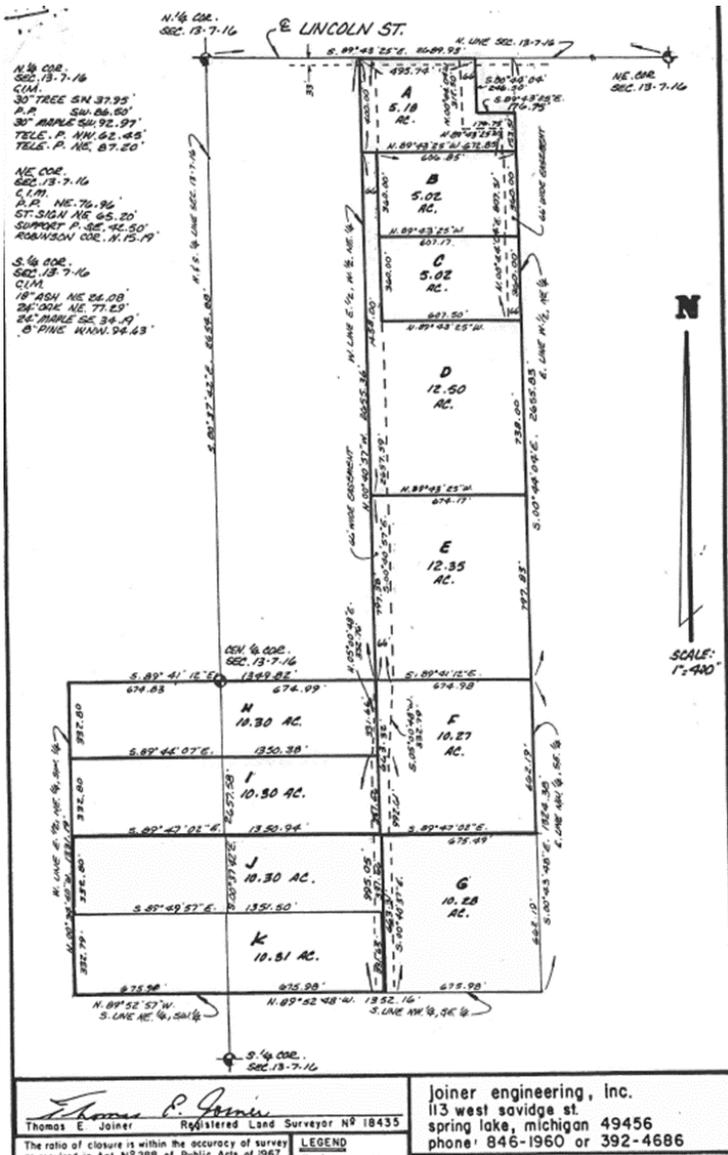
RE: Lincoln Farms Drive – Rezoning – AG to RR

## BACKGROUND

Lincoln Farms Drive is comprised of 10 lots. Of those, 9 are zoned AG. The Township has indicated its desire to rezone these properties to the RR district. This would enable the property owners to build a home prior to establishing their small hobby farm. Conversely, keeping the zoning in the AG district prohibits the house from being constructed until active agriculture is occurring on the land.

The parcels on this road are still in the process of being sold, so the Township’s desire to rezone has created confusion and a burden on the developer, current owners, and prospective buyers. In response, the **current property owners have submitted a request for a conditional rezoning from AG to RR.**

The conditions requested by the property owners are to prohibit land divisions and restate the private road exception granted by the Township Board on August 27, 2018.



It should be noted, one property owner (*Jeff Somers; Lot E*) did not want to participate in the conditional rezoning request. That said, the owner is aware of the township's intention to rezone after the Future Land Use Map is amended.

## SAMPLE MOTIONS

If the Planning Commission finds the conditional rezoning request is acceptable, the following motion can be offered:

**Motion** to recommend the Township Board **conditionally approve** the Lincoln Farms Drive conditional rezoning request to rezone Lots C, D, and F – K from Agricultural (AG) to Rural Residential (RR). The motion is subject to the following condition:

1. Private Road Maintenance Special Assessment Contract (*draft date 9/19/18*) and Declaration of Joint Maintenance and Easement (*draft date 9/26/18*) shall be executed, recorded with the Ottawa County Register of Deeds, a copy provided to the Township, and the Document Numbers added to Section 2 of the Conditional Rezoning Agreement. This shall occur prior to the Conditional Rezoning Agreement being executed by the Township.

