AGENDA
Planning Commission
Monday, August 2, 2021 – 7:00 p.m.

I. Call to Order

II. Roll Call

III. Pledge to the Flag

IV. Approval of the July 19, 2021 Planning Commission Meeting Minutes

V. Correspondence
   • GHT Planning Commission – Notice of Intent to Update Future Land Use Map

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

VII. Old Business
   A. Site Plan Review – Southtown Market – Phase 1 Addition

VIII. New Business
   A. Amend Future Land Use Map – Industrial land + DDA Expansion

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

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

XI. Adjournment

Persons wishing to speak at public hearings, on agenda items, or extended comments, must fill out a “Speakers Form” located on the counter. Completed forms must be submitted to Township Staff prior to the meeting.
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, Chalifoux, Taylor, Hesselsweet, Wagenmaker, Mesler, Lemkuil
Members absent: Reenders
Also present: Community Development Director Fedewa, Associate Planner Hoisington, and Attorney Bultje

Without objection, Cousins instructed Hoisington to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES
Without objection, the minutes of the July 6, 2021 meeting were approved with clarification to the public comments section by referencing the agenda item.

V. CORRESPONDENCE
- Russ Doane – 13462 Hidden Creek Court
  - Opposes the proposed text amendment for Outdoor Storage.

VI. PUBLIC COMMENTS – None

VII. PUBLIC HEARING
A. Text Amendment – Minimum Dwelling Unit Sizes
Cousins opened the hearing at 7:03pm.
Fedewa provided an overview through a memorandum dated July 13th.
There being no public comments, Cousins closed the hearing at 7:05pm.

B. Text Amendment – Outdoor Storage
Cousins opened the hearing at 7:05pm.
Fedewa provided an overview through a memorandum dated July 14th.
There being no public comments, Cousins closed the hearing at 7:07pm.
VIII. OLD BUSINESS

A. Text Amendment – Minimum Dwelling Unit Sizes

The Planning Commission noted the following points of discussion:

- Requested staff clarify the language to indicate the minimum floor area for the R-3 district is per unit and incorporate a reference to Section 2.14 for the R-4 district.

  **Motion** by Wagenmaker, supported by Wilson, to recommend the Township Board **approve** the proposed Zoning Text Amendment Ordinance concerning the Minimum Floor Area for Dwelling Units with the per unit clarification for R-3 and Section 2.14 reference for R-4.

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

  Ayes: Wilson, Chalifoux, Hesselsweet, Wagenmaker, Mesler
  Nays: Cousins, Taylor, Lemkuil
  Absent: Reenders

B. Text Amendment – Outdoor Storage

The Planning Commission noted the following points of discussion:

- A member expressed concern over the text amendment because of the opposition received from residents.
- Attorney Bultje clarified the Planning Commission is obligated to make a recommendation to the Township Board on how to proceed with the text amendment because they are the legislative body with the authority to amend ordinances.

  **Motion** by Chalifoux, supported by Hesselsweet to recommend the Township Board **approve** the proposed Zoning Text Amendment Ordinance with draft date 7/14/2021, concerning Outdoor Storage. **Which motion carried**, with Wagenmaker voting no because residents have expressed concerns.

C. Site Plan Review – Southtown Market – Addition + Conceptual Gas Station

Fedewa provided an overview through a memorandum dated July 14th.

The project architect, Gordan Julius, and the property owner Tony Singh and his father were present to provide information:

- Will accept an agreement allowing the owner to delay Phase 1 improvements until Phase 2, but if the delayed items are not completed within 2 years, after providing written notification to the owner 6 months to complete the specified items, or the Township will perform the work and assess the expenses against the property taxes.
- Requesting a temporary dumpster enclosure with arborvitae trees and opaque gate in the south yard because the permanent Phase 2 location will include block walls.
- Intends to stripe the parking lot as part of Phase 1.
The Planning Commission noted the following points of discussion:

- Directed the applicant to install some new landscaping in the northeast corner of the property to help with the aesthetics during the phased upgrades. It is anticipated this landscaping will be permanent and remain during both construction phases.

