AGENDA

Park Township
Planning Commission Regular Meeting

July 8, 2020
6:30 p.m.

(Please turn off or set to silent mode all cellphones and other electronic devices)

1. Call to Order

2. Approval of Agenda

3. Approval of Minutes: Regular meeting June 10, 2020

4. New Business:
   a. Public Hearings
      i. Anchorage Marine – Major Amendment, Planned Unit Development Final Plan
         • Seeking six residential condominium units at 1825 Ottawa Beach Road

         Anticipated Action: Pending public comment, provide Planning Commission Report and recommendation to the Park Township Board of Trustees

      ii. Tree Preservation – Chapter 33

         Anticipated Action: Pending public comment, provide recommendation to the Park Township Board of Trustees

4. Old Business:
   a. Master Plan Public/Open Space Classification

      Anticipated Action: Direct staff to revise the Master Plan Map and related text, as well as provide a draft of a Public Open Space Zoning District

6. Public Comments

7. Announcements
   a. Next Planning Commission meeting date August 12, 2020

8. Adjourn
MINUTES
PARK TOWNSHIP
PLANNING COMMISSION
Park Township Hall
52 152nd Street
Holland, MI 49424

Regular Meeting
(via Zoom remote conferencing)
June 10, 2020
6:37 P.M.

DRAFT COPY

CALL TO ORDER:

Chair Pfost called to order the regular meeting of the Park Township Planning Commission at 6:37 P.M., held via Zoom remote conferencing as permitted by Executive Order 2020-75.

ATTENDANCE:

Present: Rosemary Ervine, Diana Garlinghouse, David Kleinjans, Denise Nestel, Jeff Pfost, Terry DeHaan

Absent: Dennis Eade

Staff: Greg Ransford, Planner, Emma Posillico, Zoning Administrator, Dan Martin, Legal Counsel

Pfost reviewed the rules for the Zoom meeting process.

APPROVAL OF AGENDA:

Garlinghouse suggested moving Public Comment to the beginning of the agenda for the benefit of the two members of the audience who wish to speak to the Planning Commission.

Motion by Garlinghouse, supported by Kleinjans, to approve the agenda as amended.

Roll Call Vote:

DeHaan, aye; Ervine, aye; Garlinghouse, aye; Kleinjans, aye; Nestel, aye; Pfost, aye.

Ayes 6, Nays 0. Motion carried.
APPROVAL OF MINUTES:

Kleinjans noted two errors on page 5. DeHaan referenced two corrections on page 4.

Motion by Ervine, supported by DeHaan, to approve the May 11, 2020 Regular Meeting Minutes as corrected.

Roll Call Vote:

DeHaan, aye; Ervine, aye; Garlinghouse, aye; Kleinjans, aye; Nestel, aye; Pfost, aye.

Ayes 6, Nays 0. Motion carried.

PUBLIC COMMENT

Pfost opened Public Comment at 6:40 P.M.

Posillico introduced John Daniel, who wanted to address the Waukazoo Farmers’ Market for which he and his wife, Karen, had applied to the Township for a peddler’s license for Visser Farms to operate at the market.

Daniels said they had acquired three land parcels adjacent to their property in April of this year. Their intent is to maintain all the property as part of Waukazoo Woods. They opened a farmers’ market this summer and asked their neighbors (the Itty Bitty Bar) for permission to allow customers to utilize the Itty Bitty’s parking, near the Daniels’ property.

Posillico explained why the Township issued a notice of violation letter to the Daniels, requiring that the three (3) vendors on the property be reduced to one (1) by June 11, 2020. She noted that she and Manager Fink originally advised the property owner that only one vendor could operate on the property under a peddler’s license, but if they had more than one vendor, they would be considered a Farmers’ Market. Further, Posillico explained that in order to operate a Farmers’ Market with three (3) vendors, the Daniels would need to apply for a special use permit. The Township received a complaint that there are now multiple vendors supplying the market, which is not allowed by the terms of the peddler’s permit. Only one vendor is allowed with this type of permit, which is Visser Farms.

Neil Daniel, son of John and Karen Daniel, supported the farm market and his parents’ venture in providing fresh produce to Park Township residents. There has been positive feedback on Facebook.

Pfost closed Public Comment at 6:47 P.M.

Garlinghouse asked what can be done in this situation.
Ransford said the applicant will have to apply for a special use permit and submit a site plan to include a description of what is proposed which will include a parking plan for safety requirements. The application process is the same as a commercial use operation. The Township will then review the application and schedule a public hearing. The timeline is probably August for this process.

Garlinghouse asked if this can be expedited. This operation is just for the summer and there is not much time left if the Daniels have to wait for an August approval of their application.

Martin said the Township could exercise its “prosecutorial discretion” in this case, which means the Township has the authority to decide whether to issue any municipal civil infractions and how to pursue the matter, especially if the property owner is in the process of obtaining the necessary permit.

Posillico clarified that the original application stated only one vendor would be used (Visser Farms), which justified the issuance of a peddler’s license. That has now changed in that three (3) vendors are operating on the property.

Martin said the Township was advised there was more than vendor operating on the property, and that is why the Township sent the cease and desist letter. The Township Manager and Zoning Administrator had no choice because there were multiple vendors involved. Pending a new application, which has yet to be submitted, the Township can decide whether to issue a special use permit based on the ordinance standards, and determine not to take the matter to court at this time.

Nestel asked if a decision can be made at this meeting.

Martin said the Planning Commission can’t approve a special use request at the present meeting because it requires a public hearing and notice. The Planning Commission can make a special request, with consensus of the PC, to recommend to the Township Board to exercise prosecutorial discretion and not issue any municipal civil infraction citations or go to court while a special use permit application is pending and subject to the Planning Commission approval.

Martin said there are issues regarding the number and location of tables, vendors, parking arrangements, and safety precautions. The Planning Commission can impose conditions when you approve the special use permit.

Ervine asked if the license was initially approved with just one vendor.

Posillico confirmed that the license was approved for just one vendor, Visser Farms. Now the situation has changed with expansion to multiple vendors. However, she understands there were three vendors operating on the property from the beginning. The Township did not know
this. There were no complaints at that time. Since then, however, one complaint has been filed with the Township regarding several vendors using the site.

Martin said he had reviewed the complaint and the Manager confirmed to him that there were multiple vendors at the market.

DeHaan asked if this was public record.

Martin said all Township records are public records. Applications for peddlers' licenses, special use permits, and public complaint are all public records, subject to the disclosure requirements of the FOIA.

Kleinjans supported the idea of the market, but if we recommend prosecutorial discretion there should be limits to what is allowed.

DeHaan said we need a preliminary site plan that addresses issues before make a recommendation to the Township Board.

Kleinjans and Ervine concurred with establishing limits. Ervine added the requirement of a site plan should provide a complete understanding between the Township and the applicants.

Posillico said the original plan that was submitted showed one vendor as well as arrangements for other issues. She noted that it may be possible to modify that site plan to show the additional vendors, for the purposes of submitting a site plan for Township Board consideration (to consider prosecutorial discretion for the time being).

Pfost said there are two issues to consider: the violation of the peddler's license, and the subsequent need for the applicants to apply for a special use permit. He suggested the following plan – request the applicants move forward with a special use permit, try to come to closure in 30 days, and return the request to the Township for consideration of "prosecutorial discretion." It will relieve the staff of the enforcement problem and will allow the applicants to correct the vendor problem and continue with the market activities.

Nestel supported this as a compromise. This is a good fit for residents in the area. We want to try to accommodate such efforts.

Daniels said he would pursue the special use permit and hope the Township will enable them to allow three vendors to sell produce at the market in the meantime.

DeHaan said the applicant should make clear what the parking arrangement is for the market so the proposal meets the Township requirements for safety.

Daniels said he would clarify all the arrangements in the new application. He noted that the setback on the property is inside the fence for safety.
Kleinjans recommended the application name the three vendors.

Pfost asked Martin about the timeline.

Martin said he would mention this at the Township Board meeting on June 11. The Township Manager has some discretion regarding this situation. The original approval with one vendor will be important, but with this new information, and if the Planning Commission agrees, we can recommend the Township Board make the decision to exercise some discretion rather than escalate the matter to court.

Daniels asked if he should attend the Township Board meeting. He asked about the $1200 special use fee. Martin said that wouldn’t be excused. Daniels also asked about the escrow requirement.

Martin said the escrow fee was to cover the Township’s costs, including planning and attorney fees involved in reviewing the matter, and stated the likelihood of incurring significant legal fees is remote. The Planning Commission could decide, given this is a seasonal activity, that the applicant won’t have to pay special fees or have to meet the escrow requirement. He added that the special use goes with the land. The Planning Commission could limit the use to the summer activity.

Daniels said he would pursue the special use permit.

Garlinghouse asked about the time limit on special use. Could there be an amendment for another seasonal activity such as for sales of Christmas trees.

Martin said it could be done.

Daniels said it is a commercial property.

Ervine asked if the applicants’ full plans should be stated in the application; for instance if seasonal use outside of the Farmers’ Market is anticipated.

Martin said this is a two-fold process: we want to know how they plan to use the property aside from the seasonal farmers’ market. We need to see the plans for long term special use for the property.

Garlinghouse moved, supported by Kleinjans, to recommend to the Township Board “prosecutorial discretion” not to issue a municipal infraction regarding the short term farmers’ market activity on the property pending the completion of the special use permit application. This is on the condition the applicant revise the peddler’s license until the special use application is approved. Additionally, the applicant is to submit, within 30 days, a completed special use application to the Township for review and consideration.
Ervine requested the applicant submit to the Township Board an updated version of intent for the special use.

Roll Call Vote:

DeHaan, aye; Ervine, aye; Garlinghouse, aye; Kleinjans, aye; Nestel, aye; Pfost, aye.

Ayes 6, Nays 0. Motion carried.

OLD BUSINESS

A. Master Plan – Public/Open Space Classification

A draft of the Master Plan Map removing the Public/Open Space Classification (POSC) and designating the related 47 parcels to various classifications was distributed to members of the Planning Commission for review.

Ransford explained that the zoning ordinance regulates land use in the Township. The Planning Commission has looked at the public/open space properties on the Master Plan map for the Township. What has happened is there is no guidance in the Master Plan regarding these properties and how they should be designated. There are 47 properties, some privately held. Most of the recommended changes to the map are self-explanatory and are appropriately identified.

He noted the Ottawa Beach Road area is designated Low Density Residential but the Planning Commission may wish to consider some commercial. The second item is Lot 47 which is a large property owned by the West Ottawa School District. It could be used for industrial purposes so we need to look at this.

As a result of the removal of the Public/Open Space Classification, revisions are necessary to the Park Township Master Plan text. The revisions for approval are: 1) proposed classifications, 2) removal of “CHP” and “Community Heritage Preservation” from the text, 3) removal of “CHP – Community Heritage Preservation” from the Master Plan Map Legend, and 4) Corrections to the multiple classifications and of the Macatawa “Lake” Residential classification in the Master Plan Map Legend.

Garlinghouse asked about 25b, the Nelson Property.

Ransford explained it should be classified as NHP. This is an administrative correction in designation.

Kleinjans asked about Riley Trails. Should this area be considered Agricultural rather than Rural Estate?
Pfost said this area is a Super Fund site. What do you do with contaminated property since it is a former landfill site?

Garlinghouse said she wants to see more barriers to selling public land.

Pfost said we have no control over State property like Ottawa Beach Park. If the State sold it and we don’t have a designated use for it in the Master Plan we would at the mercy of a developer and what he would want to do with the property. It is the concept we must consider that our open spaces might change use; our purpose should be to protect the land.

Martin concurred. He noted that Park 12 properties are different. The County can’t sell these properties because of past litigation.

Ransford said the public trust document will be inserted in the Master Plan to cover the designation as written regarding these properties.

Kleinjans asked what the zoning of Park 12 properties equate to.

Ransford said it is designated R4.

Pfost clarified the Master Plan will reference land use not zoning.

Kleinjans asked about Parcel 47.

DeHaan said the case could be made for commercial or industrial use.

All agreed the designation for Parcel 47 should be High Density Residential.

Martin said an exclusionary designation could be a risk if challenged by a developer.

Ransford said it should at least be in the Master Plan to reduce the risk of exclusionary zoning.

Pfost said an industrial facility in this residential area would not be a good approach.

He asked the Planning Commission for a straw poll on this issue. Should we agree to Multi-Family, High Density?

DeHaan, aye; Ervine, aye; Garlinghouse, aye; Kleinjans, aye; Nestel, aye; Pfost, aye.

Ayes 6, Nays 0.

Ransford said that is how it is designated in the proposed Master Plan Map.

Garlinghouse pointed out that the Pump House is Park 12 property and part of Ottawa County. She thought the reference number #30 is incorrect. The Coast Guard building is Federal property which is correctly designated #30.

Ransford will correct that reference.

Pfost clarified that Lot 8 is not Agricultural because it is contaminated property.
Pfost asked Martin if there is a designation regarding contaminated property for future reference.

Martin said there is reference to what is the appropriate reuse of property based on the property situation. There is no “catch-all” designation for property that may have been contaminated.

Ransford asked if we want more commercial property along Ottawa Beach Road. It is currently designated Low Density Residential.

Ransford said we could advance this to the Township Board now or wait a month and send it with the Ottawa Beach NHP Master Plan effort as one package.

Pfost suggested the Planning Commission pause this for now and move forward to consider the Ottawa Beach overlay district. Once we make that decision we can come back and see if we want to bundle these together.

1. Ottawa Beach NHP Overlay –

Pfost asked if a group meeting of the Ottawa Beach NHP residents should be planned this summer so a decision can be advanced to the Township Board. Given the unusual situation this summer with COVID-19 considerations, should this be a special meeting out of concern for the residents in this community.

Ervine suggested an outdoor venue.

Martin noted the Executive Order allows for 50 people indoors and 250 outdoors.

Nestel said she agreed with the call for a special meeting. Pfost will work with the Township to determine a venue and date, to be announced.