If the Planning Commission finds the conditional rezoning request is not acceptable, the following motion can be offered:

**Motion** to recommend the Township Board **deny** the Lincoln Farms conditional rezoning request.

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

**Motion** to **table** of the Lincoln Farms Drive conditional rezoning request, and direct the applicant to address the following items:

1. *List the items...*

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

As the owners of the properties referenced below:

**PP#b700713400013, 00 Lincoln Farms Drive, Parcel G, Grand Haven, MI 49417**

Legal: PART OF W 1/2 OF SE 1/4 COM S 89D 43M 25S E 672.48 FT, S OD 40M 57S E 2655.36 FT & S OD 40M 37S E 663.32 FT FROM N 1/4 COR, TH S 89D 47M 02S E 675.49 FT, S OD 43M 48S E 662.19 FT, N 89D 52M 48S W 675.98 FT, TH N OD 40M 37S W 663.31 FT TO BEG. SEC 13 T7N R16W 10.28 A

**PP# 700713400008, 00 Lincoln Farms Drive, Parcel H, Grand Haven MI 49417**

Legal: PART OF W 1/2 OF SE 1/4 & PART OF E 1/2 OF NE 1/4 OF SW 1/4 COM S 89D 43M 25S E 672.48 FT & S OD 40M 57S E 2655.36 FT FROM N 1/4 COR, TH S OD 40M 37S E 331.66 FT, N 89D 44M 07S W 1350.38 FT, N OD 34M 40S W 332.8 FT, S 89D 41M 12S E 1349.82 FT TO BEG. SEC 13 T7N R16W 10.3 A

**PP# 700713400009, 00 Lincoln Farms Drive, Parcel I, Grand Haven, MI 49417**

Legal: PART OF W 1/2 OF SE 1/4 & PART OF E 1/2 OF NE 1/4 OF SW 1/4 COM S 89D 43M 25S E 672.48 FT, S OD 40M 57S E 2655.36 FT & S OD 40M 37S E 331.66 FT FROM N 1/4 COR, TH S OD 40M 37S E 331.66 FT, N 89D 47M 02S W 1350.94 FT, N OD 34M 40S W 332.8 FT, TH S 89D 44M 07S E 1350.38 FT TO BEG. SEC 13 T7N R16W 10.3 A

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I am requesting, in writing, the Township consider a Conditional Rezoning Agreement. The properties are zoned AG and the Township has indicated an intention to rezone the land to RR. This is an active development and the zoning change is creating confusion and financial hardship. Buyers of this development want to build a home and create a small hobby farm. The anticipated timeline for the Township-initiated rezoning is burdensome and is what prompted this request for a Conditional Rezoning Agreement.

The request is to rezone these properties from AG to RR in anticipation of, and in response to, the Township-initiated rezoning plan of Lincoln Farm Estates. I also request the Township attach a condition that prohibits future land divisions and restates the Private Road Exemption Agreement from 2018.

Date: 6-12-2019

  
Forrest Johnson

Date: 6-12-2019

  
Frank Johnson

I hereby agree with the complete statement and description of the developer on page 1 of this document, and request the same action be taken for my property located at

**PP# 700713200014, 00 Lincoln Farms Drive, Parcel C, Grand Haven, MI 49417**

Legal: PART OF W 1/2 OF NE 1/4 COM S 89D 43M 25S E 1344.97 FT & S OD 44M 04S E 760.01 FT FROM N 1/4 COR, TH S OD 44M 04S E 360 FT, N 89D 43M 25S W 607.5 FT, N OD 40M 57S W 360 FT, TH S 89D 43M 25S E 607.17 FT TO BEG. SEC 13 T7N R16W 5.02 A

Date: \_\_\_\_\_

\_\_\_\_\_  
SRESL LLC, Klynt R Marcusse

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Date: 06/13/2019

*Mary Lynn Bovee*  
dotloop verified  
06/13/19 12:25 PM EDT  
Y7C7-OKRX-FKTM-MTMG

\_\_\_\_\_  
Mary Lynn Bovee

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Date: \_\_\_\_\_

\_\_\_\_\_  
Jeff Somers

Date: \_\_\_\_\_

\_\_\_\_\_  
Jennifer Somers

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Date: \_\_\_\_\_

*Joshua Westra*  
dotloop verified  
06/13/19 2:31 PM EDT  
EXCR-ZSDA-TH5I-SLTH

\_\_\_\_\_  
Josh Westra

Date: \_\_\_\_\_

\_\_\_\_\_  
Emilie Westra

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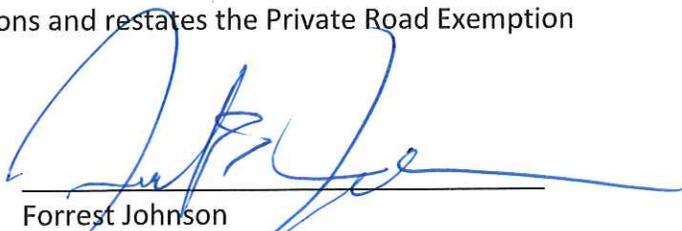
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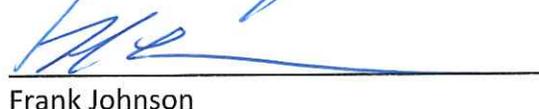
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Date: 06/13/2019

*Mary Lynn Bovee*  
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\_\_\_\_\_  
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*Joshua Westra*  
dotloop verified  
06/13/19 2:31 PM EDT  
EXCR-ZSDA-TH5I-SL1H

