AGENDA
Planning Commission
Monday, June 7, 2021 – 7:00 p.m.

I. Call to Order

II. Roll Call

III. Pledge to the Flag

IV. Approval of the May 3, 2021 Planning Commission Meeting Minutes

V. Correspondence
   A. Received between 5/4/2021 and 6/1/2021:
      • Anonymous – No Address Provided – Oppose vandenBerg application
      • Mary Doane – No Address Provided – Oppose vandenBerg application
      • Russ Doane – 13462 Hidden Creek Ct – Oppose vandenBerg application
      • Richard Edwards – 13224 Hidden Creek Dr – Oppose vandenBerg application
      • Israel Hildebrandt – No Address Provided – Support vandenBerg application
      • Nathan Hoffman – No Address Provided – Oppose vandenBerg application
      • Brandon & Sarah Kaines – 13257 Hidden Creek Dr – Oppose vandenBerg application
      • Scott LaRue – No Address Provided – Oppose vandenBerg application
      • Jim & Sandy Miller – 13465 Hidden Creek Ct – Oppose vandenBerg application
      • Thomas O’Bryan – 16979 Buchanan – Oppose vandenBerg application
      • Don Reis – 13213 Hidden Creek Dr – Oppose vandenBerg application
      • Susan Robertson – 13252 Hidden Creek Dr – Oppose vandenBerg application
      • Michael Voss – No Address Provided – Traffic Info on vandenBerg application
      • Curtis D. Walburg – No Address Provided – Support vandenBerg application
      • Shannon & Doug Mulder – No Address Provided – Oppose vandenBerg application
   B. Received after 6/2/2021:
      • Don Reis – 13213 Hidden Creek Drive
      • Bob & Julie Koning – 13210 Hidden Creek Drive
      • William & Bonnie Trap – 13497 Hidden Creek Court
      • Norma Wieringa – 13454 Hidden Creek Court
      • Dan & Laura Bradbury – 13490 Hidden Creek Court
      • Theron & Bonnie S. – Name Illegible – 13563 Hidden Creek Court
      • Jeremy Heavilin – 13545 Hidden Creek Court
      • Michael & Geralyn Lamkin – 13221 Hidden Creek Drive
      • Gary – Name Illegible – No Address Provided
      • Jason & Abbei Monme – Name Illegible – No Address Provided
      • Sadi Ragus – Name Illegible – No Address Provided
      • Paul & Brenda Curtis – No Address Provided
      • Sharri & James McCarr – No Address Provided
      • Patricia & Joseph Elenbaas – N0 Address Provided
      • Russ & Mary Doane – 13462 Hidden Creek Court
      • Derek – Name Illegible – No Address Provided
      • Jordan Nyhof – No Address Provided
• Howard & Linda Mulder – 13498 Hidden Creek Court
• Emily & Matt Mooa – Name Illegible – No Address Provided
• Sam & Julie – Name Illegible – 13445 Hidden Creek Court
• Michael Sweet & Rocio Gomez de Segura – 13238 Hidden Creek Drive
• Mary Kolkr – No Address Provided
• Michael Bielinski & Helena Flannagen – No Address Provided
• Roger & Ruth Joslin – No address Provided
• Ben Wieringa – 13454 Hidden Creek Court
• Tim & Janet Walker – 13475 Hidden Creek Drive
• Craig & Jenna Curtis – No Address Provided
• Joan Fandler & Brian Anderson – No Address Provided
• Sharon Barton – 13583 Hidden Creek Court
• Deane Hatt – No Address Provided
• Name Illegible – No Address Provided
• Jim & Sandra Miller – No Address Provided
• Dil & Kerr S. – Name Illegible – 13302 Hidden Creek Drive
• Tricia & Tim Gardner – 13334 Hidden Creek Drive
• Kathryn Apostle – No Address Provided
• Joan Tradlu & Brian Anderson – No Address Provided
• Alex Craigmile – 13473 Hidden Creek Court
• Pamela & Edward Tysman – No Address Provided
• Bernadine & Ray Cibor – No Address Provided
• Jeff Babbitt – No Address Provided
• Delores Stalper – 13500 Hidden Creek Drive
• Joe & Deb Sutherland – 13450 Hidden Creek Ct
• L.S.K. – Name Illegible – No Address Provided
• Shannon & Dacy Mulder – 13476 Hidden Creek Court
• Ben Lillmans – 13263 Hidden Creek Drive
• Richard & Carol Brook – No Address Provided
• J.D. – Name Illegible – 13307, No Street Name Provided
• Sarah Kains – No Address Provided
• Carol & Gary TenHagen – No Address Provided
• Justin Stanly – 13429 Hidden Creek
• Gary Brugger – 13562 Hidden Creek Court
• Name Illegible – 13481 Hidden Creek Court
• Name Illegible – 13542 Hidden Creek Drive
• Name Illegible – 13363 Hidden Creek Drive

VI. Brief Public Comments & Questions (Limited to 3 minutes)

VII. Public Hearing
   A. Special Land Use – Accessory Building in Front Yard – Gabel
   B. Special Land Use – Accessory Building in Front Yard – Rauschert
   C. Text Amendment – Minimum Floor Area per Dwelling Unit

VIII. Old Business
   A. Special Land Use – Accessory Building in Front Yard – Gabel
   B. Special Land Use – Accessory Building in Front Yard – Rauschert
   C. Text Amendment – Minimum Floor Area per Dwelling Unit
IX. New Business
    A. Site Plan Review – Addition + Food Truck – Southtown Market
    B. Discussion – Section 12.34 – Outdoor Business & Outdoor Storage Text Amendment

X. Reports
    A. Attorney Report
    B. Staff Report
    C. Commissioner Comments

XI. Extended Public Comments & Questions (Limited to 4 minutes)

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

II. ROLL CALL
Members present: Cousins, Wilson, Taylor, Reenders, Hesselsweet, Wagenmaker, Mesler and Lemkuil
Members absent: Chalifoux
Also present: Community Development Director Fedewa, Associate Planner Hoisington, and Attorney Bultje

Motion by Reenders, supported by Wilson, to approve the amended agenda and to move item XIII.C – Site Plan Review- Ground-Mounted Solar Array to item IX.A, and item IX.A – Text Amendment – Minimum Dwelling Unit Sizes to item IX.B. Which motion carried unanimously, as shown by the following roll call:

Ayes: Cousins, Wilson, Taylor, Hesselsweet, Wagenmaker, Reenders, Mesler, Lemkuil
Nays: None
Absent: Chalifoux

Without objection, Cousins instructed Hoisington to record the minutes.

III. STATEMENT ON REMOTE MEETING
It was noted the Planning Commission was meeting remotely on the Zoom platform because of health concerns associated with COVID-19 pandemic. Information on this remote meeting has been posted so that the public may participate. All officials present noted they are meeting remotely and are located within Grand Haven Charter Township.

IV. APPROVAL OF MINUTES
Without objection, the minutes of the March 15, 2021 meeting were approved.
Without objection, the joint Board minutes of April 19, 2021 were approved.
Without objection, the minutes of the April 21, 2021 meeting were approved.

V. CORRESPONDENCE
- Vera Armstrong - 13487 Hidden Creek Dr – SLU – Open Air Business – Oppose
- Terry & Peggy Berens – 16607 Ferris St – SLU – Open Air Business – Support
- Paul & Gwen Bierman – 13040 Always Ln – SLU – Open Air Business – Support
- Paul & Brenda Curtis – 13457 Hidden Creek Court – SLU – Open Air Business – Oppose
VI. PUBLIC COMMENTS – None

VII. PUBLIC HEARING

A. Special Land Use – Open Air Business – vandenBerg Excavating

Cousins opened the hearing at 7:13pm.

Fedewa provided an overview through a memorandum dated April 27th.

The applicant and owner, Susan vandenBerg, her son and business partner, James vandenBerg, manager John Helder, and project engineer Andrew Rossell, PE were present to provide information.

- Established the excavating business 30 years ago. In order to sustain the business, it was moved to its current location 20 years ago.
• Current business sells goods to contractors and delivers to homeowners but have experienced a demand by individuals who would like to pick up the products themselves.

The correspondence received as part of the public hearing notice was read into the record.

Following the initial discussions, the Chair opened the public comment period:

• Richard Edwards – 13224 Hidden Creek Dr
  o Submitted a letter of correspondence, questioned staff if one had been received from Lamkin.

• Bob Koning – 13210 Hidden Creek Dr
  o Opposes the proposed business.
  o Lives nearby and shared concerns over traffic and appearance.

• John Helder – 15890 Robbins Rd
  o Manager of vandenBerg Excavating
  o Asserted traffic is not currently an issue and would not become one in the future.
  o Noted the business predates the Hidden Creek Subdivision.

• Bill Trap – 13597 Hidden Creek Ct
  o Shared concern about impact on traffic on Ferris St and within Hidden Creek subdivision.

• Tim Reynolds – 14442 Stillwater Dr
  o Supports the business and their role in the local economy.

There being no further comments, Cousins closed the hearing at 8:00pm.

B. Special Land Use – Zoning Text Amendment – Open Air Business

Cousins opened the hearing at 8:00pm.

Fedewa provided an overview through a memorandum dated April 27th.

There being no further comments, Cousins closed the hearing at 8:05pm.

VIII. OLD BUSINESS

A. Special Land Use – Open Air Business – vandenBerg Excavating

The Planning Commission noted the following points of discussion:

• Questions about the hours of operation.
  o Proposed hours are Monday to Friday between 8:00am – 6:00pm and Saturday from 8:00am – 2:00pm.

• Noted concern over traffic
- Asked if a deceleration lane would be feasible.
  - Not required by the OCRC.
- Should widen driveway to 24-feet.
- Suggestion to flip the site design to have the business access on the south part of the existing drive, father away from the road to avoid traffic back-ups.
- Acknowledged concerns of neighboring property owners.
- Discussed screening requirements, consensus to increase the height of the berms.
- Conversation about potential pollution from products on site.
  - Helder assured that any dyes used in products are tolerable for any soil.
  - Proposed to use asphalt millings for parking surface, the Planning Commission agreed that the drive into the site should be asphalt paved.
  - The OCWRC has reviewed the plans and is only requiring a culvert under the driveway.
- Asked how products would be unloaded on site.
  - James vandenBerg explained the products are unloaded into the receptacle directly from the delivery truck, rather than unloaded elsewhere on site and brought over.
- Commissioners had questions on the existing business and the US-31 Overlay Zone and what was required to come into compliance.
- Attorney Bultje clarified the applicant may request that only a portion of the property be used for a special land use.

**Motion** by Taylor, supported by Hesselsweet, to **table** the Special Land Use application, and direct the applicant to make the following revisions:

1. Provide a revised site plan with the site “flipped” so the access drive would be on the south side of the existing driveway.
2. The entry driveway shall be increased to 24’ in width and be paved asphalt.
3. Increase the height of the berms to 2-3 feet.
4. The hours of the business shall be limited to 8:00am-6:00pm Monday-Friday and 8:00am-2:00pm on Saturday.
5. Restocking shall only occur during business hours and not when customers are outside their vehicles.

**Which motion carried unanimously**, as shown by the following roll call:

**Ayes:** Cousins, Wilson, Taylor, Hesselsweet, Wagenmaker, Reenders, Mesler, Lemkuil

**Nays:** None

**Absent:** Chalifoux
B. Special Land Use – Zoning Text Amendment – Open Air Business

The Planning Commission noted the following points of discussion:

- Clarified the special land use would only be allowed in C-1, C-2, and I-1 Districts.
- Removed a section to allow Planning Commission to approve any use that was not already described in the ordinance.
- Amended the proposed text amendment to require an appropriate method of containing windblown debris.

**Motion** by Taylor, supported by Mesler, to recommend the Township Board **approve** the proposed zoning text amendment ordinance with draft date of 4/29/2021 concerning Open Air Businesses with the amendments as discussed in the meeting. **Which motion carried unanimously**, as shown by the following roll call:

- **Ayes:** Cousins, Wilson, Taylor, Hesselsweet, Wagenmaker, Reenders, Mesler, Lemkuil
- **Nays:** None
- **Absent:** Chalifoux

IX. NEW BUSINESS

A. Site Plan Review – Ground-Mounted Solar Array – City of Grand Rapids

Fedewa provided an overview through a memorandum dated April 28th.

Representatives from the City of Grand Rapids, Alison Sutter – Sustainability and Performance Management Officer and Wayne Jernberg – Water System Manager were present as were staff from CMS Energy, Krishnan Kandasamy – Director of Strategic Projects and Julio Morales – Executive Director. Andrew Fraser from Golder Associates was present to provide expertise for the solar glare study. The following information was presented:

- Glare study is being redone again with new information about the anti-glare coating and proposed landscaping.
  - Fraser does not expect to see a significant change with the new study. It is expected the time period for glare may increase slightly, but the intensity would decrease from yellow to green.
- Very difficult to achieve solar arrays without any glare but are able to minimize negative impact with landscaping.
  - Can provide site-specific glare analysis once installed, and can determine if additional landscaping is necessary to block the glare.
- Expect the solar array lifespan to be around 25 years but may last as long as 35 years.
- Desire is to have construction completed by Fall 2021, ZBA requires landscaping to be completed in June 2022.