Nestel moved, supported by Garlinghouse, to advance the finalization of the Master Plan map and include the text revisions as recommended by Staff and the Planning Commission.

Roll Call Vote:

DeHaan, aye; Ervine, aye; Garlinghouse, aye; Kleinjans, aye; Nestel, aye; Pfost, aye.

Ayes 6, Nays 0. Motion carried.

2. Tree Preservation Chapter -

Pfost said the Planning Commission has to hold a public hearing for this. We will plan this for the July meeting,

Nestel moved, supported by Ervine, to plan a notice for a public hearing on the Tree Preservation Plan for the July Planning Commission meeting.

Roll Call Vote:
DeHaan, aye; Ervine, aye; Garlinghouse, aye; Kleinjans, aye; Nestel, aye; Pfost, aye.

Ayes 6, Nays 0. Motion carried.

3. **2019 Annual Report**

Garlinghouse moved, supported by Ervine, to approve the 2019 Annual Report.

**Roll Call Vote:**

DeHaan, aye; Ervine, aye; Garlinghouse, aye; Kleinjans, aye; Nestel, aye; Pfost, aye.

Ayes 6, Nays 0. Motion carried.

4. **Election of Officers**

Pfost said a member of the Township Board has suggested the Planning Commission consider development of a strategic plan for the Planning Commission for the future. Perhaps a working session is indicated for beginning work on this project. He and Vice Chair Ervine have discussed possible agenda items for the work session. The topics could include definition of roles, priorities, improving communication, issues that might affect the Planning Commission in the future, training, and how can we be more efficient. This could be done in an open meeting forum. Given this new development should election of officers be delayed? He noted that the Township Board has asked him to remain as Chair for another term but he may retire the office after a year.

Nestel asked if there is a reason for postponing the election. She supports the idea of a strategic plan.

Kleinjans asked if a strategic plan is necessary.

Pfost said the suggestion has been made. This is why he is sharing it with the Planning Commission now before we move forward with the election process.

Ervine said she thought a strategic plan would be helpful. It would be good to get everyone’s perspective and strengthen our communication, look at major topics that may be of concern, and what we hope accomplish in the future. She suggested Martin should be involved in the work session too.

Pfost asked Dykens for a list of the Commissioner terms. He will circulate that to the Planning Commission. The Township Supervisor has asked that he remain as Chair during this crisis.

The Township Board has also reappointed Ervine and Eade whose terms expired at the end of May. He understands that Kleinjans and DeHaan are running for the Township Board and Nestel is retiring.

Nestel suggested postponement of the election of officers.
All agreed to maintain the status quo for now.

ANNOUNCEMENTS

The next Planning Commission meeting date is July 8, 2020.

ADJOURNMENT

Kleinjans moved, supported by Ervine, to adjourn the Regular Meeting at 8:55 P.M.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

Respectfully submitted,

Judith R. Hemwall
Recording Secretary
June 12, 2020

Approved:
Executive Summary

Pursuant to the Michigan Planning Enabling Act, Act 33 of 2008, as amended, the Park Township Planning Commission (PTPC) was formed to review land use proposals and provide approval, denial, or recommendation to the Park Township Board of Trustees regarding the same; draft and maintain the Park Township Master Plan; conduct revisions to the Park Township Zoning Ordinance and provide recommendation and; conduct review and analysis of other related land use matters as requested by the Park Township Board of Trustees.

As a result of the responsibility of the PTPC, the Department of Community Development provides this monthly activity report as a synopsis of the land use planning efforts of the PTPC.

Current Land Use Proposals

Anchorage Marine Planned Unit Development Amendment

At the May 13, 2020 meeting of the PTPC, the applicant received Preliminary Planned Unit Development Plan approval and was authorized to return with a Final Development Plan. A Final Development Plan is scheduled for public hearing at the July 8, 2020 meeting of the PTPC.

Current Ordinance Reviews

Tree Preservation

The proposed Tree Preservation Chapter is scheduled for public hearing at the July 8, 2020 meeting of the PTPC.

Neighborhood Heritage Preservation (NHP)

Ottawa Beach (West Michigan Park Association)

The proposed Ottawa Beach overlay language was authorized to be scheduled for a public hearing. Chairperson Pfost is coordinating a date and location with staff to hold the hearing.

Four Remaining NHP Areas

Pursuant to the direction of the PTCP, staff has begun the process to examine the results of the public workshops related to the four remaining NHP areas. Staff has contacted residents of Edgewood, Eaglecrest, and Idlewood via phone and email for additional input. There were no attendees at the Maple Beach public workshop held in 2019, so it has not been possible for staff
to contact residents via phone and email. It should be noted that the 19 properties identified within Maple Beach were sent a direct mailing regarding the 2019 public workshop. Despite the lack of response, staff will evaluate whether a second attempt at a workshop is warranted for Maple Beach. At a future PTPC meeting, staff intends to present their findings and recommendations to the PTPC.

**Construction Observation Update – Approved Land Use Projects**

*The Reserve on Lake Macatawa*

The building permit has been issued for the community building, which was recently modified to address a structural issue. Four (4) permits have been issued for residential units.

*Beachwalk Condominiums – Ottawa Beach Road*

NO CHANGE - A building permit application has been received for the community pool.

*Coastal Condominiums*

As a result of a temporary permit authorizing farm sales within the property, the Coastal Condominiums PUD authorization has been terminated.

*KIN Coffee – 1200 Ottawa Beach Road – Coffee Shop and Residential Use*

NO CHANGE - A sign permit (and associated electrical permit) was issued on October 21, 2019. Remodel permits were issued on April 24, 2019 for the second floor apartment, which has since had its final inspections and approval. Remodel permits for the first floor coffee shop were issued in March 2020, where interior work continues.

*Cityside Apartments – 3618 Butternut Drive*

NO CHANGE – A building permit was issued on October 8, 2019. Work continues.

**Upcoming Matters**

*Itty Bitty Bar Parking Lot*

NO CHANGE - The Itty Bitty Bar is seeking to construct additional parking to serve their multi-tenant building located at 1130 Ottawa Beach Road. Staff has provided review comments to the applicant but has not received a response for several months. The applicant illegally expanded their parking area again and a Stop Work Order was posted by the Township. Subsequently, we understand the applicant is seeking quotes to compile the required revisions to the site plan for review.

In April 2020, the new owner of the properties to the east of the Itty Bitty Bar parking lot, previously approved as the Coastal Condominiums PUD, was approved for a temporary peddler’s license for Visser Farms to sell produce from a truck on the property. The owner came to an agreement with BVW, the owner of the Itty Bitty Bar parking lot, to utilize the bar’s gravel parking area for parking for the farm truck. The owner was told that the parking area cannot expand, and cannot be paved.
Macatawa Legends Planned Unit Development Amendment

NO CHANGE – The applicant seeks to amend the existing Planned Unit Development and establish 57 single family lots on an existing private road. The applicant is revising the plans as a result of our review comments and is anticipated to be on a subsequent agenda. However, we have not received any response for a few months.
MEMORANDUM

To: Park Township Planning Commission
From: Gregory L. Ransford, MPA
Date: June 30, 2020
Re: Anchorage Marine Planned Unit Development Major Amendment – Final Development Plan

Attached is the Final Planned Unit Development (PUD) Plan for a major amendment to the Anchorage Marine PUD located at 1821 Ottawa Beach Road. As you know, the Anchorage Marine PUD was originally approved in 1985, which pre-dates the current PUD language within the Park Township Zoning Ordinance (PTZO). Anchorage Marine seeks Final PUD Plan approval for six (6) residential condominium units within the second floor of the existing building, as well as within a new third floor. The proposed PUD would also include required open space, parking, and other site improvements. The properties are located within the C-2 – Resort Service Zoning District.

Pursuant to your direction provided at your May 13, 2020 meeting, the applicant has revised the Preliminary Planned Unit Development Plan to incorporate staff and Planning Commission comments. As a result, we have reviewed the final plan submission and found it complete. Below we provide our findings and observations regarding the final plan as well as relevant provisions of the PTZO for your review. We believe a recommendation of approval is appropriate, with conditions.

Anticipated Action

Pending comment received during the public hearing as well as your review of our Considerations and Recommendation section of this memorandum further below, the Planning Commission shall provide its Report, which includes your recommendation, to the Park Township Board of Trustees.

Planning Commission Direction

As a result of your February 12, 2020 meeting and your May 13, 2020 meeting, you acknowledged comfort with or directed the applicant to address the following:

1. The proposed density and open space was found as acceptable
2. No short term rentals shall be permitted
3. The requested deviations are acceptable
4. The related Open Space Preservation and Maintenance Agreement needs to be completed to the satisfaction of the Township Attorney
5. All exposed bulb light fixtures on the balconies will be replaced with a cut-off fixture
6. An Environmental Impact Assessment is not necessary
7. Approval, to the extent practicable, from the Ottawa County Water Resources Commissioner (OCWRC) is required

We believe all of these items have been adequately addressed by the applicant within the final plan submission.
Findings and Observations

General Notations

- Light Fixture Modification – As directed at your May 13, 2020 meeting, the applicant replaced the exposed bulb fixtures on the balconies with a cut-off fixture, identified as “SWP” on Sheet E1.
- OCWRC Office – As you will note within the attached letter from Ottawa County, the Water Resources Commissioner indicated their “approval” with a standard “Minimal Impact Approval,” in which they indicate that the proposed improvements are authorized by the County and that the impervious surface area for the site will be reduced. As you know, the County does not provide final approval until much further in the construction design process, which is always post-Planning Commission approval. Given this, the Minimal Impact Approval letter is the extent to which the County provides approval at this point in the process.
- Floodplain – A significant portion of the subject properties are within the Floodplain. As a result, any recommendation of the Planning Commission should be contingent on approval from the Michigan Department of Environment, Great Lakes and Energy. This recommended condition has been included within the draft Planning Commission Report.
- Prohibition of Short Term Rentals – This prohibition has been included within the draft Planning Commission Report.

Zoning Ordinance Provisions

Section 38-363 – Description and Purpose

The applicant is required to provide a Final Plan that meets the objectives of the PUD Division provided in Section 38-363 of the PTZO. As you know, during the preliminary plan review of the request, the applicant addressed these objectives and the Planning Commission concluded that the proposed meets them accordingly. Given this and while we provided a copy of Section 38-363 below for your convenience, in part, we did not include our customary comments in italic font to assist with your review.

Through proper design and review, each PUD should substantially meet the following objectives:

1. To allow a mix of uses, structures, facilities, housing types and open space that are compatible with existing and planned uses on nearby properties.
2. To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic conditions, and preserves natural resources such as wetlands, forests, flood plains, natural drainage patterns, agricultural lands, wildlife habitat and other natural site features.
3. To provide for the regulation of lawful and reasonable land uses not otherwise authorized within this Chapter.
4. To provide for single or mixed use developments which respect the goals and objectives of this Chapter and the Park Township Master Plan.
5. To encourage the provision of open space and the development of recreational and other support facilities in generally central locations or within a reasonable distance of all dwellings or uses.
6. To implement the vision of the Park Township Master Plan in order to provide a high standard of quality of life, varied housing options, and richness of natural assets.

Master Plan Map

While we did not provide our customary comments above, and since we did not address the Park Township Master Plan (PTMP) in significant detail during the Preliminary Plan review, we wanted to highlight relevant provisions of the PTMP during the Final Plan review.
The subject properties are designated within the Resort Commercial (RC) Classification of the PTMP, as well as the North Beach Subarea. As you will note below, the subject properties are immediately adjacent to the High Density Residential Classification to the east. Given this proximity, it appears that the six proposed residential condominium units are unlikely to cause conflict with existing or future residential densities and provide a transitional buffer to the single family dwellings and related zoning district located to the west.

While the RC Classification is consistent with the current zoning and land use, the PTMP provides the following provisions regarding the RC Classification and the North Beach Subarea Plan.

**Master Plan Text**

The Planning Commission should consider the following findings and observations from the PTMP text, which includes our previous notation regarding building architecture.

1. **North Beach Subarea**
   - On page 32 of the PTMP, the Subarea indicates that, “residents of the area have expressed a desire to maintain residential character…”
   - In addition, the same portion of the PTMP continues by indicating that, “as existing commercial uses are redeveloped or upgraded, their architectural design should reflect the residential and resort character of the area.”
This resort character language repeats throughout the PTMP, as the applicant further notes within their submission. In response, the applicant believes that the “Victorian feel” of the proposed buildings is consistent with the provisions of the PTMP. The Planning Commission agreed during the Preliminary Plan review. As a result, it appears that the proposed is consistent with the desire to maintain residential character at the same time as the architectural character is appropriate to achieve resort-oriented design.

2. Resort Commercial (page 53) – As aforementioned, the subject property is identified within the RC Classification. This classification echoes the North Beach language by indicating commercial uses should not be expanded, and a focus on resort-oriented design is important. Further, the language indicates that access “should be designed so that pedestrian use is enhanced and walkers and bikers are safely separated from the traffic on the busy roads.”

As provided on the proposed site plan, the applicant will maintain the existing bike path and construct new pathway at the western most apron. In addition, a pocket park for pedestrians will accompany the pathway. Given these improvements, it appears that the proposed is consistent with the RC Classification of the PTMP.

3. Goal 1 (page 45) – Protect the township’s distinctive environmental character – As you will note on the site plan, a significant amount of wetlands exist, which will not be impacted by the proposed development. Given this, it appears the project is consistent with this goal.

4. Goal 8 (page 46) – Focus commercial development within appropriate locations in the township – While the project is not primarily for commercial purposes, this goal of the PTMP indicates that, “all commercial areas in the township should be designed in a manner that enhances the quality and character of the township and surrounding neighborhoods.” As a result of the residential condominium units, the existing commercial façade will be revamped as part of the Victorian design. Given this, it appears the proposed is consistent with this goal of the PTMP.

5. Goal 10 (page 47) – Promote infill/redevelopment where infrastructure already exists – Given that the applicant is utilizing existing infrastructure and is vertically constructing redevelopment, it appears the proposed is consistent with this goal of the PTMP.