- Inquired about compliance standards to review the food truck.
  
  o Fedewa explained initial research on permanent food truck locations has been completed and found there are no such regulations. All provisions being found are related to temporary locations. Planning Commission will need to discuss and determine appropriate regulations at a future meeting.

**Motion** by Taylor, supported by Hesselsweet, to **table** the Site Plan Review application, and direct the applicant to make the following revisions:

1. Shall provide a revised Phase 1 site plan that is scaled, includes dimensional callouts, and is signed and sealed.

2. Shall add a general note to the site plan that the parking lot will be striped as part of Phase 1.

3. Shall add the dimensions of the loading zone to the site plan and a general note that it will be striped as part of Phase 1.

4. Shall add dumpster enclosure detail to the site plan and a general note indicating 6’ minimum height arborvitaes will be planted 3’ off center around three sides of the dumpster with a wooden slat gate along the front.

5. Shall revise the Phase 1 landscaping plan to include landscaping in the northeast corner of the site.

6. Shall provide information to determine the number of trees required to be planted for each phase.

7. Shall provide correspondence from Ottawa County Water Resources indicating a permit is not required.

8. Shall create the Exhibit Site Plan that will be incorporated into an agreement, which will be drafted by the Township Attorney. The Exhibit Site Plan shall identify the Phase 1 improvements that are being delayed until Phase 2. In the event Phase 2 does not come to fruition, the applicant will be required to comply with the Exhibit Site Plan.

Which motion carried unanimously.

**IX. NEW BUSINESS**

A. **Information Packet – Eastbrook Homes – Comparable Housing Developments**

Fedewa provided an overview through a memorandum dated July 12th.
As requested by the Planning Commission, Eastbrook Homes identified a number of residential developments that have similar density. Commissioners are encouraged to visit each development to gain a first-person perspective.

X. REPORTS
   A. Attorney’s Report – None
   B. Staff Report – None
   C. Commissioner Comments – None

XI. EXTENDED PUBLIC COMMENTS
    • Renate Watters – 13745 Lake Sedge Drive
      o Inquired on the location of the proposed Eastbrook Homes development.

XII. ADJOURNMENT
    
    Without objection, the meeting adjourned at 8:37pm.

Respectfully submitted,

Cassandra Hoisington
Acting Recording Secretary
July 28, 2021

RE: Notice of Intent to Amend the Master Plan Future Land Use Map

To Whom it May Concern,

On behalf of the Grand Haven Charter Township Planning Commission, please accept this letter as the formal notification of intent to amend the Master Plan’s Future Land Use Map in accordance with the Michigan Planning Enabling Act (PA 33 of 2008, as amended).

The Township is amending the Map to master-plan more industrial land in the US-31/M-45 corridor. In addition, the Township is expanding the boundaries of its Downtown Development Authority (DDA) and the master-plan designation of certain parcels will be revised to align with the new tax increment financing plan. The Township welcomes your input.

Grand Haven Charter Township intends to submit copies of the Future Land Use Map update and other related documentation required by the Act by electronic mail pursuant to a link on their project website, which can be found at: www.ght.org/masterplan2021. Printed copies will be available upon request.

Thank you in advance for your attention to this matter and any contributions you may provide.

On behalf of the Grand Haven Charter Township Planning Commission,

Stacey Fedewa, AICP
Community Development Director
Grand Haven Charter Township
(616) 604-6326 Direct
(616) 260-4982 Cell
sfedewa@ght.org