The Planning Commission noted the following points of discussion:
• Questions over landscaping.
  o 3’ berm required by ZBA.
  o Proposed transplanted trees may not survive.

• Concern over glare impacting neighboring properties.
  o Attorney Bultje advised the ordinance would not need to be amended, rather the language says, “no impact,” not “no glare.” The ordinance could be amended to include a statement about detrimental impact.
  o Decided if there is a negative impact on neighboring properties the applicant will need to resolve the issue.

**Motion** by Wilson, supported by Hesselsweet, to **conditionally approve** the Site Plan Review application to install a 2.9-acre nearly one megawatt ground-mounted solar array at the City of Grand Rapid’s Lake Michigan Filtration Plant located at 11177 Lakeshore Drive. Approval is based on the application meeting the requirements of the Zoning Ordinance. This motion is subject to, and incorporates, the following conditions and report.

1. Landscape berm shall have a minimum height of 3-feet.
2. Supply documentation showing the planting list is substantially native to Michigan.
3. Annually, provide a copy of the MSU Pollinator Scorecard to the Township.
4. Revise the glare study to ensure no impact on public roadways or residential dwellings.
5. All required landscaping, including the pollinator field, shall be installed by June 1, 2022.
6. Provide an irrigation plan to the Planning Commission to ensure the required landscaping is appropriately watered to ensure its long-term health and viability.
7. Signage shall comply with the minimum necessary for safety and those required by other agencies.
8. Provide a copy of the Soil Erosion and Sedimentation Control permit prior to beginning construction.
9. The applicant shall comply with all of the information submitted to the Township to support the site plan review request. These materials shall control over the earlier material associated with the variance if inconsistent.

**Which motion carried unanimously**, as shown by the following roll call:

Ayes: Cousins, Wilson, Taylor, Hesselsweet, Wagenmaker, Reenders, Mesler, Lemkuil,
Nays: None
Absent: Chalifoux
REPORT – SITE PLAN REVIEW – GROUND MOUNTED SOLAR ARRAY – CITY OF GRAND RAPIDS

1. The application meets the site plan review standards of Section 18.07.G 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. Fences, walls, barriers, and/or 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 Township Subdivision Control Ordinance, the Ottawa County Road Commission and/or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in the codified ordinances of the Township.

   I. Sidewalks or pathways shall be deemed to be required along all public and private roadways unless the applicant provides compelling evidence, in the opinion of the Planning Commission, that they are not necessary for pedestrian access or safety.

   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. Lighting is minimized to reduce light pollution and preserve the rural character of the Township.

   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. 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.

P. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.

B. Discussion – Text Amendment – Minimum Dwelling Unit Sizes

Fedewa provided an overview through a memorandum dated April 29th.

The Planning Commission noted the following points of discussion:

- Disagreement over what minimums are appropriate.
  - Wagenmaker believes the Board would like to revert back to the numbers in the 1999 edition of the Zoning ordinance.
- Concern the smaller size would cause duplexes to be created out of existing single family homes.
- Suggestion to meet in the middle and increase AG, RP, and RR, to a minimum 1100 sqft, R-1 to 950 sqft, and R-2 kept at the current minimum of 800 sqft. Also keeping multi-family dwellings at a minimum 500 sqft.
- Directed staff to set a public hearing for June 7th with the suggested changes to the text amendment.

X. REPORTS

A. Attorney’s Report – none
B. Staff Report – none
C. Commissioner Comments – none

XI. EXTENDED PUBLIC COMMENTS – None

XII. ADJOURNMENT

Motion by Hesselsweet, supported by Wilson, to adjourn the meeting at 10:15pm.

Which motion carried unanimously, as shown by the following roll call:

Ayes: Cousins, Wilson, Taylor, Hesselsweet, Wagenmaker, Reenders, Mesler, Lemkuil, Nays: None
Absent: Chalifoux

Cassandra Hoisington
Acting Recording Secretary
Dear Stacey and planning commission:

I have visited vandenBerg Excavating retail yard quite a few times. I don't understand the commission's concern about the mixing of the excavating and retail traffic. I have never seen any indication of an unsafe traffic condition. If you truly believe there is a concern, their proposal to relocate the retail yard to the front of their property would eliminate any such issue. James vandenBerg is a very competent business owner, providing a valuable service to the community. I certainly think this would be a loss to homeowners and landscapers if this operation was shut down.

Curtis D. Walburg
Hello, I wanted to share that I have done business in the past year with the Vandenberg business as a retail customer and have had a great experience and did not have any problems with traffic. I also drive down both Lincoln and Ferris roads and have no problem with traffic due to this business.

Thank you for listening.
Israel Hildebrandt
First and foremost, I would like to thank the Planning Commission for their public service. Indeed, it requires a lot of time, effort, and commitment! Grand Haven Township is a wonderful place to live.

A Master Zoning Plan is developed to help oversee the growth of an area. Appeals and changes in the Master Plan are going to occur as change takes place. However, one must keep in mind that these changes should be thought out with a look at the big picture and all the properties in the surrounding area.

After listening to the Planning Commission meeting on Monday, May 3rd and reading the information in the packets I was appalled that there was very little consideration for the Hidden Creek subdivision. A subdivision that was developed within the overall vision of the Master Zoning Plan.

The Hidden Creek subdivision is "directly" across the street from Vandenberg Excavating. The subdivision is in a residentially zoned area on the Master Plan. Vandenberg Excavating is located in a C-2 Regional Commercial District plus US-31 overlay zone.

The last several years, as noticed by the increased truck traffic and the gigantic piles of aggregate and landscaping materials, the focus of their business has changed.

As a Planning Commission member, it behooves you stop by the area and get a feel for how this proposed change would impact the area. You might not live in the Hidden Creek subdivision, but most of you are developers and will understand the significance of this proposal for those of us that live in the Hidden Creek subdivision.

Ferris St., from US-31 to 152 Ave, is a short stretch of road. On this short stretch of road, Ferris Street has Hofma Park, Cutter subdivision, Forest Park subdivision, numerous homes not in subdivisions, Hidden Creek subdivision, the new Schmidt Heritage Park (large recreational area that will impact the traffic substantially once it is completed), a very dangerous intersection by the Township Fire/Rescue Dept. that is shared by Ferris St., 168th St., US-31, and Grand Haven High School.

With a Special Land Use, the Planning Commission must determine if the proposal is a "good fit" for the area. It should be clear that this proposal is not a good fit for the area. There are drainage concerns that have previously had an impact on the Hidden Creek subdivision, traffic concerns that will increase dramatically due to the developing Schmidt Heritage Park, substantially increased noise from the large trucks that would be filled with aggregate/landscaping materials, noise from trucks delivering aggregate/landscaping materials, noise from vehicles used for loading of the aggregate/landscaping materials, most certainly there will be increased safety concerns due to the increased traffic on Ferris St. road/bike path, and property values in the Hidden Creek subdivision will decrease.

My wife and I are very happy homeowners in the Hidden Creek subdivision. We have wonderful neighbors, it is a quite, peaceful area, with sidewalks and bike paths to use. If you were to pass this proposed Special Land Use, this will all be gone. When the Master Plan was developed and as it has evolved, this residential area was and is a part of the vision.

Please do NOT pass this proposal as it will have a profound impact on the Hidden Creek subdivision and Ferris St as a whole.

Please include this letter in the packets for the upcoming Planning Commission meeting regarding this proposal.
Sincerely,

Russ Doane
13462 Hidden Creek Court
Grand Haven, MI 49417
To whom it may concern,

As a resident of the Hidden Creek Subdivision I am deeply troubled to learn that there is a strong potential to support and approve the Vandenberg Property Special Use Permit without taking into consideration the negative impacts the project will likely create. This project only serves to benefit one party at the expense of those in the surrounding area. Not too mention, there appears to be some special or preferential considerations being given to this special use permit that otherwise historically have not been.

To that point, I offer the following:

1. My understanding is the existing business is non-conforming and the proposed use is most certainly not commercial.
2. My understanding is the proposed business has more characteristics of an industrial use, noise, heavy equipment, product migrating off the property and the like.
3. My understanding is the master plan calls for the property to be residential, although current use was grandfathered in as a preexisting use and it was not envisioned in the master plan to expand its non-conforming use. In the past the Planning Commission has consistently denied this type of permit on that basis alone. Spot zoning is profoundly discouraged.
4. My understanding is there are currently environmental issues on the site, including broken and rusting heavy equipment and there could be leakage from abandoned vehicles and pieces of machinery.
5. My understanding is solid screening requirements as well as a retention pond, normally required in a project of this sort were waived with no legitimate reason given. This despite the fact that basements have flooded in homes on the north side of Ferris in the Hidden Creek Association.
6. My understanding is that even though it is not required, notice of the Planning Commission Meeting should have been sent to homeowners in the subdivisions who use Ferris to travel to US 31 and the High School.
7. The traffic situation is of significant safety concern given the extensive backups which already occur at the precise point where this project is proposed with no deceleration or turn lane included in the design. Blockage of the Hidden Creek Association entrance is almost guaranteed, as it already occurs during morning travel to Grand Haven High School and dismissal time as well as during special events. So, why would we make it worse than it is.
8. Traffic exiting off US 31 often reaches a speed of 55 miles per hour by the time it reaches Hidden Creek Drive and I have personally had instances of people almost going into the ditch to avoid rear-ending me as I enter the subdivision.
9. This project does not in any way qualify for a special land use permit. It provides no needed or desired improvement or service to the community as a whole. This type of operation is not dependent on the use of frontage on Ferris Street. Most importantly, it will result in a reduction in property values to adjacent homeowners; pose a serious threat to safety and welfare; potentially
affect the air quality with blowing dust and debris and most importantly, does not follow the best practices of Planning and Zoning. The existing property and business is adequate enough as it is.

Lastly and most importantly, it sounds as though comments made during the planning commission meeting that there has already been some assurances made to the Vandenberg Property that there will be approval of this permit prior to the public hearing. If this is the case, that alone is concerning as this would indicate an unfair, and biased approach to the planning process and certainly indicates a question of the ethics and integrity of the process.

In closing, the special use permit of the Vandenburg Property provides no compelling proof of its need and certainly does nothing to benefit the good of the surrounding community and only serves to become a risk to the surrounding area. If the Vandenberg’s wish to expand their operations, then they should consider doing so in a more appropriate location.

Concerned resident of Hidden Creek,

Nathan Hoffman
The Grand Haven Township Planning Commission approved a special use permit to allow Vandenburg excavating to build a large Outdoor Storage and Distribution center that would allow drive-through and curbside loading of aggregate, stone, mulch and other landscape materials into trucks on Ferris across from the entrance to our Association.

The project would be located at 16630 Ferris St. Listed here are some of the unusual circumstances surrounding this approval, and the concerns of many of our homeowners which have been shared with the HCLOA Board of Directors. The Grand Haven Township full Board of Trustee is expected to take this issue up on May 17. If you have concerns you may share them by contacting Community Development Director Stacey Fedewa sfedewa@ght.org and members of the Township Board: Mark Reenders (mreenders@ght.org) Laurie Larsen (llarsen@ght.org) William Kieft (bkieft@ght.org) Howard Behm (hbehm@ght.org) Cal Meeusen (cmeeusen@ght.org) Ron Redick (rredick@ght.org) Bob Wagenmaker (bwagenmaker@ght.org).

1. The overlay plan for the master plan has been ignored.
2. The existing business is non-conforming and the proposed use is most certainly not commercial.
3. The proposed business has more characteristics of an industrial use, noise, heavy equipment, product migrating off the property and the like.
4. The master plan calls for the property to be residential, although current use is permitted as it was grandfathered in as a pre-existing use and it was not envisioned in the master plan to expand its non-conforming use. In the past the Planning Commission has consistently denied this type of permit on that basis alone. Spot zoning is profoundly discouraged.
5. There are currently environmental issues on the site, including broken and rusting heavy equipment and there could be leakage from abandoned vehicles and pieces of machinery.
6. Although not required, notice of the Planning Commission Meeting should have been sent to homeowners in the subdivisions who use Ferris to travel to US 31 and the High School.
7. The traffic situation is of paramount concern given the extensive backups which already occur at the precise point where this project is proposed with no deceleration or turn lane included in the design. Blockage of the Hidden Creek Association entrance is almost guaranteed, as it already occurs during morning travel to Grand Haven High School and dismissal time as well as during special events.
8. Traffic exiting off US 31 often reaches a speed of 55 miles per hour by the time it reaches Hidden Creek Drive and high school drivers are not the most attentive.
9. This project does not in any way qualify for a special land use permit. It provides no needed or desired improvement or service to the community as a whole. This type of operation is not dependent on the use of frontage on Ferris Street. Most importantly, it will result in a reduction in property values to adjacent homeowners; pose a serious threat to safety and welfare; potentially affect the air quality...
with blowing dust and debris and most importantly, does not follow the best practices of Planning and Zoning.

Finally, comments made during the planning commission meeting appeared to indicate that some assurances and commitments of approval had been made to the applicant prior to the public hearing. A special land use permit is designed to be just that, special, to be approved only under the most compelling evidence of need and concern for the good of the whole community.