Section 38-366 – Development Requirements for All Uses

As noted during your preliminary review, pursuant to Section 38-366 of Article III Division 8 of the PTZO, the proposed lot area, lot width, building heights, setbacks, and other development regulations such as open space shall be determined by the Board of Trustees following recommendation of the Planning Commission based on several criteria, in order to achieve the objectives of the PUD Division.

As you will recall, the applicant seeks seven (7) deviations from PTZO requirements. They include:

1. PUD Open Space – The Pocket Park is located within the required setbacks and utility easements, and is within the required greenspace area
2. Building Height – The building exceeds the maximum height of 35 feet, with a proposed height of 40 feet. The Township Fire Chief did not express any concerns with the proposed height.
3. Garages – the garages are proposed to be located at a setback of zero (0) feet, where 25 feet is required
4. Green Space – An area no less than 15 feet in width shall be provided along the public street. While the applicant contends that they have provided a space of 25 feet, this area is bisected by a bike path, and is not entirely outside of the right-of-way. In addition, a solid wall, fence, or equivalent vegetative screening of at least six (6) feet in height is required along abutting residential (west and northwest) or agricultural (north and east) zoning districts.
5. Landscape Screening – As noted within Section 38-605 of our memorandum below, the applicant does not propose to install any required parking lot or driveway screening
6. Parking Setbacks – The existing parking along Ottawa Beach Road is positioned at 6.5 feet, where 10 feet is required
7. Street Trees – As you are aware, the Park Township Master Plan encourages the placement of street trees along this corridor. The applicant has indicated that they have added as many trees as possible. In fact, the Township Engineer noted that additional trees beyond that proposed would likely block the storm water overflow and direct water into the parking area.

For your convenience, below is a copy of the criteria from Section 38-366 along with our general comments in italic font to assist with your review.

(1) Number, location, size, and type of dwelling units.

As you will recall from the preliminary plan review, the applicant seeks only three (3) of the possible ten (10) bonus units for a total of six (6) residential dwellings.

(2) Type, location, and amount of non-residential uses proposed.

No non-residential uses are proposed beyond that which exist on the property.

(3) Proximity and impact of the PUD on adjacent existing and future land uses.

We believe the applicant has adequately designed the proposed development in relation to the proximity of adjacent land uses, particularly because the footprint of the existing building does not increase in area. In addition, the overall density of the development not only complies with the PTZO, but it is generally consistent with surrounding development densities.

(4) Preservation of existing vegetation or other natural features on site.

The applicant proposes to maintain the required dedicated open space as well as avoid impacts to the existing wetlands.

(5) Topography of the site.

The proposed development appears to adequately consider the topography of the site, particularly given that no significant alterations will be made to the topography.

(6) Provision of public and or community water, sanitary sewer and storm sewer or approval of the Ottawa County Health Department for on-site well and septic systems.

The applicant proposes to connect to both public water and public sanitary sewer, which exist at the property.

(7) Access for emergency vehicles to all buildings and areas.

The Park Township Fire Chief reviewed the plans and found access to be adequate.

(8) Provisions for pedestrian circulation, recreational amenities, and open space.

As aforementioned, the applicant proposes to maintain and reconstruct a portion of the existing pathway along Ottawa Beach Road. In addition, the applicant proposes a pocket park adjacent to the pathway for pedestrian use.
Traffic circulation and safety.

The Ottawa County Road Commission did not express any concerns regarding traffic related to Ottawa Beach Road. As a result, we do not anticipate any traffic circulation or safety concerns.

Section 38-367(3) – Development Requirements for PUDs with Residential Uses, Additional Dwellings

As you are aware, the applicant is permitted a base density of three (3) residential dwelling units, with a bonus density of ten (10), for a total not to exceed 13 units. The applicant seeks only three (3) additional units for a total of six (6) residential dwellings. In accordance with Section 38-367(3) of the PTZO, additional dwellings are permitted if the development provides additional amenities or preserves additional open space beyond that required by Section 38-368 of the PTZO, which would result in significant recognizable benefit to the Township and residents of the PUD. In considering whether significant recognizable benefits exist, the Planning Commission and Board of Trustees shall consider whether the PUD includes one or more of the following items as well as similar items. Given that the Planning Commission determined that additional bonus density was appropriate, we have not provided our customary comments in italic font.

a. Recreational facilities such as playground areas with play equipment, ball fields, bike paths, constructed lake, community building or similar recreation facilities, with the exception of golf courses.

b. Additional landscaping to preserve or enhance the views along the roadway.

c. Enhancement of existing wetlands, or creation of lakes or ponds which are not designed solely to function as retention or detention facilities, but are designed primarily as recreational or visual amenities, subject to applicable regulations.

d. Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Township residents and residents of the PUD.

e. Provision of a public or private community water and/or sanitary sewer system.

Standards for Approval

As you are aware, Section 38-373(9) – Procedures, Standards for Approval of the PTZO provides for your standards of review for all Planned Unit Developments. For your convenience, below is a copy of said section along with our comments in italic font to assist with your review.

Section 38-373(9) – Standards for Approval

(9) Standards for Approval. The recommendation of the Planning Commission and the decision of the Township Board to approve a PUD shall be based on a finding that the application meets all the following standards:

a. The PUD will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.

We believe the PUD will result in a substantial benefit to the ultimate users and to the community, given the increased recreational opportunity through the pocket park along Ottawa Beach Road, the preservation of wetlands through the dedicated open space, and the Victorian resort-style architecture. Given these, it appears that this
The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.

We do not believe that the PUD will result in a significant need for public services. In fact, the Township Fire Chief has reviewed the proposed and is satisfied with the plans. Pending comments received during the public hearing, the Planning Commission can determine if a significant burden exists upon surrounding lands and whether this standard is met.

c. The PUD will be generally compatible with the Master Plan and consistent with the intent and objectives of this Chapter 38, Article III, Division 8 and this Ordinance.

As aforementioned, and following your deliberations regarding the PTMP, it seems that the proposed use is consistent with the goals and objectives of the Master Plan and Chapter 38 of the PTZO. In the event the Planning Commission agrees, it appears that this standard has been met.

d. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will be generally compatible with the character of the surrounding area.

While we believe this standard is met, pending comments received during the public hearing, the Planning Commission can determine if significant adverse effects exist upon nearby or adjacent lands. Further, the Planning Commission can determine if the proposed is generally compatible with the character of the surrounding area.

e. The PUD will protect all floodplains and wetlands from filling except as approved for essential services or recreation amenities.

Given that the applicant will not impact the wetlands, and any construction within the floodplain requires a permit from the Michigan Department of Environment, Great Lakes and Energy (EGLE), it appears that the PUD will protect these environmental areas and this standard has been met.

f. The PUD will preserve and maintain mature woodlands, fields, pastures, and meadows; and create sufficient buffer areas to minimize conflicts between residential and agricultural uses.

The PUD proposes to preserve the existing tree line and wetland areas within the approximate north/northeast portion of the property, generally because the residential units will be located within the existing building footprint. Given this and absent any compelling public comment to the contrary, it appears that this standard has been met.

g. The PUD will leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public road rights-of-way, insofar as practicable.

Insofar as practicable, we believe the proposed leave scenic views and vistas unblocked or uninterrupted. Given this, it appears that this standard has been met.
h. The PUD will protect the rural roadside character where desirable.

   While the existing site is significantly developed along the roadway, the applicant is adding a few trees and a pocket park, which should increase the rural roadside character. As a result, it appears that this standard has been met.

i. Pedestrian walkways may be provided so that pedestrians can walk safely and easily throughout the site.

   As you will note within the site plan, pedestrian walkways are located along Ottawa Beach Road as well as at the front of the building. In the instance the Planning Commission believes a pathway or pathways connecting the two should be installed, a condition to that effect may be provided. Subsequently, it appears that this standard has been met.

j. The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of natural and environmental site features.

   Given that the existing tree line and wetlands are not impacted by the proposed use, it appears that this standard has been met.

k. The PUD will be adequately served by public utilities and services such as police and fire protection or public or on-site community water or sanitary sewer.

   The PUD is proposed to be served by public water and public sanitary sewer, which are present at the property. Further, the Township Fire Chief is satisfied with the proposed plan. Given this, it appears that this standard has been met.

l. The PUD shall be in compliance with all applicable federal, state, county, and Township laws, ordinances, and regulations.

   Outside of the PUD provisions provided in the PTZO, the applicant is aware that they must comply with all federal, state and county regulations. Given this, it appears that this standard has been met.

m. If a PUD is to be completed in phases, the PUD shall be designed so that each phase is complete in and of itself, in terms of services, facilities and open spaces, and so that each phase contains all of the features necessary to ensure the protection of natural resources and the health, safety and welfare of the users of the PUD and the occupants of the surrounding area. The Planning Commission may recommend, and the Township Board may require that neighborhood amenities such as recreational facilities, walkways, and similar facilities be completed upon occupancy of a determined number or percentage of dwelling units or non-residential uses.

   No phases are proposed for the development. Given this, it appears that this standard has been met.

**Site Plan Standards**

In addition to your PUD review standards provided in Section 38-373(9) of the PTZO, Planned Unit Development site plans are also subject to review by Section 38-103 – Standards of the PTZO. Given this, the following standards shall be considered by the Planning Commission. For your convenience, below we provide our comments in italic font to assist with your review.
Section 38-103 Standards

In addition to any standards or requirements specified in other sections of this chapter which are relevant to the project for which site plan approval is sought, the following standards shall be considered in reviewing and approving site plans:

1. The adequacy of streets, alleys, parking areas, loading zones, sidewalks, drainage, water and sewer lines, and traffic control for the proposed use, building, or structure.

   As you know, the Township Fire Chief is satisfied with access to the proposed site, public water and public sanitary sewer will be provided, the impervious area is being reduced and the related drainage plan was found satisfactory by the OCWC, and a pathway will be reconstructed along Ottawa Beach Road. As a result of these findings, it appears this standard has been met.

2. The adequacy of protection afforded lands and the surrounding neighborhood from adverse impact.

   The applicant does not propose any protections for adjacent properties. Nonetheless, that lack of protection does not necessarily result in adverse impacts. Following receipt of comment during the public hearing, the Planning Commission can determine if this standard has been met.

3. The applicant may legally apply for site plan review.

   The applicant is owner of the property and has consent to apply from the President of the Condominium Association property as well as the third property that are part of the PUD, and therefore may legally apply. As a result, it appears this standard has been met.

4. All required information has been provided.

   We believe all information has been provided, except for those items previously mentioned to be included within the Planning Commission Report. As a result, it appears this standard has been met.

5. The proposed development conforms to all regulations of the zoning district in which it is located.

   The proposed development appears to conform to all of the regulations of the zoning district in which it is located, pending approval of their deviation request from the seven (7) items listed in Section 38-366 of this memorandum. Following, it appears this standard has been met.

6. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
It appears that all elements of the site plan will be harmoniously and efficiently organized in relation to the aforementioned, given the proposed density, open space, architectural character, and the like. As a result, it appears this standard has been met.

(7) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

As aforementioned, the applicant will maintain the existing tree line and wetlands. As a result, it appears this standard has been met.

(8) Natural resources will be preserved to and protected to the maximum feasible extent and organic, wet, or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.

As aforementioned, the applicant will maintain the existing tree line and wetlands. In addition, construction within the floodplain will require permitting from the EGLE. As a result, it appears this standard has been met.

(9) The proposed development will not cause soil erosion or sedimentation problems.

Given that the applicant will be required to provide silt fencing and other necessary controls pursuant to the Ottawa County Water Resources Commissioner’s office, it appears this standard has been met.

(10) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

As a result of review by the OCWRC office, the proposed drainage plan is satisfactory. In addition, the Township Engineer confirmed the same. As a result, it appears this standard has been met.

(11) The proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.

As aforementioned, the applicant will be required to seek any necessary permitting for EGLE within the floodplain. As a result, it appears this standard has been met.

(12) The plan meets the specifications of Park Township for water supply, sewage disposal or treatment, storm drainage, and other public facilities.

The site will be served by a public water and public sanitary sewer system. As aforementioned, the proposed storm water controls are sufficient according to the OCWRC. As a result, it appears this standard has been met.

(13) With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; special attention shall be given to the location, number and
spacing of access points; general interior circulation; separation of pedestrian and vehicular traffic; the avoidance of building corners next to access drives; and the arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties and flow of traffic on adjacent streets.

We believe the applicant has provided for sufficient pedestrian and vehicular circulation throughout the site and the overall design will not detract from neighboring properties or the flow of traffic on adjacent streets. As a result, it appears this standard has been met.

(14) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the Township Fire Department.

Given that the Park Township Fire Chief is satisfied with the proposed plans, it appears this standard has been met.

(15) The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

The applicant does not propose any visual or sound privacy for the dwelling units. In the instance the Planning Commission desires visual or sound privacy, it may be conditioned to that end. Otherwise, it appears this standard has been met.

(16) All loading and unloading areas and outside storage of materials which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials. Also, outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.

All loading and unloading areas preexist and do not face Ottawa Beach Road. Both proposed dumpster areas are adequately screened. As a result, it appears this standard has been met.

(17) All lighting shall be shielded from adjacent properties and public right-of-way.

As a result of cut-off light fixtures, it appears this standard has been met.

(18) Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

Given that no phases are proposed, it appears this standard has been met.

(19) Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before a building permit or occupancy permit is granted.
We believe the applicant is aware of their responsibility to receive local, state, and federal approvals, where applicable.

**Conditions & Financial Guarantees**

**Conditions**

As you are aware, Section 38-105 – Conditions of the PTZO provides the Planning Commission with the authority to impose conditions and restrictions that are necessary to achieve the intent and purpose of the PTZO as well as the standards provided therein. In the event the Planning Commission deems conditions are appropriate, they must be identified as part of the approval.

**Financial Guarantees**

As you are likely further aware, Section 38-106 – Improvements; Financial Guarantees and Section 38-376 – Performance Guarantees (of the PUD Division) of the PTZO provides the Planning Commission with the authority to require a financial surety to cover the estimated cost of the proposed improvements. In the event the Planning Commission deems a financial surety is appropriate, the method and amount must be identified as part of the approval.

