AGENDA
Grand Haven Charter Township Planning Commission
Monday, August 7, 2017 – 7:00 p.m.

I. Call to Order

II. Roll Call

III. Pledge to the Flag

IV. Approval of the July 17, 2017 Meeting Minutes

V. Correspondence

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

VII. Old Business
   A. PUD – Regency at Grand Haven – Formal Motion & Report + Revisions

VIII. New Business
   A. Pre-Application Conference – Multiple Family & Mixed Use PUD
   B. Discussion – Zoning Text Amendment – Special Land Uses – Access Management
   C. Discussion – Zoning Text Amendment – Special Land Uses – Accessory Buildings
   D. Appointment of Secretary
   E. Proposed Amendment to Planning Commission Bylaws and Rules

IX. Reports
   A. Attorney’s Report
   B. Staff Report
   C. Other

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

XI. Adjournment

Note: Persons wishing to speak at public hearings, on agenda items, or extended comments, must fill out a “Speakers Form” located on the counter. Completed forms must be submitted to the Zoning Administrator prior to the meeting.
I. CALL TO ORDER
Cousins called the meeting of the Grand Haven Charter Township Planning Commission to order at 7:00 p.m.

II. ROLL CALL
Members present: Cousins, LaMourie, Taylor, Kieft, Wilson, Chalifoux, and Wagenmaker
Members absent: Reenders
Also present: Community Development Director Fedewa and Attorney Bultje

Without objection, Cousins instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES
Without objection, the minutes of the June 19, 2017 meeting were approved.

V. CORRESPONDENCE
A. Port Sheldon Township – Master Plan Public Hearing
B. Mark and Karen Yoder – Ehlert Rezoning Application
C. Charles and Peggy Tyler – Deur Special Land Use Application

VI. PUBLIC COMMENTS ON AGENDA ITEMS ONLY – None

VII. PUBLIC HEARINGS
A. Rezoning – R-4 to R-1 – Wood

Wagenmaker recused himself due to a conflict of interest – the applicant may sign a contract with him to construct the dwelling.

Cousins opened the public hearing at 7:04pm.

Fedewa provided an overview through a memorandum dated July 12th.

The applicant, Steve Wood, was present and available to answer questions.

There being no public comments, Cousins closed the hearing at 7:06pm.
Wagenmaker rejoined the Planning Commission.

B. Rezoning – RR to AG – Ehlert

Cousins opened the public hearing at 7:06pm.

Fedewa provided an overview through a memorandum dated July 12th.

The applicant, John Ehlert, was present and available to answer questions.

Fedewa noted that correspondence was received from Mark and Karen Yoder objecting to the application because an agricultural use is not suitable for that area of the Township.

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

C. Special Land Use – Group Day Care – Deur

Cousins opened the public hearing at 7:10pm.

Fedewa provided an overview through a memorandum dated July 12th.

The applicant, Kristine Deur, was present and available to answer questions.

Fedewa noted that correspondence was received from Charles and Peggy Tyler objecting to the application because of shared driveway concerns.

Bultje explained this land use is protected by the State of Michigan and the Michigan Zoning Enabling Act, which outline specific provisions the Township can consider. If all provisions are met, the Township is obligated to approve.

The Commission inquired if this case would be different if a new road, or driveway, was included with the application. Yes, because the Township could then require the new road, or driveway, to meet current standards. However, this site has a legally nonconforming shared driveway.

There being no public comments, Cousins closed the hearing at 7:14pm.

D. Special Land Use – Ag in RR District – Bradley

Cousins opened the public hearing at 7:14pm.

Fedewa provided an overview through a memorandum dated July 13th.

The applicants, Vincent and Linda Bradley, were present and available to answer questions.

Fedewa and Bultje noted that having a dual principal land use—residential and agricultural—will allow the agricultural use to construct more/larger buildings than typically allowed in a residential zoning district.
There being no public comments, Cousins closed the hearing at 7:17pm.

E. Special Land Use – Indoor Exercise Facility in C-1 District – Wilbur

Wilson recused himself due to a conflict of interest – he is the property owner of the subject parcel.

Cousins opened the public hearing at 7:17pm.

Fedewa provided an overview through a memorandum dated July 13th.

The applicant was not present to answer questions, only the property owner.

A brief discussion ensued about possible text amendments to the access management sections of the Special Land Use Chapter.

There being no public comments, Cousins closed the hearing at 7:22pm.

Wilson rejoined the Planning Commission.

F. PUD – Regency at Grand Haven

Cousins opened the public hearing at 7:22pm.

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

The developers’ representatives—Roy Baker of NSA Architects and Scott Peruski of PEA Inc.—were present and available to answer questions.

- Discussed the process of obtaining a Certificate of Need.
- Short-term rehabilitation patients are typically brought from a hospital directly to the facility.

Public comments included:

- Erin Tibaldi – 14906 172nd Avenue, opposes the development:
  - Resided in her home for 20 years, and believes she is the last owner-occupied home in that area.
  - Surrounding developments have changed and impacted her property, and the enjoyment of her property over the years. Including:
    - Losing part of her yard to a county drain
    - Loss of wildlife
  - Described issues with the Piper Lakes and Timber View developments impacting the enjoyment of her property.
  - Would prefer the Regency at Grand Haven developer purchase her land too.
Concerned there will be light pollution.

- Bret Lewis of Cherette Group (Piper Lakes developer) – 333 Washington Ave, GH:
  - The Cherette Group is satisfied with the concept of the development, but would prefer the content of the plans be improved:
    - Improve the roofline and building materials to be more cohesive with adjacent developments and continue enhancing the quality of this community.
  - Regarding the internal cross-connection driveway between the two developments, the Cherette Group requests the connection be on the south end of the parking lot rather than the north to reduce non-resident traffic traveling through the Piper Lakes community.
  - Township has requested the watermain be looped between the two projects, but an engineering report must be supplied before they agree to sign a public utility easement.
  - Concerned the parking lot lights along the eastern boundary line will allow light to trespass onto the Piper Lakes property and shine into their largest apartment building that faces west.

A Commissioner noted there is a need for more capacity in short-term rehabilitation facilities.

There being no further public comments, Cousins closed the hearing at 7:38pm.

VIII. OLD BUSINESS

A. Rezoning – R-4 to R-1 – Wood

Wagenmaker recused himself due to a conflict of interest – the applicant may sign a contract with him to construct the dwelling.

The application was discussed by Commissioners and focused on:
  - Inquired if this was the same area owned and developed by the DeGroot family—yes.
  - Parcel accessed via an easement though, and not utilizing Serenity Court.

Motion by Chalifoux, supported by Wilson, to recommend to the Township Board approval of the Wood rezoning application of parcel 70-03-33-300-059 from Multiple Family (R-4) to Single Family (R-1) based on the application meeting applicable rezoning requirements and standards of the Grand Haven Charter Township Zoning Ordinance, Master Plan, and Future Land Use Map. Which motion carried unanimously.

Wagenmaker rejoined the Planning Commission.
B. Rezoning – RR to AG – Ehlers

The application was discussed by Commissioners and focused on:

- A single family dwelling could be constructed now in the RR district. However, property owner is not ready to construct a home at this time.
- Confirmed there are a number of other horses nearby the subject parcel.

**Motion** by Taylor, supported by Chalifoux, to recommend to the Township Board **approval** of the Ehlers rezoning application of parcel 70-07-14-200-039 from Rural Residential (RR) to Agricultural (AG) based on the application meeting applicable rezoning requirements and standards of the Grand Haven Charter Township Zoning Ordinance, Master Plan, and Future Land Use Map. **Which motion carried unanimously.**

C. Special Land Use – Group Day Care – Deur

The application was discussed by Commissioners and focused on:

- Michigan Zoning Enabling Act is specific on what items can be considered.
- Existing private driveway is legally nonconforming, and not an item the State has allowed the local municipality to consider. However, if a new private driveway was requested it would be subject to compliance with the Township’s Private Road and Driveways Ordinance.

**Motion** by LaMourie, supported by Wagenmaker, to **approve** the Special Land Use application to allow Group Day Care Home on 7-acres of property located at 14736 Lakeshore Drive. This approval is based on the application meeting the applicable requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance and Michigan Zoning Enabling Act. This motion is subject to, and incorporates, the following report. **Which motion carried unanimously.**

**REPORT – GROUP DAY CARE**

1. This approval is based on the affirmative findings that each of the following standards of Section 19.05 have been fulfilled:
   
   A. The proposed use is consistent with, and promotes the intent and purpose of this Ordinance.
   
   B. The proposed use is of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
   
   C. The proposed use does not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
   
   D. The proposed use is reasonably compatible with the natural environment of the subject premises and adjacent premises.
E. The proposed use does not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.

F. The proposed use does not interfere or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.

G. The proposed use is such that traffic to, from, and on the premises and the assembly of persons relation to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and the general character and intensity of the existing and potential development of the neighborhood.

H. The proposed use is consistent with the health, safety, and welfare of the Township.

2. The application meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:

A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

B. Safe, convenient, uncontested, and well defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the township.

D. Removal or alterations of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

E. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

F. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.

G. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.

H. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate.

I. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate storm water, prevent erosion and the formation of dust.

J. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures.
K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, are screened.

L. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.

M. The site plans conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances.

N. As appropriate, fencing has been required by the Planning Commission around the boundaries of the development to minimize or prevent trespassing or other adverse effects on adjacent lands.

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

D. Special Land Use – Ag in RR District – Bradley

Motion by Kieft, supported by Wilson, to approve the Special Land Use application to allow an Agricultural operation in the Rural Residential zoning district on 12.3-acres of property located at 12240 152nd Avenue, Parcel No. 70-07-13-300-020. This approval is based on the application meeting the applicable requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance. This motion is subject to, and incorporates, the following report. Which motion carried unanimously.

REPORT – AGRICULTURE IN RR DISTRICT

1. This approval is based on the affirmative findings that each of the following standards of Section 19.05 have been fulfilled:

A. The proposed use is consistent with, and promotes the intent and purpose of this Ordinance.

B. The proposed use is of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.

C. The proposed use does not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.

D. The proposed use is reasonably compatible with the natural environment of the subject premises and adjacent premises.

E. The proposed use does not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.

F. The proposed use does not interfere or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.

G. The proposed use is such that traffic to, from, and on the premises and the assembly of persons relation to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and the general character and intensity of the existing and potential development of the neighborhood.

H. The proposed use is consistent with the health, safety, and welfare of the Township.
2. The application meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:

   A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

   B. Safe, convenient, uncontested, and well defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

   C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the township.