Cc: Planning Commission
    Board of Trustees
<table>
<thead>
<tr>
<th>Company Name</th>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring Lake Township Planning Commission</td>
<td>Mr. Lukas Hill</td>
<td>106 S Buchanan</td>
<td>Spring Lake</td>
<td>MI</td>
<td>49456</td>
</tr>
<tr>
<td>Spring Lake Village Planning Commission</td>
<td>Mrs. Christine Burns</td>
<td>102 W Savidge St</td>
<td>Spring Lake</td>
<td>MI</td>
<td>49456</td>
</tr>
<tr>
<td>City of Grand Haven Planning Commission</td>
<td>Ms. Jennifer Howland</td>
<td>519 Washington Ave</td>
<td>Grand Haven</td>
<td>MI</td>
<td>49417</td>
</tr>
<tr>
<td>Robinson Township Planning Commission</td>
<td></td>
<td>12010 120th Ave</td>
<td>Grand Haven</td>
<td>MI</td>
<td>49417</td>
</tr>
<tr>
<td>Olive Township Planning Commission</td>
<td></td>
<td>6480 136th Ave</td>
<td>Holland</td>
<td>MI</td>
<td>49424</td>
</tr>
<tr>
<td>Port Sheldon Township Planning Commission</td>
<td></td>
<td>16201 Port Sheldon St</td>
<td>West Olive</td>
<td>MI</td>
<td>49460</td>
</tr>
<tr>
<td>Crockery Township</td>
<td></td>
<td>17431 112th Ave</td>
<td>Nunica</td>
<td>MI</td>
<td>49448</td>
</tr>
<tr>
<td>Ottawa County Planning Department</td>
<td>Mr. Paul Sachs</td>
<td>12220 Fillmore St Room 260</td>
<td>West Olive</td>
<td>MI</td>
<td>49460</td>
</tr>
<tr>
<td>West Michigan Regional Planning Commission</td>
<td>Mr. David Bee</td>
<td>1345 Monroe Ave NW Ste 255</td>
<td>Grand Rapids</td>
<td>MI</td>
<td>49505</td>
</tr>
<tr>
<td>CSX Transporation</td>
<td></td>
<td>500 Water St</td>
<td>Jacksonville</td>
<td>FL</td>
<td>32202</td>
</tr>
<tr>
<td>Board of Light and Power</td>
<td></td>
<td>1700 Eaton Dr</td>
<td>Grand Haven</td>
<td>MI</td>
<td>49417</td>
</tr>
<tr>
<td>AT&amp;T Mobility LLC</td>
<td></td>
<td>PO Box 97061</td>
<td>Redmond</td>
<td>WA</td>
<td>98073</td>
</tr>
<tr>
<td>Michigan Bell</td>
<td>d/b/a AT&amp;T</td>
<td>PO Box 9009</td>
<td>Carol Stream</td>
<td>IL</td>
<td>60197</td>
</tr>
<tr>
<td>Consumers Energy Company</td>
<td></td>
<td>4000 Clay Ave SW</td>
<td>Grand Rapids</td>
<td>MI</td>
<td>49548</td>
</tr>
<tr>
<td>Consumers Energy Company</td>
<td></td>
<td>One Energy Plaza EP10-203</td>
<td>Jackson</td>
<td>MI</td>
<td>49201</td>
</tr>
<tr>
<td>Michigan Gas Utilities Corp</td>
<td></td>
<td>PO Box 19001</td>
<td>Green Bay</td>
<td>WI</td>
<td>54037</td>
</tr>
<tr>
<td>Harbor Transit</td>
<td>Mr. Scott Borg</td>
<td>440 N Ferry St</td>
<td>Grand Haven</td>
<td>MI</td>
<td>49417</td>
</tr>
</tbody>
</table>
Community Development Memo

DATE: July 29, 2021
TO: Planning Commission
FROM: Stacey Fedewa, AICP – Community Development Director
RE: Site Plan Review – Southtown Market – Addition & Agreement