**Planning Commission Report and Recommendation**

Pursuant to Section 38-373(7) – Procedures, Planning Commission Review of Final PUD Development Plan of the PTZO, the Planning Commission shall prepare a report containing its recommendation to the Township Board of Trustees concerning the PUD request. Given that your recommendation is provided at your meeting, attached is a template report from the Planning Commission to either approve or deny the proposed, depending on the final motion. As you will note, we have included conditions at its end in anticipation of a recommendation of approval.

**Public Hearing**

Pursuant to Section 38-373(8) – Procedures, Planning Commission Public Hearing on Final Development Plan, the Planning Commission shall hold a public hearing on the Final Development Plan for the project. Given this, a public hearing has been scheduled for your July 8, 2020 regular meeting.

**Planning Commission Considerations and Recommendation**

**Considerations**

As the Planning Commission deliberates regarding this application, we believe the following warrant your review and consideration. They are listed in no particular order.

- Whether the new light fixtures on the balconies are acceptable
- Whether a pedestrian pathway or pathways should be installed between the Ottawa Beach pathway and the sidewalk adjacent to the building
- Whether a financial surety is necessary
- A condition to satisfy the content of the Prein and Newhof review letter
- Review objectives, standards, criteria, and items
  - Objectives of the PUD Division pursuant to Section 38-363
• Criteria for deviations pursuant to Section 38-366
• Items for additional dwellings (bonus density) pursuant to Section 38-367(3)
• PUD Standards for Approval pursuant to Section 38-373(9)
• Site Plan Standards pursuant to Section 38-103

Recommendation

Pending the receipt of public comments, and your review of our considerations above, as well as the content of the draft Planning Commission Report, we believe a recommendation of approval is appropriate, with conditions.

As aforementioned, the application has been scheduled for your review and public hearing at your July 8, 2020 regular meeting. We expect the applicant to be in attendance. If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Howard Fink, Manager
    Tracy Hutchinson, Driesenga
RECOMMENDATION TO APPROVE

A motion was made by ________________ and seconded by ________________ to recommend approval of the Final Development Plan for the Anchorage Marine Planned Unit Development ("the Development") pursuant to Article III, Division 8 – Planned Unit Development (PUD) of the Park Township Zoning Ordinance ("the Ordinance"), authorizing six (6) residential condominiums. Anchorage Marine is located at 1825 Ottawa Beach Road, ________________ Ottawa Beach Road, and ________________ Ottawa Beach Road, parcel numbers 70-15-27-140-020, 70-15-27-___________________, and 70-15-27-___________________. The Final Development Plan includes:

   - Sheet No. G-001, 1 of 7 – Title Sheet;
   - Sheet No. V-101, 2 of 7 – Sketch of Parcel;
   - Sheet No. V-102, 3 of 7 – Existing Conditions;
   - Sheet No. CD-101, 4 of 7 – Civil Demolition Plan;
   - Sheet No. C-101, 5 of 7 – Site Plan;
   - Sheet No. C-102, 6 of 7 – Utilities Plan;
   - Sheet No. C-501, 7 of 7 – Details;

   and;

   - Sheet No. A1, Anchorage Marina Condominiums, Concept Plans/Garage drafted by J. Andrew Baer, Architect, dated 03/30/20;
   - Sheet No. A2, Anchorage Marina Condominiums, Concept Plans/Garage drafted by J. Andrew Baer, Architect, dated 03/30/20;
   - Sheet E1, Anchorage Marina Condominiums, File 20AZ026E1, Job# 20AZ026, dated 3-9-20, drafted by Parkway;
   - Sheet E2, Anchorage Marina Condominiums, File 20AZ026E1, Job# 20AZ026, dated 3-9-20, drafted by Parkway;

2. Project letter drafted by Driesenga & Associates, Incorporated dated May 1, 2020 Re: 1821 W. Ottawa Beach Road, Anchorage Marine Service PUD Amendment (Boat Yard Lofts), Review Comments response #4 (4 pages);

3. Anchorage Marine Service letter dated 25 October 2019 (1 page);

4. Consent to PUD Amendment document dated May 1, 2020, signed by Phil Brewer (1 page);
CONCLUSIONS & BASIS

Division 8 Objectives

The Park Township Planning Commission finds that the objectives of Article III, Division 8 of the Ordinance have been met for the Development. Specifically, the proposal;

(1) Does allow a mix of uses, structures, facilities, housing types and open space that are compatible with existing and planned uses on nearby properties.

(2) Does encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic conditions, and preserves natural resources such as wetlands, forests, flood plains, natural drainage patterns, agricultural lands, wildlife habitat and other natural site features.

(3) Does provide for the regulation of lawful and reasonable land uses not otherwise authorized within this Chapter.

(4) Does provide for single or mixed-use developments which respect the goals and objectives of this Chapter and the Park Township Master Plan.
(5) Does encourage the provision of open space and the development of recreational and other support facilities in generally central locations or within a reasonable distance of all dwellings or uses.

(6) Does implement the vision of the Park Township Master Plan in order to provide a high standard of quality of life, varied housing options, and richness of natural assets.

Development Requirements for All Uses

The Park Township Planning Commission finds that the criteria for deviations from the regulations applicable to the type of land use requested are sufficient to grant those deviations.

Development Requirements for PUDs with Residential Uses, Additional Dwellings

The Park Township Planning Commission finds that one or more of the following items or similar items exist that result in significant recognizable benefit to the Township and the residents of the PUD, and therefore recommend three (3) additional residential units.

a. Recreational facilities such as playground areas with play equipment, ball fields, bike paths, constructed lake, community building or similar recreation facilities, with the exception of golf courses.

b. Additional landscaping to preserve or enhance the views along the roadway.

c. Enhancement of existing wetlands, or creation of lakes or ponds which are not designed solely to function as retention or detention facilities, but are designed primarily as recreational or visual amenities, subject to applicable regulations.

d. Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Township residents and residents of the PUD.

e. Provision of a public or private community water and/or sanitary sewer system.

Dedicated Open Space

The Park Township Planning Commission finds that the standards within Section 38-369 of the Ordinance are met regarding the dedicated open space, as provided in the Development.

Standards for Approval for Planned Unit Developments

The Park Township Planning Commission finds that the Standards for Approval for Planned Unit Developments provided in Section 38-373(9) of the Ordinance have been entirely satisfied for the Development. Specifically;

a. The PUD will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be
achieved.

b. The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment.

c. The PUD will be generally compatible with the Master Plan and consistent with the intent and objectives of this Chapter 38, Article III, Division 8 and this Ordinance.

d. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will be generally compatible with the character of the surrounding area.

e. The PUD will protect all floodplains and wetlands from filling except as approved for essential services or recreation amenities.

f. The PUD will preserve and maintain mature woodlands, fields, pastures, and meadows; and create sufficient buffer areas to minimize conflicts between residential and agricultural uses.

g. The PUD will leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public road rights-of-way, insofar as practicable.

h. The PUD will protect the rural roadside character where desirable.

i. Pedestrian walkways will be provided so that pedestrians can walk safely and easily throughout the site.

j. The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of natural and environmental site features.

k. The PUD will be adequately served by public utilities and services such as police and fire protection and public water or sanitary sewer.

l. The PUD shall be in compliance with all applicable federal, state, county, and Township laws, ordinances, and regulations.

m. The PUD is designed so that each phase is complete in and of itself, in terms of services, facilities and open spaces, and so that each phase contains all of the features necessary to ensure the protection of natural resources and the health, safety and welfare of the users of the PUD and the occupants of the surrounding area.

Site Plan Standards

The Park Township Planning Commission further finds that the Site Plan Standards provided in Section 38-103 of the Ordinance have been satisfied for the Development. Specifically;
(1) The adequacy of streets, alleys, parking areas, loading zones, sidewalks, drainage, water and sewer lines, and traffic control for the proposed use, building, or structure are found adequately provided.

(2) The adequacy of protection afforded lands and the surrounding neighborhood from adverse impact has been provided.

(3) The applicant may legally apply for site plan review.

(4) All required information has been provided.

(5) The proposed development does conform to all regulations of the zoning district in which it is located.

(6) All elements of the site plan are harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site is so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

(7) The landscape is preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

(8) Natural resources will be preserved to and protected to the maximum feasible extent and organic, wet, or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.

(9) The proposed development will not cause soil erosion or sedimentation problems.

(10) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

(11) The proposed development does properly respects floodways and floodplains on or in the vicinity of the subject property.

(12) The plan does meet the specifications of Park Township for water supply, sewage disposal or treatment, storm drainage, and other public facilities.

(13) With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; special attention was given to the location, number and spacing of access points; general interior circulation; separation of pedestrian and vehicular traffic; the avoidance of building corners next to access drives; and the arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties and flow of traffic on adjacent streets.
(14) All buildings or groups of buildings are so arranged as to permit emergency vehicle access by some practical means as required by the Township Fire Department.

(15) The site plan does provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

(16) All loading and unloading areas and outside storage of materials which face or are visible from residential districts or public thoroughfares, are screened by a vertical screen consisting of structural or plant materials. Also, outdoor storage of garbage and refuse are contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.

(17) All lighting is shielded from adjacent properties and public right-of-way.

(18) Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

(19) The site plan does conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before a building permit or occupancy permit is granted.

**CONDITIONS**

The conditions that the Planning Commission recommends the Township Board impose with respect to the approval of the Development as a Planned Unit Development are as follows:

1. Short term rentals are prohibited within the six (6) residential condominium units.
2. Any work within the Floodplain requires a permit from the Michigan Department of Environment, Great Lakes and Energy, where applicable.
3. [INSERT CONDITION]
4. [INSERT CONDITION]
5. Pursuant to Section 38-376 of the Ordinance, the Board shall consider whether a performance guarantee for project infrastructure is required and, if so, in what amount.
6. Except as expressly modified by the Final Development Plan and these conditions, the Development must comply with all applicable requirements of the Park Township Zoning Ordinance, as well as all other applicable federal, state, and Township laws, ordinances, rules, regulations or requirements. Any proposed modification of the approved Final Development Plan that is considered a minor amendment pursuant to Section 38-375, as may be amended, shall require review and approval by the Township Zoning Administrator or his/her designee. The Township Zoning Administrator is granted the authority to refer any proposed modification to the Planning Commission for review and approval.
7. Any major change to the Development shall require an amendment, as provided in Section 38-375 of the Zoning Ordinance, as may be amended.
8. Compliance with the requirements of the Township Engineer, the Ottawa County Water Resources Commissioner, the Ottawa County Road Commission, and any other applicable regulatory agency. In the
event of any modification to the Development as a result of any staff or regulatory agency requirement as part of the agency’s regulatory approval process, the modification will be subject to review by the Planning Commission for the Planning Commission’s approval as a minor change if the modification constitutes a minor change as described by Section 38-375 of the Township Code of Ordinances; if the modification does not constitute a minor change, then the modification will be subject to the review and approval process of an approved PUD as set forth in Section 38-375 of the Township Code of Ordinances (i.e., resubmission to the Planning Commission for a formal amendment will be required and the amendment will be processed in the same manner as an original application for PUD approval).

9. These conditions shall be binding on the Developer and all successor owners or parties in interest in the Development. The Developer shall, at the Developer’s sole cost and expense, record a document with the Ottawa County Register of Deeds/Clerk to inform potential purchasers of any of the Property involved in the Development that the Development is subject to a planned unit development approved by the Township, the conditions and regulations of which may be reviewed by any interested person in the Township Office. The Developer shall submit to the Township a copy of the recorded document within sixty (60) calendar days after approval of the Development by the Township Board.

10. If the conditions and the Development plan conflict, the stricter provision controls.

DECISION

The motion to recommend approval was adopted by a roll call vote:

PGE –
Eade –
Nestel –
Garlinghouse –
Kleinjans –
Ervine –
DeHaan –

The motion carried unanimously.

______________________________
Jeff Pfost, Chairperson
Planning Commission
Park Township
ANCHORAGE MARINE SERVICES
BOAT YARD LOFTS
1825 OTTAWA BEACH ROAD
SECTION 27, T05N, R16W
HOLLAND, MICHIGAN 49424

SITE ADDRESS
OWNER
ARCHITECT
GENERAL CONTRACTOR
CIVIL ENGINEER

Sheet Index
G-001 TITLE SHEET
V-101 SKETCH OF PARCEL
V-102 EXISTING CONDITIONS
CD-101 CIVIL DEMOLITION PLAN
C-101 SITE PLAN
C-102 UTILITIES PLAN
C-501 DETAILS
SKETCH OF PARCEL

SCHEDULE "A" LEGAL DESCRIPTION
FROM: FIRST AMERICAN TITLE INSURANCE COMPANY
FILE NO.: 4012-268297 (EFFECTIVE DATE: JULY 23, 2019)

LOCATION MAP - NO SCALE

DESCRIPTION TAKEN FROM OFFICIAL RECORDS OF THE COUNTY OF OTTAWA, STATE OF ILLINOIS, AND BEARING AS DESCRIBED.

EXCEPTING THEREFROM:
- PROPERTY OF THE AMERICAN TITLE COMPANY AS SHOWN BY ITS SURVEYOR'S NOTES AS CONTAINED IN RECORDED AS AMENDMENT IN LIBER 3655, PAGE 889. (SHOWN ON DRAWING)
- PROPERTY OF WALKER, E., AND WALKER, WILLIAM P., AS SHOWN BY THEIR SURVEYOR'S NOTES AS CONTAINED IN RECORDED IN LIBER 3655, PAGE 885. (SHOWN ON DRAWING)
- PROPERTY OF THE FIRST AMERICAN TITLE INSURANCE COMPANY AS SHOWN BY ITS SURVEYOR'S NOTES AS CONTAINED IN RECORDED IN LIBER 1240, PAGE 320. (SHOWN ON DRAWING)

THIRD POINT OF ORIGIN SOUTH 00 FEET, WEST, OF REFERENCED POINT.
THENCE WEST 26 SECONDS 1082 DECIMAL DEGREES 87 MINUTES 00 SECONDS TO THAT PART OF THE THIRD POINT OF ORIGIN SOUTH 00 FEET, WEST, OF REFERENCED POINT.
THENCE SOUTH 00 FEET, EAST 358.91 FEET TO THE POINT OF BEGINNING.