   D. Removal or alterations of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

   E. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

   F. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.

   G. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.

   H. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate.

   I. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate storm water, prevent erosion and the formation of dust.

   J. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures.

   K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, are screened.

   L. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.

   M. The site plans conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances.

   N. As appropriate, fencing has been required by the Planning Commission around the boundaries of the development to minimize or prevent trespassing or other adverse effects on adjacent lands.
O. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.

E. Special Land Use – Indoor Exercise Facility in C-1 District – Wilbur

Wilson recused himself due to a conflict of interest – he is the property owner of the subject parcel.

The application was discussed by Commissioners and focused on:

- There is a need to modify, or remove, certain access management provisions in the Special Land Use Chapter. At times, they discourage the reuse of existing buildings. At times, they also do not apply to a business within a certain land use category, so there is a need for the Commission to have more flexibility on these items.
  - The Commission directed staff to draft a text amendment.
- Unless a traffic study is conducted to justify the eastern driveway it should be closed to comply with the SLU provision and the Robbins Road Sub-Area Plan.
- Glad to see the western driveway is aligned to the adjacent city-owned street.

The property owner, Wilson, indicated he likes and prefers to keep both driveways to enhance circulation when fitness classes begin and end.

Motion by Taylor, supported by Wagenmaker, to table the Special Land Use application. Which motion carried unanimously.

Wilson rejoined the Planning Commission.

F. PUD – Regency at Grand Haven

The application was discussed by Commissioners and focused on:

- Discussed the proposal of having 2 driveways on Comstock Street. As well as, relocating the internal cross-connection driveway with Piper Lakes closer to Comstock Street in light of the adjacent developer’s preference.
- If the watermain is to be looped between the adjacent development and the applicant the Piper Lakes developer would require an engineering report ensuring there would not be an issue with water pressure.
- Confirmed the need to shield the pole-mounted light fixtures from the adjacent development and the street.
- Want to ensure the proposed trees along Comstock Street are tall enough, or setback far enough from the nonmotorized pathway that a user does not have to be concerned they will be “whacked in the head.”
- Although state law prohibits a property owner from negatively altering the natural stormwater drainage patterns, the Commission still requests a condition of approval be included that prohibits the applicant from negatively impacting the stormwater
disposition of the area. Particularly as it relates to the adjacent single family residence and their concerns about a greater stormwater impact.

**Motion** by Kieft, supported by Chalifoux, to direct staff to draft a formal motion and report, which will recommend **conditional approval** of the Regency at Grand Haven PUD application, with those Zoning Ordinance compliance departures which were discussed and will be reflected in the meeting minutes. This will be reviewed and considered for adoption at the next meeting. **Which motion carried unanimously.**

IX. REPORTS
A. Attorney Report – None
B. Staff Report
   - The next Zoning Ordinance Update Committee meeting is scheduled for Thursday, August 10th @ 6pm in the Main Conference Room.
C. Other
   - Cousins reports the Special Land Use options to allow accessory buildings in front yards was not included on the agenda because of the number of applications. It will be discussed at the next meeting.

X. EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS ONLY – None

XI. ADJOURNMENT

**Without objection**, the meeting adjourned at 8:28 p.m.

Respectfully submitted,

Stacey Fedewa
Acting Recording Secretary
Community Development Memo

DATE: August 2, 2017
TO: Planning Commission
FROM: Stacey Fedewa, Community Development Director
RE: PUD – Regency at Grand Haven – Formal Motion & Report of Findings

BACKGROUND

On July 17th the Planning Commission held a public hearing for the Regency at Grand Haven PUD application. Certain departures were requested by the applicant, which the Commission considered, and made verbal determinations.

The Commission adopted a motion that directs staff to draft a formal motion and report of findings based on the verbal determinations given at the hearing, which would be considered for adoption at the next meeting.

REVISION UPDATE

The developer made all the requested revisions:

- Cross-connection driveway with Piper Lakes moved closer to Comstock Street.
- Side shielding has been added to all pole mounted light fixtures abutting the Piper Lakes apartments and those along Comstock Street to prevent light trespass.
- Sign lighting is now lit from above to downcast the light onto the sign.
- Staff has confirmed the retaining wall heights and setbacks comply with the Ordinance.
- Miscellaneous text boxes and other notations have been added and corrected throughout the plan set.
- A more complete construction schedule has been included as well:

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<thead>
<tr>
<th>SEQUENCE OF CONSTRUCTION</th>
<th>START MONTH &amp; DAY</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>AUG. 2017</td>
<td>INSTALL TEMPORARY SOIL EROSION CONTROL MEASURES, SILT FENCES, SILT BAGS, ETC. AS NECESSARY.</td>
<td></td>
</tr>
<tr>
<td>AUG. 2017</td>
<td>REMOVE ALL VEGETATION, TREES AND BRUSH FROM THE PROPOSED CONSTRUCTION AREA UNLESS MARKED TO REMAIN. STUMP AND STUMPホール TOPICAL STUMPS SHALL BE CHISELED AND SEEDED.</td>
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<tr>
<td>AUG. 2017</td>
<td>REMOVE ALL PAVEMENT, SEWERS, UTILITY, SIGNS, ETC. AS REQUIRED TO INSTALL THE PROPOSED WORK AS SHOWN ON THE REVISION PLAN.</td>
<td></td>
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<td>AUG. 2017</td>
<td>DISPOSE OF ALL EXCESS/MATERIALS OFF SITE IN A LEGAL MANNER, NO ON-SITE BURN OR DUMP PITS ALLOWED.</td>
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<tr>
<td>SEPT. 2017</td>
<td>QUALITY GRADE SITE, SEED AND MULCH BLANKETS MUST BE INSTALLED WITHIN 5 DAYS OF FINAL GRADE ERECTION AND/OR RE-INSTALL ANY TEMPORARY SOIL EROSION CONTROL MEASURES THAT WERE DAMAGED DURING GRADE OPERATIONS.</td>
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<tr>
<td>SEPT. 2017</td>
<td>PLANT VEGETATION (TREES, SHRUBS, GRASS, WATER MAIN ETC.), INSTALL SILT BAGS IN CATCH Bbuffers AND YARD AREAS AS SHOWN.</td>
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<td>SEPT. 2017</td>
<td>BRIDGE CONSTRUCTION OF BRIDGING.</td>
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<td>SEPT. 2017</td>
<td>FINISH GRADE SITE AND PREPARE FOR SITE PAYING OPERATIONS.</td>
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<td>MARCH 2018</td>
<td>INSTALL ALL PAVEMENT, RESERVOIRS, CURBING AS REQUIRED, REPAIR SILT BAGS, SILT FENCES AND ANY OTHER DAMAGED SOIL EROSION CONTROL MEASURES AS NECESSARY.</td>
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<td>JUNE 2018</td>
<td>FINISH GRADE REENGINEERED TOPSLOTS, ESTABLISH VEGETATION AND INSTALL ALL PERMANENT LANDSCAPING IN ALL DISTURBED AREAS NOT BUILT.</td>
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<td>JUNE 2018</td>
<td>CLEAN PAYMENT AND REMOVE ALL TEMPORARY SOIL EROSION CONTROL MEASURES. RE-ESTABLISH VEGETATION AS REQUIRED.</td>
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<tr>
<td>AUGUST 2018</td>
<td>REMOVE SEDIMENTATION CONTROLS ONCE ENTIRE SITE HAS BEEN PERMANENTLY STABILIZED.</td>
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In an effort to conserve trees—only a limited plan set is being provided to the Planning Commission. It contains the pertinent sheets that were revised.

ADDITIONAL INFORMATION

In addition to providing revised plans, the developer also provided some project narratives. The Stormwater Narrative is provided below, and the other is included with the packet materials.

Stormwater Narrative:
The Ottawa County Water Resources Commissioner has drafted a very stringent and progressive storm water management program that is scheduled to replace the current guidelines.

Although it is not mandatory for developers to follow the program yet, Ciena offered to incorporate the design requirements on their site. The progressive component of the guidelines shift the design focus from rarely occurring 100-year flooding conditions to more frequent 2-year intense rainfall scenarios. The importance of this shift is driven by the MDEQ, and other state and national water resource agencies.

The on-site storm water management system consists of two interconnected "extended detention" basins with permanent pools and a storm water pipe conveyance system. All surface runoff from the proposed developed areas will flow through the conveyance system to the detention basins. A sediment forebay provides primary water quality treatment while the permanent standing water at the bottom of the ponds provide secondary water quality treatment processes.

This ensures that sediment and potential pollutants drop out of suspension and do not enter the public storm sewer system on Comstock or the adjacent county drain.

Lastly, the developer has indicated this facility would be closest to their 2015 Lansing West center. This link can be followed to view the website: [http://www.cienahealthcare.com/michigan-facilities/regency-at-lansing-west/](http://www.cienahealthcare.com/michigan-facilities/regency-at-lansing-west/). Photographs have also been enclosed.

FORMAL MOTION TO RECOMMEND CONDITIONAL APPROVAL

As directed by the Planning Commission on July 17, 2017 the following motion to recommend conditional approval can be offered:

**Motion** to recommend to the Township Board **conditional approval** of the Regency at Grand Haven PUD application. This is based on the application meeting the requirements and standards set forth by the Grand Haven Charter Township Zoning Ordinance and Master Plan. The motion is subject to, and incorporates, the following report concerning the Planned Unit Development, including conditions of approval.

Please contact me if this information raises questions.
Pursuant to the provisions of the Grand Haven Charter Township (the “Township”) Zoning Ordinance (the “Zoning Ordinance”), the following is the report of the Grand Haven Charter Township Planning Commission (the “Planning Commission”) concerning an application by Grand Haven Senior Leasing LLC (the “Developer”) for approval of a Regency at Grand Haven Planned Unit Development (the “Project” or the “PUD”).

The Project will consist of three land uses that constitute a Housing for the Elderly development. This 10.44 acre Project will consist of a one-story 120-bed state-licensed skilled nursing care facility. The Project as recommended for approval is shown on a final site plan (the “Final Site Plan”), including landscaping (the “Final Landscape Plan”) and elevation renderings (the “Final Elevations”), last revised 7/31/2017; collectively referred to as the “Documentation,” presently on file with the Township.

The purpose of this report is to state the decision of the Planning Commission concerning the Project, the basis for the Planning Commission’s recommendation, and the Planning Commission’s decision that the Regency at Grand Haven PUD be approved as outlined in this motion. The Developer shall comply with all of the Documentation submitted to the Township for this Project. In granting the approval of the proposed PUD application, the Planning Commission makes the following findings pursuant to Section 17.04.3 of the Zoning Ordinance.