Jim and Sandy Miller

13465 Hidden Creek Ct, Grand Haven, MI
Greetings all,

Aa a family living in the Cutter Park subdivision we are very concerned with what we have heard/read about this project. Traffic on Ferris is already busy with the both Forest Parks subdivisions located on it, Cutter Park, Hidden Creek, and now Copper Stone subdivision. With the new park coming between Ferris and Lincoln, and the expansion of the Hofma Preserve I’m sure that traffic will increase even more on Ferris. Its very dangerous crossing Ferris for our kids to go enjoy Hofma park right now with all the traffic.

While we’re are excited for the new park coming across from Hofma and the expansion of Hofma Preserve, which we believe will add to our community and our home valves, creating an trucking/landscaping business in the proposed location seems disastrous. The area in questions is already congested with traffic and creating more traffic with large trucks, construction equipment, and semi’s sounds very dangerous. I believe this would have a negative impact on our community and property valves in the area.

Thank you for your time,

Scott LaRue
Digital Automation Engineer II
T: 616.393.3054  C: 616.638.0001
One Haworth Center, Holland, MI 49423-9576 USA
616.393.3000
Haworth.com
Nominate for Kudo Award or email my supervisor: robert.moore@haworth.com

Confidentiality Notice: This email message and its attachments may contain confidential information. If you received this message in error, please delete it as soon as possible and alert the sender.
The Grand Haven Township Planning Commission approved a special use permit to allow Vandenburg excavating to build a large Outdoor Storage and Distribution center that would allow drive-through and curbside loading of aggregate, stone, mulch and other landscape materials into trucks on Ferris across from the entrance to our Association.

The project would be located at 16630 Ferris St. Listed here are some of the unusual circumstances surrounding this approval, and the concerns of many of our homeowners which have been shared with the HCLOA Board of Directors. The Grand Haven Township full Board of Trustee is expected to take this issue up on May 17. If you have concerns you may share them by contacting Community Development Director Stacey Fedewa sfedewa@ght.org and members of the Township Board: Mark Reenders (mreenders@ght.org) Laurie Larsen (llarsen@ght.org) William Kieft (bkieft@ght.org) Howard Behm (hbehm@ght.org) Cal Meeusen (cmeeusen@ght.org) Ron Redick (rredick@ght.org) Bob Wagenmaker (bwagenmaker@ght.org).

1. The overlay plan for the master plan has been ignored.

2. The existing business is non-conforming and the proposed use is most certainly not commercial.

3. The proposed business has more characteristics of an industrial use, noise, heavy equipment, product migrating off the property and the like.

3. The master plan calls for the property to be residential, although current use is permitted as it was grandfathered in as a pre existing use and it was not envisioned in the master plan to expand it's non conforming use. In the past the Planning Commission has consistently denied this type of permit on that basis alone. Spot zoning is profoundly discouraged.

4. There are currently environmental issues on the site, including broken and rusting heavy equipment and there could be leakage from abandoned vehicles and pieces of machinery.

5. Solid screening requirements as well as a retention pond, normally required in a project of this sort were waived with no legitimate reason given. This despite the fact that basements have flooded in homes on the north side of Ferris in the Hidden Creek Association.

6. Although not required, notice of the Planning Commission Meeting should have been sent to homeowners in the subdivisions who use Ferris to travel to US 31 and the High School.

7. The traffic situation is of paramount concern given the extensive backups which already occur at the precise point where this project is proposed with no deceleration or turn lane included in the design. Blockage of the Hidden Creek Association entrance is almost guaranteed, as it already occurs during morning travel to Grand Haven High School and dismissal time as well as during special events.

8. Traffic exiting off US 31 often reaches a speed of 55 miles per hour by the time it reaches Hidden Creek Drive and high school drivers are not the most attentive.

9. This project does not in any way qualify for a special land use permit. It provides no needed or desired improvement or service to the community as a whole. This type of operation is not dependent on the use of frontage on Ferris Street. Most importantly, It will result in a reduction in property values to adjacent homeowners; pose a serious threat to safety and welfare; potentially affect the air quality
with blowing dust and debris and most importantly, does not follow the best practices of Planning and Zoning.

Finally, comments made during the planning commission meeting appeared to indicate that some assurances and commitments of approval had been made to the applicant prior to the public hearing. A special land use permit is designed to be just that, special, to be approved only under the most compelling evidence of need and concern for the good of the whole community.
Vandenberg property

We lived on Hidden Creek for 13 years.

The residents lived with Paul Vandenberg using hidden Creek Drive as his personal road
Driving a variety of vintage diesel equipment with questionable mufflers at all hours.

Hidden Creek Drive is a way of avoiding the intersection at Ferris and 168th and Paul (and many
others) used it often.

I cannot speak for the situation of the truck traffic since Paul’s passing.

Possibly ban truck traffic on Hidden Creek?
May 8, 2020

Supervisor Mark Reenders
Clerk Laurie Larsen
Treasurer William Kieft
Trustee Howard Behm
Trustee Cal Meeusen
Trustee Ron Redick
Trustee Bob Wagenmaker

Re: Vandenberg Excavation Special Land Use Permit

I would like to raise some important issues with regard to the proposed Special Land Use Permit requested by Vandenberg Excavating, to be located at 16630 Ferris Street. I raise them both as a former member of the Planning Commission and also as a resident of the Hidden Creek Association which will be impacted by approval of this permit.

First, and foremost, I would like to provide some history on the approval of a similar permit which was approved several years ago for what is now the Crossroads Property Services, located at 11910 US 31. There are only four out of the nine Planning Commissioners who approved that permit, now serving on the Planning Commission. There was a reference made to the fact that a special use permit was issued to the former owners of the Crossroads Property and it was used to somehow indicate that these projects were similar.

There are few, if any, similarities between these two requests. And, frankly, the then Commissioners struggled with approving that permit because of concerns about setting any precedent, but did so because the location was one that was unlikely to be replicated and because, by definition, Special Land Use permits are not considered precedential.

That facility was located on a four-lane, high speed State Highway. There were no neighborhoods or residences, certainly not subdivisions, or parks, within any proximity to the site. There were no objections to the issuance of that permit.

The Vandenberg permit, which is located on the heavily traveled route to Grand Haven High School, across the street from 90 homes and on the main route of travel from three more subdivisions and a township park, is in no way similar to the Crossroads Property. In fact, the location of the Crossroads site, less than five miles away, which indeed provides exactly the same services, makes it difficult to claim that the Vandenberg proposal fills a need not otherwise provided to Township residents. Also, a primary consideration in determination whether to approve a Special Land Use permit.

From a Planning perspective, this permit does not rise to the standards to be met when issuing a Special Land Use Permit. It ignores the overlay plan of the Township's Master Plan. The current use of the property is only permitted because it was an existing use before adoption of the Current Master plan. It has long been the position of the Planning Commission not to expand any non-conforming uses. Many of the requirements normally required on almost any property to be developed, including proper screening and retention pond, have been waived, this despite flooding which has been experienced in the basements of homes across Ferris.
In conclusion, I would offer that the project does not qualify for a Special Land Use permit. It provides no needed or desired improvement or service to the Community as a whole. The operation is not dependent on frontage on Ferris Street. In addition it will reduce the property values and quality of life for adjacent homeowners, pose a serious threat to safety and welfare, potentially affect the air quality with blowing dust and debris, and, most importantly, does not follow the best practices of planning and zoning.

Susan Robertson
13252 Hidden Creek Dr
I live at 13224 Hidden Creek Dr (180 feet from proposed site) and am very opposed to the proposed use of the land so close to homes on Hidden Creek.

I listened to the Zoom meeting on May 3rd and was bothered by so many people in favor of this request. A member during the meeting stated there was a tie in votes - for and against. No one mentioned where the people were from and I suspect they were customers, friends, and family of the Vandenbergs. They don't have to live next to this site.

I was also disappointed to hear that only four homes on Hidden Creek were notified by letter of the Zoom meeting. Many people since the meeting have heard about what's proposed and are signing a petition in opposition. The four homes that were notified are 100 percent against this. Three of the four homes notified have retired people home all day, every day. I do not want to listen to backup beeps from trucks and tractors all day long six days a week.

I don't want to have to breathe the airborne dirt and dust or clean up what that lands in my yard.

Our home doesn't have any sound blocking vegetation in the yard and traffic so close to us would be an annoyance.

I'm told this proposal does not conform to a special use permit and is more of an industrial use.

I heard the statement that this business pays taxes, implying this should be done for them. I believe the taxes paid by the homeowners in Hidden Creek subdivision is a lot more.

The Vandenbergs are currently doing this type of business further back on their property and we don't want to stop them from doing business. We just believe moving the operation or parts of it up front of the property to Ferris St will create a nuisance.

It's just too close to our homes.

Thanks,

Richard Edwards
Dear Stacey,

I’m writing (again) to express my objection to the proposed VandenBerg Special Land Use Permit at 16630 Ferris St. At the public hearing on May 3rd, it seemed to me that the concerns of the residents in the area were not taken very seriously. I was also not pleased with the fact that notices of the hearing weren’t sent to homeowners in the subdivisions who use Ferris St. regularly. I realize that is not required but it certainly would have been a common courtesy.

The prospect of listening to the beep beep beep of heavy equipment all summer is not something any of us look forward to. Nor do any of us look forward to the general noise from heavy equipment and the consequent dust and reduction of air quality. What about the environmental issues? There are already abandoned and broken pieces of heavy equipment lying around, leaking who knows what into the soil and ground water. The issue of increased traffic in an area that already experiences traffic backups before and after school and during special events is a serious concern. It is my understanding that this would be "spot zoning" if approved and that such practices are discouraged. I fail to see how approving this for a special land use permit would be beneficial to any of the residents nearby and cannot imagine that ANY of the members of the Grand haven Board of Trustees would be thrilled to have that across the street from their homes.

Mary Doane
May 11, 2021

Attn: Grand Haven Township Board of Directors and Planning Commission Members

We are requesting that the motion for the proposed Zoning Amendment for Open Air Business (dated 4/29/2021) is denied by the Grand Haven Township Board at this time. We are not necessarily opposed to open air businesses being allowed to operate within Grand Haven Township, but we are opposed to how this particular motion for an amendment came about.

It is obvious that this amendment request is in direct correlation with the VandenBerg Excavating application to obtain special land use and run an open air retail business directly across from Hidden Creek Subdivision, along Ferris street, and in front of their current business.

In the Community Development Memo dated April 29, 2021 it states in the first section;

“As staff dug into the plan review it became evident that Section 12.34.A – Outdoor Storage, Construction Material Storage and/or Landscape Contractor’s Operations; was not addressing the business model of the applicant and would struggle to address most types of non-industrial outdoor storage.

Staff contacted the West Michigan Zoning Administrator’s group and described the proposed use, which is a combination of retail sales, curb-side service, drive-thru service, and landscape materials. The consensus from the group was to consider an Open Air Business.

Research was performed on Open Air Business land uses throughout Michigan. The best and most applicable regulations
were parsed out and compiled into a Zoning Text Amendment Ordinance, which is also on the agenda for consideration.”

This statement proves that the amendment was only thought about and decided upon after the VandenBerg Excavating application was reviewed. Section 12.34 clearly states the requirements and the proposed amendment clearly lines up with VandenBerg Excavating plans.

We are curious, over the course of the past year, are there a significant number of other individuals and/or businesses requesting an open air business that meet the criteria of the proposed amendment to warrant this type of amendment? We are specifically asking for the past year since the latest version of the zoning ordinance was revised in March 2020. It would make sense that during a pandemic businesses may want to move their operations outside, and we are not opposed to that. However, if we are understanding correctly, that is not what this amendment is addressing.

Again, we request that at this time the motion for the Zoning Open Air Business Amendment is denied. Unless proof of a significant number of residents and businesses are requesting such use as a temporary means to operate during a pandemic, we do not see any benefit to the community for amending the current zoning ordinance.

Thank you for your time and consideration.

Best regards,
Brandon & Sarah Kaines
13257 Hidden Creek Dr
Grand Haven, MI  49417
May 15, 2021

Planning Commission
Grand Haven Charter Township

Re: Special Use Application for Open Storage

Your board recently approved the submission of an application for open storage of landscape material on property located on Ferris Street, at the intersection of Hidden Creek Drive. You forwarded your recommendation for a new ordinance to the Township Board for a first reading. The Township Board did not accept your recommendation and returned it to you for further action. On behalf of the more than one hundred residents of Hidden Creek who signed a petition to have the project denied, we are asking that your board take no further action on the request except to turn it down fully, with no further consideration. It is our contention that approving the special use permit constitutes a clear case of “spot zoning” which is precluded under current Michigan land use law. Spot zoning, as defined by the state legislature some years ago is defined as: “pressuring officials for preferential treatment, insisting they amend zoning laws to allow incongruent profitable uses within a zone, without regard for its negative impact on neighbors.”

As a matter if record, I am an urban planner with a Masters Degree in planning and nearly five decades of experience in seven states in the U.S and internationally. I have spent literally thousands of hours working on zoning ordinances from beginning to end, as well as numerous special uses and special conditions, and am familiar with the particular and sometimes perplexing factors involved in ordinance development and application. I understand the concept of spot zoning, especially its negative impacts on communities, and do not want this particular effort to result in an approval of an illegal application of administrative law.