INTERNET OF WILLIAM E. WALKER, JR. AND EXCERPTS FROM: WALKER, WALKER AND WALKER, AS EXCLUDED FROM DESCRIPTIONS CONTAINED IN RECORDED AS AMENDMENT IN LIBER 3655, PAGE 889. (SHOWN ON DRAWING)

DESCRIPTION TAKEN FROM OFFICIAL RECORDS OF THE COUNTY OF OTTAWA, STATE OF ILLINOIS, AND BEARING AS DESCRIBED.

DESCRIPTION TAKEN FROM OFFICIAL RECORDS OF THE COUNTY OF OTTAWA, STATE OF ILLINOIS, AND BEARING AS DESCRIBED.
Know what's below. Call before you dig.
Know what's below. Call before you dig.
Know what's below. Call before you dig.
May 1, 2020

Mr. Gregory Ransford
Township Planner
PARK TOWNSHIP
52 - 152nd Ave
Holland, Michigan  49424

Re:  1821 W. Ottawa Beach Road
Anchorage Marine Service PUD Amendment (Boat Yard Lofts)
Review Comments response #4

Dear Mr. Ransford:

Anchorage Marine Service requests amendment of their existing Planned Unit Development (PUD). The requested amendment would add residential use to the existing mixed use PUD. The proposed residential use would consist of six (6) condominium units constructed above the existing office/retail space at the front of the existing primary building. The existing marine storage use would remain as is in the rear portion of the building.

The following are a response to the Review Comments provided by the Township on October 26, 2019, December 27, 2019, December 31, 2019, and January 25, 2020.

General Comments:

Site Acreage:
According to the documents reviewed by our surveyor department, the property owned by Jeff Cavanagh does not include the Exceptions shown; Exception No. 1 and No. 2 to obtain the acreage of 5.96 acres. When adding Exception No. 1 (0.40 acres) and Exception No. 2 (0.25 acres), the site gross total is 6.61 acres.

Reciprocal Easement for access east and west of the site were considered, but were not proposed due to MDNR use to the west and the regulated wetland/drain to the east.

Lighting details have been provided in today’s materials.

Dumpsters have been updated.

Pocket Park pavers are yet to be shown on architectural plans.

Elevations and garage facades are on architectural plans.
Mechanical Equipment, for HVAC, will be roof mounted and screened. Screening method to be finalized with architectural in final PUD submission.

Division 8- PUD

Section 38-366 – Development Requirements; All Uses, Criteria Response
- Green Space; See revised Narrative Letter
- Side Yard Setback; See revised Narrative Letter
- Building Height; See revised Narrative Letter

Section 38-367 – Development Requirements for PUDs with residential:
38-367(2) Density Calculations, 3 units permitted, base density, additional units with bonus. See Density Spreadsheet for calculations.

(3) Bonus density is requested based on the proposed project incorporating significant natural features and preserving significant unique open space. The wetland portion of the property compromises 3.01 acres of the property, over 50% of the total land. The undeveloped 3.01 acres translates into additional allowed density of 6 units.

The undeveloped wetland provides public benefit opportunities. As the undeveloped wetland is a part of the adjoining Winstrom Park, with a deck and scenic overlook viewing this wetland.

The undeveloped land serves also as an important environmental feature. The wetlands are part of the Park West Drain and serve as a filter protecting local water quality, removing sediment and pollutants before entering the larger water bodies of Lake Macatawa and Lake Michigan. The wetlands have been noted for capturing sediment and preventing deposition into Lake Macatawa.

Beyond the open space previously described, additional Amenities for recreational facilities in the form of a pocket park are proposed. The pocket park is located in the southwest corner of the site adjacent to the pedestrian path. It is planned as an accessible surface with benches, a historical marker, and landscaping. It will serve as an aesthetically pleasing point of interest or resting point along the existing pedestrian path.

Additional units based on the overall property size of 6.31 acres @ 0.50 units per acre, equates to a total of twelve (12) units. Meanwhile this PUD plan is only a total of six (6), which is under the quantities described above.
Section 38-368 – Dedicated Opens Space (for Residential Use)
(a) For PUD with residential uses shall provide the minimum amount of open space in accordance to this article. Requirements are listed for proposed multi-family residential use, with the minimum requirement listed is 15%.
(b)(3) The proposed site has undeveloped wetland property serving as open space. Per the ordinance, only 50% of the wetland may be considered open space. Half (50%) of 3.01 acres of wetland (minus setbacks), is 1.15 acres. While only 0.99 acres are needed to meet the 15% open space.

Section 38-370 – Dedicated Opens Space (for Nonresidential)
The proposed pocket park provides dedicated opens space serving as a civic amenity providing passive activity such as sitting while providing an object or area of interest with the historical marker.

C-2, Resort Services District
Section 38-453- Existing lights shown, proposed lights pending design, with intent to meet ordinance, materials are provided.
Section 38-455- Area Regulations, plans have been updated
Section 38-605 -Screening deviation discussed in Narrative letter.

Division 3, Site Plan
Section 38-102
Additional details and notes added to plans with updated topography.
Existing lights shown plus proposed lights, with intent to meet ordinance, materials provided.
Building materials demonstrated on architectural plans.
The overall height is 39’-8”, height from the road crown will be approximately 39’-4” to 40’-5” across the front of the site changing with the road grade.

Article VII – Parking and Loading
Section 38-601
General; Original 1981 Floor plans have been previously provided for parking calculations.
Section 38-605(1) Ten (10) foot wide Greenbelt is provided on North and East, See Narrative letter
Section 38-605, plans have been updated with parking bumpers
Existing lights shown plus proposed lights, with intent to meet ordinance, materials provided.
Section 38-605, Parking no closer than 10 feet to ROW, see narrative letter
Signage has been added on PUD drawing.

The PUD application package also includes materials previously provided on October 25, 2019 and December 20, 2019 and January 28, 2020 including; a signed application and proof of ownership. Please feel free to contact me at 616-396-0255 or tracyh@driesenga.com if you have any questions. Thank you.
Sincerely,

DRIESENGA & ASSOCIATES, INC.

Tracy Hutchinson, P.E.
Project Manager

cc: Jeff Cavanagh – Anchorage Marine
May 1, 2020

Mr. Gregory Ransford  
Township Manager  
PARK TOWNSHIP  
52 - 152nd Ave  
Holland, Michigan  49424

Re:  1821 W. Ottawa Beach Road  
Anchorage Marine Service PUD Amendment (Boat Yard Lofts)  
Narrative Letter, Revision #4

Dear Mr. Ransford:

Anchorage Marine Service requests amendment of their existing Planned Unit Development (PUD). This letter is intended to serve as a Revised Narrative for the PUD Application. The requested amendment would add residential use to the existing mixed use PUD. The proposed residential use would consist of six (6) condominium units constructed above the existing office/retail space at the front of the existing main building. The existing marine storage use would remain with the structures unchanged. Additional structures on the site owned by Anchorage Marine and a separate Condominium Association, would remain unchanged.

The following shall address the narrative requirements:

a. The objectives of the PUD and how it relates to the intent of the PUD District as described in Section 38-363.

The requested amendment would add residential use to the existing mixed use PUD. The proposed residential use would consist of six (6) condominium units constructed above the existing office/retail space at the front of the existing main building. The existing marine storage use would remain with the structures unchanged. Additional structures on the site owned by Anchorage Marine and a separate Condominium Association, would remain unchanged.

1. To allow a mix of uses structures, facilities, housing types and open space that is compatible with existing and planned use on nearby properties.

The requested PUD amendment will add residential use to the existing commercial uses on-site. It adds more units of a popular housing type for the area. It combines the residential/resort/marina flavors of the immediate area.

2. To encourage land development that, ...preserves natural site features.

Because the proposed residential units are not adding additional structural footprint, the proposed PUD amendment will not impact natural features of the area. The site has undisturbed wetland in the northeast that will remain,
and is immediately adjacent to a large wetland area to the east that is part of the Park West Drain District.

3. To provide for the regulation of lawful and reasonable land uses not otherwise authorized in this chapter.

The proposed amended PUD is within the existing authorized land uses of the Ordinance and Master Plan.

4. To provide for single or mixed-use developments which respect the goals and objectives of this chapter and the Park Township Master Plan.

The amended PUD request blends well into the goals and objectives of the Master Plan as described below, in item b.

5. To encourage the provision of open space and the development of recreational and other support facilities in generally central locations or within a reasonable distance of all dwellings or uses.

With the limited land available, the proposed PUD has allotted space for a public historical marker. The marker would be in the southwest corner of the property as part of a pocket park and adjacent to the existing public recreational path.

6. To implement the vision of the Park Township Master Plan in order to provide a high standard of quality of life, varied housing options, and richness of natural assets.

The amended PUD request blends well into the goals and objectives of the Master Plan as described below, in item b. The proposed PUD provides housing options tucked in to an existing vibrant area. The future residents can enjoy the bustle of the nearby marinas and the serenity of the adjacent wetlands.

b. The relationship of the PUD to the Park Township Master Plan.

The site property is located in the North Beach Subarea with a Resort Commercial future land use designation in Park Township’s 2017 Master Plan (Master Plan). The proposed PUD, with the addition of residential units, fits well into the Master Plan.

For the North Beach subarea, the Master Plan, notes on page 32:
“As existing commercial uses are redeveloped or upgraded, their architectural design should reflect the residential and resort character of the area”
The proposed PUD will be a significant investment in the property, the residential expansion will spur a façade upgrade with the intention of creating a more resort-style residential expression.

For the future land use as Resort Commercial, the Master Plan, notes on page 49: “….architectural character should be appropriate to the resort character of the township, as well as the predominantly residential character along these corridors.”

Additionally noted in the North Beach concepts of Master Plan, page 57: Design Standards. Although an expansion of existing commercial uses is not anticipated in this area, many of the current businesses are aging and may soon need to be refurbished, or redeveloped. It will be important to ensure that the architectural character of the new or improved business structures continues to reflect the area’s historic beachfront charm.

The proposed PUD will be an opportunity for the owner to remodel the façade of a dated building constructed in the 1980s. The proposed façade will mirror nearby residential architecture with a residential Victorian feel.

c. **Phases of development and approximate time frame for each phase.**

The proposed addition of residential units and any related site work will be considered one phase of the project and will take approximately one year for completion.

d. **Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.**

The proposed PUD amendment does not add deed restrictions, covenants, or similar legal instruments, at this time.

e. **Anticipated start and completion of construction.**

The anticipated start of construction is Fall of 2020 with substantial completion approximately by Spring 2021, and final completion by Fall 2021. The construction will be planned to avoid creating congestion during the peak summer season and minimize disruption to the existing commercial operations at the site.

f. **Location, type, and size of areas to be dedicated open space.**

Dedicated open space proposed, includes a historical marker at the southwest portion of the property. The historical marker will be located adjacent to the pedestrian/bike path in front of the property. The proposed area is approximately 937 square feet.
Dedicated open space is also available in the undeveloped wetland area. The site wetlands total 3.01 acres, with half of that value allowed to contribute (1.5 acres)

g. *All proposed modifications from the zoning regulations which would otherwise be applicable to the uses and structures of the current zoning of the property in the absence of a PUD.* The proposed modifications from the zoning regulations include;

a. **PUD Open Space, 38-368**
   Boat Yard Lofts has undeveloped land available to meet the provision for open space. The wetlands are 3.01 acres of space, minus setbacks, with half allowed to be considered open space of 1.15 acres. (see Density Calculations)

   The proposed open space of the pocket park is an additional 967 sft, (0.02 acres). With limited area for creation of open space, the proposed pocket park is placed at the southwest corner of the property. However the pocket park location does not meet the provisions of 38-368 (2&5) with regards to setbacks and utility easements. The pocket park is partially located inside buffer/greenspace areas of 38-368(9).

b. **Building Height, 38-454**
   Boat Yard Lofts requests a building height of approximately 40 feet in place of the allowed height of 35 feet. The increased height will allow for improved façade aesthetics and also be in-line with the easterly adjacent Anchorage Condominiums at 44 feet.

c. **Building Setbacks, 25’ to Residential zoning, Section 38-455(2)**
   The proposed PUD includes garages on the westerly property line with a zero setback. Other structures on the site abutting the same property line are constructed without a setback. The ownership and use of the westerly adjacent property is a public parking lot and not used for residential purposes. The proposed PUD is hopeful the same standards will apply to the proposed garages.

d. **Green Space, Section 38-455(4)**
   According to the Ordinance, green space of not less than 15 feet is required along each public street. Currently, at the southern property line, adjacent to the edge of the pavement, there is a green space of approximately 25 feet. The green space is bisected by the existing pedestrian/bicycle path. We believe this configuration meets the intent of the green space.

e. **Screening, Section 38-605(1)**
   The proposed PUD does not provide screening to the adjacent properties to the north, east, or west. The north screening was omitted due to the existing conditions being unchanged at the northern lot perimeter and due to the extensive wooded unbuildable buffer between the site property and the adjacent north property. The easterly screening was omitted due to being adjacent to the undeveloped heavily brushed regulated wetland and is several hundred feet to the next property. The
westerly screening was omitted due to the property use as a MDNR parking lot for overflow parking and boat trailers.

The proposed PUD does not provide a 10 foot greenbelt to the westerly zoned residential property. The adjacent property has a commercial/recreational use and existing site conditions do not allow for adjustment to fit with existing conditions.

f. Parking setback from ROW, Section 38-605(8)
The existing parking is less currently than 10’ from ROW, no changes are proposed in this area. The existing conditions are 6.5 feet the ROW.

g. Street Trees, Master Plan
The proposed trees are limited due to the limited green space available along the southern perimeter. A large portion of the existing green space, between the parking and the pedestrian path, is designated for storm water storage and cannot be filled with trees while maintain its function. Additionally, space in front is also owned by the utility authority for the lift station. Trees have been added to the proposed PUD to meet the intent of the Master Plan.