1. The Project meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, pursuant to Section 23.06.7, the Planning Commission finds as follows:

   A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

   B. Safe, convenient, uncontested, and well defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

   C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the Township.

   D. Removal or alterations of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
E. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

F. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.

G. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the Fire/Rescue Department.

H. All streets and driveways are developed in accordance with the Ottawa County Road Commission (“OCRC”) specifications, as appropriate. In addition, an internal sidewalk system and a non-motorized pathway within the Rosy Mound Drive right-of-way have been included.

I. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate stormwater, prevent erosion and the formation of dust.

J. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures to reduce light pollution and preserve the rural character of the Township.

K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, are screened.

L. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.

M. The Documentation conforms to all applicable requirements of County, State, Federal, and Township statutes and ordinances.

N. As appropriate, fencing will be installed around the boundaries of the Project if deemed necessary by either the Township or the Developer to prevent trespassing or other adverse effects on adjacent lands.

O. The general purposes and spirit of the Zoning Ordinance and the Master Plan of the Township are maintained.

2. The Planning Commission finds the Project meets the intent for a PUD, as described in Section 17.01.3 of the Zoning Ordinance. By approving this Project as a PUD, the Township has been able to negotiate various amenities and design characteristics as well as additional restrictions with the Developer, as described in this report, which the Township would not have been able to negotiate if the PUD Chapter of the Zoning Ordinance was not used.

3. Section 17.01.5, and Section 17.02.1.B.1-4 of the Zoning Ordinance, as well as Section 503 of the Michigan Zoning Enabling Act, allow for departures from Zoning Ordinance requirements; these provisions are intended to result in land use development that is substantially consistent with the goals and objectives of the Township Master Plan and the Zoning Ordinance, and consistent with sound planning principles. The Developer requested four departures. The Planning Commission makes the following findings.

A. Section 19.07.28.E – allow a reduced front yard setback.
i. The Planning Commission finds this acceptable because it prevents a significant impact to a regulated wetland at the rear of the property that would otherwise be preserved as dedicated open space. Further, substantial landscaping has been included to reduce the visual mass of the building being closer to the public street.

B. Section 19.07.28.H – allow off-street parking within the front yard.

i. The Planning Commission finds this acceptable because the building and parking lot were moved closer to the public street in order to prevent a significant impact to a regulated wetland at the rear of the property that will otherwise be preserved as dedicated open space.

C. Section 24.02.2 – allow off-street parking within the required side yard.

i. The Planning Commission finds this acceptable because the Section 19.07.28.E establishes a 75-foot setback for nursing and convalescent homes. This setback would prevent parking in both side yards, and require parking in the rear, which would significantly impact a regulated wetland that will otherwise be preserved through the dedicated open space.

D. Section 24.03 – allow a total of 128 parking spaces.

i. The Planning Commission finds this acceptable because the majority of the facility will likely be dedicated to short-term rehabilitation rather than long-term nursing care. Utilizing a dual-use from the parking schedule (convalescent or nursing home at 30% and hospital at 70%) the proposed number of spaces is compliant.

4. Compared to what could have been constructed by right, the Project has been designed to accomplish the following objectives from Section 17.01.4 of the Zoning Ordinance.

   A. The Project will encourage the use of land in accordance with its natural character and adaptability;

   B. The Project will promote the conservation of natural features and resources;

   C. The Project will promote innovation in land use planning and development;

   D. The Project will promote the enhancement of housing and commercial employment for the residents of the Township;

   E. The Project will promote greater compatibility of design and better use between neighboring properties;

   F. The Project will promote more economical and efficient use of the land while providing a harmonious variety of housing choices and community facilities; and

   G. The Project will promote the preservation of open space.

5. The Project meets the following qualification requirements of Section 17.02 of the Zoning Ordinance:

   A. The Project meets the minimum size of five acres of contiguous land.

   B. The PUD design substantially promotes the Intent and Objectives of Section 17.01 of the Zoning Ordinance; it further permits an improved layout of land uses and roadways that could not otherwise be achieved under normal zoning.
C. The Project contains distinct uses relating to the care of residents—short-term rehabilitation therapy, bariatric care, and long-term skilled nursing care.

D. The Project site exhibits significant natural features encompassing more than 25% of the land area, which will be preserved as a result of the PUD plan and includes regulated wetlands.

E. The Project site has distinct physical characteristics which makes compliances with the strict requirements of the Zoning Ordinance impractical.

6. The Planning Commission also finds the Project complies with the general PUD Design Considerations of Section 17.05 of the Zoning Ordinance.

A. The stormwater management system for the Project and the drainage facilities will properly accommodate stormwater on the site, will prevent runoff to adjacent properties, and are consistent with the Township’s groundwater protection strategies.

B. The Project will not interfere with or unduly burden the water supply facilities, the sewage collection and disposal systems, or other public services such as school facilities, park and recreation facilities, etc.

C. Utility services within the Project shall be underground. This includes but is not limited to electricity, gas lines, telephone, cable television, public water and sanitary sewer.

D. The internal road system in the Project is designed to limit destruction of existing natural vegetation and to decrease the possibility of erosion.

E. Vehicular circulation, traffic and parking areas have been planned and located to minimize effects on occupants and users of the Project and to minimize hazards to adjacent properties and roadways.

F. Parking requirements for each use have been determined to be in accordance with Chapter 24 (Parking, Loading Space, and Signs).

G. Street lighting will be installed in the same manner as required under the Township’s Subdivision Control Ordinance.

H. Buildings in the Project have been sited to protect natural resources. Natural features such as natural grade, trees, vegetation, water bodies and others have been incorporated into the Documentation.

I. Architectural design features visually screen the mechanical and service areas from adjacent properties, public roadways, and other public areas.

J. The exterior walls greater than 50 feet in horizontal length or that can be viewed from a public street contain a combination of architectural features, variety of building materials, and landscaping near the walls.

K. Onsite landscaping abuts the walls so the vegetation combined with architectural features significantly reduce the visual impact of the building mass when viewed from the street.

L. The predominant building materials have been found to be those characteristic of the Township such as brick, native stone, and glass products. Pre-fabricated metal garage-ports and car-ports will include accent materials similar to the main building so as not to dominate the building exterior of the structure.
M. Landscaping, natural features, open space and other site amenities have been located in the Project to be convenient for occupants of, and visitors to, the PUD.

N. The Project is reasonably compatible with the natural environment of the site and the adjacent premises.

O. The Project will not unduly interfere with the provision of adequate light or air; nor will it overcrowd land or cause an unreasonably severe concentration of population.

P. Exterior lighting within the Project complies with Chapter 20A for an LZ 3 zone.

Q. Outside storage of materials shall be screened from view.

R. Signage is compliant with Section 24.13 of the Zoning Ordinance.

S. The Project will not have a substantially detrimental effect upon or substantially impair the value of neighborhood property, as long as all of the standards and conditions of this approval of the Project are satisfied.

T. The Project is in compliance with all applicable Federal, State, County, and local laws and regulations. Any other permits for development that may be required by other agencies shall be available to the Township Board before construction is commenced.

U. A maximum of one driveway or street opening per existing public street frontage has been permitted, with a second driveway being permitted because it adjoins an adjacent development allowing shared access with another use.

V. The Project provides adequate accessibility for residential development with more than 24 dwelling units.

W. The Project satisfies the minimum open space of 20 percent required by the Zoning Ordinance.

X. The open space in the Project is large enough and properly dimensioned to contribute to the purpose and objectives of the PUD.

Y. The open space in the Project consists of contiguous land area which is restricted to non-development uses.

Z. The open space in the Project will remain under common ownership or control.

AA. The open space in the Project is set aside by means of conveyance that satisfies the requirements of Section 17.05.5.G of the Zoning Ordinance.

BB. The Project abuts a multiple family residential PUD district and a woodland and landscaped greenbelt will provide a sufficient obscuring effect and act as a transitional area.

CC. The Project is consistent with the goals and objectives of the Master Land Use Plan. Specifically, it is consistent with the Master Plan designation of the property in question.

7. The Planning Commission also finds the Project shall comply with the below additional conditions as well.

A. Must obtain permits from all applicable agencies including the OCRC, Ottawa County Water Resources Commissioner, State of Michigan etc. Permits shall be obtained before building permits are issued.
B. The Developer shall enter into a PUD Contract with the Township, which will be drafted by the Township Attorney and approved by the Township Board prior to receiving a building permit.

C. A revised Open Space Conveyance shall be submitted and approved by the Township Attorney prior to the issuance of a building permit.

D. Any violation of the conditions constitutes a violation of the Zoning Ordinance, and in addition to the remedies provided therein, shall be cause for the Township Board to suspend or revoke any zoning or building permit applicable to the Project.

E. The right is reserved by the Township to impose additional conditions if reasonably necessary to achieve the purposes of the Zoning Ordinance.

F. The PUD approval is personal to the Developer and shall not be transferred by the Developer to a third party without the prior written consent of the Township.

G. Except as expressly modified, revised or altered by these conditions the Project shall be acquired, developed, and completed in conformance with the Zoning Ordinance, as amended, and all other applicable Township ordinances.

H. This approval is also conditioned upon the Developer meeting all applicable Federal, State, County and Township laws, rules and ordinances.

I. The Developer shall comply with all of the requirements of the Documentation, specifically including all of the notes contained thereon, and all of the representations made in the written submissions by the Developer to the Township for consideration of the Project.

J. In the event of a conflict between the Documentation and these conditions, these conditions shall control.

8. The Planning Commission finds that the Project complies with the uses permitted for a residential planned unit development, as described in Section 17.07.2.A of the Zoning Ordinance—Housing for the elderly.
Ciena Healthcare and its affiliated companies (collectively “Ciena”) provide and manage healthcare services (skilled and short-term rehabilitation, home health and hospice), supply durable medical equipment and develop healthcare and specialty living environments.

There are 36 Ciena skilled nursing facilities in Michigan with over 5,800 employees. Ciena is in the process of constructing six new skilled nursing facilities in Michigan. The Regency at Grand Haven facility will be developed and managed by Ciena Healthcare.

Ciena is a privately held, for-profit company.

Questions and Answers:

Who will receive services/stay at the facility?

Persons eligible for skilled nursing care must have a physician order for skilled care and be 18 years old; although the facility will primarily provide services to patients and residents over the age of 60. The facility will provide short-term rehabilitation and long-term care.

See terminology attached.

How long do guests typically stay in the facility?