\_\_\_\_\_  
Josh Westra

Date: \_\_\_\_\_

*Emilie Westra*  
dotloop verified  
06/13/19 4:59 PM EDT  
DBLI-OIUT-HQ4R-1PKS

\_\_\_\_\_  
Emilie Westra

As the owners of the properties referenced below:

**PP#b700713400013, 00 Lincoln Farms Drive, Parcel G, Grand Haven, MI 49417**

Legal: PART OF W 1/2 OF SE 1/4 COM S 89D 43M 25S E 672.48 FT, S OD 40M 57S E 2655.36 FT & S OD 40M 37S E 663.32 FT FROM N 1/4 COR, TH S 89D 47M 02S E 675.49 FT, S OD 43M 48S E 662.19 FT, N 89D 52M 48S W 675.98 FT, TH N OD 40M 37S W 663.31 FT TO BEG. SEC 13 T7N R16W 10.28 A

**PP# 700713400008, 00 Lincoln Farms Drive, Parcel H, Grand Haven MI 49417**

Legal: PART OF W 1/2 OF SE 1/4 & PART OF E 1/2 OF NE 1/4 OF SW 1/4 COM S 89D 43M 25S E 672.48 FT & S OD 40M 57S E 2655.36 FT FROM N 1/4 COR, TH S OD 40M 37S E 331.66 FT, N 89D 44M 07S W 1350.38 FT, N OD 34M 40S W 332.8 FT, S 89D 41M 12S E 1349.82 FT TO BEG. SEC 13 T7N R16W 10.3 A

**PP# 700713400009, 00 Lincoln Farms Drive, Parcel I, Grand Haven, MI 49417**

Legal: PART OF W 1/2 OF SE 1/4 & PART OF E 1/2 OF NE 1/4 OF SW 1/4 COM S 89D 43M 25S E 672.48 FT, S OD 40M 57S E 2655.36 FT & S OD 40M 37S E 331.66 FT FROM N 1/4 COR, TH S OD 40M 37S E 331.66 FT, N 89D 47M 02S W 1350.94 FT, N OD 34M 40S W 332.8 FT, TH S 89D 44M 07S E 1350.38 FT TO BEG. SEC 13 T7N R16W 10.3 A

**PP# 700713400010, 00 Lincoln Farms Drive, Parcel J, Grand Haven, MI 49417**

Legal: PART OF W 1/2 OF SE 1/4 & PART OF E 1/2 OF NE 1/4 OF SW 1/4 COM S 89D 43M 25S E 672.48 FT, S OD 40M 57S E 2655.36 FT & S OD 40M 37S E 663.32 FT FROM N 1/4 COR, TH S OD 40M 37S E 331.66 FT, N 89D 49M 57S W 1351.5 FT, N OD 34M 40S W 332.8 FT TH S 89D 47M 02S E 1350.94 FT TO BEG. SEC 13 T7N R16W 10.3 A

**PP# 700713400011, 00 Lincoln Farms Drive, Parcel K, Grand Haven, MI 49417**

Legal: PART OF W 1/2 OF SE 1/4 & PART OF E 1/2 OF NE 1/4 OF SW 1/4 COM S 89D 43M 25S E 672.48 FT, S OD 40M 57S E 2655.36 FT & S OD 40M 37S E 994.98 FT FROM N 1/4 COR, TH S OD 40M 37S E 331.65 FT, N 89D 52M 48S W 675.98 FT, N 89D 52M 57S W 675.98 FT, N OD 34M 40S W 332.79 FT, TH S 89D 49M 57S E 1351.5 FT TO BEG. SEC 13 T7N R16W 10.31 A

I am requesting, in writing, the Township consider a Conditional Rezoning Agreement. The properties are zoned AG and the Township has indicated an intention to rezone the land to RR. This is an active development and the zoning change is creating confusion and financial hardship. Buyers of this development want to build a home and create a small hobby farm. The anticipated timeline for the Township-initiated rezoning is burdensome and is what prompted this request for a Conditional Rezoning Agreement.

The request is to rezone these properties from AG to RR in anticipation of, and in response to, the Township-initiated rezoning plan of Lincoln Farm Estates. I also request the Township attach a condition that prohibits future land divisions and restates the Private Road Exemption Agreement from 2018.

Date: 6-12-2019

  
Forrest Johnson

Date: 6-12-2019

  
Frank Johnson

I hereby agree with the complete statement and description of the developer on page 1 of this document, and request the same action be taken for my property located at

**PP# 700713200014, 00 Lincoln Farms Drive, Parcel C, Grand Haven, MI 49417**

Legal: PART OF W 1/2 OF NE 1/4 COM S 89D 43M 25S E 1344.97 FT & S OD 44M 04S E 760.01 FT FROM N 1/4 COR, TH S OD 44M 04S E 360 FT, N 89D 43M 25S W 607.5 FT, N OD 40M 57S W 360 FT, TH S 89D 43M 25S E 607.17 FT TO BEG. SEC 13 T7N R16W 5.02 A