For Proof of Ownership, a deed has been provided by Mr. Jeff Cavanagh of Anchorage Marine Service. Additional owners of prior PUD have signed consent to modify.

The PUD application package also includes a PUD Development Plan drawing. Materials provided on October 25, 2019 and December 20, 2019 and January 28, 2020 included a signed application, application fee, financing letter, and proof of ownership. Please feel free to contact me at 616-396-0255 or tracyh@driesenga.com if you have any questions. Thank you.

Sincerely,

DRIESENGA & ASSOCIATES, INC.

Tracy Hutchinson, P.E.
Project Manager

closure

cc: Jeff Cavanagh – Anchorage Marine
25 October 2019

Members of the Park Township Planning Commission,

The purpose of this letter is to introduce you to a development to my property at Anchorage Marina that I have been contemplating for many years. When the Anchorage properties were developed in the 1980’s, the concept of condominium boat slip ownership was very new and the 187 slips sold much faster than anticipated. The two residential condominium projects that followed across the street from the Marina and to the east were also successful and made the north end of Big Bay an exciting place to be whether by boat or by car. I wish to construct six two story two bedroom residential condominiums above my existing six unit commercial strip mall.

My architect and engineer and I recently had a preliminary meeting with Township Manager Howard Fink and Township Planner Gregory Ransford and one thing that came up as a concern was parking. I want to be clear that we have no shortage of places to park cars especially during the summer season when there are actually people here. Being in the boat storage business our yard and buildings fill up in late October and empty out again in May. This works well as my tenants in the strip mall and my customers are only here during the summer season. We have not yet needed to but we also have the ability to park my employees and tenants cars out behind the main building or in one of our empty boat barns during season. The parking needed for six residential condominium units during season could be had by simply better policing the overflow parking that comes from the Sea Doo rental company across the street.

My goal with this proposed project is to update and rejuvenate the appearance of my boat yard property across the street and to the west of the marina and at the same time make better use of the dead space above the existing strip mall units. We can also build on the rich history of this area both architecturally and educationally. This bend in the road that follows the bay is where people would arrive by train before there was a road. My boat yard was a miniature golf course for tourists to pass the time when waiting for either the train to take them east or the horse drawn carriage to take them west to their hotel or cottage. Let’s celebrate this history with a pocket park and historical marker on my property next to the bike path and the new cross walk.

Respectfully Yours,

Jeff Cavanagh
**PARKING**  Sect 38-601  
Size: 9 20 ? ft lane  
Setback: 10’ to ROW  

**Number of Parking Space:**  
Main Building: 28560 ft²  
- Warehouse/Marine Section 24000 ft²  
- Front/Offices/Café 4560 ft²  

Second Building: 12876 ft²  
*Storage only for Anch Marine Services*

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**TOTAL:** 55 spaces required
### DENSITY

Anchorage Marine/Boat Yard Lofts  
PUD with Residential  
2/26/2020

**Section 38-367, 2a**  
2a Main Acreage  5.96 acres  
2a Exception #1  0.40  
2a Exception #2  0.25  
2a Gross Area  6.61 acres, gross  

**2b Wetland**  
3.01 acres  

**Section 38-367, 2d**  
2d Main Building  28,650  0.66 acres  
2d Building 1 in Ex 2  10,800  0.25  
2d Building 2  12,876  0.30  
2d Pavement  21,000  0.48  
2d Pavement in Ex1  14,000  0.32  

**Minus**  
87,326  2.00 acres  

2d:  
Res credit, condos floor space  4,560  0.10  
Res credit, garages  440  0.01  
Res credit, parking, 12 sp  2,160  0.05  

Residential Credit, Total  7,160  0.16 acres

**Section 38-367, 2e**  
Net Buildable Acreage  1.76 acres, net  

**2f Base Density**  
acres per unit  0.5  2 units/acre  
3.52 units  
3.00 Units, base

**Bonus Units, Max**  
6.61 acres, gross  
2 units/acre for C2  
13.22 units  
13 Units, Max allowed  
6 Units, requested

**Open Space, 38-368**  
Wetland as open space  

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**Req'd Open Space, total**  
6.61 acres  15%  0.99 acres req'd  
0.99 acres  

Provided open space > required open space, Good
EASEMENT AGREEMENT

This Easement Agreement is entered into effective on _____________, by and between ANCHORAGE BOAT YARD, INC., a Michigan corporation, of 1821 Ottawa Beach Road, Holland, Michigan 49424 ("Anchorage"), and the CHARTER TOWNSHIP OF HOLLAND, a Michigan governmental charter township, of 353 North 120th Avenue, PO Box 8127, Holland, Michigan 49422-8127 (the "Township"), with respect to the following facts and circumstances:

A. Anchorage is the owner of certain real property located at 1821 Ottawa Beach Road in Park Township, Ottawa County, Michigan, which is more fully described on the attached Exhibit A (hereinafter referred to as the "Anchorage Property").

B. The Township is the owner of certain adjoining real property located on Ottawa Beach Road in Park Township, Ottawa County, Michigan, which is more fully described on the attached Exhibit B (hereinafter referred to as the "Township Property").

C. A sanitary sewer lift station is located on the Township Property. The parties desire to enter into this agreement to provide the Township with a fourteen foot (14') wide non-exclusive easement for ingress and egress across the adjacent parking lot and entrance drive owned by Anchorage to allow the Township easier access to the lift station for maintenance and repair.

The parties, therefore, each in consideration of the acts and promises of the other, agree as follows:

Section 1. **Grant of Utility Easement.** Anchorage grants to the Township for the benefit of the Township Property a fourteen foot (14') wide non-exclusive easement for ingress and egress across a portion of the Anchorage Property, which is more fully described on the attached Exhibit C ("Easement"). The Easement benefits the Township Property and burdens the Anchorage Property. The Township is authorized to enter upon the Easement at such times as may be reasonably necessary to inspect, maintain, repair, and replace its utility lift station that is located on the Township Property.

Section 2. **Damages.** If Anchorage’s parking lot or entrance drive is damaged by the TOWNSHIP’s use of the Easement, then the Township shall repair the damage and restore the driveway and parking lot improvements on the Easement to the condition it was in prior to being damaged.
Section 3. **Indemnification.** The Township agrees to fully indemnify, save, and keep harmless Anchorage from any and all claims for damage to real and personal property and injuries and death suffered by persons in any manner caused by or growing out of or in any way connected with the repair, maintenance, or replacement of the lift station, or the presence of the TOWNSHIP’s employees, guests, invitees, contractors, and agents upon the Easement. Anchorage agrees that it will not construct a building or structure on the Easement without first obtaining the written consent of the Township, which consent will not be unreasonably withheld, delayed or conditioned.

Section 4. **Consideration.** For the privileges provided in this agreement, the parties acknowledge that the consideration is the mutual rights and benefits to the parties resulting from the use and location of the utility improvements.

Section 5. **Taxes.** Each of the parties shall pay all taxes, charges, liens, and assessments, if any, against their respective real property as described above.

Section 6. **Confirmation of Title.** The parties agree that each shall be deemed the respective owner of the real property that is described in this agreement as being owned by them. Neither party shall make any ownership claim against the other party’s real property by virtue of this agreement or by virtue of the location or use of the Easement.

Section 7. **Runs With the Land.** The Easement granted hereunder shall run with the land and shall inure to the benefit of and be binding upon and enforceable by the parties’ successors and assigns.

Section 8. **Miscellaneous.** This document contains the entire agreement between the parties and supersedes any prior understandings or agreements between them respecting the subject matter hereof. No changes, additions, or qualifications to the terms of this agreement shall be made or be binding unless made in writing and signed by the parties or their successors and assigns. In the event any of the provisions of this agreement are determined to be illegal or unenforceable, the remaining provisions hereof shall nevertheless be binding with the same force and effect as if the illegal or unenforceable parts were deleted. This Agreement may be executed in one or more counterparts, each of which will be deemed to be an original copy of this Agreement and all of which, when taken together, will be deemed to constitute one and the same agreement. This agreement shall be subject to and governed by the laws of the State of Michigan.

Section 9. **Transfer Tax.** This instrument is exempt from taxation pursuant to Section 5(a) of Act No. 134 of the Public Acts of 1966, as amended, being MCL § 207.505(a), and Section 6(a) of Act No. 330 of the Public Acts of 1993, being MCL § 207.526(a), because the value of the consideration is less than $100.
The parties have signed duplicate counterparts of this agreement effective on the date first written above.

ANCHORAGE BOAT YARD, INC.

By: ______________________________
   G. Jefferson Cavanagh, President

STATE OF MICHIGAN    )
  ) ss.
COUNTY OF OTTAWA    )

The foregoing was acknowledged before me on __________ ___, 2020, by G. JEFFERSON CAVANAGH, as President and on behalf of ANCHORAGE BOAT YARD, INC., a Michigan corporation.

___________________________
Notary Public
Ottawa County, Michigan
My Commission Expires:
Acting in Ottawa County, Michigan
CHARTER TOWNSHIP OF HOLLAND

By: __________________________

Its: __________________________

STATE OF MICHIGAN )
COUNTY OF OTTAWA ) ss.

The foregoing instrument was acknowledged before me on ______________, 2020, by ____________, as the ______________ and on behalf of the CHARTER TOWNSHIP OF HOLLAND.

Prepared by and Return to:    __________________________
Douglas R. MacDonald
Buckman MacDonald & Brown PC   Notary Public
217 East 24th Street, Suite 201   Ottawa County, Michigan
Holland, Michigan 49423   My Commission Expires:
(616) 394-4276     Acting in Ottawa County, Michigan
Note: The tax parcel number listed below is provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description listed above, the legal description listed above shall control.

PP# 70-
Commonly known as ___ Ottawa Beach Road, Holland, Michigan 49424
Note: The tax parcel number listed below is provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description listed above, the legal description listed above shall control.

PP# 70- 
Commonly knowns as ____ Ottawa Beach Road, Holland, Michigan 49424
The easement area also is depicted on the attached survey drawing.
OPEN SPACE PRESERVATION AND MAINTENANCE AGREEMENT

This Open Space Preservation And Maintenance Agreement is entered into effective on _____________, by and between ANCHORAGE BOAT YARD, INC., a Michigan corporation, of 1821 Ottawa Beach Road, Holland, Michigan 49424 ("Anchorage"), and the TOWNSHIP OF PARK, a Michigan governmental township, of 51 -152nd Avenue, Holland, Michigan 49424 (the "Township"), with respect to the following facts and circumstances:

A. Anchorage is the owner of certain real property located at 1821 Ottawa Beach Road in Park Township, Ottawa County, Michigan, which is more fully described on the attached Exhibit A (hereinafter referred to as the "Anchorage Property").

B. Anchorage is processing an amendment to the planned unit development for the Anchorage Property in order to create six residential condominium units as a third-floor addition to one of the existing buildings. The balance of the Anchorage Property also will be converted to condominium form of ownership, which will consist of mixed used condominium units for boat storage and maintenance, retail, and office uses. The condominium project will be known as the Boat Yard Lofts.

C. Anchorage has agreed to dedicate a portion of the Anchorage Property as open space for use as a public park, and the area to be dedicated is more fully described and depicted as the “Pocket Park” on the attached Exhibit B.

The parties, therefore, each in consideration of the acts and promises of the other, agree as follows:

Section 1. Dedication as Open Space. Anchorage hereby dedicates the Pocket Park consisting of approximately 967 square feet of area as permanent open space for use as a public park containing park benches for seating, stone pavers, a historical marker, and two hardwood trees or other landscaping. The open space will be available for use as a public seating and rest area along the adjacent bike path adjoining Ottawa Beach Road.

Section 2. Maintenance. Anchorage agrees that the Pocket Park shall be maintained in good condition and repair with the amenities as approved by the Township in the amendment dated ____________, 2020, to Anchorage’s PUD. Maintenance obligations shall include the following:
(a) On a regular basis, any trash or other debris will be removed from the Pocket Park;

(b) The park benches and pavers will be maintained in good condition and repaired or replaced if damaged;

(c) The trees and any other plantings will be pruned periodically as needed and any dead or diseased vegetation shall be removed and replaced with new plantings.

Section 3. Condominium Obligations. Upon recording of the Master Deed for the Boat Yard Lofts, the Pocket Park will be dedicated as a general common element of the condominium and open to the public for use as a public park and seating area, and the Boat Yard Lofts Condominium Association will be required to assume and perform all obligations for maintenance of the Pocket Park as required by this agreement.

Section 4. Township Rights to Maintain. Maintenance may be undertaken by the Township in the event that the Pocket Park is inadequately maintained or is determined by the Township to be a public nuisance. Any costs incurred by the Township in providing maintenance, including but not limited to, all costs of labor (wages and benefits), materials, equipment, and administrative costs, shall be proportionately assessed to the co-owners of the condominium units within the Boat Yard Lofts Condominium and that any unpaid assessment will become a lien against the individual condominium units. The Township agrees to provide 30 days advance notice to the Boat Yard Lofts Condominium Association and the individual unit owners prior to undertaking any maintenance activities.

Section 5. Consideration. For the privileges provided in this agreement, the parties acknowledge that the consideration is the mutual rights and benefits to the parties resulting from the use and location of the Pocket Park.

Section 6. Confirmation of Title. The parties agree that Anchorage, and its successors and assigns, including the Boat Yard Lofts Condominium Association to be established, shall remain the owner of the real property contained in the Pocket Park subject to the terms and conditions of this agreement.

Section 7. Runs With the Land. The obligations created hereunder shall run with the land and shall inure to the benefit of and be binding upon and enforceable by the parties’ successors and assigns.