Further, as an additional matter of record, I have a direct interest in this request: my home is directly across the street from the petitioner’s property where the special use is proposed to be established; drainage from the site, has in the past, flooded my lower level of my home, as well as that of my neighbor across the street, and I will have to endure the noise, airborne contaminants, visual pollution and additional traffic on Ferris, already a high speed area with substantial traffic volumes at peak times.

Years ago, the Michigan legislature, in the case Penning vs. Owens, defined spot zoning as “a zoning ordinance or amendment...creating a small zone of inconsistent use within a larger zone.” Over the years, Michigan courts dealing with spot zoning have been principally concerned with consistency in land uses and have made it the most critical factor in deciding whether a small zone of inconsistent use constitutes illegal spot zoning. Courts have held that zoning reflects master plans for development approved by local governmental units. Given that premise, it is
clear that this request definitely constitutes spot zoning because it is not in concert with the township’s overall land use plan for the area in question. In another Michigan case, City of Essexville vs Carrollton Concrete Mix inc. the court held that “a decision involving an amendment or variance that results in uses for specific land that are inconsistent with the overall plan. . courts will APPLY GREATER SCRUTINY. Such ordinances are closely scrutinized and sustained only when the facts and circumstances indicate a valid exercise of the zoning power.

A second factor in determining the existence of spot zoning that is at odds with the overall master plan, and may appear as arbitrary, capricious, and unreasonable treatment of a limited parcel of land is when the spot zoning conveys particular benefits to the owner of the land WHILE UNDERMINING THE PRE-EXISTING RIGHTS AND USES OF ADJACENT PROPERTY OWNERS. While the applicant seeks to establish economic benefits from the proposed use, we as adjacent owners derive no benefits; instead, we instead are facing noise pollution, air pollution, visual pollution, possible flooding, increased traffic, and the industrialization of an area clearly designated as residential. Land Use Regulations are generally intended to assure that all property owners have full use, peace, and enjoyment of their property, and it is a founding principle of Michigan’s land use code legislation. The nature and character of the proposed special use totally destroys that possibility for owners in the Hidden Creek area. Ignoring the rights of adjacent property owners establishes a well defined ability to legally challenge the imposition of an illegal land use in an area defined by public action as future residential.

The applicant has other remedies for their desired retail operation: move the entire retail operation behind their existing non-conforming use. Apparently, the staff deemed this idea as unsafe for the general public. Just why that opinion was offered is not known, but what is unsafe about the petition is that increased traffic, particularly truck traffic, is clearly making the area more unsafe. The petitioner has substantial property back of the existing buildings to create their retail operation – as is required under existing codes. The non-conforming use property is covered with inoperable vehicles, equipment, other unknown items not being used. They just need to clean up their existing property to provide for their retail operation, not take the easy way out and place the burden of living with a retail use on adjacent property owners. Take note that the applicant’s home is screened from the proposed site by large pine trees, a benefit not available to Hidden Creek homeowners. (Another point of concern – given the deterioration of vehicle and equipment on site, and perhaps drainage of fluids on to the ground with possible infiltration into the ground water, some testing should be conducted to ascertained if ground water pollution exists on site.)

One other issue for consideration: Open storage on this site as a special use is not suitable for its intended use. The open air uses noted in the staff memorandum are not the same as the applicant’s proposed use. The suggested staff uses propose the sale of products that are commodity based; that is, they are generally produced off-site and delivered to the sales site in enclosed vehicles, are generally small in number and size, can readily be removed from the site if required, and are packaged for sale in small designated areas. For example, mulch and
propane, to name two, are not similar in any way to bulk commodities that are delivered totally unpackaged, and are sold in larger quantities. Such bulk uses (which are what is proposed under the special use application) are usually found in heavy commercial or industrial districts, with significant site screening and are tightly regulated for off-site pollution controls for water and air. Consider big box users such as Menards who have large bulk storage areas, screened, often with products in sheds – IN BACK OF THEIR MAIN STORE. Think about lumber yards; they often employ drive through operations with materials stored in screened areas or large sheds. While staff made an effort to seek information about open storage, historically in other U.S locations, the distinction between commodity based storage and bulk storage is made, with the latter use requiring significant screening and pollution requirements. This project offers none of these conditions to protect adjacent homes mere feet from the sales site. As noted before, we have the right to peaceful and quiet enjoyment of our property, and this project squarely voids that right and is, in the parlance of long time land use planning and zoning practice, unquestionably spot zoning, benefitting only the petitioner, definitely illegal and open to legal challenge. Like the petitioner, we are tax payers and deserve to have our rights protected by municipal officials who have taken on the task of fairly and equitably administering the land use code approved by the Township Trustees.

Don Reis 13213 Hidden Creek Drive donereis@gmail.com
I live at 16979 Buchanan street, resident for 36 years, additional houses continue to go up everyday in the township and especially in my 5 mile radius, which means more traffic not only on Buchanan Street but all the roads in the area, lets look at the High School and the Ferris, US 31 and 168th avenue intersection. Busy and a little bit confusing, if you are not familiar with it, now add a truck loading area within a thousand feet of this area, not the best idea. Let’s not forget about the bike path that crosses here and goes down 168th and Ferris.

Seems like a special use permit should be denied just solely based on SAFETY! Let alone noise, dust, debris in the road, broken windshields, flat tires and additional wear and tear on the road requiring repairs. Please consider these issue before you approve this special use permit.

Feel free to contact me at 616-201-7460, 16979 Buchanan Street Grand Haven MI 49417 with any questions.

Thanks Thomas O’Bryan.
I'm surprised and disappointed the GHT Planning Commission approved vandenBerg Excavating, Inc.'s Special Land Use for a large outdoor storage/distribution site directly across from Hidden Creek's Ferris Street entrance. The special use is clearly a quality of life issue for those of us who will have to live near it - noise and visual pollution are certain, and air pollution is likely.

As proof of the kind of steward of the land vandenBerg Excavating, Inc. is with its existing business, you don't have to look any further than the rusting hulk of a crane that's visible from Ferris Street.

If the environmental/quality of life concerns of Township residents weren't enough, the special land use is non-compliant with the Township's Master Plan and the residential zoning of the property. I would think the full Board's approval of the vanderBerg special land use leaves the Township vulnerable to precedence and ensuing lawsuits from others requesting wild-eyed, non-compliant special land uses.

The only choice is to refuse vandenBerg Excavation, Inc.'s special land use. Thanks for your consideration.

Regards,
Richard C. Aubry
13264 Hidden Creek Drive
Hello Stacey,

My name is Shannon Mulder. My husband, Doug and I reside in Hidden Creek and we have concerns regarding the property across Ferris St. from the entrance into Hidden Creek Ct. We will be out of town on June 7th and unable to attend the discussion with the Planning Commision on that evening.

We have strong concerns regarding the changes that are planned for the property across from the entrance to Hidden Creek. Currently the barrier of trees that VandenBerg has between the street and their business provides protection for not only noise but dust and other debris. I am concerned about noise, dust and debris and given the current zoning, I do not understand why this change needs to occur. This change would increase the risk that my daughter would experience increased respiratory problems related to asthma as we are frequently around that entrance, it would also increase the noise pollution and of least importance is the visual disturbance of having the business at the roadside. Please consider other options that VandenBerg has, as their property is vast and there are safer options available. I do not have a problem with the current situation or changes they make behind the tree barrier.

As a mom of two teenage drivers, the increased road congestion and debris at the entrance is also of great concern.

Please take these concerns seriously and look beyond the convenience of the business and consider the safety and health of those living nearby.

Thank you,

Shannon and Doug Mulder
616-402-2187
May 15, 2021

Planning Commission
Grand Haven Charter Township

Re: Special Use Application for Open Storage

Your board recently approved the submission of an application for open storage of landscape material on property located on Ferris Street, at the intersection of Hidden Creek Drive. You forwarded your recommendation for a new ordinance to the Township Board for a first reading. The Township Board did not accept your recommendation and returned it to you for further action. On behalf of the more than one hundred residents of Hidden Creek who signed a petition to have the project denied, we are asking that your board take no further action on the request except to turn it down fully, with no further consideration. It is our contention that approving the special use permit constitutes a clear case of “spot zoning” which is precluded under current Michigan land use law. Spot zoning, as defined by the state legislature some years ago is defined as: “pressuring officials for preferential treatment, insisting they amend zoning laws to allow incongruent profitable uses within a zone, without regard for its negative impact on neighbors.”

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Further, as an additional matter of record, I have a direct interest in this request: my home is directly across the street from the petitioner’s property where the special use is proposed to be established; drainage from the site, has in the past, flooded my lower level of my home, as well as that of my neighbor across the street, and I will have to endure the noise, airborne contaminants, visual pollution and additional traffic on Ferris, already a high speed area with substantial traffic volumes at peak times.

Years ago, the Michigan legislature, in the case Penning vs. Owens, defined spot zoning as “a zoning ordinance or amendment...creating a small zone of inconsistent use within a larger zone.” Over the years, Michigan courts dealing with spot zoning have been principally concerned with consistency in land uses and have made it the most critical factor in deciding whether a small zone of inconsistent use constitutes illegal spot zoning. Courts have held that
zoning reflects master plans for development approved by local governmental units. Given that premise, it is clear that this request definitely constitutes spot zoning because it is not in concert with the township’s overall land use plan for the area in question. In another Michigan case, City of Essexville vs Carrollton Concrete Mix Inc. the court held that “a decision involving an amendment or variance that results in uses for specific land that are inconsistent with the overall plan. courts will APPLY GREATER SCRUTINY. Such ordinances are closely scrutinized and sustained only when the facts and circumstances indicate a valid exercise of the zoning power.

A second factor in determining the existence of spot zoning that is at odds with the overall master plan, and may appear as arbitrary, capricious, and unreasonable treatment of a limited parcel of land when the spot zoning conveys particular benefits to the owner of the land WHILE UNDERMINING THE PRE-EXISTING RIGHTS AND USES OF ADJACENT PROPERTY OWNERS. While the applicant seeks to establish economic benefits from the proposed use, we as adjacent owners derive no benefits; instead, we instead are facing noise pollution, air pollution, visual pollution, possible flooding, increased traffic, and the industrialization of an area clearly designated as residential. Land Use Regulations are generally intended to assure that all property owners have full use, peace, and enjoyment of their property, and it is a founding principle of Michigan’s land use code legislation. The nature and character of the proposed special use totally destroys that possibility for owners in the Hidden Creek area. Ignoring the rights of adjacent property owners establishes a well defined ability to legally challenge the imposition of an illegal land use in an area defined by public action as future residential.

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One other issues for consideration: Open storage on this site as a special use is not suitable for its intended use. The open air uses noted in the staff memorandum are not the same as the applicant’s proposed use. The suggested staff uses purpose the sale of products that are commodity based; that is, they are generally produced off-site and delivered to the
sales site in enclosed vehicles, are generally small in number and size, can readily be removed from the site if required, and are packaged for sale in small designated areas. For example, mulch and propane, to name two, are not similar in any way to bulk commodities that are delivered totally unpackaged, and are sold in larger quantities. Such bulk uses (which are what is proposed under the special use application) are usually found in heavy commercial or industrial districts, with significant site screening and tightly regulated for off-site pollution controls for water and air. Consider big box users such as Menards who have large bulk storage areas, screened, often with products in sheds – IN BACK OF THEIR MAIN STORE. Think about lumber yards; the often employ drive through operations with materials stored in screened areas or large sheds. While staff made an effort to seek information about open storage, historically in other U.S locations, the distinction between commodity based storage and bulk storage is made, with the latter use requiring significant screening and pollution requirements. This project offers none of these conditions to protect adjacent homes mere feet from the sales site. As noted before, we have the right to peaceful and quiet enjoyment of our property, and this project squarely voids that right and is, in the parlance of long time land use planning and zoning practice, unquestionably spot zoning, benefitting only the petitioner, definitely illegal and open to legal challenge. Like the petitioner, we are tax payers and deserve to have our rights protected by municipal officials who have taken on the task of fairly and equitably administrating the land use code approved by the Township Trustees.

Don Reis 13213 Hidden Creek Drive donereis@gmail.com
Dear GHT Board Members & Planning Commission,

GHT planning issues regarding VandenBerg Excavating’ request for a special, non-compliant land use:

1) It is highly irregular that the township planner would grant assurances to the VandenBergs to spend money on an engineering firm to draw a plan which clearly did not fit the current zoning laws.

2) The current zoning laws were published in a book in 2020. Now, certain staff and planners want to re-write the existing codes to retro-fit a business that they favored before they even considered negative impact on residential neighbors.

3) The overlay plan has been ignored on several points in order to accommodate the VandenBerg’s request. Chief amongst these is the mandate to consider and limit the negative impact on neighboring residential and the requirement to locate an additional business behind the existing one.

4) The existing business is non-conforming as it should be industrial with all of its heavy equipment; they are proposing to add another non-conforming business in front of that, making a bad situation worse.

5) The township’s master plan calls for the property to be residential, even though the current use is commercial. Normally, a planner moves toward that goal; instead they are moving farther away from it.