<table>
<thead>
<tr>
<th>PROPERTY INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property Address</strong></td>
</tr>
<tr>
<td>15191 168th Ave</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Existing Zoning</strong></th>
<th><strong>Existing Land Use</strong></th>
<th><strong>Existing Infrastructure</strong></th>
<th><strong>Existing Site Improvements</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1</td>
<td>Commercial</td>
<td>Municipal Water</td>
<td>Retail Market</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Private Septic</td>
<td>Food Truck</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Paved Road</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Master-Planned Zoning</strong></th>
<th><strong>Direction</strong></th>
<th><strong>Surrounding Zoning &amp; Land Uses</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial + Robbins Road Subarea</td>
<td>N</td>
<td>Office/Service (City)</td>
</tr>
<tr>
<td></td>
<td>S</td>
<td>C-2</td>
</tr>
<tr>
<td></td>
<td>E</td>
<td>Office/Service (City)</td>
</tr>
<tr>
<td></td>
<td>W</td>
<td>C-1</td>
</tr>
</tbody>
</table>
BACKGROUND

June 7th  The project was introduced to the Planning Commission. It was tabled and the applicant was directed to provide additional information on the future gas station to assist with site layout. Also instructed to provide information on the dumpster enclosure, curb details, and occupancy information.

July 19th  The revised site plan for Phase 1 and the conceptual Phase 2 site plans were provided. Agreement to delay certain improvements until Phase 2, which was drafted by Attorney Bultje. Application tabled to provide a final Phase 1 site plan incorporating the discussion points of the meeting.

SUMMARY OF UPDATES

➢ The Phase 1 Site Plan has been provided. Revisions include:
  o Scaled, sealed, and signed.
  o 12 parking spaces will be striped, 2 will be barrier-free and include signage.
    ▪ Will need to be revised as 9’ x 18’ spaces rather than 9.5
  o Loading zone dimensions have been added (19’-7” x 43’-2” ≈ 845 sqft) and will have 4” yellow painted lines.
    ▪ 1,030 sqft is required, but the provision gives the Planning Commission discretion to determine the appropriate size. Is 845 sf acceptable?
  o Dumpster enclosure is shown, includes the arborvitae trees for 3 sides, and a wooden slat fence as the gate on the fourth side.
  o 10 evergreen shrubs are proposed in the NE corner.
  o 16 evergreen shrubs are proposed along the building walls in the existing planter box.
  o Per the applicant, Ottawa County Water Resources verbally indicated a Soil Erosion and Sedimentation Control (SESC) permit was required, but not site drainage.
    ▪ The information must still be provided in writing.

➢ Phase 1 Food Truck is shown on the site plan. However, staff is not prepared for the text amendment discussion yet.
  o Staff recommends this portion of the site plan be set aside and addressed at a future meeting.

➢ An Agreement has been drafted by Attorney Bultje that addresses the time delay between phases. It includes a written description of the 4 requirements along with an additional site plan outlining the Delayed Phase 1 Improvements in red.
Recall, as long as the gas station is approved and built the Agreement is moot and would never take effect. It can only be enforced if the gas station never comes to fruition.

The applicant provided the necessary figures to determine compliance with the General Landscaping requirement of 1 tree per 500 sqft of non-paved area.

- Assuming Phase 2 comes to fruition a total of 26 trees are required and the 12 arborvitae trees around the dumpster are eligible, which leaves 14 trees being required as part of the Delayed Phase 1 Improvements.

- However, if only Phase 1 is built then 55 trees will need to be planted.

The applicant has submitted the building permit application to begin the plan review and permitting process.