Section 8. Miscellaneous. This document contains the entire agreement between the parties and supersedes any prior understandings or agreements between them respecting the subject matter hereof. No changes, additions, or qualifications to the terms of this agreement shall be made or be binding unless made in writing and signed by the parties or their successors and assigns. In the event any of the provisions of this agreement are determined to be illegal or unenforceable, the remaining provisions hereof shall nevertheless be binding with the same force and effect as if the illegal or unenforceable parts were deleted. This Agreement may be executed in one or more
counterparts, each of which will be deemed to be an original copy of this Agreement and all of which, when taken together, will be deemed to constitute one and the same agreement. This agreement shall be subject to and governed by the laws of the State of Michigan.

Section 9. Transfer Tax. This instrument is exempt from taxation pursuant to Section 5(a) of Act No. 134 of the Public Acts of 1966, as amended, being MCL § 207.505(a), and Section 6(a) of Act No. 330 of the Public Acts of 1993, being MCL § 207.526(a), because the value of the consideration is less than $100.

The parties have signed duplicate counterparts of this agreement effective on the date first written above.

ANCHORAGE BOAT YARD, INC.

By: ____________________________
    G. Jefferson Cavanagh, President

STATE OF MICHIGAN     )
) ss.
COUNTY OF OTTAWA     )

The foregoing was acknowledged before me on _____________, 2020, by G. JEFFERSON CAVANAGH, as President and on behalf of ANCHORAGE BOAT YARD, INC., a Michigan corporation.

_________________________
Notary Public
Ottawa County, Michigan
My Commission Expires:
Acting in Ottawa County, Michigan
TOWNSHIP OF PARK

By:_____________________________

Its:___________________________

STATE OF MICHIGAN )
) ss.
COUNTY OF OTTAWA )

The foregoing instrument was acknowledged before me on _____________, 2020, by ____________, as the ______________ and on behalf of the TOWNSHIP OF PARK.

Prepared by and Return to:    __________________________
Douglas R. MacDonald
Buckman MacDonald & Brown PC   Notary Public
217 East 24th Street, Suite 201   Ottawa County, Michigan
Holland, Michigan 49423   My Commission Expires:
(616) 394-4276   Acting in Ottawa County, Michigan
Note: The tax parcel number listed below is provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description listed above, the legal description listed above shall control.

PP# 70-
Commonly known as ___ Ottawa Beach Road, Holland, Michigan 49424
Note: The tax parcel number listed below is provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description listed above, the legal description listed above shall control.

Part of PP# 70-
Commonly knowns as _____ Ottawa Beach Road, Holland, Michigan 49424

The Pocket Park also is depicted on the attached survey drawing.
CONSENT TO PUD AMENDMENT

ANCHORAGE MARINA CONDOMINIUM ASSOCIATION, a Michigan non-profit corporation, of 1800 Ottawa Beach Road, Holland, Michigan 49424, hereby consents to the amendment of the PUD plan requested by ANCHORAGE BOAT YARD, INC. to allow for the construction of six residential condominium units located on the second floor and a new third floor of the existing office and retail building located at 1821 Ottawa Beach Road, Holland, Michigan 49424.

Dated: March 20, 2020

ANCHORAGE MARINA CONDOMINIUM ASSOCIATION

By: [Signature]

Its: [Signature]

ROB NISSEN
CONSENT TO PUD AMENDMENT

Anchorage Boat Barn Condominium Association, a Michigan nonprofit corporation, of 42 East Lakewood Blvd, Holland, Michigan 49424 ("Boat Barn Association"), hereby consents to the amendment of the PUD plan requested by Anchorage Boat Yard, Inc., to allow for the construction of six residential condominium units located on the second floor and a new third floor of the existing office and retail building located at 1821 Ottawa Beach Road, Holland, Michigan 49424.

The proposed PUD Amendment and construction of the new residential units and related parking garage as shown in the proposed plan would encroach upon the Boat Barn Association’s access across the PUD via an existing ingress and egress easement (the “Easement”). This consent is contingent upon the Easement being modified to the Boat Barn Association’s sole satisfaction prior to final PUD Approval being issued by the Township.

Dated: May 1, 2020

Anchorage Boat Barn Condominium Association

By: [Signature]
Phil Brewer
Its Director
THESE DRAWINGS MAY HAVE BEEN REPRODUCED AT A SCALE DIFFERENT THAN ORIGINALLY DRAWN. OWNER AND ARCHITECT ASSUME NO RESPONSIBILITY FOR USE OF INCORRECT SCALE.

CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO PROCEEDING WITH CONSTRUCTION AND NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES OR CONFLICTS. DO NOT SCALE DRAWINGS.

DATE: __________
SHEET NO: __________
ISSUED FOR: __________

ALL DOCUMENTS UNDER THIS STAMP BEAR THE SAME ISSUE DATE AS THE SEALED COPY.

I HEREBY CERTIFY THAT THESE DRAWINGS WERE PREPARED UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, CONFORM TO THE APPLICABLE CODES AND ORDINANCES.

_____________________________________________________
J. ANDREW BAER                                                        DATE

LICENSE EXPIRES __________ 10-31-2020

SHEET NUMBER: __________

THIS SEAL APPLIES TO THE FOLLOWING DOCUMENTS: XX THRU XX.

J. ANDREW BAER
222 SOUTH RIVER AVE.
HOLLAND, MI 49423
ARCHITECT
(616) 395-8235

CONCEPT PLANS / GARAGE
ANCHORAGE MARINA
Condominiums

03/30/20 USE
10/16/19 USE

UPPER FLOOR

MAIN LEVEL

PLAN
END WALL
FRONT (EAST) ELEVATION

GARAGE

BENCH
BIKE RACK
PAVERS

POCKET PARK
### SWP

**Manufacturer:** America Nail Plate  
**Model:** A814M016LDNW40K  
**Specifications:**  
- **Label:** A814: 14" ANGLE SHADE, 16W CREE LED Module - Dome Lens, 4000K CCT  
- **Lumens Per Lamp:** 1728  
- **Light Loss Factor:** 0.9  
- **Wattage:** 17.32

---

### J8

**Manufacturer:** Lithonia Lighting  
**Model:** WF8 LED 30K40K50K 90CRI  4000K  
**Specifications:**  
- **Label:** WF8_LED_30K40K50K_90CRI__4000K.ies  
- **Lumens Per Lamp:** 1900  
- **Light Loss Factor:** 0.95  
- **Wattage:** 19.64
Greg. I reviewed the Anchorage project on fire department access and believe they have met the criteria required.

First, the whole building is sprinkled and second, according to IFC 2012 Section 503.1.1, exception 1 they have met the required access. I work with all the Marina’s during the fall on boat storage and if necessary give a reminder not to block access to their buildings. Over all I haven’t had very many issues that can’t be resolved.

Thank you and the planning commission for checking to make Park Township a safer place to live, work and play.

If you have any questions please contact me and I am available on the May 13th if required.

Chief

---

Chief:

Good afternoon. I hope you and your family are well during these times. In regards to the Anchorage project, I do not have any notes that you responded to my email below. It is very possible I have misplaced them in the stay-at-home situation. Did we talk about this? If not, do you have any access concerns?

Thanks,

Gregory L. Ransford, MPA
Principal
Fresh Coast Planning
950 Taylor Avenue, Ste. 200
Grand Haven, MI 49417
616-638-1240
www.freshcoastplanning.com
On Sat, Mar 7, 2020 at 7:44 AM Gregory L. Ransford <greg@freshcoastplanning.com> wrote:

Thanks, Chief. Please see attached. The Planning Commission wanted to know about your internal access to the site. Was this discussed in your meeting? Did they show you their Spring boat storage, in this attached photo? On top of this, they want to add car parking and dumpsters on the back corners of the building so the Commission had access concerns for your Department. I also wanted you aware of this boat storage because of your future FDC location on the west side.

Please let me know if this changes your review.

Thanks,

Gregory L. Ransford, MPA
Principal
Fresh Coast Planning
950 Taylor Avenue, Ste. 200
Grand Haven, MI 49417
616-638-1240
www.freshcoastplanning.com

On Thu, Mar 5, 2020 at 3:33 PM Scott Gamby <s.gamby@parktownshipfire.org> wrote:

Greg we had a meeting today with Tracy Hutchinson (Driesenga Assoc.), Andrew Baer (architect), Bob Modreske (mechanical inspector) and Chad Warden (building inspector) to discuss the concerns with this project and the fire code. We discussed the attach Inspection form and bullet points that are listed. All parties agreed with the requirements and had no other issues. If this project move forward the complete building will be sprinkled and each Condo will have its own address. At this time the fire department does not have any issues with this project.

If you have any questions please contact me

Chief Gamby

Scott Gamby
Fire Chief
Park Township Fire Department
Station #616.399.7388
Cell #616.218.2407
12 S. 160th Ave., Holland, MI 49424
OPEN SPACE PRESERVATION AND MAINTENANCE AGREEMENT

This Open Space Preservation And Maintenance Agreement is entered into effective on _____________, by and between ANCHORAGE BOAT YARD, INC., a Michigan corporation, of 1821 Ottawa Beach Road, Holland, Michigan 49424 ("Anchorage"), and the TOWNSHIP OF PARK, a Michigan governmental township, of 51 -152nd Avenue, Holland, Michigan 49424 (the "Township"), with respect to the following facts and circumstances:

A. Anchorage is the owner of certain real property located at 1821 Ottawa Beach Road in Park Township, Ottawa County, Michigan, which is more fully described on the attached Exhibit A (hereinafter referred to as the "Anchorage Property").

B. Anchorage is processing an amendment to the planned unit development for the Anchorage Property in order to create six residential condominium units as a third-floor addition to one of the existing buildings. The balance of the Anchorage Property also will be converted to condominium form of ownership, which will consist of mixed used condominium units for boat storage and maintenance, retail, and office uses. The condominium project will be known as the Boat Yard Lofts.

C. Anchorage has agreed to dedicate a portion of the Anchorage Property as open space for use as a public park, and the area to be dedicated is more fully described and depicted as the “Pocket Park” on the attached Exhibit B.

The parties, therefore, each in consideration of the acts and promises of the other, agree as follows:

Section 1. Dedication as Open Space. Anchorage hereby dedicates the Pocket Park consisting of approximately 967 square feet of area as permanent open space for use as a public park containing park benches for seating, stone pavers, a historical marker, and two hardwood trees or other landscaping. The open space will be available for use as a public seating and rest area along the adjacent bike path adjoining Ottawa Beach Road.

Section 2. Maintenance. Anchorage agrees that the Pocket Park shall be maintained in good condition and repair with the amenities as approved by the Township in the amendment dated __________, 2020, to Anchorage’s PUD. Maintenance obligations shall include the following:
(a) The Pocket Park will be inspected on a regular basis, and any trash or other debris will be removed from the Pocket Park at least weekly or twice a month, and more frequently if necessary.

(b) The park benches and pavers will be maintained in good condition and repaired or replaced if damaged;

(c) The trees and any other plantings will be pruned periodically as needed and any dead or diseased vegetation shall be removed and replaced with new plantings.

Section 3. Condominium Obligations. Upon recording of the Master Deed for the Boat Yard Lofts, the Pocket Park will be dedicated as a general common element of the condominium and open to the public for use as a public park and seating area, and the Boat Yard Lofts Condominium Association will be required to assume and perform all obligations for maintenance of the Pocket Park as required by this agreement.

Section 4. Township Rights to Maintain. The Township shall have the authority, but not the obligation, to maintain the Pocket Park and assess the condominium owners for the total cost, plus an administrative fee of ten percent (10%) of the total cost of any such repairs and maintenance, as described in this Section. Maintenance may be undertaken by the Township in the event that the Township determines the Pocket Park is: (a) inadequately maintained or (b) a public nuisance. Any costs incurred by the Township in providing maintenance, including, but not limited to, all costs of labor (wages and benefits), materials, equipment, and administrative costs, shall be proportionately assessed to the co-owners of the condominium units within the Boat Yard Lofts Condominium and that any unpaid assessment will become a lien against the individual condominium units. The Township agrees to provide 30 days advance notice to the Boat Yard Lofts Condominium Association and the individual unit owners prior to undertaking any maintenance activities. Written notice will be provided to the Association and the unit owners by the Township by first class U.S. mail sent to the mailing address on file with the Township assessor.

Section 5. Consideration. For the privileges provided in this agreement, the parties acknowledge that the consideration is the mutual rights and benefits to the parties resulting from the use and location of the Pocket Park.

Section 6. Confirmation of Title. The parties agree that Anchorage, and its successors and assigns, including the Boat Yard Lofts Condominium Association to be established, shall remain the owner of the real property contained in the Pocket Park subject to the terms and conditions of this agreement.

Section 7. Runs With the Land. The obligations created hereunder shall run with the land and shall inure to the benefit of and be binding upon and enforceable by the parties’ successors and assigns.

Section 8. Miscellaneous. This document contains the entire agreement between the parties and supersedes any prior understandings or agreements between
them respecting the subject matter hereof. No changes, additions, or qualifications to the terms of this agreement shall be made or be binding unless made in writing and signed by the parties or their successors and assigns. In the event any of the provisions of this agreement are determined to be illegal or unenforceable, the remaining provisions hereof shall nevertheless be binding with the same force and effect as if the illegal or unenforceable parts were deleted. This Agreement may be executed in one or more counterparts, each of which will be deemed to be an original copy of this Agreement and all of which, when taken together, will be deemed to constitute one and the same agreement. This agreement shall be subject to and governed by the laws of the State of Michigan.

Section 9. Transfer Tax. This instrument is exempt from taxation pursuant to Section 5(a) of Act No. 134 of the Public Acts of 1966, as amended, being MCL § 207.505(a), and Section 6(a) of Act No. 330 of the Public Acts of 1993, being MCL § 207.526(a), because the value of the consideration is less than $100.

The parties have signed duplicate counterparts of this agreement effective on the date first written above.

ANCHORAGE BOAT YARD, INC.

By: ______________________________
    G. Jefferson Cavanagh, President

STATE OF MICHIGAN     )
) ss.
COUNTY OF OTTAWA      )

The foregoing was acknowledged before me on __________ ___, 2020, by G. JEFFERSON CAVANAGH, as President and on behalf of ANCHORAGE BOAT YARD, INC., a Michigan corporation.