Date: 6-12-19



SRESL LLC, Klynt R Marcusse

**PP# 700713200015, 00 Lincoln Farms Drive, Parcel D, Grand Haven, MI 49417**

Legal: PART OF W 1/2 OF NE 1/4 COM S 89D 43M 25S E 672.48 FT & S OD 40M 57S E 400 FT FROM N 1/4 COR TH S 89D 43M 25S E 66 FT, S OD 40M 57S E 720 FT, S 89D 43M 25S E 607.5 FT, S OD 44M 04S E 738 FT, N 89D 43M 25S W 674.17 FT, TH N OD 40M 57S W 1458 FT TO BEG. SEC 13 T7N R16W 12.5 A

Date: \_\_\_\_\_

Mary Lynn Bovee

**PP# 700713200016, 12400 Lincoln Farms Drive, Parcel E, Grand Haven, MI 49417**

Legal: PART OF W 1/2 OF NE 1/4 COM S 89D 43M 25S E 672.48 FT & S OD 40M 57S E 1858 FT FROM N 1/4 COR, TH S 89D 43M 25S E 674.17 FT, S OD 44M 04S E 797.83 FT, N 89D 41M 12S W 674.98 FT, TH N OD 40M 57S W 797.38 FT TO BEG. SEC 13 T7N R16W 12.35 A

Date: \_\_\_\_\_

Jeff Somers

Date: \_\_\_\_\_

Jennifer Somers

**PP# 700713400012, 00 Lincoln Farms Drive, Parcel F, Grand Haven, MI 49417**

Legal: PART OF W 1/2 OF SE 1/4 COM S 89D 43M 25S E 672.48 FT & S OD 40M 57S E 2655.36 FT FROM N 1/4 COR, TH S 89D 41M 12S E 674.98 FT, S OD 43M 48S E 662.19 FT, N 89D 47M 02S W 675.49 FT, TH N OD 40M 37S W 663.32 FT TO BEG. SEC 13 T7N R16W 10.27 A

Date: \_\_\_\_\_

Josh Westra

Date: \_\_\_\_\_

Emilie Westra

## **CONDITIONAL ZONING AGREEMENT**

This Agreement is between Grand Haven Charter Township, a Michigan charter township, at 13300 – 168<sup>th</sup> Avenue, Grand Haven, Michigan 49417 (the “Township”) and Forrest and Leslie Johnson, 12777 North Cedar Drive, Grand Haven, Michigan 49417; Frank and Gayle Johnson of 12531 North Cedar, Grand Haven, Michigan 49417; Joshua and Emilie Westra, 17848 Merrywood Lane, Grand Haven, Michigan 49417; SRESL LLC, 7016 Tyler Street, Hudsonville, Michigan 49426; Chad and Mary Lynn Bovee, 12830 112<sup>th</sup> Avenue, Grand Haven, Michigan 49417; (the “Owners”).

This Agreement is based upon the following facts.

A. The Township has adopted the Grand Haven Charter Township Zoning Ordinance (the “Zoning Ordinance”), which includes the Grand Haven Charter Township Zoning Map (the “Zoning Map”).

B. The Owners have an interest in certain properties in the Township, which properties are located on Lincoln Farms Drive (the “Properties”), the parcel numbers and legal descriptions of which are attached as Exhibit A.

C. The Properties are included in the Agricultural District of the Zoning Map.

D. The Planning Commission and Township Board are reluctant to rezone the Properties to the Rural Residential District, because the Properties are master-planned for Agricultural Preservation.

E. The Township does anticipate an amendment to the future land use map for the Properties to be master-planned for Rural Residential, and a subsequent Township-initiated rezoning to occur.

F. The Owners are burdened by the time delay and their desire to build single family dwellings and establish small hobby farms on their Properties. Rezoning the Properties now will eliminate the burden and allow the Properties to continue developing.

G. Under Section 405 of Public Act 110 of the Public Acts of 2006, as amended, a landowner may voluntarily offer in writing, and a township may approve, certain conditions which attach to a rezoning of property in that township.

H. The Owners have submitted a voluntary offer to engage in zoning under Section 405.

THEREFORE, the parties agree as follows.

Section 1. Rezoning of the Properties. The Township has adopted a Zoning Map Amendment Ordinance (the “Amendment Ordinance”), rezoning the Properties to the Rural Residential District, contingent on this Agreement taking effect. This Agreement is contingent upon the Amendment Ordinance taking effect and remaining valid.

Section 2. Condition of Rezoning. Rezoning the Properties to the Rural Residential District shall be conditioned upon the Owners, and any subsequent owners of the Properties, complying with the conditions that the Properties shall be prohibited from future land divisions and shall comply with the private road exception granted by the Township Board on August 27, 2018. The exception was codified into a Declaration of Joint Maintenance and Easement and Private Road Maintenance Special Assessment Contract, which are recorded at Document Numbers \_\_\_\_\_ and \_\_\_\_\_, respectively.