Short term rehabilitation (care that typically includes therapy for patients recovering from medical procedures such as knee and hip replacement, general surgery, etc.) averages a stay of about 1 to 3 weeks. Longer term residents that require assistance with daily living and 24-hour care reside at the facility for an average of 18 months.

Is assisted living provided?

No. All residents and patients require a physician order for skilled nursing services.

Is memory care provided?

Yes, however, there are no current plans to create a dedicated memory unit, yet this may change based on community need.
Is the facility state licensed?

Yes, the facility will be licensed as a skilled nursing facility by the Michigan Dept. of Licensing and Regulatory Affairs (LARA) with 113 beds and subject to the federal and state regulations applicable to nursing facilities, and Medicare and Medicaid providers.

Is a certificate of need required?

Yes. The project has an approved Certificate of Need (CON) for the skilled nursing beds issued by the State of Michigan.

Are there services provided to patients not staying in the facility?

No.

Describe the jobs to be created by this project.

The facility will employ approximately 120-140 employees when the facility is fully operational and resident/patient census has stabilized. Employees will work in 3 shifts.
Terminology

Assisted living

Housing for elderly or disabled people that provides 24-hour supervision, housekeeping and meals. Additional medical services such as nursing care may be available for purchase. Medicare and Medicaid generally do not cover the costs of assisted living care. Assisted living facilities can be licensed or unlicensed by the state. Assisted living facilities are not certified by Medicare or Medicaid.

Skilled nursing care

Provides organized nursing and medical treatments and 24-hour care to residents in addition to assistance with daily living activities, meals and housekeeping. Admission requires a physician’s order following a hospital stay and required physician’s involvement in directing the care provided by the licensed nursing staff. Skilled nursing facilities are required to be licensed by Michigan law. The costs of skilled nursing are covered by Medicare (for a period of time) and Medicaid eligible residents, if the facility is certified by the Centers for Medicare and Medicaid (CMS). Skilled nursing facilities are surveyed on an annual basis to determine if they are in compliance with a wide-scope of regulations that cover nearly every aspect of the services, environments and staff of a facility.

Short Term Rehabilitation

A short term stay at a skilled nursing facility that includes therapy services or other medical treatment with the goal of discharging the patient back to the previous living arrangement. Typical lengths of stay are between 10-15 days but can be several months.

Memory Care

A distinct form of assisted living or long-term skilled nursing that specifically caters to patients with Alzheimer's disease, dementia and other types of memory problems. Improvement within 2 to 3 months after initial treatment.

Independent Living

A living arrangement for residents (tenants) with ability to be independent that offers certain services such as meals, housekeeping and activities. This is not a licensed product.
CIENA REGENCY AT GRAND HAVEN
PART OF THE SW 1/4 OF THE NE 1/4 SECTION 33, T8N, R16W
GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN
CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

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NOT FOR CONSTRUCTION
**REVISED SITE PLAN SUBMITTAL**

**DATE:** 4-12-17

**CHECK NO.:** 1

**SP:** REVISED PER CONSUMERS

**RLS:** HFES PRELIMINARY

**REV.:** 2

**PARCELS & OPEN SPACE:** 5-10-17

**REV.:** 3

**SAP:** REV. PER TWP. PC MEETING

**REV.:** 4

**SAP:** 7-31-17

**DRAINAGE AREA PLAN:**

**SCALE:** 1" = 40'
CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

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CAUTION!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.
3. Landscape work may be the exception for association in the first year of the Agreement. APS Landscaping Representative and Landscape Architect provided to the Association may assist with the first landscape installation. After the first year, the Association assumes responsibility for location, funding, and ongoing maintenance of the landscape. All landscape maintenance and planting shall be performed by the Association within the first year. Maintenance work shall be completed within 30 days of the date of the association's approval, and all plants shall be installed within 30 days of the date of the association's approval. Failure of the Association to comply with these timelines may result in the removal or replacement of the plants.

4. Project work is expected for all reasonable maintenance, landscape installation, and ongoing landscape work as defined in the agreement. The Association is responsible for all costs associated with project work, including labor, materials, and equipment. The Association shall ensure that all project work is completed within 30 days of the date of the association's approval. Failure to complete project work within the specified timelines may result in the removal or replacement of the plants.

5. The Association will be responsible for the maintenance of the project site, including the installation and ongoing maintenance of the landscape. The Association shall ensure that all project work is completed within 30 days of the date of the association's approval. Failure to complete project work within the specified timelines may result in the removal or replacement of the plants.

6. The Association shall be responsible for the maintenance of the project site, including the installation and ongoing maintenance of the landscape. The Association shall ensure that all project work is completed within 30 days of the date of the association's approval. Failure to complete project work within the specified timelines may result in the removal or replacement of the plants.

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MANTENIENTE DE SODOS DE LA ARENA

1. The owner of the sod area will be responsible for the maintenance of the sod area, including the installation and ongoing maintenance of the sod. The owner of the sod area shall ensure that all project work is completed within 30 days of the date of the association's approval. Failure to complete project work within the specified timelines may result in the removal or replacement of the sod.

2. The owner of the sod area will be responsible for the maintenance of the sod area, including the installation and ongoing maintenance of the sod. The owner of the sod area shall ensure that all project work is completed within 30 days of the date of the association's approval. Failure to complete project work within the specified timelines may result in the removal or replacement of the sod.

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Community Development Memo

DATE: August 1, 2017
TO: Planning Commission
FROM: Stacey Fedewa, Community Development Director
RE: Pre-Application Presentation – Multi Family Mixed-Use PUD

BACKGROUND

Chad Bush, the owner of the Tysman empire is interested in redeveloping the land located at 17114 Robbins Road that contains the current landscape and trucking business. The portfolio for this business ranges from storage units, to residential developments, to retail developments—among others.

This property is comprised of 5 parcels totaling 13.6-acres and is part of the Robbins Road Sub-Area found in the Master Plan. 4 of these parcels are zoned C-1 Commercial and the remaining 5-acre parcel is zoned I-1 Industrial.

PROPOSED DEVELOPMENT CONCEPT

The property owner is proposing to develop this area into a Mixed-Use PUD that would include 5 apartment buildings totaling 129 units with a clubhouse, pool, and enclosed garages. In addition, 3 storage unit buildings are proposed.

It should be noted—general warehousing and storage is only permitted in the I-1 zoning district, and 5-acres of this land could be developed as such. However, the owner is proposing a Mixed-Use PUD to construct storage units in a more logical location.

Ideally, the owner would also like to work with a non-profit organization to dedicate one or more of the buildings to people with disabilities. Providing accessible dwellings is an important goal of the owner. Lastly, the owner indicated the proposed apartment buildings would be modeled after the adjacent Timber View apartments to promote a cohesive aesthetic. The storage units would also have a similar color-scheme with stone-like attributes to support the surrounding character.
**DEVELOPER’S NARRATIVE**

The proposed development will consist of approximately 130 apartment units, 26,000 sf of storage space, and 2 acres of commercial lots for future development. The property is currently zoned for commercial and industrial uses but the proposal will include residential apartments on the portion of property that abuts Timberview Apartments, directly to the south. The storage and residential property will be a Mixed Use PUD meeting both the requirement of not more than 30% of the property as non-residential and including 20% open space in the residential area. The commercial lot on Robbins Rd is current zoned commercial and contains an office building and will be excluded from the PUD.

This project will re-develop a property in the Robbins Rd Corridor that currently has an electrical substation, cell tower and landscaping business into a plan that is a better fit with the master plan. The storage component isn’t included in the master plan but a portion of the property is currently zoned industrial and allowed under the current zoning. The proposal moves the storage in front of the cell tower and will provide screening for the cell tower and electrical substation. The storage will also have a new commercial use property in front of it as well as standard landscape screening to help conceal the buildings.

**ROBBINS ROAD SUB-AREA**

The Future Land Use map and Robbins Road Sub-Area plan are generally cohesive. The Sub-Area plan identifies a “mixed-use” for a large area that encompasses all the subject-land. A “mixed-use” is not a future land use on the Township map, so the Planning Commission has flexibility to allow a mixed-use residential, storage unit, future commercial development in this area.

Specifically, the Sub-Area Plan identifies the Mixed Use category as, “land uses should include a blend of single and multiple-family residential, office, and regional and neighborhood-serving commercial, either integrated horizontally across the Sub-Area or vertically within buildings.”

It goes on to say, “lot sizes, densities and residential types should vary and allow a compact design form.” As such, staff encouraged the owner to consider implementing some of the “missing middle” housing types to support the one of the Traditional Neighborhood Development goals of the Sub-Area Plan.

**PURPOSE OF PRE-APPLICATION PRESENTATION**

At a pre-application presentation, the Planning Commission and property owner shall have an opportunity to exchange information and provide guidance that will assist in the preparation of materials. Also, it is noted that **no formal action will be taken, nor will statements made be considered legally binding commitments.**
MIXED USE PUD
17114 ROBBINS ROAD
LAND USE SUMMARY:
PARCEL A-1 & A-2 = 2.16 ACRES
CURRENT ZONING = C-1
PROPOSED USE = COMMERCIAL
PARCEL B PART OF PUD = 2.6 ACRES
CURRENT ZONING = C-1 & I-1
PROPOSED USE = SELF STORAGE
PARCEL C PART OF PUD = 8 ACRES
CURRENT ZONING = C-1 & I-1
PROPOSED USE = MULTI FAMILY APARTMENTS

MULTI FAMILY SUMMARY:
BUILDING 1 = 24 UNITS
= 24 OPEN SPACES
= 24 GARAGE SPACES

BUILDING 2 = 24 UNITS
= 24 OPEN SPACES
= 24 GARAGE SPACES

BUILDING 3 = 24 UNITS
= 34 OPEN SPACES
= 14 GARAGE SPACES

BUILDING 4 = 24 UNITS
= 35 OPEN SPACES
= 13 GARAGE SPACES

BUILDING 5 = 33 UNITS
= 46 OPEN SPACES
= 20 GARAGE SPACES

TOTALS = 129 UNITS
= 258 TOTAL SPACES (2 PER UNIT)

CLUB HOUSE = 4800 S.F.
= 7 OPEN SPACES

PARKING TOTAL = 265 SPACES (INCLUDING 7 BARRIER FREE)

OPEN SPACE (PARCEL C ONLY) = 1.77 ACRES / 8.50 ACRES = 20.8%

NONRESIDENTIAL USES PARCEL B = 2.8 ACRES
TOTAL PUD PARCELS B & C = 11.46 ACRES
2.8 / 11.46 = 25.8%
Community Development Memo

DATE: August 2, 2017
TO: Planning Commission
FROM: Stacey Fedewa, Community Development Director

BACKGROUND

At the July 17th Planning Commission meeting staff was directed to review the Special Land Use chapter and identify access management provisions that may hinder the reuse of existing properties.