6) The township has failed to consider the current junkyard of broken, leaking equipment that lies behind their building. This is a poor indicator of how they will maintain a roadside business.

7) The township staff (planner) has failed to follow proper protocol and procedure, flipping the process to accommodate a pet project for a client she favors, then pushing for re-writing the zoning laws to accommodate it after she has given tacit approval. This reeks of cronyism and a “good old boys” backroom way of conducting township business which negatively affects the property values of dozens of its citizens.

8) These actions show a breach of trust that our township government will represent all of our interests, not just those that one staff member and the commission chair favor.

9) Solid screening is supposed to be required, as is a retention pond; both of those were waived by the chairman. He did this with the full knowledge that both houses across the street have had their basements flood in the recent past. Again, saving the VandenBerg’s money, while endangering costing the neighbors money.

10) When the chairman suggested a deceleration lane, he allowed the VandenBerg’s engineer to negate that due to the ditch, even though it’s possible to build one (it’s just more expensive for the VandenBergs), so that was set aside by the chairman.

11) The chairman also allowed the VandenBerg’s engineer to dictate the size of the berm, limiting it to 2 to 3 feet.

12) The pre-application meeting was for a special use of outdoor storage, which had to be located behind the existing business.

13) The planner and chairperson simply reversed the whole process and then wrote an amendment to cover what they had improperly assented to.

14) The commission listened to and gave equal weight to non-neighboring friends and employees of VandenBergs; one of them even lives in Spring Lake. The commission chair and one member flippantly said it was a “tie” which failed to consider that only 1 of the
emails in favor was from a neighbor, whose personal friends with the VandenBergs and whose property sits several hundred feet back from the propose dumpsite, screened from view by the houses of the neighbors who are truly effected.

15) Increasing the size and visibility does not move the master plan forward, nor does it move to eliminate non-conforming use.

16) Section 5 clearly says that they need to not negatively impact neighboring residential.

17) Constant beeping of front-end loaders backing up, dump trucks, and even semi-trucks will create a clear nuisance, as will the unwanted dust and traffic. This and the ugly 8 foot tall concrete dump bunkers will drive people away from living in our neighborhood.

Please help us preserve the peace of value of our neighborhood by making the VandenBergs locate their proposed business behind their existing business. Please also take a drive back there & see how they maintain their existing business, that should be an indicator of how they will impact the township’s residents.

Sincerely,  
Bob & Julie Koning

P.S. We have 111 signatures & 31 comments petitioning your help in this.
To: Grand Haven Township Planning Commission

Re: Proposed Open Air Business amendment to the Zoning Ordinance
And Special Land Use Permit application from VandenBerg Excavating

This letter is to urge the Board of Directors to express to the Grand Haven Township Planning Commission, and to the elected members of the Board of Trustees, our opposition to the proposed Open Air Business amendment to the zoning ordinance as submitted, and to the issuance of a Special Land Use Permit to VandenBerg Excavating.

While we are not opposed to allowing and regulating open air businesses, we are strongly opposed to permitting curb-side drive-through loading of aggregate, stone, mulch and other bulk landscaping materials in commercial areas immediately adjacent to residential areas.

We are also disturbed at the lack of procedure and transparency surrounding the introduction of the amendment, as well as the lack of adequate justification for issuing a Special Land Use Permit.

The entire Zoning ordinance was reviewed and overhauled just one year ago and approved. At that time there was no interest or concern over adding this type of usage. It was only after the VandenBerg permit application was received, and a great deal of opposition began forming, that this last-minute amendment was drafted.

There are 82 homeowners in our associations whose quality of life and health, safety, and welfare would be negatively affected by any use of this kind in our neighborhood.

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Sincerely

[Signature]

13497 Hidden Creek Ct.
To: Hidden Creek Lot Owners Association  
   Board of Directors  

Re: Proposed Open Air Business amendment to the Zoning Ordinance  
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Sincerely

Norma Wierenga

13454 Hidden Creek Court  
Grand Haven, MI 49417
To: Hidden Creek Lot Owners Association
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The traffic this would cause because of the unique intersection at US31 and Ferris would be unsustainable. The risk we would be adding to our most vulnerable (high school students/young drivers) is reason enough not to allow the project to happen.

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Dan & Laura Bradbury
13490 Hidden Creek Court
Grand Haven, MI 49417
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[Handwritten Signature]

Therese K. Stone

13563 Hidden Creek Ct

[Handwritten Signature]

Bonnie K. Stone

GRAND HAVEN, MI
To: Hidden Creek Lot Owners Association
   Board of Directors

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Sincerely

[Signature]

Jeremy Heeb
135 Ys Hollow (Creek Ct
To: Hidden Creek Lot Owners Association  
    Board of Directors

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Michael & Geralyn VanKirk

13221 Hidden Creek Drive

5/29/21
To: Hidden Creek Lot Owners Association
    Board of Directors

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Paul A. Curtis  
Brenda J. Curtis
To: Hidden Creek Lot Owners Association  
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Russ and Mary Doane
13462 Hidden Creek Court
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Jordan Nyhof
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(No-) Howard & Linda Mulder
13498 Hidden Creek Ct
Grand Haven,
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611, MI 49417
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Michael Sweet 616-502-2556

Rocío Gomez de Segura

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Sincerely

Mary Koch
To: Hidden Creek Lot Owners Association
    Board of Directors

Re: Proposed Open Air Business amendment to the Zoning Ordinance
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Roger M. Joslin & Ruth A.L. Joslin
To: Hidden Creek Lot Owners Association  
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Ben Wieringa

13454 Hidden Creek Court  
Grand Haven, MI 49417
To: Grand Haven Township Planning Commission

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Tim and Janet Walker
13475 Thirteen Creek Dr
Grand Haven, MI 49417
To: Grand Haven Township Planning Commission

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Shannon Barton  
13583 Hidden Creek Ct  
Grand Haven MI 49417
To: Hidden Creek Lot Owners Association  
Board of Directors

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Alex Ged

Nex Crescibikle
13475 Hidden Creek Ct
To: Hidden Creek Lot Owners Association
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13500 Hidden Creek Dr.  
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Sincerely,

Joe and Deb Sutherland  
13450 Hidden Creek Ct,  
Grand Haven, MI
To: Hidden Creek Lot Owners Association
   Board of Directors

Re: Proposed Open Air Business amendment to the Zoning Ordinance
   And Special Land Use Permit application from VandenBerg Excavating

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Shannon Mulder
Daryn Mulder

13476 Hidden Creek Ct.
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13263 Hidden Creek Dr

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Richard and Carol Brook
To: Hidden Creek Lot Owners Association
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13363 Hidden Creek Dr
Grand Haven, MI 49417
Community Development Memo

DATE: May 28, 2021

TO: Planning Commission

FROM: Stacey Fedewa, AICP – Community Development Director

RE: Special Land Use – Accessory Building in Front Yard – Gabel

<table>
<thead>
<tr>
<th>PROPERTY INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address</td>
</tr>
<tr>
<td>15996 Winans</td>
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</table>

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>Existing Land Use</th>
<th>Existing Infrastructure</th>
<th>Existing Site Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>RR</td>
<td>Single Family</td>
<td>Paved Road</td>
<td>Single Family Dwelling</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Attached Garage</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Swing Set</td>
</tr>
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<tr>
<th>Master-Planned Zoning</th>
<th>Surrounding Zoning &amp; Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Direction</td>
</tr>
<tr>
<td>Rural Residential</td>
<td>N</td>
</tr>
<tr>
<td></td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>E</td>
</tr>
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<td></td>
<td>W</td>
</tr>
</tbody>
</table>
The new zoning ordinance allows an accessory building to be constructed in the front yard under certain circumstances. The Township found there were valid reasons to enable a property owner to build in the front yard when a variance was not possible. See the checklist below for specifics.

### GABEL APPLICATION

<table>
<thead>
<tr>
<th>Section</th>
<th>Provision</th>
<th>Staff Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.07.A</td>
<td>Complies with minimum front yard setback for zoning district.</td>
<td>85’ proposed where 50’ required.</td>
</tr>
<tr>
<td>12.07.B</td>
<td>Meets requirements of other accessory buildings.</td>
<td>1,200 sqft proposed where 1,500 is allowed. Setback 33’ where 15’ is required. Building height is 14’-6” where 24’ is allowed.</td>
</tr>
<tr>
<td>12.07.C</td>
<td>Aesthetically compatible with the house and surrounding homes. This includes roof pitch, façade materials/siding, windows, colors, and other factors deemed necessary.</td>
<td>Roof Pitch: 6/12 proposed, house main roofline is 6/12 with a north facing gable that is 8/12. Façade materials/siding: Certained D4 vinyl siding to match house. Service door: standard thermal-tru 6 panel steel door, painted with contrast siding color. Windows: 1 on each wall (Northstar 1000 series, white vinyl) + OHD – Sandstone color + standard 4 plain short glass panel. Colors: same color family Other: 3 wall sconces proposed</td>
</tr>
<tr>
<td>12.07.D</td>
<td>Building shall not be clad in metal.</td>
<td>No metal proposed.</td>
</tr>
<tr>
<td>12.07.E</td>
<td>Structure is not located in a side or rear yard for at least 1 of the following factors—natural features, lot dimensions, or existing structures.</td>
<td>Mature tree growth. Desire to minimize tree removal.</td>
</tr>
<tr>
<td>6.06.B.1</td>
<td>Outdoor lighting does not exceed the height of the eave.</td>
<td>Compliant.</td>
</tr>
<tr>
<td>6.07</td>
<td>Maximum lighting levels do not exceed the Lighting Zone.</td>
<td>RR is in Lighting Zone 2. Approximately 508 sqft of impervious surface (less the building) = 635 lumens permitted on garage.</td>
</tr>
<tr>
<td>6.09</td>
<td>Light fixture/luminaire is sharp cutoff and downcast.</td>
<td>Applicant provided with information to select compliant fixtures and luminaires.</td>
</tr>
<tr>
<td>Chapter 4</td>
<td>Landscaping</td>
<td>Exempt.</td>
</tr>
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RECOMMENDED DISCUSSION POINTS

- Confirm aesthetic compatibility between the proposed detached garage and the existing home using Section 12.07.C as a guide.
  - Garage door proposed in color Sandstone, Plain Short glass window.

ELEVATIONS & PHOTOS OF EXISTING HOME

[Images and diagrams of the existing home and garage]
If the Planning Commission finds the application meets the standards, the following motion can be offered:

**Motion to conditionally approve** the Special Land Use application to allow a 1,200 square foot accessory building to be located in the front yard of 15996 Winans Street. This approval is based on the application meeting the standards set forth by the Grand Haven Charter Township Zoning Ordinance. This motion is subject to, and incorporates, the following conditions and report:

1. Accessory building shall maintain the 85-foot setback from Winans Street as shown on the site plan dated 5/28/2021.
2. Tree removal shall be the least amount necessary based on the applicant’s desire to preserve natural features.
3. Building shall contain at least 1 window per wall (white vinyl), a service door, and overhead doors which shall be to the same quality as the dwelling. Including the Gallery Steel with grooved panel design, Sandstone color, and minimally the Plain Short Glass windows.
4. 3 decorative lighting fixtures are required. Shall be sharp cutoff, downcast, maximum kelvin color of 4,000 or less per luminaire. Maximum lumens are 635 based on the amount of impervious surface in Lighting Zone 2. Staff will verify compliance prior to the building and/or electrical permit is issued.
5. Siding shall be D4 vinyl and match the color of the existing dwelling.
6. *List additional conditions here...*
If the Planning Commission finds the application does not meet the standards, the following motion can be offered:

**Motion to deny** the Special Land Use application for an Accessory Structure in the Front Yard, and direct staff to draft a formal motion and report for those discussion points which will be reflected in the meeting minutes. This will be reviewed and considered for adoption at the next meeting.

If the Planning Commission finds the application is in need of revisions before a determination can be made, the following motion can be offered:

**Motion to table** the Special Land Use application, and direct the applicant to make the following revisions:

1. *List the revisions.*

---

**REPORT OF FINDINGS (TO BE USED WITH A MOTION FOR APPROVAL)**

1. This approval is based on the affirmative findings that each of the following standards of Section 12.04 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 and assembly of people relating to the use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with normal traffic of the neighborhood.
   H. The proposed use is consistent with the health, safety, and welfare of the Township.
   I. 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.

2. The application meets the site plan review standards of Section 18.07.G 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. Fences, walls, barriers, and/or 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 Township Subdivision Control Ordinance, the Ottawa County Road Commission and/or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in the codified ordinances of the Township.

I. Sidewalks or pathways shall be deemed to be required along all public and private roadways unless the applicant provides compelling evidence, in the opinion of the Planning Commission, that they are not necessary for pedestrian access or safety.

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. Lighting is minimized to reduce light pollution and preserve the rural character of the Township.

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. 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.

P. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.
SPECIAL LAND USE APPLICATION

<table>
<thead>
<tr>
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<tr>
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<td>$250</td>
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</tr>
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<tr>
<th>Utility Escrow**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Extension</td>
</tr>
<tr>
<td>Lift Station</td>
</tr>
</tbody>
</table>

Procedural information is included with this application. The remaining provisions can be found at www.ghl.org/zoning.