Section 3. Township Findings. The Township finds that the Properties should be rezoned to the Rural Residential District. That rezoning would be compatible with surrounding area, it is the intention of the Township to master-plan and rezone the Properties into the Rural Residential District in the future, and the rezoning would fit the purpose of the Rural Residential District as stated in Section 6.01 of the Zoning Ordinance.

Section 4. Compliance. The development of the Properties pursuant to this Agreement shall be subject to compliance with all Federal, State, County, and Township laws and ordinances.

Section 5. Binding Nature of This Agreement. The Owners acknowledge that this Agreement will run with the Properties and will be binding upon successor owners of the Properties.

Section 6. Recording of This Agreement. The Township and the Owners acknowledge that this Agreement shall be recorded by the Township with the Ottawa County Register of Deeds.

Section 7. Violation of This Agreement by the Owners. If the Owners violate any provision of this Agreement, that violation shall constitute a violation of the Zoning Ordinance and shall be subject to legal enforcement action and judicial abatement action as provided by law.

Section 8. Acknowledgment by the Owners. The Owners acknowledge that no permit or approval shall be granted under the Zoning Ordinance for any use or development that is contrary to this Agreement.

Section 9. Time Period. The obligation of the Owners to comply with the land division prohibition and private road exception shall be effective immediately and shall remain in effect throughout the term of this Agreement, as long as the Property is maintained in the Rural Residential District pursuant to this Agreement.

Section 10. Reversion of Zoning. If the condition in Section 2 is not satisfied during the term of this Agreement, then the Properties shall be reconsidered for rezoning back to the Agricultural District. The reconsideration of this conditional rezoning shall be initiated by the Township Board, which shall request that the Planning Commission hold a public hearing on the rezoning of the Properties and make a recommendation to the Township Board. The procedure for considering and accomplishing this rezoning shall be the same as applies to all other rezoning requests.

Section 11. Subsequent Rezoning of the Properties. If the Properties are subsequently rezoned to a different zoning classification or to the Rural Residential District but subject to the terms of a different agreement or no agreement at all, the terms of this Agreement shall cease to be in effect. Upon the request of the owners of the Properties at the time, the Township shall record with the Ottawa County Register of Deeds a notice that this Agreement is no longer in effect.

Section 12. Amendment of this Agreement. This Agreement may be amended in the same manner that the Properties were rezoned to the Rural Residential District pursuant to the terms of this Agreement.

Section 13. Township's Right to Rezone. Nothing in this Agreement shall prohibit the Township from rezoning all or any portion of the Properties to another zoning classification. Any such rezoning shall be conducted in compliance with the Zoning Ordinance and applicable law.

Section 14. Miscellaneous. This Agreement shall inure to the benefit of and be binding upon the parties and their respective heirs, personal representatives, members, assigns, and successors. All notices and other documents to be served or transmitted shall be in writing and addressed to the respective parties at the addresses stated on Page 1 of this Agreement or such other address or addresses as shall be specified by the parties from time to time, and may be served or transmitted in person or by ordinary or certified mail properly addressed with sufficient postage. This Agreement has been executed in the State of Michigan and shall be governed by Michigan law. The waiver by any party of a breach or violation of any provision of this Agreement shall not be a waiver of any subsequent breach or violation of the same or any other provision of this Agreement. If any section or provision of this Agreement is unenforceable for any reason, the unenforceability shall not impair the remainder of this Agreement, which shall remain in full force and effect. This Agreement represents the entire understanding and agreement between parties, and all prior understandings and agreements are specifically merged in this Agreement. The captions in this Agreement are for convenience only and shall not be considered as part of this Agreement or in any way amplifying or modifying its terms and provisions.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

WITNESSES:

\_\_\_\_\_

By: \_\_\_\_\_  
Forrest Johnson

\_\_\_\_\_

By: \_\_\_\_\_  
Leslie Johnson

\_\_\_\_\_

By: \_\_\_\_\_  
Frank Johnson

\_\_\_\_\_

By: \_\_\_\_\_  
Gayle Johnson

\_\_\_\_\_

By: \_\_\_\_\_  
Joshua Westra

\_\_\_\_\_

By: \_\_\_\_\_  
Emilie Westra

\_\_\_\_\_

By: \_\_\_\_\_  
Chad Bovee

\_\_\_\_\_

By: \_\_\_\_\_  
Mary Lynn Bovee

SRESL, LLC, a Michigan limited liability company

\_\_\_\_\_

By: \_\_\_\_\_  
Klynt Marcusse  
Its: Member

GRAND HAVEN CHARTER TOWNSHIP

\_\_\_\_\_  
Stacey Fedewa

By: \_\_\_\_\_  
Mark Reenders, Supervisor

\_\_\_\_\_  
William D. Cargo

By: \_\_\_\_\_  
Laurie Larsen, Clerk

STATE OF MICHIGAN     )  
  )ss.  
COUNTY OF OTTAWA     )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Forrest and Leslie Johnson, husband and wife.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, Ottawa County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in Ottawa County, Michigan