___________________________________
Notary Public
Ottawa County, Michigan
My Commission Expires:
Acting in Ottawa County, Michigan
TOWNSHIP OF PARK

By: __________________________

Its: __________________________

STATE OF MICHIGAN  )
) ss.
COUNTY OF OTTAWA  )

The foregoing instrument was acknowledged before me on _____________, 2020, by ____________, as the ______________ and on behalf of the TOWNSHIP OF PARK.

Prepared by and Return to: __________________________
Douglas R. MacDonald
Buckman MacDonald & Brown PC
217 East 24th Street, Suite 201
Holland, Michigan 49423
(616) 394-4276

Notary Public
Ottawa County, Michigan
My Commission Expires:
Acting in Ottawa County, Michigan
EXHIBIT A

ANCHORAGE PROPERTY

Note: The tax parcel number listed below is provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description listed above, the legal description listed above shall control.

PP# 70-
Commonly known as ___ Ottawa Beach Road, Holland, Michigan 49424
Note: The tax parcel number listed below is provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description listed above, the legal description listed above shall control.

Part of PP# 70-
Commonly knowns as _____ Ottawa Beach Road, Holland, Michigan 49424

The Pocket Park also is depicted on the attached survey drawing.
June 17, 2020

Mr. Jeff Cavanagh  
1825 Ottawa Beach Road  
Holland, MI 49424

RE: Boat Yard Lofts at Anchorage Marine – Minimal Impact Approval  
1821 Ottawa Beach Road  
N½, Section 27, Park Township

Dear Mr. Cavanagh:

We have reviewed the storm water calculations and construction plans for the above referenced project as submitted by Ms. Tracy Hutchinson, P.E., Driesenga & Associates, Inc. dated March 19 and June 11, 2020, respectively. It is our understanding this submittal is being made as a condition of Park Township’s rezoning review process.

Based on our review of the site conditions, OCWRC hereby grants approval for the proposed garages and other improvements as shown on the construction plans. As well as slightly reducing the amount of impervious surfaces, the additional use of pavers, perforated underdrains and a storm water quality unit will improve the overall site discharge.

Standard Soil Erosion and Sedimentation Control measures should be followed, and a SESC Permit will be required through this office for the proposed improvements.

If you have any questions, please contact me at (616) 994-4530.

Sincerely,

Joe Bush  
County of Ottawa  
Water Resources Commissioner

JB/dc

c: Ms. Tracy Hutchinson, P.E., Driesenga & Associates, Inc.  
   Mr. Greg Ransford, Fresh Coast Planning, LLC  
   Mr. Howard Fink, Manager, Park Township  
   Mr. John Gutierrez, P.E., OCRC
MEMORANDUM

To: Park Township Planning Commission
From: Gregory L. Ransford, MPA
Date: June 30, 2020
Re: Tree Preservation – Chapter 33 of the Code of Ordinances – Public Hearing

Pursuant to your direction, attached is the draft Tree Preservation Chapter, Chapter 33 of the Park Township Code of Ordinances, which is scheduled for a public hearing at your July 8, 2020 meeting. As you will recall, the language was drafted at the request of the Park Township Board of Trustees to preserve trees throughout the Township. As a product of several meetings of the Tree Preservation Committee and the Planning Commission, the language was designed to address the following, in addition to the necessary Purpose and Intent as well as relevant defined terms:

• Street trees on certain roadways;
• The prevention of clear cutting;
• Stands of Trees and Wildlife Corridors;
• Reforestation or the replacement of trees that have been removed;
• Trees serving as buffers in residential, commercial, and industrial development and;
• Lots that are not part of residential, commercial, or industrial development

Anticipated Action

Pending comments received at the public hearing, the Planning Commission should provide a recommendation of adoption or adoption with revisions. The Planning Commission could also direct staff to revise the language and return it to a future agenda of the Commission., or provide a recommendation to not adopt the language.

It is important to note, that while we previously indicated this language would be added to the Park Township Zoning Ordinance (PTZO), that reference was in error. The language has always been designed as Chapter 33, which is separate from the PTZO and would be a new chapter within the Park Township Code of Ordinances. Despite this, it is appropriate to hold a public hearing for the benefit of the public and government transparency.

To that end, Chapter 33 – Tree Preservation has been scheduled for your review and public hearing at your July 8, 2020 meeting. If you have any questions, please let us know.

GLR
Planner

Attachment

cc: Howard Fink, Manager
Chapter 33

TREE PRESERVATION

Sec. 33-1. Purpose and Intent.

Tree preservation is recognized as essential throughout the township to protect the health, safety, and general welfare of the natural environment, and the residents. The intent of this Chapter is to promote the aesthetic, biological, and environmental benefits of trees.

Further, the township seeks to implement the goals of protection, preservation, and reforestation of trees, as encouraged by the Park Township Master Plan, recognizing:

(a) The natural beauty and rural character of the township are increased.
(b) Tree-lined Streets are an asset to the historic resort character of the community, particularly along, but not necessarily limited to, Lakeshore Drive.
(c) Mature Trees create a spectacular Canopy along roadways and create shade, particularly along, but not necessarily limited to, North Lakeshore Drive.
(d) New development should preserve Tree Stands.
(e) The restoration of a Street Tree Canopy is important along Street right-of-way corridors, particularly along, but not necessarily limited to, Ottawa Beach Road.
(f) Avoiding the loss of significant woodlots to disease and infestation is important.
(g) Tree Canopy and health analysis, maintenance, and reforestation should regularly occur.

Sec. 33-2. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

ARBORIST: A professional, who is both certified by the International Society of Arboriculture and is a registered member of the Arboriculture Society of Michigan, and who cultivates, manages, and studies trees, shrubs, vines, and other perennial woody plants in dendrology and horticulture.

BUFFER: A vegetative screening of mature trees, or planted trees, or a combination of both, that protects and enhances the existing natural beauty and is sufficient to reduce noise and visually screen abutting property from the impacts of the Development property.

CANOPY: The layer of tree leaves, branches, and stems that provide coverage of the ground when viewed from above. A canopy shall include all of the tree leaves, branches, and stems for any tree without a building beneath the tree and the canopy shall not be removed to a height more than eight (8) feet from ground level. A canopy shall include all of the tree leaves, branches, and stems for any tree with a building beneath the tree in whole or in part and the
canopy shall not be removed to a height more than five (5) feet above the highest point of the building.

CLEAR CUT or CLEAR CUTTING: The removal of any tree beyond that reasonably required to construct Development infrastructure and buildings.

DEVELOPMENT: Any planned unit development, condominium, site condominium, plat, private road, site plan, or other application subject to review by the Park Township Planning Commission.

DIAMETER BREAST HEIGHT: The measurement of a tree diameter at four and one half (4.5) feet above the ground.

FORESTER: A professional, who is registered with the State of Michigan Department of Natural Resources Registered Forester program, and who practices the science of ecological restoration and management of forests.

MANAGEMENT OR MANAGEMENT PLAN: The sustainable practice of creating or improving a healthy biodiversity, carbon sequestration, and air quality equal to the original natural environment prior to Development.

REFORESTATION: The intentional restocking of trees that have been removed.

TREE: A woody perennial plant, typically containing a single stem or trunk, and bearing lateral branches.

STANDS OF TREES (TREE STANDS): An aggregation of Trees or other growth occupying a specific area and sufficiently uniform in species composition, size, age, arrangement, and condition as to be distinguished from the forest or other growth on adjoining areas.

WILDLIFE CORRIDOR: An asymmetrical area of natural habitat that provides passage for wildlife, colonization, and the breeding of plants and animals, throughout a Development and across artificial obstacles such as dams, roads, pedestrian pathways, and railways.

Sec.33-3. Lots Not Part of a Development.

(a) No Lot or combination of Lots under the same ownership, created outside of a Development, that are equal to or greater than the minimum Lot Area of the zoning district in which the Lot or Lots are located, shall be Clear Cut, unless the Lot is used for a bona fide agricultural use and is authorized by the Zoning Administrator, in which case, the Lot may be Clear Cut to the extent necessary to conduct the agricultural use but shall be used for agricultural purposes for no less than five (5) years prior to constructing a residential, commercial, or industrial use or uses.
(b) Lots that are equal to or greater than the minimum Lot Area of the zoning district in which the Lot is located, and that are used for any use other than a bona fide agricultural use shall not Clear Cut any area within the minimum required setbacks of the zoning district in which the Lot is located, except within the Front Yard and only to the minimum amount necessary to reasonably access the Lot for vehicular access and emergency services.

(c) Any diseased, deceased, or naturally damaged Tree that is unlikely to support itself through its trunk or lacks a significant Canopy as a result of the natural damage, may be removed from the Lot.

Sec. 33-4. Residential, Commercial, and Industrial Development.

Any Development with commercial use, industrial use, or a residential Development of two (2) or more residential building sites or units, shall be subject to the following:

(a) Buffers. The designation of a Buffer along all Lot lines for a residential Development boundary, including the Street right-of-way, and along all side and rear Lot lines for commercial or industrial Development. The Planning Commission has the discretion to increase, decrease, or eliminate the Buffer in whole or in part, based upon a consideration of the following factors:
   1) Whether Trees within or near the proposed Buffer are mature Trees;
   2) Whether the Buffer contains or could contain Tree Stands;
   3) The area of the proposed Buffer related to the area of the overall Development property;
   4) The location and type of existing adjacent uses;
   5) The type of permitted adjacent uses;
   6) The density permitted by the underlying zoning district; and
   7) The density permitted within a Planned Unit Development when a Development is sought pursuant to Chapter 38, Article III, Division 8 of this ordinance.

(b) Wildlife Corridor. The designation of a Wildlife Corridor abutting one (1) or more Lot lines of the Development boundary at locations that provide a logical continuation of the Wildlife Corridor on the adjacent properties and beyond. The Planning Commission has the discretion to increase, decrease, or eliminate the Wildlife Corridor in whole or in part, based upon a consideration of the following factors:
   1) The species of animals to benefit from the Wildlife Corridor;
   2) The quality and quantity of vegetative cover and habitat resource;
   3) Whether man made or natural features, such as a body of water, exist on adjacent properties that would obstruct the natural continuation of the Wildlife Corridor; and
   4) Whether the migration of animals is viable without the Wildlife Corridor.

No vertical or otherwise upright Tree that is deceased or dying shall be removed from a Wildlife Corridor, unless it is determined to be a threat to human life or property outside of
the Wildlife Corridor. Such determination shall be made by the Zoning Administrator based on sufficient evidence provided by the Lot or property owner.

(c) Clear Cutting. Clear Cutting is prohibited.

(d) Tree Canopies. All Trees within the Development shall maintain a Canopy.

(e) Tree Stands. Tree Stands shall be preserved to the extent practicable within residential Development.

(f) Health Analysis. For residential Developments with six (6) or more building sites or units, and for commercial or industrial Developments, the Planning Commission may require an inventory and general health analysis of all existing Trees of six (6) inches or greater in diameter measured at the Diameter Breast Height, identifying the species and approximate height of each tree, performed by an Arborist.

(g) Reforestation Plan. A reforestation plan of no less than twenty-five percent (25%) of the Trees removed at six (6) inches or greater in diameter, which removal were necessary to construct the related Development infrastructure, including, but not necessarily limited to, any easements and physical improvements of internal roads, drives, public utilities, and storm water shall be provided. The reforestation plan shall be performed by a Forester and shall include a Management Plan for the entire Development property.

(h) Outside Agency Approvals. Final approval from the Ottawa County Road Commission, Ottawa County Environmental Health Department, Ottawa County Water Resources Commissioner, and any other pertinent government agency with jurisdiction over applicable approvals for the Development shall be obtained.

Sec. 33-5. Street Trees.

Pursuant to the Purpose and Intent of this Chapter, the township seeks to preserve, enhance, and create tree-lined Streets along Street rights-of-way. No Lot or property owner shall remove any Tree within the Street right-of-way nor remove any Tree within 40 feet from the Street right-of-way. Tree removal shall be permitted for only the purpose of driveways or private roads intersecting the Street right-of-way. Tree removal shall be the minimum amount necessary to reasonably access the Lot for vehicular access and emergency services. Tree Stands shall not be removed unless absolutely unavoidable. The following Street rights-of-way shall be subject to this section:

(a) 152nd Avenue from Butternut Drive to Post Avenue
(b) 160th Avenue from New Holland to Post Avenue
(c) 168th Avenue
(d) Butternut Drive
(e) James Street
(f) Lakeshore Drive
(g) Lakewood Boulevard
(h) Ottawa Beach Road
(i) Riley Street, west of 152nd Avenue
(j) Quincy Street, west of Butternut Drive
(k) Southshore Drive
MEMORANDUM

To: Park Township Planning Commission  
From: Gregory L. Ransford, MPA  
Date: June 30, 2020  
Re: Master Plan Public/Open Space Classification Discussion

As you know, at your June 10, 2020 meeting, you recommended to the Park Township Board of Trustees (PTBT) certain revisions to the Master Plan Map concerning the Public/Open Space Classification, along with related amendments to the text. Since that recommendation, we held a conversation with Manager Fink, Chairperson Pfost, and Attorney Martin, regarding recent discussions by the PTBT concerning the protection of public property that is specifically owned by the Township.

While Manager Fink agreed with your recommendation concerning privately owned Public/Open Space properties as well as those owned by the West Ottawa Public School District and others, he expressed that your recommendation specific to Township properties could conflict with the general policy of the PTBT for those lands. Given this, Chairperson Pfost felt it was appropriate for the Planning Commission to discuss those properties further prior to staff transmitting your recommendation, particularly if that recommendation changes following said discussion.

As a result, the Public/Open Space Classification is scheduled as an Old Business item on your July 8, 2020 agenda.

**Anticipated Action**

Following your discussion, it may be appropriate for staff to revise the draft Master Plan Map and related text, as well as provide a draft of a Public Open Space Zoning District.

If you have any questions, please let us know.

GLR  
Planner  

cc: Howard Fink, Manager