Applicant Information
Name: DeDoes Homes & Renovations
Phone: 6166389837
Address: 17270 Buchanan Street
Email Address: bdedoes@yahoo.com

Owner Information (If different from applicant)
Name: Russ & Cindy Gabel
Phone: 616-402-0564
Address: 15996 Winans Street
Email: Cindy.gabel@odb.org/ r_gabel@hotmail.com

Property Information
Address/Location: 15996 Winans Street
Parcel Number: 70-07-26-300-067
Size (acres): 1.67
Current Zoning: Master-Planned Zoning

Description of Proposed Use/Request (attach additional pages as needed)
Special land use permit for 30x40x10 accessory structure. accessory structure location in front of existing home because of accessibility, elevation and to minimize removal of tree canopy on site

NOTE: The architect, engineer, planner, or designer shall be responsible for utilizing the Township Ordinance books and following all applicable requirements, including those of Chapters 12 and 18 of the Zoning Ordinance.

I hereby attest the information on this application is, to the best of my knowledge, true and accurate.

Signature of applicant: [Signature]
Date: 5/8/21

* To cover cost of legal and consulting fees, may be increased as necessary

** If approval of this application requires/includes the extension of a municipal utility, an additional $5,000 escrow fee shall be required, and an additional $2,000 escrow fee shall be required for the installation of a lift station.
For Office Use Only

Date Received __________________________ Fee Paid? __________________________

Materials Received: Site Plans __________ Location Map __________________________
                    Survey __________     Legal Description __________________________

Dated copy of approved minutes sent to applicant? __________ Date Sent __________

PLANNING COMMISSION USE ONLY

Approval __________________________

Tabled __________________________

Denied __________________________

Conditional Approval __________________________

The following conditions shall be met for approval:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Signature of Planning Commission Chair __________________________ Date __________
Builder must approve all drawings before construction begins.
The licensed builder takes full responsibility of all drawings, design, and all structural aspects.
Community Development Memo

DATE: May 28, 2021
TO: Planning Commission
FROM: Stacey Fedewa, AICP – Community Development Director
RE: Special Land Use – Accessory Building in Front Yard – Rauschert

<table>
<thead>
<tr>
<th>PROPERTY INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property Address</strong></td>
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<tr>
<td>12977 152nd Ave</td>
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</table>

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>Existing Land Use</th>
<th>Existing Infrastructure</th>
<th>Existing Site Improvements</th>
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<tbody>
<tr>
<td>RR</td>
<td>Single Family</td>
<td>Municipal Water</td>
<td>Single Family Dwelling</td>
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<td></td>
<td></td>
<td>Paved Road</td>
<td>Attached Garage</td>
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<tr>
<th>Master-Planned Zoning</th>
<th>Surrounded Zoning &amp; Land Uses</th>
</tr>
</thead>
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<tr>
<td><strong>Direction</strong></td>
<td><strong>Zoning</strong></td>
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<td>R-2</td>
</tr>
<tr>
<td>S</td>
<td>RR</td>
</tr>
<tr>
<td>E</td>
<td>RR</td>
</tr>
<tr>
<td>W</td>
<td>R-2</td>
</tr>
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</table>

[Map and Diagrams]
BACKGROUND

The new zoning ordinance allows an accessory building to be constructed in the front yard under certain circumstances. The Township found there were valid reasons to enable a property owner to build in the front yard when a variance was not possible. See the checklist below for specifics.

RAUSCHERT APPLICATION

<table>
<thead>
<tr>
<th>Section</th>
<th>Provision</th>
<th>Staff Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.07.A</td>
<td>Complies with minimum front yard setback for zoning district.</td>
<td>243’ proposed where 50’ required.</td>
</tr>
<tr>
<td>12.07.B</td>
<td>Meets requirements of other accessory buildings.</td>
<td>1,948 sqft proposed where 2,500 is allowed. Setback 81’ where 15’ is required. Height is 22'-10’ where 24’ is allowed.</td>
</tr>
<tr>
<td>12.07.C</td>
<td>Aesthetically compatible with the house and surrounding homes. This includes roof pitch, façade materials/siding, windows, colors, and other factors deemed necessary.</td>
<td>Roof Pitch – Garage: 12/10 proposed, house is 12/12. Roof Pitch – Canopy: 8/12 proposed, house is 12/12. Façade materials/siding: Vinyl Cedar Shake Siding by Foundry. Windows: 3 of 4 walls – Anderson 400 series or comparable. The fourth has two service doors – ThermaTru S600 Fiberglass. Colors: same color as house. Other: 6 wall sconces proposed. Match existing garage lights.</td>
</tr>
<tr>
<td>12.07.D</td>
<td>Building shall not be clad in metal.</td>
<td>Decorative Awning over front elevation only. Matches a similar awning on the home over the front door.</td>
</tr>
<tr>
<td>12.07.E</td>
<td>Structure is not located in a side or rear yard for at least 1 of the following factors—natural features, lot dimensions, or existing structures.</td>
<td>Mature tree growth. Desire to minimize tree removal.</td>
</tr>
<tr>
<td>6.06.B.1</td>
<td>Outdoor lighting does not exceed the height of the eave.</td>
<td>Compliant.</td>
</tr>
<tr>
<td>6.07</td>
<td>Maximum lighting levels do not exceed the Lighting Zone.</td>
<td>RR is in Lighting Zone 2. Approximately 865 sqft of impervious surface (less the building) = 1,081 lumens permitted on garage.</td>
</tr>
<tr>
<td>6.09</td>
<td>Light fixture/luminaire is sharp cutoff and downcast.</td>
<td>Compliant. See photo below.</td>
</tr>
<tr>
<td>Chapter 4</td>
<td>Landscaping</td>
<td>Exempt.</td>
</tr>
</tbody>
</table>

RECOMMENDED DISCUSSION POINTS

- Confirm aesthetic compatibility between the proposed detached garage and the existing home using Section 12.07.C as a guide.

- Is the proposed garage far enough outside of the overhead utility easement? See overlay sketch on subsequent page.
The proposed location of the new building is taped off on site.
If the Planning Commission finds the application meets the standards, the following motion can be offered:

**Motion to conditionally approve** the Special Land Use application to allow a 1,948 square foot accessory building to be located in the front yard of 12977 152nd Avenue. This approval is based on the application meeting the standards set forth by the Grand Haven Charter Township Zoning Ordinance. This motion is subject to, and incorporates, the following conditions and report:

1. Accessory building shall maintain the 243-foot setback from 152nd Avenue as shown on the site plan dated 5/17/2021.

2. Applicant shall provide evidence from the utility company establishing the setback requirement from the overhead lines prior to issuance of a building permit.

3. Tree removal shall be the least amount necessary based on the applicant’s desire to preserve natural features.

4. Building shall contain at least 1 window per wall (Anderson 400 series or comparable), at least 1 service door, and overhead doors which shall be to the same quality as the dwelling. Including the Wayne Dalton insulated 9605 Sonoma style with Stockbridge window glass design.

5. 6 decorative lighting fixtures are required. Shall be sharp cutoff, downcast, maximum kelvin color of 4,000 or less per luminaire. Maximum lumens are 1,081 based on the amount of impervious surface in Lighting Zone 2. Staff
will verify compliance prior to the building and/or electrical permit is issued.

6. Siding shall be vinyl shaker and of the same material and color family as the existing dwelling.

7. List additional conditions here...

If the Planning Commission finds the application does not meet the standards, the following motion can be offered:

**Motion to deny** the Special Land Use application for an Accessory Structure in the Front Yard, and direct staff to draft a formal motion and report for those discussion points which will be reflected in the meeting minutes. This will be reviewed and considered for adoption at the next meeting.

If the Planning Commission finds the application is in need of revisions before a determination can be made, the following motion can be offered:

**Motion to table** the Special Land Use application, and direct the applicant to make the following revisions:

1. List the revisions.

---

**REPORT OF FINDINGS (TO BE USED WITH A MOTION FOR APPROVAL)**

1. This approval is based on the affirmative findings that each of the following standards of Section 12.04 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 and assembly of people relating to the use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with normal traffic of the neighborhood.
   
   H. The proposed use is consistent with the health, safety, and welfare of the Township.
   
   I. 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.
The application meets the site plan review standards of Section 18.07.G 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. Fences, walls, barriers, and/or 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 Township Subdivision Control Ordinance, the Ottawa County Road Commission and/or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in the codified ordinances of the Township.

I. Sidewalks or pathways shall be deemed to be required along all public and private roadways unless the applicant provides compelling evidence, in the opinion of the Planning Commission, that they are not necessary for pedestrian access or safety.

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. Lighting is minimized to reduce light pollution and preserve the rural character of the Township.

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. 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.

P. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.
GRAND HAVEN CHARTER TOWNSHIP

SPECIAL LAND USE APPLICATION

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<td>Lift Station</td>
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Procedural information is included with this application. The remaining provisions can be found at www.ght.org/zoning.

Applicant Information
Name: CASEY VAN DYKE
Phone: 616-638-1123
Address: 13986 GARFIELD RD SPRING LAKE, MI 49456
Email Address: CASEY.VANDYKE@GMAIL.COM

Owner Information (If different from applicant)
Name: STEPHEN & JEANNA RAUSCHERT
Phone: 616-766-2936
Email: STEVE@LEBMI.COM
Address: 12977 152ND AVE, GRAND HAVEN, MI 49456

Property Information
Address/Location: 12977 152ND AVE, GRAND HAVEN, MI 49456
Parcel Number: 70-07-11-400-038
Size (acres): 7.39
Current Zoning: RURAL RESIDENTIAL
Master-Planned Zoning: 

Description of Proposed Use/Request (attach additional pages as needed)
SEE ATTACHED

NOTE: The architect, engineer, planner, or designer shall be responsible for utilizing the Township Ordinance books and following all applicable requirements, including those of Chapters 12 and 18 of the Zoning Ordinance.

I hereby attest the information on this application is, to the best of my knowledge, true and accurate.

Signature of applicant: [Signature]
Date: 5-18-21

* To cover cost of legal and consulting fees, may be increased as necessary

** If approval of this application requires/includes the extension of a municipal utility, an additional $5,000 escrow fee shall be required, and an additional $2,000 escrow fee shall be required for the installation of a lift station.

Last Revised 12/31/18
This request is being made to construct a new detached garage (1,120SF) on the property in a location deemed to be in the front/side yard. The design of the new building will not diminish the visual appeal as it will be constructed utilizing the same exterior materials as the home. The purpose of this garage will be to store lawn equipment, future boat, and a general recreating area (picnic table under covered area).

The current lot in which the existing house occupies is 7.39 acres. Current zoning allows up to 3 accessory buildings totaling 2500 square feet. There are no existing accessory buildings on the property. The lot is wooded in nature and the setback from the road would be approximately 243 feet.

Due to the size and ground cover character of the subject and adjacent properties, the proposed structure will have minimal visual impact and no impact to use or development of adjacent property. Further, the proposed structure will have no impact on the public health, safety or general welfare of the community.

Site plan (page 5/5) and drawings are attached.
Builder must approve all drawings before construction begins. The licensed builder takes full responsibility of all drawings, the design, and all structural aspects.

Left Elevation

Front Elevation

Right Elevation

Rear Elevation
Builder must review all drawings before construction begins.
The licensed builder takes full responsibility of all aspects of the design and all structural aspects.
Builder must approve all drawings before construction begins. The Licensed builder takes full responsibility of all changes to the design and all structural aspects.
Community Development Memo

DATE: May 27, 2021
TO: Planning Commission
FROM: Stacey Fedewa, AICP – Community Development Director
RE: Zoning Text Amendment Ordinance – Minimum Dwelling Sizes

BACKGROUND

In 1999, the following sizes were established and enforced for the next 21 years.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Ground Floor Area*</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG</td>
<td>1,100 sf</td>
</tr>
<tr>
<td>RP</td>
<td>1,240 sf</td>
</tr>
<tr>
<td>RR</td>
<td>1,100 sf</td>
</tr>
<tr>
<td>R-1</td>
<td>1,240 sf</td>
</tr>
<tr>
<td>R-2</td>
<td>1,100 sf</td>
</tr>
</tbody>
</table>

* Dwellings containing more than 1 story shall have a building footprint of at least 800 sqft.

In March 2020, the minimum dwelling unit sizes were reduced to 800 sqft because the minimum building footprint the Township permitted was 800 sqft (with the balance of the minimum floor area being made up in the second story).

Section 2.12
MINIMUM RESIDENTIAL UNIT SIZE.

The following minimum dimensional requirements shall apply to residential dwelling units:

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Minimum Floor Area (square feet)</th>
<th>Minimum Ground Floor Area*</th>
<th>Minimum Dwelling Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>800 sf</td>
<td>800 sf</td>
<td>24 feet</td>
</tr>
<tr>
<td>Two-Family</td>
<td>600 sf + 100 sf per bedroom</td>
<td>600 sf</td>
<td>24 feet per unit</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>500 sf for studio/efficiency unit + 100 sf per bedroom</td>
<td>800 sf</td>
<td>24 feet per unit</td>
</tr>
</tbody>
</table>

* Even if the dwelling is more than one story.