Specifically, provisions related to distance requirements if a property is adjacent to an intersection or driveway, as well as those related to limiting the number of driveways and if the Planning Commission has any discretion on the matter.

INITIAL FINDINGS

Staff determined that 29 of 51 (or 57%) Special Land Uses have the specified access management provisions.

Inconsistent Method of Measurement

The method to measure the separation between access points, intersections, and driveways is inconsistent. For example:

- Measured from centerline of intersection or driveway.
- Measured from nearest right-of-way line to nearest edge of access point.
- Measured from nearest edge of driveway to nearest edge of access point.
- Measured from nearest part of intersection or driveway along property line to other non-residential driveway.
- Measured from drive or curb opening to intersection.
• Measured from nearest part of intersection or driveway for any other main building to nearest part of the access point.
• Measured from any part of the intersection or driveway to nearest part of the access point.

A couple of these provisions specify the measurements should be taken on the same side of the street, which leads staff to believe the provisions that don’t specify the side of the street need to include both sides of the street when performing these measurements.

Inconsistent Separation Requirements

The SLU provisions would typically specify a required separation distance between the subject-property’s driveway and nearby intersections and/or driveways. However, the distances vary from 50’ – 200’ of separation for intersections and between 50’ – 100’ for driveways.

Often, the same provision specified different minimum separations for intersections and driveways, or not specify a distance for driveways at all. For example:

<table>
<thead>
<tr>
<th>Special Land Use (SLU)</th>
<th>Intersection Distance</th>
<th>Driveway Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoor Recreation, Exercise, and Athletic Facilities</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Outdoor Commercial Recreation Facilities</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>Bus Terminals</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Child Care of Day Care Centers</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Churches</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Construction Material Storage &amp; Contractor’s Operation</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Drive-Thru Eating Establishment</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Gasoline and Petroleum Storage</td>
<td>100</td>
<td>75</td>
</tr>
<tr>
<td>Motor Vehicle Sales Establishment</td>
<td>100</td>
<td>75</td>
</tr>
<tr>
<td>Ready-Mix Concrete and Asphalt Plants</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Storage Yard for Machinery, Trucks, or Equipment</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Wholesale Businesses</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Vehicle Wash Establishments</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Youth Centers</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Gasoline Stations</td>
<td>75</td>
<td>50</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Lumber Yards</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Motor Freight, Truck, and Warehousing Businesses</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Motor Vehicle Repair Garages</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Public or Parochial Schools, Libraries &amp; Other Municipal Uses</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Greenhouses and Nurseries</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Multiple Family Dwellings</td>
<td>50</td>
<td>50</td>
</tr>
</tbody>
</table>
Private Clubs 50 50
Cemeteries and Mausoleums
Colleges
Golf Courses and Other Outdoor Recreation Uses
Nursing or Convalescent Homes
Public or Private Campgrounds
Recycling Stations

Based on the land use staff found it odd that certain uses had a separation requirement, while a more intense use did not—a church with a 100’ separation requirement, but no separation requirement for colleges, nursing homes, or recycling stations. Additionally, at this juncture, staff is unable to determine if these separations are appropriate for the land use.

Paved Road Requirement

The next provision staff reviewed was if the use needed to have access on a paved road. This also varied quite a bit:

<table>
<thead>
<tr>
<th>Special Land Use (SLU)</th>
<th>Must be Paved?</th>
<th>Specific Road Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoor Recreation, Exercise, and Athletic Facilities</td>
<td>Silent</td>
<td></td>
</tr>
<tr>
<td>Outdoor Commercial Recreation Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus Terminals</td>
<td>Y</td>
<td>County Primary</td>
</tr>
<tr>
<td>Child Care of Day Care Centers</td>
<td>Y</td>
<td>County Road</td>
</tr>
<tr>
<td>Churches</td>
<td>Y</td>
<td>County Road</td>
</tr>
<tr>
<td>Construction Material Storage &amp; Contractor’s Operation</td>
<td>Silent</td>
<td></td>
</tr>
<tr>
<td>Drive-Thru Eating Establishment</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Gasoline and Petroleum Storage</td>
<td>Silent</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Sales Establishment</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Ready-Mix Concrete and Asphalt Plants</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Storage Yard for Machinery, Trucks, or Equipment</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Wholesale Businesses</td>
<td>Y</td>
<td>County Primary</td>
</tr>
<tr>
<td>Vehicle Wash Establishments</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Youth Centers</td>
<td>Y</td>
<td>Public Street</td>
</tr>
<tr>
<td>Gasoline Stations</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Lumber Yards</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Motor Freight, Truck, and Warehousing Businesses</td>
<td>Y</td>
<td>County Primary</td>
</tr>
<tr>
<td>Motor Vehicle Repair Garages</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Public or Parochial Schools, Libraries &amp; Other Municipal Uses</td>
<td>Y</td>
<td></td>
</tr>
</tbody>
</table>
### Greenhouses and Nurseries
Silent

### Multiple Family Dwellings
Y

### Private Clubs
Y

### Cemeteries and Mausoleums
Y
Public Street

### Colleges
Silent
County Primary and/or All Season

### Golf Courses and Other Outdoor Recreation Uses
Y

### Nursing or Convalescent Homes
Y

### Public or Private Campgrounds
Y

### Recycling Stations
Y
All-Weather Road, not Residential or Collector-Type Roads

Oddly enough, some of these uses were inconsistent about paved roads. Typically there was an initial paved road requirement, and the last provision for most uses described the basic infrastructure requirements—paved road, natural gas, municipal water, sanitary sewer, etc. However, staff found that one use may not be required to front on a paved road, but then the minimum infrastructure would say it must be paved. This is causing confusion.

#### Sanitary Sewer Requirement

Dovetailing off the standard infrastructure clause found in many of the special land uses—staff found more oddities with the sanitary sewer requirement. Some of the uses that are required to have sanitary sewer do not make sense, especially when compared against a more intense land use.

<table>
<thead>
<tr>
<th>Special Land Use (SLU)</th>
<th>Sanitary Sewer Required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoor Recreation, Exercise, and Athletic Facilities</td>
<td></td>
</tr>
<tr>
<td>Outdoor Commercial Recreation Facilities</td>
<td></td>
</tr>
<tr>
<td>Bus Terminals</td>
<td>Y</td>
</tr>
<tr>
<td>Child Care of Day Care Centers</td>
<td></td>
</tr>
<tr>
<td>Churches</td>
<td></td>
</tr>
<tr>
<td>Construction Material Storage &amp; Contractor’s Operation</td>
<td></td>
</tr>
<tr>
<td>Drive-Thru Eating Establishment</td>
<td>Y</td>
</tr>
<tr>
<td>Gasoline and Petroleum Storage</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Sales Establishment</td>
<td>Y</td>
</tr>
<tr>
<td>Ready-Mix Concrete and Asphalt Plants</td>
<td>Y</td>
</tr>
<tr>
<td>Storage Yard for Machinery, Trucks, or Equipment</td>
<td></td>
</tr>
<tr>
<td>Wholesale Businesses</td>
<td></td>
</tr>
<tr>
<td>Vehicle Wash Establishments</td>
<td>Y</td>
</tr>
<tr>
<td>Youth Centers</td>
<td></td>
</tr>
</tbody>
</table>
What makes this even more interesting is that each underlying zoning district also establishes a minimum infrastructure requirement in its Statement of Purpose. Districts R-3, R-3.5, R-4, SP, C-1, I-1, and I-1A are all required to have be connected to sanitary sewer as a basic requirement of the district.

Confusion is created by mismatching the sanitary sewer requirement. For example, the following Special Land Uses are only permitted in a zoning district that has an underlying requirement of being connected to sanitary sewer, but the SLU provisions are either silent or add a caveat that sewer is only required if it’s available.

<table>
<thead>
<tr>
<th>Special Land Use (SLU)</th>
<th>Permitted SLU Zoning Districts</th>
<th>SLU Sewer Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries and Mausoleums</td>
<td>C-1</td>
<td>Silent</td>
</tr>
<tr>
<td>Construction Material Storage &amp; Contractor’s Operation</td>
<td>I-1</td>
<td>Silent</td>
</tr>
<tr>
<td>Gasoline and Petroleum Storage</td>
<td>I-1</td>
<td>Silent</td>
</tr>
<tr>
<td>Indoor Recreation, Exercise, and Athletic Facilities</td>
<td>C-1, I-1A</td>
<td>Silent</td>
</tr>
<tr>
<td>Lumber Yards</td>
<td>C-1, I-1, I-1A</td>
<td>If Available</td>
</tr>
<tr>
<td>Motor Freight, Truck, and Warehousing Businesses</td>
<td>I-1, I-1A</td>
<td>If Available</td>
</tr>
<tr>
<td>Outdoor Commercial Recreation Facilities</td>
<td>C-1</td>
<td>If Available</td>
</tr>
<tr>
<td>Private Clubs</td>
<td>R-4</td>
<td>If Available</td>
</tr>
<tr>
<td>Recycling Stations</td>
<td>I-1</td>
<td>Silent</td>
</tr>
<tr>
<td>Storage Yard for Machinery, Trucks, or Equipment</td>
<td>I-1</td>
<td>Silent</td>
</tr>
<tr>
<td>Wholesale Businesses</td>
<td>C-1</td>
<td>If Available</td>
</tr>
<tr>
<td>Youth Centers</td>
<td>SP, C-1</td>
<td>If Available</td>
</tr>
<tr>
<td>Colleges</td>
<td>SP, C-1</td>
<td>Silent</td>
</tr>
</tbody>
</table>
The Public Services Director indicated they would only require sanitary sewer for business that allowed the public to patron. Uses such as Contractors Material Storage, Gasoline and Petroleum Storage, Storage Yard for Machinery, and Recycling Stations that only have a limited number of employees on site do not need a connection to sanitary sewer from the Directors perspective.

OTHER INTERESTING FINDINGS

Campgrounds

By far the most interesting (and comical) discovery was Section 19.07.33.E regarding Public or Private Campgrounds. This provision reads, “recreational units are not permitted in the campground.” The definition of a Recreational Unit is, “a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreation unit includes a recreation vehicle which either has its own motive power or is mounted on or drawn by another vehicle which is self powered.”

Perhaps the intention was to preclude Recreation Vehicles or Equipment, which is defined as, “a vehicle or equipment intended for temporary or period use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.” Unfortunately, this definition still includes camping equipment.