---

**ELEVATION OF ADDITION**

---

**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 13,000 sqft of non-paved area in Phase 2, totaling a required 26 trees. 12 arborvitae for dumpster brings the total to 14 trees. There may be a handful in the green space area near the south lot line. Applicant must count those or must plant 14 more trees. Incorporated into the Agreement.</td>
</tr>
<tr>
<td>4.02.A.3</td>
<td>Stormwater system.</td>
<td>OCWRC verbally said only SESC permit, but must provide that information in writing.</td>
</tr>
<tr>
<td>4.02.A.4.a</td>
<td>Parking lot perimeter screening.</td>
<td>Proposed as Phase 2 requirement. Incorporated into the Agreement.</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. Incorporated into the Agreement.</td>
</tr>
<tr>
<td>4.02.A.5</td>
<td>Screening adjacent to residential.</td>
<td>N/A</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Details</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>---------</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>Proposes to install 80' of the required 130' along the north and west walls. The balance of the plantings is incorporated into the Agreement.</td>
</tr>
<tr>
<td>4.02.A.7</td>
<td>Utility cabinets and mechanical equipment screening.</td>
<td>None proposed for addition. Gas station may necessitate cabinets. To be addressed in Phase 2.</td>
</tr>
<tr>
<td>4.02.B</td>
<td>Refuse container screening.</td>
<td>Temporary enclosure shown on site plan. Permanent enclosure incorporated into the Agreement.</td>
</tr>
<tr>
<td>5.05</td>
<td>Barrier free parking.</td>
<td>1 van-accessible required. 2 proposed. Phase 1 to include striping of all parking spaces and required signage.</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. Striping 12 spaces.</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. Proposes an 845 sqft loading zone for Phase 1 that will be striped. Relocated as part of Phase 2. PC will need to decide if the proposed size is acceptable.</td>
</tr>
</tbody>
</table>

**Chapter 6 Outdoor Lighting.** None proposed. Gas station will have new lighting and be reviewed as part of Phase 2.

**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. 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. The Agreement shall be executed prior to obtaining a building permit.
2. Shall provide written documentation on stormwater requirements from the Ottawa County Water Resources prior to obtaining a building permit.
3. The proposed seasonal vendor vehicle will be reviewed by the Planning Commission after staff provides the requested information.
4. Parking spaces shall be striped at 9’ x 18’.
5. Planting table shall be revised to show starting sizes. Evergreen trees shall be 6’ in height and evergreen shrubs shall be 36” in height.
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 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.
Phase 1 Complete Site Plan
AGREEMENT

This Agreement is made between the Charter Township of Grand Haven, a charter township under the laws of the State of Michigan (the “Township”), at 13300 – 168th Avenue, Grand Haven, Michigan 49417 and Amarjit Kaur (the “Owner”), a single man, who owns the Southtown Market (the “Market”), located at 15191 168th Avenue, Grand Haven, Michigan 49417 in the Township, on property legally described as (the “Property”):

E 210 FT of N 1/4 of NE 1/4 of NE 1/4 EXC W 55 FT of N 206 FT THEREOF SEC 33 T8N R16W .99 NA.

The Agreement is based upon the following facts.

A. The Owner has requested site plan approval for certain improvements for the Market.

B. The site plan improvements of the Project will be constructed in two phases, Phase 1 and Phase 2.

C. The Owner has requested that certain improvements included in Phase 1 will not be constructed until Phase 2.

D. The Township is willing to allow certain improvements constructed in Phase 1 to not be constructed until a later date, according to the terms of this Agreement and the Grand Haven Charter Township Zoning Ordinance (the “Ordinance”).

E. The Owner is willing to accept the terms required by the Township, as spelled out in this Agreement.

THEREFORE, the Township and the Owner agree as follows.

Section 1. The Township grants site plan approval for Phase 1 on _____________, 2021. The Phase 1 improvements which may be delayed according to the terms of this Agreement are described as follows (“Delayed Phase 1 Improvements” as shown on the attached Exhibit 1):
a. Curbs around all paved surfaces – to be mountable or rolled, see Section 4.02.A.4.c and Figure 4-3 of the Ordinance;

b. Parking lot perimeter landscaping – 10 feet wide surrounding the parking lot on all sides (the landscaping will be comprised of shrubs, hedges, berm, wall, or a combination of all, to create a continuous screen of at least 36 inches in height above street grade), pursuant to Section 4.02.A.4.a of the Ordinance;

c. Landscaping adjacent to the building to be at least 10 feet wide and for at least 50 percent of their total width, or about 130 feet, see Section 4.02.A.6 of the Ordinance; and

d. General landscaping of 1 tree per 500 square feet of non-paved surface pursuant to Section 4.02.A.2 of the Ordinance, which is estimated at 55 trees. Existing trees plus trees being planted as part of the landscape requirements are eligible.