STATE OF MICHIGAN     )  
  )ss.  
COUNTY OF OTTAWA     )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Frank and Gayle Johnson, husband and wife.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, Ottawa County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in Ottawa County, Michigan

STATE OF MICHIGAN     )  
  )ss.  
COUNTY OF OTTAWA     )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Joshua and Emilie Westra, husband and wife.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, Ottawa County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in Ottawa County, Michigan

STATE OF MICHIGAN     )  
  )ss.  
COUNTY OF OTTAWA     )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Chad and Mary Lynn Bovee, husband and wife.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, Ottawa County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in Ottawa County, Michigan

STATE OF MICHIGAN     )  
  )ss.  
COUNTY OF OTTAWA     )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Klynt Marcusse, who, being duly sworn says that he is a member of SRESL, LLC, a Michigan limited liability company, and that he has executed the Agreement on its behalf.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, Ottawa County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in Ottawa County, Michigan

STATE OF MICHIGAN     )  
  )ss.  
COUNTY OF OTTAWA     )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Mark Reenders and Laurie Larsen, respectively the Supervisor and the Clerk of Grand Haven Charter Township, a Michigan charter township, on behalf of the Township.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, Ottawa County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in Ottawa County, Michigan

**Prepared by:**  
Stacey Fedewa, AICP  
Community Development Director  
Grand Haven Charter Township  
13300 168<sup>th</sup> Avenue  
Grand Haven, Michigan 49417  
Telephone: (616) 842-5988

GRAPIDS 90425-4 565093v2

**EXHIBIT A**

**70-07-13-200-014 Parcel C**

PART OF W 1/2 OF NE 1/4 COM S 89D 43M 25S E 1344.97 FT & S 0D 44M 04S E 760.01 FT FROM N 1/4 COR, TH S 0D 44M 04S E 360 FT, N 89D 43M 25S W 607.5 FT, N 0D 40M 57S W 360 FT, TH S 89D 43M 25S E 607.17 FT TO BEG. SEC 13 T7N R16W 5.02 A

**70-07-13-200-015 Parcel D**

PART OF W 1/2 OF NE 1/4 COM S 89D 43M 25S E 672.48 FT & S 0D 40M 57S E 400 FT FROM N 1/4 COR TH S 89D 43M 25S E 66 FT, S 0D 40M 57S E 720 FT, S 89D 43M 25S E 607.5 FT, S 0D 44M 04S E 738 FT, N 89D 43M 25S W 674.17 FT, TH N 0D 40M 57S W 1458 FT TO BEG. SEC 13 T7N R16W 12.5 A

**70-07-13-200-012 Parcel F**

PART OF W 1/2 OF SE 1/4 COM S 89D 43M 25S E 672.48 FT & S 0D 40M 57S E 2655.36 FT FROM N 1/4 COR, TH S 89D 41M 12S E 674.98 FT, S 0D 43M 48S E 662.19 FT, N 89D 47M 02S W 675.49 FT, TH N 0D 40M 37S W 663.32 FT TO BEG. SEC 13 T7N R16W 10.27 A

**70-07-13-400-013 Parcel G**

PART OF W 1/2 OF SE 1/4 COM S 89D 43M 25S E 672.48 FT, S 0D 40M 57S E 2655.36 FT & S 0D 40M 37S E 663.32 FT FROM N 1/4 COR, TH S 89D 47M 02S E 675.49 FT, S 0D 43M 48S E 662.19 FT, N 89D 52M 48S W 675.98 FT, TH N 0D 40M 37S W 663.31 FT TO BEG. SEC 13 T7N R16W 10.28 A

**70-07-13-400-008 Parcel H**

PART OF W 1/2 OF SE 1/4 & PART OF E 1/2 OF NE 1/4 OF SW 1/4 COM S 89D 43M 25S E 672.48 FT & S 0D 40M 57S E 2655.36 FT FROM N 1/4 COR, TH S 0D 40M 37S E 331.66 FT, N 89D 44M 07S W 1350.38 FT, N 0D 34M 40S W 332.8 FT, S 89D 41M 12S E 1349.82 FT TO BEG. SEC 13 T7N R16W 10.3 A