It is unclear what the intention of this provision is because camping usually includes the use of other recreation amenities, so staff recommends removing this provision entirely.

Gasoline Stations & Repair Garages

Both Gasoline Stations and Motor Vehicle Repair Garages include this clause about determining the number of curb openings:

Gasoline Stations

No more than 1 curb opening shall be permitted for every 75-feet of frontage (or major fraction thereof) along any street, with a maximum of 1 per street when located on a corner lot, and 1 for any other street.

Couple that provision with the access management requirement of prohibiting any drive or curb opening within 75-feet of an intersection, or within 100-feet of a residential district property line, or within 50-feet of any other non-residential drive the Township may be precluding a driveway altogether given the right circumstances.

Obviously, a business needs a driveway, so under the right circumstances the applicant would also be required to pursue a variance because the ordinance does not give the Planning Commission any discretion to correct this type of situation that could occur as a result of these SLU provisions.
Conversely, the provisions do not establish a maximum number of driveways. This SLU established a minimum lot width of 200-feet, so under perfect conditions the property is automatically allowed to have 3 curb openings. This appears counterintuitive considering the strong access management provisions found throughout the rest of the Ordinance.

**Motor Vehicle Repair Garages**

No more than 1 curb opening shall be permitted for every 100-feet of frontage (or major fraction thereof) along any street, with a maximum of 1 per street when located on a corner lot, and 2 for any other street.

Couple that provision with the access management requirement of prohibiting any drive or curb opening within 75-feet of an intersection, or within 50-feet of a residential district property line, or within 75-feet of any other drive the Township may be precluding a driveway altogether given the right circumstances.

**Minimum Lot Area, Width, Setbacks**

Out of the 29 SLUs that staff reviewed, 23 of them establish a larger minimum lot size, minimum lot width, and minimum building setbacks that are greater than the underlying zoning district. In many cases this is valid, but some appear to be excessive.

<table>
<thead>
<tr>
<th>Special Land Use (SLU)</th>
<th>Min Lot Area (Acres)</th>
<th>Min Lot Width (Feet)</th>
<th>Min Setbacks (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gasoline Stations</td>
<td>1</td>
<td>200</td>
<td>60/75*</td>
</tr>
<tr>
<td>Indoor Recreation, Exercise and Athletic Facilities</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>2</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Sales Establishment</td>
<td>2</td>
<td>200</td>
<td>100*</td>
</tr>
<tr>
<td>Storage Yard for Machinery, Trucks, or Equipment</td>
<td>2</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Churches</td>
<td>3</td>
<td>165</td>
<td></td>
</tr>
<tr>
<td>Outdoor Commercial Recreation Facilities</td>
<td>3</td>
<td>200</td>
<td>100</td>
</tr>
<tr>
<td>Wholesale Businesses</td>
<td>3</td>
<td>200</td>
<td>75/150*</td>
</tr>
<tr>
<td>Cemeteries and Mausoleums</td>
<td>3</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>Bus Terminals</td>
<td>3</td>
<td></td>
<td>75</td>
</tr>
<tr>
<td>Motor Freight, Truck, and Warehousing Businesses</td>
<td>3</td>
<td></td>
<td>75/150*</td>
</tr>
<tr>
<td>Public or Private Campgrounds</td>
<td>5</td>
<td>330</td>
<td></td>
</tr>
<tr>
<td>Ready-Mix Concrete and Asphalt Plants</td>
<td>5</td>
<td></td>
<td>2 x I-1 300*</td>
</tr>
<tr>
<td>Recycling Stations</td>
<td>5</td>
<td></td>
<td>500*</td>
</tr>
<tr>
<td>Public or Parochial Schools, Libraries, and Other Municipal Uses and Structures</td>
<td>2 – Non-School 10 – Elementary 20 – Middle 30 - High</td>
<td>200</td>
<td>100 bldg 200 field</td>
</tr>
<tr>
<td>Golf Courses and Other Outdoor Recreation Uses</td>
<td>40 – Reg. Course</td>
<td></td>
<td>100</td>
</tr>
</tbody>
</table>
20 – Par 3 Style

<table>
<thead>
<tr>
<th>Multiple Family Dwellings</th>
<th>6,000 sqft/unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Material Storage &amp; Contractor's Operation</td>
<td>200</td>
</tr>
<tr>
<td>Drive-thru Eating/Fast Food Establishment</td>
<td>75</td>
</tr>
<tr>
<td>Motor Vehicle Repair Garages</td>
<td>75</td>
</tr>
<tr>
<td>Nursing or Convalescent Homes</td>
<td>75</td>
</tr>
<tr>
<td>Gasoline and Petroleum Storage</td>
<td>200*</td>
</tr>
<tr>
<td>Lumber Yards</td>
<td>200*</td>
</tr>
</tbody>
</table>

* This additional setback requirement is only if it abuts a residential use or district line.

To put this into context—if a Recycling Station was bound on 3 sides by a residential zoning district and therefore has a 500-foot setback for the rear yard and each side yard, and 75-feet for the typical I-1 front yard setback then the true minimum lot size the Township has required is actually over 13-acres, which does not take into account the actual buildings that would be on site.

Other questions to consider:

- Does a church need a minimum of 3-acres?
- Does a wholesale business need a minimum of 3 acres? Similarly, does this use need such a large setback when typically, all the goods are wholly enclosed within a building?

**Group Day Care Home**

As a follow-up to the July 17th meeting that included a Special Land Use application to expand a family day care home into a group day care home. One of the provisions found in the SLU Chapter is the standard infrastructure clause. This clause is not described in the Michigan Zoning Enabling Act and must be removed. Thus, staff will include this change in the draft of the Zoning Text Amendment Ordinance that will be forthcoming.

**NEXT STEP**

Given the extent of the provisions found that need consideration, staff is requesting the Planning Commission provide direction.

- Should the separation distances from intersections and driveways just have a clause added that gives the Planning Commission discretion to reduce or remove the requirement? Then have the Zoning Ordinance Update Committee address the specifics of each use?
- Should staff revise the separation distances and provide a uniform number and method of measuring the separation distance?
- Should staff remove these access management provisions entirely to encourage the reuse of the existing properties, and then have the Update Committee address the topic in the new ordinance?
Community Development Memo

DATE: August 1, 2017
TO: Planning Commission
FROM: Stacey Fedewa, Community Development Director
RE: Accessory Buildings in Front Yards

BACKGROUND

Over the last few months the Township has begun discussing the possibility of creating an avenue to allow accessory buildings within front yards. Staff contacted numerous communities and received a response from 9 municipalities.

REGULATIONS FROM OTHER COMMUNITIES

Georgetown Township, Ottawa County

Require applicants to submit a ZBA application to request a variance. However, the Township did attempt to draft language to create an avenue for accessory buildings in front yards, but found the language was too ambiguous, and therefore too challenging to craft. That said, the predominant requirements would have been—large lots, dwellings with a significant distance from the street, and landscape screening.

The Township chose to continue the route of ZBA variances.

Otisco Township, Ionia County

Only permitted if a variance is granted from the ZBA.

Spring Lake Township, Ottawa County

Require applicants to submit a ZBA application to request a variance.
The Township specifically chose not to amend their ordinances to create an avenue for accessory buildings to be located within front yards regardless of lot size, location, and density.

**Park Township, Ottawa County**

Park Township has taken a unique and unconventional approach to this subject. Their ZBA was regularly approving variances to allow accessory buildings within front yards and getting quite creative in their affirmative findings for each standard.

In response, it appears their ZBA created an avenue to authorize a “departure” from the regulations as an “administrative approval.” Specifically, the following standards have been added for this subject:

The Zoning Board of Appeals may authorize one or more accessory buildings in excess of the square footage limitations or in excess of the height limitations as an administrative approval. In considering such a request the Zoning Board of Appeals shall consider the following standards:

1. The area and/or height of the accessory building in relation to the size of the lot on which it is to be placed;
2. The area and/or height of the accessory building in relation to the principal building on the lot on which the accessory building is going to be placed;
3. The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;
4. Whether or not the accessory building will affect light and air circulation of any adjoining property; and
5. Whether the accessory building will adversely affect the view of any adjoining property.

**Cannon Township, Kent County**

Accessory buildings are permitted in the front yard if it is setback at least 200-feet from the front lot line.

**Plainfield Township, Kent County**

Accessory buildings are allowed to be in the front yard of waterfront lots. In addition, they’re allowed in the front yard of non-waterfront lots under the following conditions:
• Only allowed to occur in 3 zoning districts—R-1, Rural Estate, and Rural Preserve.
• The accessory building must be able to meet the zoning district setbacks of 60-feet from front lot line, and 25-feet from side lot line.

**Thornapple Township, Barry County**

Accessory buildings are allowed to be in the front yard if the following conditions are met:

- Must be zoned Rural Residential or Rural Estates
- Accessory buildings < 200 square feet and not permanently attached:
  - Cannot be located within the required front yard setback area.
  - Not subject to side and rear setback requirements.
- Accessory buildings > 200 square feet and permanently attached:
  - Dwelling and accessory building must be setback at least 200-feet from the road right-of-way.
  - Shall be setback 10-feet from side lot line.
  - If unable to meet the 200-foot setback requirement a Special Land Use (SLU) can be pursued:
    - Cannot be within the required front yard setback area;
    - Planning Commission must consider the standard SLU findings (*i.e.*, the *report of findings*);
    - Building must be compatible in appearance with the dwelling on the property, and the dwellings in the area. Compatibility includes:
      - Exterior colors
      - Materials
      - Roof pitch
      - Window coverage
      - Landscaping
      - Other features of the structure and site

**City of Grand Haven, Ottawa County**

Accessory buildings are permitted in front yards as long as it is not located within the required front yard setback area. Other requirements include (*this covers all zoning districts*):
• An accessory building greater than the footprint of the principal building can be permitted as an SLU.
  o Lots < 1 acre: accessory building floor area cannot exceed principal building floor area by more than 50% (e.g., a 2,000 sqft house could allow a 3,000 sqft accessory building).
  o All zoning districts other than industrial are subject to the following SLU provision:
    ▪ 1 acre < 5 acres: accessory building floor area cannot exceed principal building floor area by more than 100%.
    ▪ > 5 acres: accessory building floor area cannot exceed principal building floor area by more than 200%.
  o Industrial parcels over 1 acre in size do not have any limitations on the number of size of accessory buildings. The buildings are only subject to the zoning district setback requirements.
• The standard accessory building requirements are:
  o Size
    ▪ Accessory buildings cannot exceed the footprint of the principal building (unless the SLU option described above is pursued).
    ▪ Certain zoning districts cannot exceed 1,000 sqft of accessory building footprint.
    ▪ Accessory buildings cannot occupy more than 25% of the rear yard in certain zoning districts.
  o Location
    ▪ Cannot be within the required front yard area or corner front setback area.
    ▪ Accessory building < 20-feet in height must be setback at least 3-feet from the interior side and rear lot lines. Additionally, eaves and other overhangs must be setback at least 2-feet from the same lot lines.
    ▪ Accessory buildings > 20-feet in height must meet the same setbacks as those required by the zoning district for principal buildings.
    ▪ Detached accessory buildings shall be setback at least 6-feet from the principal building.