Section 2. The Delayed Phase 1 Improvements shall be completed as part of the Phase 2 improvements, according to the terms of this Agreement.

a. The Owner shall be required to obtain site plan approval for Phase 2 improvements to the Property, including the Delayed Phase 1 Improvements, and shall make meaningful progress toward completion of those Phase 2 improvements, including the Delayed Phase 1 Improvements, within two years of the date of this Agreement.

b. After the two years covered by Section 2.a above, the Township may in its discretion provide written notice to the Owner, giving the Owner six months to complete the Phase 2 improvements, including the Delayed Phase 1 Improvements.

Section 3. If the Owner fails to satisfy the deadlines established by Section 2.a or Section 2.b, the Township shall have the discretion and authority to construct the Delayed Phase 1 Improvements on the Property, and to bill the Owner for that construction. The Owner shall promptly pay the Township for the cost of the Delayed Phase 1 Improvements. Any amounts unpaid shall be added to the next real property tax bill sent by the Township to the Owner for the Property, and then collected like real property taxes.

Section 4. This Agreement shall inure to the benefit of and be binding upon the parties and their respective heirs, personal representatives, members, assigns, and successors. All notices and other documents to be served or transmitted shall be in writing and addressed to the respective parties at the addresses stated on Page 1 of this Agreement or such other address or addresses as shall be specified by the parties from time to time, and may be served or transmitted in person or by ordinary or certified mail properly addressed with sufficient postage. This Agreement has been executed in the State of Michigan and shall be governed by Michigan law. The waiver by any party of a breach or violation of any provision of this Agreement shall not be a waiver of any
subsequent breach or violation of the same or any other provision of this Agreement. If any section or provision of this Agreement is unenforceable for any reason, the unenforceability shall not impair the remainder of this Agreement, which shall remain in full force and effect. This Agreement represents the entire understanding and agreement between parties, and all prior understandings and agreements are specifically merged in this Agreement. More than one copy of this Agreement may be signed, but all constitute but one agreement.
IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

WITNESSES:

________________________  ___________________________________

AMARJIT KAUR

________________________  ________________________________

GRAND HAVEN CHARTER TOWNSHIP

By: ________________________________

Mark Reenders, Supervisor

By: ________________________________

Laurie Larsen, Clerk

Stacey Fedewa

________________________

William D. Cargo

________________________

STATE OF MICHIGAN )

)ss.

COUNTY OF OTTAWA )

The foregoing Agreement was acknowledged before me this ____ day of _____________, 2021, by Amarjit Kaur.

Printed Name:________________________

Notary Public, Ottawa County, Michigan

My Commission Expires: ________________

Acting in Ottawa County, Michigan

STATE OF MICHIGAN )

)ss.

COUNTY OF OTTAWA )

The foregoing Agreement was acknowledged before me this ____ day of _____________, 2021, by Mark Reenders and Laurie Larsen, respectively the Supervisor and the Clerk of Grand Haven Charter Township, a Michigan charter township, on behalf of the Township.

Printed Name:________________________

Notary Public, Ottawa County, Michigan

My Commission Expires: __________________

Acting in Ottawa County, Michigan

Prepared by:
Ronald A. Bultje
Dickinson Wright PLLC
200 Ottawa Avenue N.W., Suite 1000
Grand Rapids, Michigan 49503
Telephone: (616) 336-1007
Delayed Phase 1 Improvements
To be incorporated as Exhibit 1 of the Agreement
Community Development Memo

DATE: July 28, 2021
TO: Planning Commission
FROM: Stacey Fedewa, AICP – Community Development Director
RE: Amendments to the Future Land Use Map – Commencement

BACKGROUND

Over the last 2-3 years, the Township has begun preliminary discussions on master-planning additional land for industrial uses. Specifically, in the M-45 and US-31 corridor because it is an intersection of two highways, has utilities available, abuts a railroad, and is adjacent to existing industrial uses and commercial-grade horticulture operations.