In essence, the AG, RP, and RR districts must have dwellings 27%↑ larger than currently required. R-1 must be 16%↑ larger.
TIMELINE OF DISCUSSIONS

April 19th  Special joint meeting with Board and Planning Commission. Split positions.

April 26th  Township Board meeting, Committee Reports. Majority want larger sizes.

May 3rd  Planning Commission discussion. Draft text amendment included the 1999 minimums. Through the discussion, a potential compromised was reached. Staff was directed to schedule the public hearing.

June 7th  Public hearing.

PROPOSED ORDINANCE LANGUAGE

SAMPLE MOTIONS

If the Planning Commission finds the above text amendments acceptable, the following motion can be offered:

Motion to recommend the Township Board approve the proposed zoning text amendment ordinance with draft date of 5/17/2021 concerning Minimum Dwelling Unit Floor Areas.

If the Planning Commission finds the text amendment is in need of revisions before a recommendation can be made, the following motion can be offered:

Motion to table the text amendment, and direct staff to make the following revisions:

1. List the revisions...

Please contact me if this raises questions.
ORDINANCE NO. _______

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE GRAND HAVEN CHARTER TOWNSHIP ZONING ORDINANCE (THE “ZONING ORDINANCE”) TO ADDRESS MINIMUM RESIDENTIAL UNIT SIZES.

THE CHARTER TOWNSHIP OF GRAND HAVEN, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

Section 1. Minimum Residential Unit Size. Section 2.12 of the Zoning Ordinance shall be restated in its entirety as follows.

Section 2.12 MINIMUM RESIDENTIAL UNIT SIZE.

(A) The minimum floor area for residential dwelling units shall be:

(1) In the AG district, 1,100 square feet;
(2) In the RP district, 1,100 square feet;
(3) In the RR district, 1,100 square feet;
(4) In the R-1 district, 950 square feet;
(5) In the R-2 district, 800 square feet;
(6) In the R-3 and R-4 districts:
   (a) Single family dwelling – 800 square feet;
   (b) Two family dwelling – 500 square feet plus 100 square feet per bedroom;
   (c) Multiple family dwelling – 500 square feet plus 100 square feet per bedroom.

(B) Residential dwelling units with more than one story shall have a minimum ground floor area of at least 800 square feet, which may include an attached garage.

(C) Residential dwelling units shall have at least 24 feet in width.

Section 2. Effective Date. The foregoing amendment to the Grand Haven Charter Township Zoning Ordinance was approved and adopted by the Township Board of Grand Haven Charter Township, Ottawa County, Michigan on ______________, 2021, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended, and after a first reading of the
amendment by the Township Board on ____________, 2021. This Ordinance shall be effective on ____________, 2021, which date is eight days after publication of the Ordinance as is required by Section 401 of Act 110, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

____________________________________  ______________________________
Mark Reenders, Township Supervisor        Laurie Larsen, Township Clerk

CERTIFICATE

I, Laurie Larsen, the Clerk for the Charter Township of Grand Haven, Ottawa County, Michigan, certify that the foregoing Grand Haven Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on _____________, 2021. The following members of the Township Board were present at that meeting: ______________________________. The following members of the Township Board were absent: __________________________________. The Ordinance was adopted by the Township Board with members of the Board __________________voting in favor and members of the Board __________________voting in opposition. The Ordinance or a summary of the Ordinance was published in the Grand Haven Tribune on _____________, 2021.

____________________________________
Laurie Larsen, Clerk
Grand Haven Charter Township
**Community Development Memo**

DATE: June 1, 2021

TO: Planning Commission

FROM: Stacey Fedewa, AICP – Community Development Director

RE: Site Plan Review – Southtown Market – Addition + Food Truck

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<tr>
<td>15191 168th Ave</td>
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<td>70-03-33-200-059</td>
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<td><strong>Parcel Size</strong></td>
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<td>1.3-acres</td>
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<td><strong>Application Type</strong></td>
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<td>Site Plan Review</td>
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<td>Municipal Water</td>
<td>Retail Market</td>
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<td></td>
<td></td>
<td>Private Septic</td>
<td>Food Truck</td>
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<tr>
<td></td>
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<td>Paved Road</td>
<td></td>
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<tbody>
<tr>
<td>Commercial + Robbins Road Subarea</td>
<td>Direction</td>
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<td></td>
<td>N</td>
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<td></td>
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[The memo includes a map of the property with the marked area and surrounding use areas.]
Southtown is proposing two improvements. First, a **994 sqft addition to expand the beer cave**. Second, establishing a **permanent location for a food truck**.

The existing building is only setback 5.9-feet from the west lot line where 10-feet is required. The proposed addition is setback the required 10-feet.

The food truck is a separate business that established itself at the location prior to receiving site plan approval. The two uses are being proposed on the same site plan because the Southtown Market business owner has the ultimate authority to determine who/what/when a mobile food vendor may occupy the proposed location. The food truck business does have the required food license.

### COMPLIANCE CHECKLIST

<table>
<thead>
<tr>
<th>Section</th>
<th>Provision</th>
<th>Staff Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.02.A.2</td>
<td>1 tree per 500 sqft of non-paved area.</td>
<td>Approximately 30,500 sqft of non-paved area. 61 trees required. Applicant needs to determine how many trees exist on site.</td>
</tr>
<tr>
<td>4.02.A.3</td>
<td>Stormwater system.</td>
<td>Applicant notified to contact the OCWRC. Will need to provide correspondence for site drainage requirements.</td>
</tr>
<tr>
<td>4.02.A.4.a</td>
<td>Parking lot perimeter screening.</td>
<td>See Recommended Discussion Points.</td>
</tr>
<tr>
<td>4.02.A.4.b</td>
<td>Interior landscape islands in lot.</td>
<td>Exempt per Section 4.03.B.</td>
</tr>
<tr>
<td>4.02.A.4.c</td>
<td>Curbs—mountable or rolled concrete curbs.</td>
<td>Existing site does not have curb, no changes to the parking lot or access points proposed. PC will need to determine what is appropriate.</td>
</tr>
<tr>
<td>4.02.A.5</td>
<td>Screening adjacent to residential.</td>
<td>N/A</td>
</tr>
<tr>
<td>4.02.A.6</td>
<td>Visible building walls must have a 10’ wide landscape area for at least 50% of the total width.</td>
<td>North wall: sidewalk, food truck, raised bed with stone, no plants South wall: new, and will need to landscape East wall: sidewalk, parking, ancillary sales West wall: raised bed with stone, no plants</td>
</tr>
<tr>
<td>4.02.A.7</td>
<td>Utility cabinets and mechanical equipment screening.</td>
<td>Unknown if new items will be placed on site. If so, must be screened by evergreens at least 1’ taller.</td>
</tr>
<tr>
<td>4.02.B</td>
<td>Refuse container screening.</td>
<td>None exists. None proposed.</td>
</tr>
<tr>
<td>5.05</td>
<td>Barrier free parking.</td>
<td>1 van-accessible required. 2 proposed.</td>
</tr>
<tr>
<td>5.06.E</td>
<td>1 parking space per 300 sqft of gross floor area.</td>
<td>2,980 sqft GFA = 10 spaces required. Applicant will provide information at the meeting.</td>
</tr>
<tr>
<td>5.08.A</td>
<td>Loading zone – 14’ height, rear yard, ratio to front of bldg.</td>
<td>Approximately 103’ of building frontage x 10 sqft = 1,030 sf loading zone. PC has discretion.</td>
</tr>
<tr>
<td>Chapter 6</td>
<td>Outdoor Lighting.</td>
<td>None proposed. Approximately 9,500 sqft of impervious surface. Total allowable lumens are 23,750 for Lighting Zone 3.</td>
</tr>
</tbody>
</table>
Staff recommends a landscape plan be submitted to the Planning Commission for review and approval prior to issuing a building permit. However, the applicant is encouraged to submit the building permit application to begin the plan review process. **Running two parallel tracks** will achieve the goals of the business owner, general contractor and the Township.

- **Curbs.** Mountable or rolled concrete curbs shall be used throughout the parking lot and paved areas. Specs can be varied based on the specific needs of the site. Guidelines to consider:
  - Use of concrete curbs create a well-defined space.
  - Concrete adds strength to edge of pavement.
  - Assists in directing stormwater.
  - Allows for efficient snow removal with a plow-only and does not require a loader.
  - Curb waiver can be considered if raingardens are utilized for stormwater disposition.
    - May be designed without curbs to shed stormwater into landscape areas, using the water as irrigation and reducing runoff into storm sewers.
    - Allow for more efficient removal of snow.
    - Must demonstrate measures being taken to prevent vehicles from parking on landscape areas, grass, adjacent property, etc. Examples include taller shrubs, berm, retaining wall, etc.

- **Parking Lot Perimeter Landscaping.** Pursuant to Section 4.03.B, landscaping on previously developed sites must be brought into compliance in 3 circumstances—(1) main building is expanded; (2) impervious surface expands more than 50%; or (3) a new special use is approved.
  - Perimeter landscaping must be 10-feet wide and surround the parking lot on all sides. Must be a continuous screen at least 36-inches above street grade and consist of shrubs, hedges, berm, wall or a combination.

- **Landscaping Adjacent to Building.** Walls visible from a public street or publicly-accessible area must have a 10-foot wide landscape area adjacent to them for 50% of their total width.
  - Skoops drive-thru would be considered a publicly-accessible space.
  - Wall lengths:
    - North = 30’
    - South = 26’
    - East/West = 103’ (≈ 38’ new addition)

- **Dumpster Enclosure.** Shall be screened by a wood or masonry solid wall or live conifer landscape material. Must be at least 6-feet in height, or 1-foot above the object being screened. Must include an opaque gate constructed from metal or wood, but chain link with obscuring fabric or slates is prohibited.
  - The applicant does not believe the improvement is warranted based on the scope of work.
- **Outdoor Lighting.** None proposed, but if fixtures are added it must be reviewed and approved for compliance prior to installation. This is an effort to prevent potential non-compliance. A certificate of occupancy will not be granted by the building department until site lighting is compliant.

- **Mechanical Equipment/Cabinet Screening.** None proposed, but if the utility company determines a new cabinet is necessary it shall be screened with evergreens at least 1-foot taller than the equipment.

- **Loading Zone.** Loading/unloading areas shall be provided to avoid traffic conflicts unless the Planning Commission determines it is unnecessary for the use.
  - If required, it shall be in the rear yard, have 14-feet vertical clearance, and be \( \approx 1,000 \text{ sqft} \) in size (10 sqft per 103’ of building frontage).
    - Area needs to be designated on site plan if required.

### Food Truck

The current ordinance does not establish specific requirements for permanent food truck locations. Instead, staff identified best practices that also align with standard practices of mobile vendors.

- Defining the area so vehicles and customers maneuver safely in the site.
- Adequate trash cans to deter littering.
- Seating area in a safe location.
- Hours of operation should end at dusk to negate the use of outdoor lighting. Patio-type lighting around the seating area is acceptable for ambiance.

Other details to be aware of:

- The site plan approves a permanent location at 15191 168th Avenue. The current food truck company may stay at the location as long as the private contract between the parties allows.
- The current food truck may leave the site for other vendor opportunities. Subsequently returning to the approved location shown on the site plan, as submitted and subject to the approval of the Fire/Rescue Department.
- The business owner may allow other mobile food vendors to locate in the approved location.
- Only one (1) location is being proposed, so no more than one mobile food vendor may occupy the space.
- If additional location(s) for mobile food vendors are desired, approval is required by the Planning Commission via a Site Plan Review Amendment application.
Signage

The two uses inherently utilize signage to attract customers. To ensure a clear understanding of what each is permitted to have, the allowances are identified below.

1 ground or pylon (50% may be digital) | Ground = 48 sqft, 6 ft | Pylon = 72 sqft, 20 ft

1 wall sign per entrance | 100 sqft permitted on 168th (existing is sign appears larger*)

1 projecting sign | Max size 16 sqft (Michigan lotto sign, compliant)

Awnings, up to 25% may include ad copy

≤ 1 sqft in size = exempt

Not visible from public street = exempt | South wall of food truck not visible

1 temporary sign per business | Max 16 sqft | A-frame menu board: during business hours only

* The following signs are legally non-conforming (i.e., protected by grandfather-rights as long as no changes are made).

→ 168th Ave sign – size only (if larger than 100 sqft)
→ Robbins Road – no customer entrance

Prohibited. Flutter flags, window signs/decals, pennant flags, spinners, streamers, etc. Township staff visited the property this week to notify the business owner(s) the temporary sign waiver permitted by the Board to assist during COVID-19 has expired. The flutter flags have a removal deadline of June 11th.