Vergennes Township, Kent County

The Township’s ZBA used to issue numerous variances to allow accessory buildings in front yards. That practice lead to new language being added to the zoning ordinance. Accessory buildings are permitted in the front yard if the following conditions are met:
• Property is zoned Agriculture, and building is used for the same purpose.
• For all other zoning districts:
  o Accessory building must be setback at least 150-feet.
  o If there is less than 150-feet the building can still be in the front yard if it is within 75-feet of the principal building.
  o Must be constructed with similar exterior materials and similar design and roof pitch with the principal building, and cannot exceed 16-feet in height or the height of the principal building, whichever is taller.

• Accessory buildings must comply with the setbacks for the zoning district.
• The R-2 and R-3 zoning districts do not allow an accessory building to exceed 900 sqft.
• If none of the above conditions can be met the applicant may pursue an SLU. The Planning Commission must consider:
  o Size, location, and intended use of the accessory building to ensure it is consistent with adjoining properties.
  o Extraordinary or exception circumstances or conditions applying to the property which limit the applicant’s ability to otherwise comply, such as topography and other developmental limitations.
  o Whether the proposed building will affect the views, light, and air circulation of any adjoining buildings or properties.

Lastly, it should be noted this Township never allows a minor accessory building (i.e., ≤ 200 sqft) within the front yard. They are always required to be in a side or rear yard and be setback at least 5-feet.

WHAT ABOUT US?

If the Planning Commission determines it wants to proceed with adding a Special Land Use option to construct an accessory building within the front yard, staff recommends the following items be incorporated:

1. Establish a minimum lot size.
2. Establish a minimum setback for the accessory building from the front lot line.
3. Establish a minimum setback for the accessory building from the dwelling and other lot lines.
4. Limit the height of the accessory building to the same height as the house, or one that is shorter.
5. Require the accessory building to be compatible with the dwelling:
a. Exterior colors  
b. Building materials  
c. Roof pitch  
d. Window coverage  

6. Identify the various ways a property would be eligible for an SLU rather than a variance:  
a. Saving mature trees  
b. Reducing impervious surface  
c. Etc.  

7. Require screening along the wall(s), or near the street. Screening should consist of evergreens that are a minimum of 6-feet tall at time of planting.

Other provisions the Commission could consider:

- Establish a minimum/maximum building size that is allowed to be within the front yard.
- Determine that a certain number of mature trees must be saved in order to be approved.
  - Specify what the minimum caliper size is for a tree to be considered mature.
- Create a formal set of stipulations that are added to the SLU permit that would protect the basis of the approval. For example, any trees considered to be mature at the time of approval shall not be removed unless it is dead, diseased, dying, or poses an imminent risk.
- If reducing impervious surface is one of the Township’s goals in allowing this SLU perhaps a maximum amount of concrete or asphalt should be established to ensure that goal is protected.

WHAT’S NEXT?

The Planning Commission will need to discuss if accessory buildings should be allowed in front yards as a Special Land Use. If so, some general guidance on what regulations should be incorporated. This will give staff and the Zoning Ordinance Update Committee some clearer direction on how to proceed.

Keep in mind, this Special Land Use would not be added to the zoning ordinance immediately. Rather, it would be incorporated into the new zoning ordinance that is expected to be adopted next year.
Community Development Memo

DATE: August 2, 2017
TO: Planning Commission
FROM: Stacey Fedewa, Community Development Director
RE: Appointment of a New Secretary

BACKGROUND

The Secretary position has recently opened with the resignation of Robertson. Therefore, a new Secretary must be appointed to fill the vacancy.

SAMPLE MOTION

Motion to nominate, and appoint, (name) as the Planning Commission Secretary.

Please contact me prior to the meeting with questions or concerns.
Community Development Memo

DATE: August 2, 2017
TO: Planning Commission
FROM: Stacey Fedewa, Community Development Director
RE: Revision to the Planning Commission Bylaws

BACKGROUND

The Planning Commissions Bylaws and Rules have not been updated since June 2009. Staff recommends a few revisions. The major revision is described below and the remainder are shown in the proposed bylaws.

Add a new clause that explains if a Commissioner is also an applicant, the Commissioner shall utilize a representative to speak on behalf of the project. This would avoid any appearance of impropriety.

Given the number of Commissioners that pull a wide range of permits the addition of this clause will continue to protect the integrity of the Grand Haven Charter Township Planning Commission.

REQUIREMENTS

In order to approve a Bylaw amendment, the Planning Commission is required to receive the proposed revisions at least 4 days prior to the meeting. Additionally, the Bylaws must be approved by a two-thirds vote of the Planning Commissioners appointed and serving, which will require 6 votes to approve in order for the amendments to take effect.

SAMPLE MOTION

Motion to approve the Planning Commission Bylaws and Rules as amended.

Please contact me with questions or concerns.
BYLAWS AND RULES
OF THE
GRAND HAVEN CHARTER TOWNSHIP PLANNING COMMISSION

SECTION I

PURPOSE

The members of the Grand Haven Charter Township Planning Commission are appointed by the Township Board and are charged with the responsibility of implementing the philosophy of the master plan pursuant to the provisions of the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended) and Michigan Planning Enabling Act (Act 33 of the Public Acts of 2008, as amended). The Planning Commission may establish rules and bylaws to govern its operations. These Bylaws and Rules are to be read in a manner consistent with state law and township ordinance or administrative policies, and any provision herein deemed inconsistent with state law shall be struck and the remainder of the Bylaws and Rules shall remain in full force and effect.

SECTION II

ORGANIZATION

2.1 MEMBERSHIP AND QUORUM.

The Planning Commission shall total nine (9) members, appointed by the Supervisor and approved by a majority vote of the members of the Township Board elected and serving. The Commission members should represent a wide array of interests in the community without the political considerations that influence elected officials. A quorum of the Planning Commission shall be five (5) members. All but one (1) member shall be qualified electors of the Township. One (1) member of the Township Board shall be a member of the Planning Commission. Members of the Planning Commission shall continue to hold office until their successors are appointed.

2.2 FIDUCIARY DUTIES.

All members must recognize their fiduciary duty to the Township. While the Planning Commissioners are representative of different constituencies within the Township, they shall endeavor to promote the general public good rather than special interests. No Planning Commissioner shall release information exempted by the Freedom of Information Act. Any such breach shall be considered a cause for removal.

2.3 ATTENDANCE.

Regular attendance of members is essential if the Planning Commission is to effectively discharge its responsibilities and advisory role. If a member is unable to attend a Planning Commission or committee meeting, the member should contact the Township Staff or Chairperson by 5 p.m. of the day preceding the meeting and advise them of the reason for the absence. Failure to notify the Planning Department or the Chairperson of the reason for absence will result in the absence being declared "unexcused." The Planning Commission or committee shall also have the discretion, despite utilization of the notice and reporting provisions herein, to declare the absence "unexcused." Three (3) unexcused absences or
six (6) total absences of a member from Planning Commission meetings during any twelve (12) month period shall be reported to the Township Board and may be "cause" for that Board's removal of the member.

2.4 COMPENSATION.

Planning Commissioners will be paid a per diem as established by the Township Board for each Planning Commission meeting or committee meeting attended.

Planning Commissioners are encouraged to attend training seminars and will be paid for their attendance pursuant to the Township's Administrative Policies. Training is considered to be an important aspect of a Commissioner's responsibility. Members are asked to report all training that they attend to Township staff for inclusion in the Annual Report. *(Training may include seminars offered through a Commissioner's work if it is related to planning, zoning, or general development issues.)* A Commissioner's training record may be used by the Board in evaluating an application for reappointment.

Planning Commissioners may be reimbursed for actual, reasonable and necessary expenses incurred in the discharge of their duties, including the inspection of sites being considered by the Planning Commission. No such reimbursement shall be paid without appropriate receipt or mileage statement. Each Planning Commissioner or member shall be responsible for procuring and presenting such back-up documentation to staff who shall collect and preserve such documentation.

SECTION III

OPERATIONS

3.1 MEETINGS.

The Planning Commission will hold regular meetings on the first and third Mondays of each month. At the 1st meeting in January, the Planning Commission shall select from its membership a Chairperson, Vice-Chairperson and Secretary. The Planning Commission may also use a recording secretary who is not a member of the Planning Commission.

At the organizational meeting, a schedule of regular meetings for the year shall be established, including the organizational meeting for the following January. This schedule shall include the date, time and meeting location. The above regular meetings may be adjourned, canceled or rescheduled by the Chairperson for cause.

State law provides that special meetings to discuss particular topics may be called by the Chairperson or by a written request signed by two (2) Planning Commissioners and filed with the Secretary. Special meetings of the Commission will require forty-eight (48) hours notice to all Planning Commissioners of the meeting date, time, location and topic. No business except that related to the topic may be conducted at the special meeting.

Each Planning Commissioner shall be responsible for keeping the Secretary apprised of the Commissioner's current address and telephone number and if such information is utilized, no defect in notice will be recognized.
No Planning Commission action shall be official unless it occurs upon a proper vote at a properly convened meeting or unless it is ratified by a proper vote at a subsequent, properly convened meeting.

"Properly convened meeting" refers to a Planning Commission meeting where a majority of the appointed members are present, and which was the subject of forty-eight (48) hours prior written notice to each member or diligent prior attempts to reach each member telephonically.

"Proper vote" refers to a polling of the Planning Commissioners of the Planning Commission at a properly convened meeting which results, unless otherwise specified in these bylaws, in a majority of those members present and voting in support of a motion or resolution. A motion which receives an equal number of votes both for and against the motion will be deemed to have failed.

3.2 OFFICERS.

The Officers of the Planning Commission shall consist of the Chairperson, Vice-Chairperson, and Secretary and shall be elected for a one year term by a proper vote at the organizational meeting.

Officers shall exercise functions including but not limited to those described below:

A. Chairperson: Shall preside at the meetings of the Planning Commission, serve as its spokesperson and signatory and coordinate its activities.