In April 2021 the Planning Commission and Board of Trustees held a joint meeting to discuss priorities and to receive direction from the elected officials. In addition, the DDA is expanding its boundaries based on the Planning Commission’s recommendations. Follow this [link](#) to review the previous staff memo.

During the joint meeting, the Board and PC reviewed the industrial and DDA parcels. There was general consensus from both groups. That information fully encompasses the draft map enclosed for your review.

INDUSTRIAL PARCELS

There are 5 primary properties the Township has discussed, which total 374-acres. These are highlighted in red on the map.

1. The **228-acre** horticulture operation.
2. The **50-acre** triangle parcel between Green Acres and Evert Court.
3. The two parcels totaling **46-acres** owned by NOCHS.
4. The **50-acre** flag lot on 156th north of the NOCHS property.
As you know, the DDA boundaries are expanding. 68 new parcels are being incorporated and a number of them require an amendment. To provide cohesion between zoning, master-planning, and the DDA the properties within the boundaries must be zoned or master-planned for a non-residential use. On the proposed map, the properties requiring an amendment are highlighted in blue.

**THE PROCESS**

The Michigan Planning Enabling Act establishes the legal requirements to amend master plans and their associated documents, which includes the Future Land Use Map. Specifically, the Township will be following [MCL 125.3839-45](#). A link is provided if you want to review the language.

> **STEP 1** Notice of Intent is mailed to abutting jurisdictions, utility companies, transportation and other infrastructure organizations. The Notice and mailing list are enclosed. All future notices are included on the project website.

> **STEP 2** An initial draft is created of the Amended Future Land Use Map. The draft map is included with the meeting packet. The map will evolve from this first draft.

> **STEP 3** Board of Trustees approves the distribution of the draft map.

> **STEP 4** The Township uploads the draft map to the project website for review and comment. This begins the required 42-day notice period (8/10 – 9/21).

> **STEP 5** After the 42-days expires, a public hearing notice is published in Tribune and posted to project website.

> **STEP 6** On October 18th the Planning Commission holds a public hearing. It is anticipated that members of the public who desire a map change will attend this hearing and request that you consider another amendment.

> **STEP 7** Once the Planning Commission is satisfied with the final draft of the Amended Future Land Use Map a Resolution is adopted to signify approval. The map is then forwarded to the Board of Trustees.

> **STEP 8** Board of Trustees adopts a Resolution granting the final approval of the Amended Future Land Use Map. Once this occurs, the new Map is official.

**WHAT'S NEXT / UPCOMING DISCUSSIONS**

During Step 4, the Planning Commission will continue to review and edit the draft map. During this time, staff will request the PC consider a variety of other amendments, such as:
Should DDA parcels be master planned as Commercial, Office/Service, or Industrial? In most cases it will be Commercial, but are there specific parcels that should be master-planned differently?

The proposed multi-family project between Speedway and Walmart.

The potential single-family development west of Stonewater.

Review of Assessing documents—PA 116, Commercial Forest, Qualified AG—to ensure the encumbered agricultural parcels continue to be master-planned accordingly.

Adding more parcels to the Public/Quasi-Public district, such as—Schmidt Heritage Park, the Groesbeck Street grant-funded acquisition, Depersia South Highlands Nature Preserve, Standard Sand Corp, areas encumbered by conservation easements, areas dedicated as open space preservation via the PUD process, etc.

**SAMPLE MOTIONS**

If the Planning Commission finds the draft map an acceptable starting point for the Board to release for distribution, the following motion can be offered:

**Motion** to recommend the Township Board **approve** the draft Future Land Use Map for distribution to begin the 42-day public comment period.

If the Planning Commission finds the draft map needs revisions before forwarding to the Board, the following motion can be offered:

**Motion** to direct staff to address the following items:

1. **List items**...

Please contact me if this raises questions.