ELEVATIONS & PHOTOS OF EXISTING SITE
SAMPLE MOTIONS

If the Planning Commission finds the application meets the standards, the following motion can be offered:

**Motion to conditionally approve** the Site Plan Review application to approve a 994 sqft (≈ 26 x 38) addition to the south wall of Southtown Market located at 15191 168th Avenue. A second land use of a mobile food truck along the north wall of the Market, as shown on the approved site plan. This approval is based on the application meeting the standards set forth by the Grand Haven Charter Township Zoning Ordinance. This motion is subject to, and incorporates, the following conditions and report:

1. Fire/Rescue shall approve location of food truck.
2. Annually, a copy of the food license shall be provided to the Township.
3. Landscape plan shall be submitted and approved by the Planning Commission prior to obtaining a building permit. May run parallel tracks and submit the building permit application to begin the plan review process,
4. Shall provide correspondence from the Ottawa County Water Resources regarding site drainage requirements.
   a. If applicable, shall utilize perforated pipe and/or leaching basins and approved administratively.
   b. If applicable, shall utilize bioswale for infiltration of stormwater. Shall comply with Section 4.02.A.3 and included on the landscape plan referenced as Condition #3, above.

5. List additional conditions here...

If the Planning Commission finds the application does not meet the standards, the following motion can be offered:

   Motion to deny the Site Plan Review application for an addition to a retail commercial building and/or permanent mobile food vendor location, and direct staff to draft a formal motion and report for those discussion points which will be reflected in the meeting minutes. This will be reviewed and considered for adoption at the next meeting.

If the Planning Commission finds the application is in need of revisions before a determination can be made, the following motion can be offered:

   Motion to table the Site Plan Review application, and direct the applicant to make the following revisions:
      1. List the revisions.

REPORT OF FINDINGS (TO BE USED WITH A MOTION FOR APPROVAL)

1. The application meets the site plan review standards of Section 18.07.G 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. Fences, walls, barriers, and/or 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 Township Subdivision Control Ordinance, the Ottawa County Road Commission and/or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in the codified ordinances of the Township.

I. Sidewalks or pathways shall be deemed to be required along all public and private roadways unless the applicant provides compelling evidence, in the opinion of the Planning Commission, that they are not necessary for pedestrian access or safety.

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. Lighting is minimized to reduce light pollution and preserve the rural character of the Township.

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. 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.

P. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.
SITE PLAN REVIEW APPLICATION

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Fee</th>
<th>Escrow*</th>
<th>Utility Escrow**</th>
</tr>
</thead>
<tbody>
<tr>
<td>New – Commercial/Industrial</td>
<td>$300</td>
<td>$2,000</td>
<td>Main Extension</td>
</tr>
<tr>
<td>Building Addition</td>
<td>$200</td>
<td>$1,000</td>
<td>Lift Station</td>
</tr>
<tr>
<td>Amendments &amp; All Others</td>
<td>$150</td>
<td>$1,000</td>
<td></td>
</tr>
</tbody>
</table>

Applicant Information

Name: 4U Construction, LLC.
Phone: 616-469-8717
Address: PO Box 140196, Grand Rapids, MI 49514
Email Address: brandonh@4uconstruct.com

Owner Information (If different from applicant)

Name: Southtown Market
Phone: 310-384-2875
Address: 15191 168th Ave, Grand Haven, MI 49417
Email: JS3842875@gmail.com

Property Information

Address/Location: 15191 168th Ave, Grand Haven, MI 49417
Parcel Number: 70 ________
Size (acres): ________
Current Zoning: Master-Planned Zoning

Description of Proposed Use/Request (attach additional pages as needed)

Small building addition for additional beer cave and storage space and zoning approval for mobile food truck.

NOTE: The architect, engineer, planner, or designer shall be responsible for utilizing the Township Ordinance books and following all applicable requirements, including those of Chapter 18 of the Zoning Ordinance.

I hereby attest the information on this application is, to the best of my knowledge, true and accurate.

Brandon Hartel
Signature of applicant: _______________________________ Date: 5-18-2021

* To cover cost of legal and consulting fees, may be increased as necessary

** If approval of this application requires/includes the extension of a municipal utility, an additional $5,000 escrow fee shall be required, and an additional $2,000 escrow fee shall be required for the installation of a lift station.
For Office Use Only

Date Received _______________  Fee Paid? _________________________

Materials Received:  Site Plans ______________  Location Map ______________
  Survey ______________  Legal Description _________________________

Dated copy of approved minutes sent to applicant? ___________  Date Sent ______________

PLANNING COMMISSION USE ONLY

Approval

Tabled

Denied

Conditional Approval

The following conditions shall be met for approval:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Signature of Planning Commission Chair ____________________________________________________________________________
  Date ____________________________________________________________________________
Community Development Memo

DATE: June 2, 2021
TO: Planning Commission
FROM: Stacey Fedewa, AICP – Community Development Director
RE: Text Amendment Discussion – Outdoor Business Uses & Outdoor Storage

BACKGROUND

On May 3rd, staff proposed a new special land use known as an Open Air Business. A motion recommending the Board approve the text amendment language was adopted. However, at the May 10th Board meeting a motion was adopted requesting the Planning Commission consider the concerns raised by residents. The correspondence the Board is requesting be considered are shown on the agenda and included with the packets.

Subsequently, staff and Chair Cousins spent time reviewing the correspondence and incorporating new provisions to address concerns. The new proposal re-drafts Section 12.34.A, titled Outdoor Business Uses & Outdoor Storage.

OUTDOOR BUSINESS USES

The draft language is enclosed, and staff recommends reviewing each provision and inquiring if a member has any thoughts to share.

CONSTRUCTION/LANDSCAPE MATERIAL STORAGE

Staff are recommending two provisions be stricken and two others be discussed further.

- B.6 – material display areas are now proposed under the Outdoor Business Use. Meaning, material display for customer viewing is not permitted in a Construction/Landscape Material Storage.
- B.7 – customer/display areas are now proposed under the Outdoor Business Use. Regarding heavy equipment passing through—**is this practical?** The Planning Commission will need to make this determination.
- B.1 – staff requests the Planning Commission discuss the 8-foot high fence requirement. Is this the appropriate height? Should it be 1’ higher than the object it is screening?
Is it reasonable to line it with evergreens 3’ on center? Should other options be available? Variations of landscaping to break up the fence mass. An artistic mural? A berm or wall?

- B.4 – staff requests the Planning Commission discuss whether a permanent main building of a specific size is warranted for this type of land use.

### STORAGE YARD FOR MACHINERY, TRUCKS, RVS, BOATS, ETC.

Staff request the Planning Commission discuss two provisions within this land use.

- D.1 – storage area will be enclosed by a sight obscuring fence at least 8’ in height. Should a more durable material be used such as a block wall?
  - Once established, this use tends to be in place for many years. A wooden fence may deteriorate and lower the aesthetic value of the site.

- D.2 – should there be paving requirements for storage yards?
  - Pursuant to Section 5.07.I, M-45 establishes a line of when asphalt/concrete are required. North of M-45 = required. South of M-45 = exempt, unless the Planning Commission determines a hard surface is necessary.
  - RV and Boat storage facilities can be located on an unpaved road.
  - What is the appropriate level of hard surfaces for storage yards?

### SAMPLE MOTION

If the Planning Commission finds the above text amendments acceptable, the following motion can be offered:

**Motion** to direct staff to schedule a public hearing for the proposed zoning text amendment ordinance concerning Outdoor Business Uses.

Please contact me if this raises questions.
Section 12.34
OUTDOOR BUSINESS USES & OUTDOOR STORAGE.

(A) Outdoor Business Uses

(1) An outdoor business may be integrated into a larger and/or existing business operation on the site if approved by the Planning Commission as part of the special land use process. This may only include a portion of an existing site. The applicant shall delineate the areas proposed for the outdoor business. If deemed necessary, the Planning Commission may expand the applicable area if there is a direct impact(s) which would alter the functional relationship between the proposed outdoor business and the existing operation.

(2) The Planning Commission may make reasonable inquiries concerning the items to be sold as part of the operation. The Planning Commission may restrict the display of certain items to the rear yard or the side yard, with adequate screening or fencing.

(3) Curbside pickup and drive-thru services may be approved by the Planning Commission as part of the special land use. If those services are requested, the applicant shall include a circulation plan showing the traffic flow for business equipment, customer vehicles, pedestrians, bicyclists, and any other applicable traffic. A narrative shall be included describing how the site will operate safely and function in an organized fashion.

(4) Access drives shall be a minimum of 24-feet in width to provide two-way traffic. The access drive shall be constructed of asphalt or concrete. Additional improvements may be required by the Ottawa County Road Commission and/or the Michigan Department of Transportation. Methods shall be established to address vehicle stacking and/or queuing areas in the event of over-flow customers.

(5) The parking surface shall be constructed with a hard, durable, and dust-free material, subject to approval by the Planning Commission. The parking area shall also comply with regulations in Chapter 5.

(6) The business shall have a front yard setback of at least 100-feet. Similarly, no materials shall be stored or displayed within the required setbacks.

(7) Measures shall be taken to contain and intercept debris, trash, dust, and other materials. This may be accomplished through berms, landscape screening, fencing, or an alternative method. The Planning Commission will determine if the method is acceptable based on the circumstances of the application and conditions of the property.

(8) The outdoor business area visible from public rights-of-way shall incorporate landscaping to balance the aesthetic impact of the new use and also providing visibility for the business. This landscape area shall be at least 35-feet in width. The length shall be 50% of the areas visible from the public right-of-way, excluding driveways and other access points. This shall be installed within 90 days of Planning Commission approval. The Planning Commission may approve a longer duration.

(9) The operation shall be screened from abutting residentially zoned property, pursuant to the regulations in Section 4.02.A.6, and subject to approval by the Planning Commission as part of the special land use approval process.

(10) Applicant shall demonstrate compliance with the Township’s Noise Ordinance. If the site abuts residentially zoned property, the Planning Commission may require additional provisions to mitigate the noise impact.

(11) Outdoor lighting shall not be permitted within 1,000 feet of any residential use. The Planning Commission may consider limited exceptions that prove to have no negative impact on adjacent
residential uses. For example, residential-style patio lighting, low-lit landscape lighting, and similar non-obtrusive accent lighting.

(12) The use of amplifiers, lights and other attention gathering devices are prohibited. All signage shall comply with Chapter 11.

(13) The Planning Commission may establish hours of operation.

(14) The special use process applies to outdoor businesses operated on a permanent, temporary, or seasonal basis.

(15) Applicant shall submit documentation from the Ottawa County Water Resources, Environmental Health Department, Road Commission, and other necessary agencies to ensure appropriate items such as stormwater, tapers, etc. are incorporated into the final site plan the Planning Commission will consider for approval.

(B) Construction/Landscape Material Storage and/or Landscape Contractor’s Operations.

(1) All materials and equipment must be stored within an enclosed building(s) or within an area completely enclosed by a sight obscuring fence at least eight (8) feet in height, lined with evergreen trees planted three feet on center. Materials may not be stacked or piled so be visible above the fence. Equipment (including vehicles) may only be visible above the fence if the equipment is greater than eight (8) feet tall and cannot be dis-assembled for storage.

(2) The area in which vehicles, material, or equipment is stored must be kept in a smooth, dust free condition. The area must be swept daily to keep it free of loose materials.

(3) Materials shall be stored in a manner that prevents the material from blowing outside of the storage area or onto adjacent premises.

(4) A permanent Main Building of at least five hundred (500) square feet must be constructed on the property.

(5) The storage area shall be located in the rear yard (i.e. behind the rear building line of the Main Building), must meet setback requirements applicable to any Main Building in the District, and shall be setback at least one hundred (100) feet from any R-1, R-2, R-3, or R-4 district.

(6) Material may be displayed outdoors (rather than stored). Displayed material is designed to be viewed by customers of the facility. Display areas must be enclosed with a decorative fence at least four feet in height, and no display material shall exceed the height of the fence.

(7) Customer/display areas must be kept separate from storage areas, and no heavy equipment shall pass through the customer or display area.

(C) Gasoline, Petroleum, and Hazardous Material Storage.

(1) Best practices must be followed to reduce or eliminate tank leakage, groundwater contamination, soil contamination, and other long-term environmental impacts of the storage. The applicant must propose practices, equipment, and site design to the Planning Commission to meet this requirement, and the Planning Commission shall determine whether the proposal is sufficient, and may utilize the services of a qualified professional, at the expense of the applicant, if deemed necessary.

(2) Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway, both measured to the nearest edge of the access driveway. There shall be no more than one entranceway per street frontage, unless more are required by the fire department or other public safety entity.

(3) The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district.

(4) The area used for parking, display, or storage shall be paved or treated so as to prevent dust.
(5) The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner.

(6) A sight obscuring buffer shall be provided between the subject use, and any adjacent residential uses.

(7) Signage shall be prohibited on tanks, except for safety signage required by a County, State, or Federal regulation.

(D) Storage Yard for Machinery, Trucks, RVs, Boats, or Mechanical Equipment.

(1) All vehicles including dismantled and inoperable vehicles and equipment must be stored within enclosed buildings or within an area completely enclosed by a sight obscuring fence at least eight (8) feet in height.

(2) The area in which vehicles, material, or equipment is stored must be hard surfaced and dust-free.

(3) If the site will be regularly accessed by trucks, ingress and egress shall be provided from a paved road. RV and boat storage facilities shall not be considered to be “regularly accessed by trucks,” and therefore may be located on an unpaved road.

(4) The centerline of all access drives shall be at least one hundred (100) feet from the centerline of the nearest intersection.

(5) The storage or materials display areas shall meet all the yard setback requirements applicable to any Main Building in the district.