B. Vice Chairperson: Shall exercise the powers of the Chairperson when the Chairperson is unavailable.

C. Secretary: Shall be responsible for arranging meetings, and recording and distributing the minutes of each meeting, and for carrying on the normal administrative duties necessary to the Planning Commission's functions. Upon approval of the Planning Commission, the details of these duties may be delegated to non-Commission members or other Commission members.

1. Minutes: The Secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records.

2. Correspondence: The Secretary shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the Planning Commission. All communications, petitions, reports, or other written materials received by the Secretary shall be brought to the attention of the Planning Commission.

3. Attendance: The Secretary shall be responsible for maintaining an attendance record for each Planning Commission member and report those records annually to the Planning Commission for inclusion in the Annual Report to the Township Board.
4. Notices: The Secretary shall issue such notices as may be required by the Planning Commission.

5. Annual Report: The Secretary shall draft an Annual Report for consideration by the Planning Commission. This report shall contain, at a minimum, the following:

   a. The attendance record of each Commissioner, including both excused and unexcused absences;

   b. The training record of each Commissioner;

   c. The Committee(s), if any, that each Commissioner served;

   d. A breakdown of the actions taken by the Planning Commission pursuant to the following:

      i. Zoning applications by category;

      ii. Special land use applications;

      iii. Planned Unit Developments;

      iv. Site plans;

      v. Subdivision;

      vi. Site Condominiums; and,

      vii. Any other action deemed noteworthy.

3.3 COMMITTEES.

The Planning Commission may establish such standing committees, special committees and task forces as it deems necessary. Such committees and task forces shall be advisory only in authority and shall not exercise the powers of the Planning Commission.

Standing committee members must be members of the Planning Commission. Members of special committees or task forces need not be members of the Planning Commission. Any special committee or task force established shall be required to file a written report of its activities upon the completion of its assigned task. Special committees or task forces shall be dissolved upon presentation of a final report. The Planning Commission may dissolve any special committee or task force it establishes, at any time. The Chairperson shall make committee and task force appointments subject to the approval of the Planning Commission upon a proper vote. Each committee or task force shall elect a chairperson from its membership.
3.4 **RULES OF ORDER.**

Except as otherwise provided herein, members shall have the following rights and duties.

A. When a Commissioner wishes to speak, the Commissioner shall be recognized by and shall address the Chairperson.

B. When two (2) or more Commissioners wish to speak at the same time, then the Chairperson shall decide who is to speak first.

C. When a Commissioner is speaking on any question before the Planning Commission, the Commissioner shall not be interrupted except to be called to order by the Chairperson.

D. When a Commissioner is called to order by the Chairperson, the Commissioner shall immediately suspend the Commissioner's address except to register an appeal. The Planning Commission, if appealed to, shall decide the question upon a proper vote. If there is no appeal, the ruling of the Chairperson shall be final.

E. The Chairperson shall vote on all questions decided by yea and nay except on an appeal from the Chairperson's own decision. The Chairperson is not required to vote last. When a yea and nay vote is taken, every Commissioner present shall vote or note any abstention.

F. All members have a fiduciary responsibility to vote on all motions, unless an abstention is allowed pursuant to law.

G. Planning Commission members shall declare a Conflict of Interest when:

1. a relative (i.e. a spouse, child, parent, grandparent, grandchild, aunt, uncle, niece, or nephew including any in-law or step relationship of the described types) is an applicant or is formally associated with an applicant before the Planning Commission;

2. the Planning Commission member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association;

3. the Planning Commission member owns or has a financial interest in neighboring property (for purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance, or other applicable Ordinance, or Michigan Zoning Enabling Act); or

4. there is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.

H. Each member of the Commission shall avoid conflicts of interest and incompatibility of offices. As used here, a conflict of interest shall at a minimum
include, but not necessarily be limited to, the following:

1. Issuing, deliberating on, voting on, or reviewing a case concerning the Commission member;

2. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by the Commission member, or which is adjacent to land owned by the Commission member, or whose statutory notice area under the Michigan Zoning Enabling Act includes land owned by the Commission member;

3. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which the Commission member is a part owner, or any other relationship where the Commission member may stand to have a financial gain or loss;

4. Issuing, deliberating on, voting on, or reviewing a case which results in a pecuniary benefit to the Commission member;

5. Issuing, deliberating on, voting on, or reviewing a case concerning the Commission member's spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of the Commission member's household;

6. Issuing, deliberating on, voting on, or reviewing a case where the Commission member's employee or employer is:
   a. an applicant or agent for an applicant, or
   b. has a direct interest in the outcome.

   I. If a Planning Commission member is an applicant, either as an individual, corporation, company, partnership, or any other entity in which the member is a part owner, the Commissioner shall be required to have a representative speak on their behalf to avoid any appearance of impropriety.

3.5 ORDER OF BUSINESS.

Regular meetings of the Planning Commission shall follow an order of business structured as follows:

A. Call to Order by Chairperson

B. Roll Call

C. Approval of Minutes of Previous Meeting

D. Presentation of Communications/Correspondence

E. Brief Public Comments on Non-Agenda Items
F. Public Hearings

G. Old Business

H. New Business

I. Reports

J. Extended Public Comments

K. Adjournment

Planning Commission meetings are meetings in public; the meetings are not meetings with the public. The Planning Commission shall ensure that the decision making process always occurs in public.

Public participation shall require that each individual identify the individual's name and address and speak to the Chairperson in an orderly fashion. The Chairperson may set reasonable limits upon public participation, subject to reversal by a proper vote of the Planning Commission.

3.6 PUBLIC HEARINGS.

The following rules of procedure shall apply to public hearings held by the Planning Commission:

A. Chairperson opens the public hearing and announces subject.

B. Chairperson summarizes the procedures/rules to be followed during the hearing.

C. Township Staff/Planner/Engineer/other consultants present their report and recommendation.

D. Applicant presents the main points of the application.

E. Persons wishing to speak during the public hearing are recognized.

F. Chairperson closes the public hearing.

To ensure that everyone has the opportunity to speak, the Chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted such time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in the Chairperson's discretion, may permit additional comments.

All comments by the public, staff, and the Planning Commission shall be directed to the Chairperson.
3.7 RECORDS.

The records of the Planning Commission shall be considered public records subject to potential disclosure under the Freedom of Information Act, MCL 15.231 et seq. The Township Superintendent/Manager is responsible to respond to requests for information, unless otherwise directed by the Township Board.

3.8 MANDATORY DUTIES.

A. The Planning Commission shall perform the mandatory duties specified by statute. Some specific duties include the following:

1. The Planning Commission is responsible to make, adopt and maintain the Township's Master Land Use Plan, including maps, and the necessary descriptive materials.

2. The Planning Commission shall make reasonable restrictions on land that conforms with the Master Plan and provide for the best interests of the health, safety and general welfare of the Township's residents.

3. The Planning Commission shall make recommendations to the Township Board with regard to amendments to the Zoning Ordinance.

4. The Planning Commission shall review and take action on all site plans required by the Zoning Ordinance.

5. The Planning Commission shall annually prepare a capital improvements program of public structures and improvements, unless that duty is performed by the Township Board.

B. All decisions by the Planning Commission should be based upon the Master Plan, the standards contained within the Zoning Ordinance and the specific facts applicable.

C. The Planning Commission shall be assisted by the Township staff and such consultants as it may deem necessary, including, but not limited to, those for Planning, Engineering, and Legal assistance, in the performance of the duties of the Planning Commission.

D. The Superintendent/Manager, Community Development Director, and Consultants shall be responsible for the professional and administrative work in coordinating the functions of the Planning Commission.

E. The Superintendent/Manager and/or Community Development Director shall:

1. Supervise and review the work of Consultants and Township staff.

2. Accept applications for matters to be reviewed by the Planning Commission and ensure that such applications are complete.
3. Forward application materials to the Planning Commission at least four (4) days prior to the meeting at which such matters will be considered.

4. Inform the Planning Commission of administrative and enforcement actions taken on behalf of the Township related to the Zoning Ordinance, or other appropriate Ordinance.

F. Consultants shall perform the following duties, as directed by the Planning Commission, Township Board, or Township staff:

1. Attend Planning Commission meetings.

2. Consult with the Planning Commission, Superintendent/Manager, Community Development Director, and other Township officials concerning interpretation, procedural questions, and other matters arising from the Zoning Ordinance.

3. Prepare amendments to the Zoning Ordinance as directed by the Planning Commission.

4. Prepare and forward to the Superintendent/Manager and/or Community Development Director written reviews and recommendations, if appropriate, for requests and development proposals to be considered by the Planning Commission.

5. Meet with applicants, their representatives, and/or Township officials, as needed to properly perform project reviews.

6. Perform other duties as directed by the Township.

3.9 MASTER PLAN.

The Planning Commission may adopt the Plan in total or in parts corresponding to major geographical or topical sections. Approval of the Plan or any part shall require a proper vote of a majority of the members appointed and serving. An approving resolution must refer expressly to any maps, charts, plats or descriptive material intended to be part of the Plan and such supplementary material must be signed by the Chairperson as a notation of its inclusion in the Plan.

3.10 PLANNING COMMISSION REVIEW.

Once a Master Plan or a part thereof has been approved and certified, the Planning Commission must furnish its advice and recommendations regarding zoning matters to the Township Board in a prudent and responsible manner. The Planning Commission shall in general work toward the implementation of the Master Plan, unless conditions upon which the Master Plan is adopted have significantly changed.
SECTION IV
FISCAL ADMINISTRATION

4.1 BUDGET.

The Planning Commission may prepare a detailed budget for submission to the Township Board for approval, revision or rejection.

The Planning Commission shall work within the fiscal administration and budgetary policies and procedures established by the Township Board.

The Planning Commission staff shall inform the Planning Commission Chairperson if there arises a need for additional funds.

SECTION V
ADOPTION AND AMENDMENTS

5.1 These Bylaws and Rules shall be adopted and become operative when approved by two-thirds of the Planning Commissioners appointed and serving. These Bylaws and Rules may be amended at any time provided the Planning Commissioners have been provided with a written copy of the proposed amendments at least four (4) days prior to a meeting at which the amendments will be considered. Adoption of any amendment will require approval of two-thirds of the Planning Commissioners appointed and serving.

ATTESTATION

We, the Chairperson and Secretary of the Grand Haven Charter Township Planning Commission, certify that on August 7, 2017, June 1, 2009, the Planning Commission duly approved these Bylaws and Rules.

Chairperson, Bill Cousins

Secretary