**70-07-13-400-009 Parcel I**

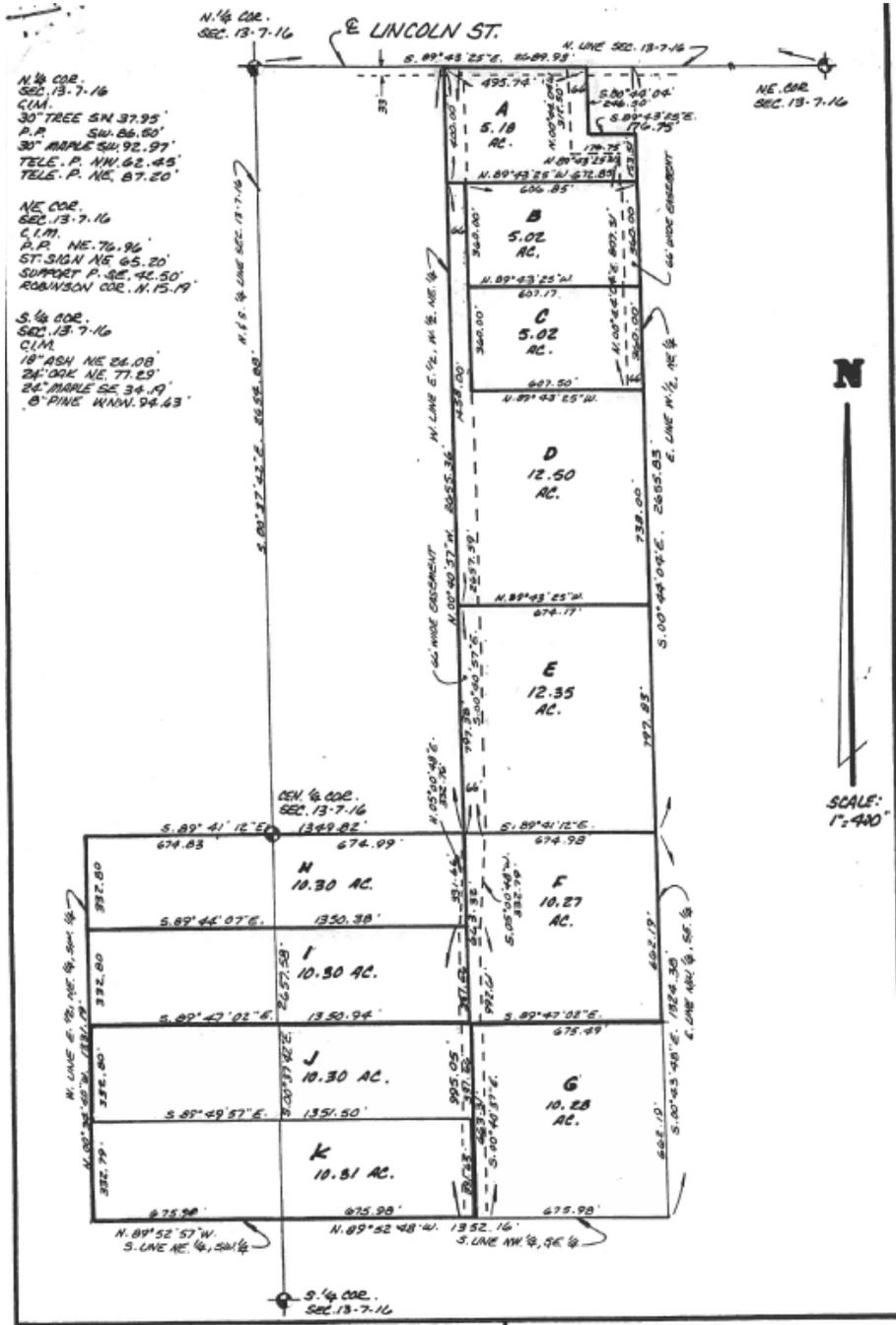
PART OF W 1/2 OF SE 1/4 & PART OF E 1/2 OF NE 1/4 OF SW 1/4 COM S 89D 43M 25S E 672.48 FT, S 0D 40M 57S E 2655.36 FT & S 0D 40M 37S E 331.66 FT FROM N 1/4 COR, TH S 0D 40M 37S E 331.66 FT, N 89D 47M 02S W 1350.94 FT, N 0D 34M 40S W 332.8 FT, TH S 89D 44M 07S E 1350.38 FT TO BEG. SEC 13 T7N R16W 10.3 A

**70-07-13-400-010 Parcel J**

PART OF W 1/2 OF SE 1/4 & PART OF E 1/2 OF NE 1/4 OF SW 1/4 COM S 89D 43M 25S E 672.48 FT, S 0D 40M 57S E 2655.36 FT & S 0D 40M 37S E 663.32 FT FROM N 1/4 COR, TH S 0D 40M 37S E 331.66 FT, N 89D 49M 57S W 1351.5 FT, N 0D 34M 40S W 332.8 FT TH S 89D 47M 02S E 1350.94 FT TO BEG. SEC 13 T7N R16W 10.3 A

**70-07-13-400-011 Parcel K**

PART OF W 1/2 OF SE 1/4 & PART OF E 1/2 OF NE 1/4 OF SW 1/4 COM S 89D 43M 25S E 672.48 FT, S 0D 40M 57S E 2655.36 FT & S 0D 40M 37S E 994.98 FT FROM N 1/4 COR, TH S 0D 40M 37S E 331.65 FT, N 89D 52M 48S W 675.98 FT, N 89D 52M 57S W 675.98 FT, N 0D 34M 40S W 332.79 FT, TH S 89D 49M 57S E 1351.5 FT TO BEG. SEC 13 T7N R16W 10.31 A



*Thomas E. Joiner*  
 Thomas E. Joiner Registered Land Surveyor No 18435  
 The ratio of closure is within the accuracy of survey as required in Act No 288 of Public Acts of 1967.

Joiner engineering, inc.  
 113 west savidge st.  
 spring lake, michigan 49456  
 phone 846-1960 or 392-4686



GRAND HAVEN CHARTER TOWNSHIP

## Community Development Memo

DATE: June 27, 2019  
TO: Planning Commission  
FROM: Stacey Fedewa, AICP – Community Development Director  
RE: Review Nuanced Changes in the Draft Zoning Ordinance

### BACKGROUND

The current draft of the zoning ordinance contains nuanced changes. Staff wants to ensure the Planning Commission is either comfortable or not with these changes.

The draft vs. current language is outlined below. This notation (*BMP*) is intended to communicate it is a best management practice identified in the Resilient Master Plan.

Subject	Current	Draft
Minimum Floor Area for Single Family Dwelling	Minimum Floor Area for a single family dwelling is either 1,100 or 1,240 sf. For a two story dwelling the ground level must be a minimum of 800 sf.	Establish a standard 800 sf minimum for all single family dwellings.
Pole Mounted Lighting	30 ft maximum height	20 ft maximum height
Outdoor Ponds	All applications processed as a Special Land Use.	Administrative approval for ponds under 5 acres. SLU required for ponds 5+ acres.
Accessory Building Size	< ½ acre = 600 sf allowance	Prior to the new version being adopted, these lots were able to have 720 sf. Keep 600 or amend?
Shipping Containers as Accessory Building	Specifically requested as permitted in all non-residential districts.	Have received complaints from Board and PC members about shipping containers being used for storage on non-residential properties. Does the PC still want to allow or amend?

Subject	Current	Draft
Domestic Pets	4 allowed	5 allowed
Livestock Minimum Acreage	<ul style="list-style-type: none"> <li>• RP &amp; RR = 1 per 2.5 acres</li> <li>• LDR, R-1, R-2 = 1 per 2.5 acres, but must have 5 acre minimum to begin.</li> </ul>	<ul style="list-style-type: none"> <li>• RP &amp; RR = 1 per 1 acre</li> <li>• LDR, R-1, R-2 = 1 per 1 acre, but must have 3 acre minimum to begin.</li> </ul>
Chickens	4 chickens maximum; 1 acre minimum; no platted subdivisions.	<ul style="list-style-type: none"> <li>• RP &amp; RR = 1 per 0.1 acres (<i>no maximum</i>)</li> <li>• LDR, R-1, R-2 = no minimum acreage; no platted subdivisions; 4 chickens maximum, but if 2+ acres 1 additional chicken per ¼ acre for maximum of 15 chickens.</li> </ul>
Bee Keeping	Allowed by right, no regulations or permits required.	Zoning permit; notify neighbors within 300 ft to inquire if bee sting allergy ( <i>if yes – no permit; if no – permit issued</i> ); if bees become a nuisance after receiving complaints the permit can be revoked.
US-31 Overlay Building Materials	80% brick requirement north of Hayes	N/A
US-31 Overlay & PUD Wall Lengths	<p>Walls over a certain length must include architectural features and landscaping.</p> <ul style="list-style-type: none"> <li>• US-31 = 100+ ft</li> <li>• PUD = 50+ ft</li> </ul>	Set both at 50 ft for consistency.
Mixed Use PUD	Commercial use limited to 30% for residential developments.	No cap.
PUD Required Open Space	0% for commercial & industrial uses.	5% required for commercial & industrial uses.
PUD Open Space Type	Must be contiguous and open to all residents of the development.	40% - 60% of dedicated open space must be contiguous natural areas. Remainder must be central gathering places and pocket parks.

Subject	Current	Draft
PUD Amendments	<ul style="list-style-type: none"> <li>• Minor – Supervisor &amp; PC Chair Review</li> <li>• Major – PUD Process Again</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative – change is so small it is not considered minor and is allowed (<i>i.e., change species of landscaping, changing paint color</i>).</li> <li>• Minor – Remains the Same</li> <li>• Major – Remains the Same, except it will be considered major if one building increases in size by more than 30% or if the total size of all buildings on the site increases more than 10%.</li> </ul>
Road Network for New Development	N/A	Discourage cul-de-sacs and meandering roads. Encourage connectivity inside, and outside, the new development.
Site Condo Amendments	Any amendment requires the full process to begin again ( <i>hearing with PC then final approval by Board</i> ).	Follow the same PUD Amendment procedures for revisions to Site Condos. Major change would require the process to be redone.
Sewage System Setback	N/A	Waterfront properties only – sewage disposal system shall be setback as far as reasonably possible from the waterfront.
Decks and/or Sitting Areas on Elevated Walkways	N/A	Allow up to 400 sf of deck, sitting area, etc. as part of the elevated walkways on waterfront properties.
Seawalls on Lake Michigan	N/A	Prohibit seawalls and other hardened structures along Lake Michigan shoreline.
Natural Shoreline	N/A	Up to 75% of the shoreline on waterfront properties must keep the natural vegetation.